

**POSTCOLONIAL CITIZENSHIP:
RECONCEIVING AUTHORITY AND BELONGING IN SETTLER SOCIETIES**

by

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Abstract

In *Postcolonial Citizenship: Reconceiving Authority and Belonging in Settler Societies* I argue that a key undertheorized barrier to the self-determination of Indigenous peoples in Canada is a conceptual one that effectively (and often incorrectly) transforms claims related to self-determination into claims for some form of differentiated citizenship within the Canadian state. I argue that this conceptual disconnect should be understood as a conflict between competing conceptions of citizenship and, in response, I have proposed an analytical framework (Chapter 2) that serves to highlight how community and authority stand in a recursive relationship with each other to comprise the referent for citizenship. Further, I have argued that in contexts of settler colonialism, the underlying settler colonial ideology functions to impose a colonial referent that subordinates any conception of citizenship to an underlying and undertheorized commitment to *territoriality* or the modern spatial strategy to control resources and people by controlling geographical area. As an undertheorized foundation for theories of citizenship, territoriality imposes relationships of domination—first between humans and land (including animals, rocks, rivers, trees, etc.) and subsequently between humans and their political authorities. Chapters 3 and 4 describe how the initial anthropocentric domination of land through the imposition of territorial boundaries undermines the emancipatory narratives of canonical (Hobbes, Locke, Rousseau) and contemporary (Taylor, Kymlicka, Tully) theories of citizenship. In Chapter 5, I argue that the domination that is inherent in territorial frameworks is especially poignant for Indigenous peoples who do not endorse the Western

philosophical foundations that enable domination. In addition, I have sought to articulate an alternative referent by drawing on critical Indigenist thought in order to provide a clearer picture of the kinds Indigenist alternative conceptions of citizenship that are foreclosed by an imposition of territorial domination. I conclude in Chapter 6 by outlining a conception of *postcolonial citizenship* that emerges when an Indigenist view of citizenship like the one presented in Chapter 5 confronts settler colonialism and how this confrontation ought to inform strategies for reconciliation.

Preface

This dissertation is an original intellectual product of Derek Kornelsen.

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Chapter 1 Introduction

1.1 Why Another Qualified 'Citizenship'?

This dissertation is motivated in part by the failure of most contemporary political theory to adequately recognize and respond to political claims put forward by colonized Indigenous peoples in settler states in general and in Canada in particular when addressing questions regarding how we¹ might best live together. Invariably, claims made by Indigenous peoples regarding distributions of material goods, cultural protections, or rights to traditional territories are interpreted as claims for an asymmetric distribution of state resources justified on the basis of need or historical redress for past harms and are assumed to be aimed at some form of full inclusion—usually as a group of national minority status. Yet many Indigenous individuals, leaders and scholars explicitly reject membership in the colonizing state, rooting their claims in their pre-existing and continuous sovereignty and respect for treaty relationships.² The consistent and, at times,

¹ Throughout this dissertation I use the term 'we' to signify, on the one hand, the generic collectivity of those engaged in these theoretical questions or living in the same space. At other times, however, I use the term 'we' to situate myself within the settler society of which I am a member. Thus, this dissertation is written from my perspective as a 3rd generation settler seeking to critically engage 'our' (settler) concepts and philosophies along with Indigenist concepts and philosophies to offer some arguments regarding how 'we' (settlers and Indigenous peoples alike) might best live together.

² For example, several Indigenous scholars in Canada have been clear regarding their rejection of state citizenship: "... there is no reason to enter into discussions pertaining to the idea that Aboriginal peoples are 'citizens plus' because Indigenous peoples are not citizens of Canada, they are citizens of nations with the powers and jurisdictions implicit in nationhood. Although many people ... would like to ignore the treaties and construct a relationship that perpetuates colonialism for the benefit of Canadians, this is not a viable option for the future" (Ladner, Kiera. 2003. "Rethinking the Past, Present and Future of Aboriginal Governance". In *Reinventing Canada*, edited by Janine Brodie and Linda Trimble, 43-60. Toronto: Canadian Scholars Press: 186); "[Citizenship] wasn't asked for: It was given because [the federal government] realized that in order to tax and do the things they wanted to do for Indians—or to Indians—they needed them to be

blatant misrepresentation of Indigenist claims³ by contemporary scholars of citizenship suggests that what Indigenous peoples are claiming is often unrecognizable when viewed through the lenses offered by existing frames of analysis, resulting in something that more accurately represents intersecting monologues on rights and sovereignty rather than anything approaching mutual understanding. It seems clear, then, that a key foundational problem with most contemporary theory is the dominance of state-centric theorizing that automatically translates any claims for recognition of difference as claims for inclusion into the state-defined polity.

This failure of translation figures prominently in contemporary work on citizenship where balancing pressures for inclusion with the divisiveness of pluralism is often the most

citizens. They resisted as long as they could, then they made Indians second-class citizens and imposed the Indian Act on them. I'm not a Canadian. I don't believe in that. I think that if you're strong in your nation, then that's what you are. If you have a good relationship with Canada, fine, so much the better" (Alfred, Taiaiake. 2009a. *Peace, Power, and Righteousness: An Indigenous Manifesto*. 2nd Edition. Don Mills: Oxford University Press: 43); "The invitation of federal citizenship appears to offer Aboriginal peoples the right to an alternative identity with a national passport, an identity shared with abstract strangers, and respected by abstract others that police the borders. This offer is no remedy for the past violation of Aboriginal or treaty rights." (Henderson, James Youngblood (Sákéj). 2002b. "Sui Generis and Treaty Citizenship". *Citizenship Studies*, 6(4): 420). On rejecting the state form: "Traditional Indigenous nationhood stands in sharp contrast to the dominant understanding of 'the state': There is no absolute authority, no coercive enforcement of decisions, no hierarchy, and no separate ruling entity" (Alfred, 2009b, *op. cit.*: 80); "We are not talking about secession. We are talking about essentially gaining and regaining control of our lives" (Mercredi, cited in Alfred, 2009b, *op. cit.*: 81); "... our goals have been consistent through history: to restore balance, justice and good health to our lands and our peoples and to have good relations with settler governments and peoples based on respect for our sovereignty, independence and jurisdiction over our territories. This requires ... challenging the very foundation of the nation-state and its relationships to the land and Indigenous nations" (Simpson, Leanne. 2011. *Dancing on Our Turtle's Back: Stories of Nishnaabeg Re-Creation, Resurgence and a New Emergence*. Winnipeg: Arbeiter Ring Publishing: 87).

³ It is important to note that not all Indigenous nations and individuals reject membership in the Canadian state. The Gitksan Governance Model, for example, explicitly states that the Gitksan people collectively identify as "committed Canadians" and "full citizens of British Columbia" (Gitksan Treaty Team. 2008. "Alternative Governance Model: Gitksan Reconciliation". Accessed May 15, 2013. <<http://www.gitksan.com/culture/alternative-governance/view-document>>). For a similar example see the modern treaty signed between the Nisga'a people and the governments of Canada and British Columbia (Nisga'a Final Agreement Act, SC 2000, c7). Nevertheless, the key problem that this chapter addresses is the unwarranted *assumption* that all Indigenous peoples residing within the territorial boundaries of the Canadian state are, in fact, Canadian—an assumption that is held by most mainstream scholars of Indigenous citizenship in Canada against the explicit protestations of many Indigenist scholars and leaders, as explained below.

salient problem and, as such, dominates the analysis. Thus, the main approaches to citizenship theory focus on the legitimacy of minority groups as an indicator of the types of rights that they ought to be afforded by the state. The focus, then, is on balancing the normative bases for minority rights with state-centred interests (instilling democratic virtues and maintaining unity). However, the positioning of the state as the legitimate authority over an inclusive, state-defined, polity or comprehensive community of belonging (however differentiated within) escapes critical examination altogether. The consequence is a totalizing analytical framing that renders any claims against the state (claims for recognition of individual or group rights) as *citizenship claims* as evidenced by the increasing range of particularized 'citizenships' within the citizenship literature (e.g. multicultural citizenship, feminist citizenship, Aboriginal citizenship). This dissertation, therefore, utilizes the concept of citizenship as a fruitful point of entry and offers a critical examination of the concept in order to draw out and articulate the apparent conceptual divide at the heart of the common misinterpretations and misrepresentations of Indigenist thought that are so often committed in contemporary political theory.

The key question of my thesis therefore is whether it is possible to develop a theory of *postcolonial citizenship*—that is one that accurately represents the (typically marginalized or misrepresented) claims and aspirations of Indigenous peoples and that offers some guidance regarding how to establish legitimate, non-dominating relationships between Indigenous peoples and settler societies like Canada. In so doing I remain aware that the concept of 'citizenship' is itself part of the catalogue of European concepts that describe and enable ideas of statehood and colonial domination that have been deployed to

assimilate, weaken, and control Indigenous communities (Alfred, 2009b). However, while the concept has this dominating potential—even in the present—it is also part of the "ordinary language that the oppressed and exploited of the world have always used to express their outrage at the injustices of the present and their hopes and dreams of another world" and, as such, seems to hold some emancipatory value (Tully, 2008a: 10). Because, as I argue throughout this dissertation, 'citizenship' is fundamentally about the constitution of communities of belonging and their associated authorities, the concept itself gets to the heart of some of the competing conceptions of what it means to be Canadian or to be Indigenous in the geographical space claimed by Canada. In short, this is an attempt to decolonize the concept of citizenship and unpack its emancipatory potential while demonstrating how an examination of the concept itself can serve as a counter to colonial domination.

In very general terms, I contrast a broadly construed Western conception of citizenship with understandings of citizenship drawn from an emerging body of literature that I identify as 'critical Indigenist⁴ thought'. There is, of course, the ever-present danger of presenting a caricatured contest between a monolithic West⁵ versus a monolithic

⁴ Throughout this dissertation I use the term 'Indigenist' to describe perspectives that endorse or derive from foundational Indigenous values and philosophies. The intent is to avoid two related kinds of essentialism: that is, (i) not *all* Indigenous peoples necessarily endorse traditional Indigenous values and philosophies; (ii) not all of those who do endorse Indigenous values and philosophies are themselves Indigenous.

⁵ Throughout this dissertation I use the term 'West' or 'Western' to describe the dominant stream of Euro-American political thought emerging from the Enlightenment. As such, Chapter 3 examines key canonical figures (Thomas Hobbes, John Locke, Jean-Jacques Rousseau) as their social contract theories offered much of the conceptual foundations for political theorizing up until the present. As I explain below and throughout this dissertation, my focus is on the typically Western concept of geographical space (or a Western ontology of space) that emerged as 'territory' and 'territoriality' in early modernity and how this functions as an undertheorized assumption generating particularly 'Western' conceptions of citizenship. My use of 'Western', therefore, should not be taken to imply a critique that applies to *all* scholarship produced, for example, by European or North American authors.

Indigeneity. While I reject such caricatures, I do argue that there is a common thread that binds a diversity of Western political thought as well as a significant set of commonalities amongst the views that I include in the 'critical Indigenist' camp. As such, I argue that a core interpretive hurdle is found in competing and undertheorized conceptions of land or geographical space that lead to competing conceptions of citizenship.

The key distinction here is between the concepts of '*land*' and '*territory*'.⁶ Indigenist thought, on the one hand, conceives of land as far more than simple geographical space and entails a holistic sense of all that exists within this space (e.g. animals, trees, rocks, rivers, etc.) and affirms the responsibility to develop and maintain nondominating, reciprocity-based relationships amongst all these entities.⁷ On the other hand, since the Enlightenment, the dominant strain of Western thought continues to reinforce a sense of land as *territory* and typical strategies to claim sovereignty and jurisdiction as *territoriality*. Territoriality is defined by Robert Sack as "the attempt to affect, influence, or control actions and interactions (of people, things, and relationships) by asserting and attempting to enforce control over a geographic area. ... This area is the territory" (1983: 55-56). In this regard, the very concept of territory signifies a relationship of control by people over land. Moreover, this conception of land as legitimately controllable space, indeed space to be dominated and transcended by human beings, is by now assumed to be the correct frame of analysis for understanding land claims in general and is explicitly adhered to by leading

⁶ I maintain this distinction in my use of the terms throughout this dissertation. For a more thorough account of the issues surrounding the usage of the terms see Chapter 2—especially p. 31, note 7.

⁷ This idea of relationality amongst all of 'Creation' is a complex one. While I only mention it briefly here, I explain this distinction again in Chapter 2 and in-depth in Chapter 5.

contemporary Western political theorists in the field including (Kolers, 2009; Meisels, 2009, 2003; Moore, 2014; Waldron, 2003; Ypi, 2013, 2012).

I refer to these competing conceptions of geographical space as distinct *ontologies of space*. This is similar to Avery Kolers' use of the idea of *ethnogeography* as "a culturally specific ontology of land and our relationship to it" (Kolers, 2009: 59). With regards to Western political thought in general, as Kolers observes, "[m]ainstream political theory since Locke has inherited the Anglo-American ethnogeography, according to which land is wholly passive, and worthless without human valuation (Ibid.: 68). This valuation, however, is fundamentally about land's instrumental value to human economies and well-being. Thus, according to an Anglo-American ethnogeography "land is important only as a store of natural resources or economic potentialities" (Ibid.: 59). As I argue in Chapter 2, Kolers offers some valuable insight into the undertheorized culturally-specific ontologies of land. Yet he nevertheless relies on Sack's foundational definition in his attempt to construct a generalizable political theory of territoriality (Ibid.: 4, 71). Thus my use of the phrase *ontology of space* is aimed at providing a more complex account of the deep ontological value that land has for Indigenous peoples—one that is at odds with the domination and control implied by the precise meaning of *territory* or *territoriality*.

Indeed, the very act of constructing a theory of *territoriality* is inherently question-begging, and uncritically universalizes a particularly Western conception of the appropriate relationship between people and land. Kolers' analysis, therefore, misses a key distinctive feature of the Western ontology of space that is essential to the contrasts addressed in this dissertation—that *a Western ontology of space enables and reinforces*

relationships of domination between humans and non-humans in general, and between humans and land in particular. From this perspective, not only is land understood as worthless until made valuable through human labour, it is also assumed that those humans who gain the right to use and make land valuable also gain rightful ownership of and domination over land—the right to "subdue the earth" in order to "improve it for the benefit of life" (Locke, 1967: 2.32 as cited in Kolers, 2000: 395). As I argue below in this chapter and again in Chapters 2 through 4, this particular ontology of space underpins a diversity of renderings of citizenship that enable such relations of domination between humans and land and, ultimately, between humans and political authorities.

In contrast, I introduce critical Indigenist thought as representing what I identify as a universally ecocentric ontology of space that underpins alternative conceptions of both territory and citizenship. The idea of a universally ecocentric ontology of space is used here to indicate ontologies of and relationships to land (including animals, rocks, rivers, trees, etc.) that move beyond an understanding of land as passive or of solely instrumental value. Indeed, a universally ecocentric ontology of space derives from what I call a *universally ecocentric kinship paradigm* (discussed in detail in Chapter 5) according to which all of the non-human world, including land, is understood as part of the political community proper and worthy of the moral concern that mainstream political thought reserves for humans alone.

Again, it is important to avoid the essentialized and caricatured equation of Indigeneity with this particular ontology of space. Nevertheless, the growing body of Indigenist scholarship that appeals, in one way or another, to alternative Indigenist

foundational cosmologies, ontologies of space, and resultant (and diverse) systems of governance warrants the introduction of a category of political thought that is unique in its origins, concepts, and approaches to theorizing questions of justice. Moreover, many of these scholars identify their approaches as offering a generalized Indigenous perspective.⁸ Critical Indigenist thought, then, refers to this growing body of scholarship that is rooted in a universally ecocentric kinship paradigm—and, therefore, a universally ecocentric ontology of space—that is reflective of many traditional Indigenous worldviews and traditional systems of governance. Moreover, as I explain below (and more thoroughly in Chapter 2) in my discussion of 'postcolonialism', this category of political thought is necessarily critical because it is engaged in the project of articulating alternative worldviews and concepts within a context of a dominant Western mainstream that assumes the Western territorial frame

Nevertheless, while critical Indigenist thought is generally characterized by alternative Indigenous worldviews and a critical or postcolonial approach, this body of

⁸ See, for example: Leroy Little Bear's explanation of Aboriginal peoples' relationships to land in his contribution to the *Royal Commission on Aboriginal Peoples*: "[T]here is enough similarity among North American Indians to be able to apply the concepts generally in spite of the fact that there may be differences or differing emphasis" (Little Bear, Leroy. 1994. *The Relationship of Aboriginal People to the Land*. Ottawa: Royal Commission on Aboriginal Peoples: 45.); Kiera Ladner's discussion of cosmological continuity: "[T]here is no conceptualization of there being a universal, other than to say that Creation is universal in 'Indian Country' as is the desire to understand one's experiences with and relationship to Creation" (Ladner, Kiera. 2000. *When Buffalo Speaks: Creating an Alternative Understanding of Traditional Blackfoot Governance*. Doctoral Dissertation. Ottawa: Carleton University: 260-261); Vine Deloria: "[T]here is great unanimity among Aboriginal nations when they express their views on the natural world and on the behaviour of humans in that world" (cited in Henderson. 2000a. *Ayukpachi: Empowering Aboriginal Thought*. In *Reclaiming Indigenous Voice and Vision*. Edited by Marie Battiste. Vancouver: UBC Press: 260); Sákéj Henderson's endorsement of Paula Gunn Allen's description of "Native American life and culture": "the fundamental idea embodied in Native American life and culture": "The land is not ... a means of survival, a setting for our affairs, a resource on which we draw in order to keep our own act functioning. ... It is rather a part of our being, dynamic, significant, real. ... The Earth is, in a very real sense, the same as ourselves" (cited in Henderson, James Youngblood (Sákéj). 1995. "Mi'kmaq Tenure in Atlantic Canada." *Dalhousie Law Journal*. 18: 216).

work is internally diverse. Indeed, the core emphasis of this dissertation—that is, the question of how to decolonize the citizenship regimes that reflect the relationship between Indigenous peoples and Canada—is itself characterized by competing approaches. In this regard, one might identify a common agreement that the state exists as a "structure of domination" that leaves Indigenous peoples subordinated to imposed systems of governance (Tully, 2008b), but disagree on the appropriate remedy. Thus, while scholars like James Tully or John Borrows seek ways to legitimize the state by integrating Indigenous law into the Canadian legal system (Borrows, 2010, 2002) or by reconceiving the constitutional structure of the Canadian state to provide for greater political autonomy for Indigenous nations (Tully, 2008b, 1995), others reject the state form *as such* as an illegitimate form of governance that is fundamentally incompatible with Indigenous worldviews and the values and political systems that follow from them (see, for example, Alfred, 2009a,b; Barsh, 1986; Boldt and Long, 1985; Henderson, 2000a).

Critical Indigenist thought, therefore, is not fundamentally characterized by rejection of the state form, although this figures prominently in much of the scholarship I include in this category. Further, it should also be noted that while I include integrationist accounts like Borrows and Tully in this category of thought, this is due to their participation in the postcolonial project (described below) of both challenging colonialism while attempting to create the space for and articulate alternatives that are rooted in traditional Indigenous world views, in spite of the fact that my main focus in this dissertation is on the Indigenist claims that reject state membership. Indeed, a key point motivating this dissertation is the question of *whether* the state as such is the appropriate

frame of justice for dealing with Indigenous claims is the right kind of debate to have.

Theories of citizenship that deal only with *how* the state ought to accommodate Indigenous peoples uncritically assume that citizenship necessarily entails membership in the state.

Thus, a key component of the analysis of citizenship offered in this dissertation includes the deconstruction of the role of the concepts of territory/territoriality and how this Western ontology of space places limits on the kinds of relationships that are possible within the state-centric paradigm. As such, disentangling the notion of citizenship from the state is a key feature of this project.

I respond to the conceptual/interpretive impasse introduced at the outset by contrasting conceptions of citizenship derived from critical Indigenist thought with those offered by mainstream contemporary political theory, not with the aim of seeking to reject one at the expense of the other but rather to bring these traditions of thought into novel and fruitful conversation with each other and to create, in light of the power relations between the two described above, conceptual space for a more robust and emancipatory conception of postcolonial citizenship. To this end, I propose a generalizable analytical framework for examining the concept of citizenship that attends to the tension at the state level between maintaining unity and expanding inclusivity while making the legitimacy of the state as the relevant community of belonging an explicit topic that cannot be assumed at the outset.

This analytical framework relies heavily on my proposed concept of the *referent* and its function in citizenship theory. This is unpacked more thoroughly in Chapter 2, however it is worth noting that the referent represents both a community of belonging, the

associated authority, and the interactions between the two that are an integral part of any deployment of the concept of citizenship. The central claim is that the concept of citizenship is itself comprised of the concepts of community and authority and the interactions between them and that the conceptual disconnect between mainstream citizenship theory and critical Indigenist theory can be bridged through an analysis of the respective definitions of these integral terms and the dynamics between them that the definitions enable. From a state-centred perspective, for example, national citizenship delineates the relevant community of belonging and state institutions and political elites represent the putatively legitimate authority. The basic idea is that these factors come together to create the ideal of citizenship, which implies, not only the rights and responsibilities following from membership, but also the acts of citizenship that constitute community and legitimize authority enabling a given community to protect rights and to expect its members to make good on their responsibilities. Within this framework, the state will often act as the legitimate referent but its place as such cannot be assumed.

Moreover, this framework explicitly brings to light a key problem of political authority in colonial contexts—that states often appear to achieve a level of legitimacy given that they hold a monopoly over both democratic institutions of legitimation and, as Max Weber famously noted, coercive power, channelling practices of citizenship through state institutions backed up through various enforcement mechanisms. Yet key questions arise when one considers citizenship as entailing, not only membership and the associated benefits and burdens, but community and legitimate authority (the referent) as well: Are state institutions legitimated through participation in them if no other institutionalized

avenues for political engagement/agency are available? If the state is an illegitimate referent vis-à-vis colonized peoples and colonized peoples' communities and structures of governance are in disarray, then how can one conceive of Indigenous citizenship at all? If the state represents an imposed and illegitimate referent for Indigenous citizenship, can Indigenous peoples rightly expect rights and responsibilities from the broader state-defined polity while resisting inclusion into it? In general, engaging questions of citizenship by explicitly addressing the place of the referent is aimed at creating the space for developing a theory of *postcolonial citizenship*—one that adequately interprets practices of citizenship by groups who have an ambivalent relationship to the colonial state, both engaging the state out of necessity due to their colonized position in order to demand concessions and protections, yet resisting inclusion in the state-defined polity.

My deployment of the idea of postcolonial citizenship identifies a confrontation between Western or colonial renderings of citizenship and those derived from critical Indigenist thought. The introduction of the idea of the referent indicates that examining competing conceptions of community and authority and the interactions between them offers a fruitful way to understand the nature of this confrontation. The referent, then, explains what I take the concept of citizenship as such to mean.

However, in order to understand what *postcolonial* citizenship is supposed to mean—or, put another way, what the postcolonial referent is meant to represent—we need a clear understanding of what 'postcolonialism' is referring to in this context. In this regard, two key questions must be answered: 'What kind of remedy does a *postcolonial* rendering of citizenship offer?' and 'What is 'colonial' about Western conceptions of citizenship in the

first place?'. Chapters 2 through 4 offer more complete examinations of the colonial—or more specifically *settler* colonial—features of both citizenship and the state (or the referent) that necessitate a postcolonial response. The idea of postcolonialism is discussed in general terms in Chapter 2 and in more detail with respect to its function in postcolonial citizenship in Chapters 5 and 6. However, it should be noted that the basic idea is that postcolonial citizenship does not describe membership in a post-colonial state that has achieved independence from colonial administration. As used in this dissertation, postcolonial citizenship indicates a project of constituting communities and authorities and hence citizenship in a way that both challenges the legitimacy of imposed colonial communities and authorities and constitutes alternatives that are rooted in critical Indigenist thought. Thus postcolonial citizenship is best understood in relation to the referent and signifies the struggle that results from the confrontation between competing ways of understanding communities and authorities and the legitimate relationships between them.

In order to make this abstraction more precise, I focus this dissertation on how this problem manifests in the issue of Indigenous citizenship in Canada, relative to the dominant Canadian perspective which tends to be framed by two key agendas: how to foster inclusion across a diverse citizenry and how to encourage social integration and a sense of belonging within Canada (Banting, Courchene and Seidle, 2007; Kymlicka, 1992; Kymlicka and Norman, 2000). Colonized peoples are exemplary of the unique heterogeneity that existing theories remain incapable of recognizing since Indigenous peoples often seem to act *like* citizens, seeking concessions from the state and

representation in state institutions, yet often reject the idea of Canadian citizenship as legitimate or desirable (e.g. Alfred, 2009a, b; Henderson, 2002b; Ladner and McCrossan, 2007). The dominant approaches to Canadian citizenship—and the two key agendas listed above—fail to ask *whether* the territorial state is the appropriate frame, only examining *how* citizenship regimes might make it more stable. Such a frame obscures the political effects of territoriality and makes it impossible to attend to the key tensions that arise from competing ontologies of space. Nevertheless, the territorial nation-building imperative that emphasizes *Canadian* unity and belonging produces approaches that build from the underlying assumption that the territorial boundaries of the Canadian state properly define a singular (albeit differentiated) polity and with it, a legitimate right to control the ‘contents’ of the bounded geographical space. That most prominent theorists of Aboriginal citizenship in Canada (e.g. Cairns, 2000; Kymlicka, 1992, 1995, 2005; Taylor, 1993, 1994, 1998-99; Tully, 1995, 2008a,b) fail to adequately interrogate this foundational territorial assumption (if at all) is the central orienting problem for this project.

As such, in seeking to answer the question of whether a truly postcolonial theory and practice of citizenship in the Canadian context is possible, this dissertation proceeds via two key steps: First, I offer a critique of existing approaches to theorizing citizenship based on the failure to adequately attend to the territorial assumptions and resultant marginalization, misrepresentation, and domination that are integral to colonial contexts. In this respect problems following from colonial contexts are presented as different in kind from the sorts of problems that the bulk of citizenship theory aims to address. Thus, the initial aim is to create the theoretical and political space necessary for a conception of

postcolonial citizenship that is responsive to alternative Indigenous worldviews and the profoundly ambivalent relationships many colonized peoples have towards the colonial state. The second goal is to articulate a theory of postcolonial citizenship as an alternative that helps to alleviate the problems identified. In short, I am defending the claim that the introduction of the analytically distinct category of postcolonial citizenship fills an essential gap in current citizenship theory. The remainder of this chapter begins the critical portion, presenting an overview of the current state of citizenship theory in general in order to demonstrate how an insensitivity to colonial contexts persists across approaches and, as such, to demonstrate the need for a theory of postcolonial citizenship that can properly articulate normatively legitimate modes of political belonging and authority in colonial contexts.

1.2 Literature Review: Contemporary Approaches to Theorizing Citizenship

The veritable explosion in scholarship related to citizenship in recent decades is, by now, well observed (Isin, 2008; Isin and Turner, 2002; Kymlicka, 1992; Kymlicka and Norman, 2000; Somers, 2008). In its most basic and uncontested form, the idea of 'citizenship' denotes a legal status indicating insiders and outsiders—those who claim the benefits and assume the duties of membership versus those who are justifiably excluded from the rights/responsibilities matrix. The more contentious aspects of citizenship follow from this basic notion: How are insiders and outsiders differentiated? How expansive ought the relevant community be? What kinds of benefits and responsibilities accrue for

the insiders? How ought these benefits and responsibilities be distributed amongst members? In response to questions like these, contemporary theorists of citizenship have introduced multitudes of qualifiers such as 'multicultural', 'differentiated', 'cosmopolitan', 'post-national', 'Aboriginal', and 'queer' (to name only a handful) aimed at addressing key concerns regarding the rights, responsibilities, and potential for political agency that follow from political membership in national, subnational, and transnational groups.

In very broad strokes, the wealth of recent work on citizenship falls into three general categories that I identify as 'state-centred', 'cosmopolitan', and 'social' or 'practice-based' citizenship. The distinctions are analytically important in that they reveal the differential focus of each perspective and serve to highlight key assumptions within each broadly construed approach. That is, this rough typology distinguishes each general approach according to how it implicitly or explicitly defines the referent—state-based forms accept state-defined boundaries, cosmopolitan forms look to a transnational or even broader global community, and social forms look to the spontaneous/organic constitution of community through practices of citizenship. Overlap across these categories clearly exists. Cosmopolitanism, for example, is further separated into traditional forms that overlap with state-based conceptions of citizenship by accepting state boundaries as legitimate representations of internal or nested polities within a universal global sphere and postmodern forms that explicitly problematize state boundaries by emphasizing the organic, fluid, and unbounded nature of political allegiance. As I explain below, while these dominant frames address important questions regarding citizenship in contemporary contexts, they fail to adequately attend to contexts of colonization and, as such, remain

insensitive to the legitimate claims consistently put forth by colonized peoples, particularly with respect to their relationship to states.

1.2.1 State-Centred Citizenship

A state-centred approach to citizenship places an emphasis on the *scope* and *distribution* of citizenship rights and responsibilities. Here 'scope' is oriented internally and refers to the delineation of the boundaries of citizenship—the identification of insiders and outsiders relative to the state-defined polity—while 'distribution' refers to the various ways in which internal groups are identified and (asymmetrically at times) allocated shares of rights and responsibilities. A state-centred approach may emphasize individual liberty and the need for checks on state power, as in the liberal approach, or may focus on self-legislation and the cultivation of democratic virtues as in the republican variants. However, what binds these approaches is that they uncritically accept the state-defined polity as the relevant community of belonging. Questions of scope and distribution, therefore, presuppose inclusion, or the demand for inclusion, in the state-defined political community.

From this perspective, then, citizenship is first and foremost about being recognized as a member of the state and resonates with Hannah Arendt's claim that citizenship is nothing less than a status that entails "the right to have rights" (Arendt, 1958: 296). Now, Arendt's focus was the (in)coherence of the "conception of human rights, based upon the assumed existence of a human being as such", not the nature of *citizenship* in particular. However, her key insight in this regard—one that stemmed from the observed plight of

displaced or 'stateless' people and peoples after WWII—was that rights claimed by virtue of presumed membership in the community of humans actually required membership in a nation-state in order to be realized. Clearly, "[t]he world found nothing sacred in the abstract nakedness of being human" absent a recognized status as a member of a Westphalian community (Arendt, 1958: 299). What this illustrates about the state-based approach to citizenship is that questions of *scope* seem to be logically prior to questions of *distribution*. That is, one must first draw the boundaries before one can determine the distribution of rights within them. However, from the state-centred perspective, insiders and outsiders are partially predetermined through relatively concrete spatial boundaries and in the abstract through a national identity narrative. What remains is to determine which people fit the given categories before questions of distribution can be addressed.

Questions of scope and distribution, without a doubt, are important contemporary problems in that they speak not only to who is the bearer of rights but also to what kind of rights are to be exercised. As T. H. Marshall observed in his seminal essay, "Citizenship and Social Class", liberal democracies of late modernity have witnessed the expansion of the kinds of rights associated with citizenship – from 'civil rights' in the 18th Century (e.g. property rights, equal protection under law) to 'political rights' in the 19th Century (e.g. voting, running for office) to 'social rights' in the 20th Century (e.g. public education, health care, pension) (Marshall, 1964). Moreover, given the increasing pluralism of contemporary society due to changing patterns of immigration, we have also witnessed a proliferation of culture- and identity-based minority rights aimed at encouraging both the integration and preservation of cultural practices amongst previously excluded, marginalized or

assimilated ethnic/cultural minorities. Thus the contemporary liberal democratic state is tasked with managing many of the contentious aspects of citizenship—determining the range of benefits they can afford to offer, deciding who counts as an 'insider' thus making them a potential recipient, arriving at satisfactory distributions of benefits once the potential recipients have been identified, and balancing the sometimes conflicting demands between individual and group rights. As a result, much of contemporary political theory is characterized by a proliferation of debates under headings like multiculturalism, identity politics, or differentiated citizenship that work towards justifiable models of inclusion that speak to a range of often subordinated groups within a given citizenry (e.g. women, national minorities, Indigenous peoples, ethnic minorities, immigrants, refugees, people with disabilities, homeless people).

As one might expect, the expansion of rights-based claims places impressive demands upon the state—not only in terms of the economic expenditures but also in terms of the of public sentiment needed to support asymmetric distributions of the benefits of membership in the form of special rights for minority groups. It is also not surprising, given the contemporary climate of economic austerity, that recent trends demonstrate a decline in state support for citizenship rights in general and social rights in particular (Isin, 2008). Couple this with the recent rhetoric surrounding the 'failure of multiculturalism' emanating from the political elite of several liberal democracies⁹ and one cannot but question what it might take to engender the type of community sentiment necessary to maintain a society that makes increasing demands from some of its citizens in order to accommodate the

⁹ In recent years, for example, French President Nicolas Sarkozy, British Prime Minister David Cameron, German Chancellor Angela Merkel, Australian prime minister John Howard, and Spanish premier Jose Maria Aznar have all suggested that multiculturalism has failed (Agence France-Press. 2011).

claims of others. As many scholars have observed, the provision of ever expanding individual and group rights to members of the modern liberal democratic state can be thought to exert a centrifugal force on the social cohesion of the national community (Joppke, 2010; Kymlicka 1992; Kymlicka and Norman, 2000; Putnam, 2000). By some estimations, recent trends have led us to a 'crisis point' at which self-interest is dangerously undermining public spiritedness and responsibility. Thus, a key problem for state-centred paradigms that define citizenship in terms of rights and legal status concerns how to engender the kind of community sentiment that can justify vast social expenditures and the asymmetric distribution of citizenship rights.

An essential corollary, then, to the debates surrounding the scope and distribution of citizenship rights is the question of how to cultivate the *virtues* of citizenship such that social cohesion is encouraged and the obligations implied by citizenship rights are seen as legitimate responsibilities rather than unfair and divisive demands. Contemporary approaches to this problem range from the New Right's concerns that the expansion of citizenship rights undermines incentives to contribute to and integrate into society encouraging 'passive citizenship', to an Aristotelian emphasis on citizen participation as the key to the good life. Regardless of orientation, they are generally unified by their preoccupation with two related problems: (1) how to instil 'citizenship virtues' in an increasingly plural society such that citizenship rights are adequately balanced by the cultivation of responsibilities or 'democratic virtues' and (2) how to maintain unity, or how to engender belonging/allegiance/a sense of community membership while respecting modern pluralism (Banting et. al., 2007; Kymlicka, 1992). Thus, state-based citizenship

theory in general emphasizes the need to strike a balance between claims for the expansion and differentiation of citizenship rights and the need to engender a form of civic unity and obligations to co-nationals that can sustain the state as a whole. Invariably, this involves attempts to wed some normative commitment to the recognition of individual and minority group difference with an overarching commitment to the unity of the polity. In short, a state-based approach to theorizing citizenship aims at reconciling individual and minority group-based particularism with a form of state-centred universalism.

The key feature that renders this approach incapable of attending to postcolonial claims may seem obvious but I would argue that it lies in the framing of the problem itself through a particular understanding of the Arendtian 'right to have rights'. That is, the key animating problem is framed thus: statelessness = rightlessness. However, Arendt's underlying insight—that the key issue is "[n]ot the loss of specific rights ... but the loss of a community willing and able to guarantee any rights whatsoever" (Arendt, 1958: 297)—reveals an important qualification for this equation. Arendt's fundamental observation is that rights require "a community willing and able to guarantee any rights whatsoever". There is a crucial *functional* element to this understanding of community. There is nothing in Arendt's rendering of 'the right to have rights' that awards any normative priority to the state as such. As she explains, the Burkean claim that the nation is the essential source of rights reflects a uniquely modern context. Indeed, the possibility of being deprived of the 'right to have rights' only became conceivable once the system of nation-states came to encompass the entire globe. It is a direct result of this universal ordering of humanity—of the *poleis* of the earth—that the relevant political community became equated with

statehood, and states became the only context within which rights were conceivably offered and protected. As such, the loss of community, "loss of home and political status", or "loss of polity" (Ibid), all indicate, in the first instance, a loss of rights, and only contingently represent statelessness. However, the ubiquity of the state has effectively monopolized the modern political imaginary such that 'polity' and 'state' have become synonymous, thus enabling and legitimizing the assertion that statelessness = rightlessness.

When one considers the central preoccupations of the state-based approach—the scope and distribution of citizenship rights along with concerns over unity and plurality—two key characteristics become salient. First, it is immediately apparent that the state is assumed and thus presumably relevant questions surrounding scope are only directed internally at individuals and minority groups and whether they can justifiably be identified as insiders. Questions of distribution, then, are anchored to the notion that asymmetries are justifiable on the primary bases of equal citizenship coupled with unequal needs. As a result, all claims for levels of autonomy or differentiation are automatically interpreted as claims for just forms of inclusion into the overarching polity. The second and related feature is that any strategies for inculcating citizenship virtues and engendering belonging are uncritically applied within the context of the state-defined polity. The result is that any individuals or groups appealing to the state for the recognition and protection of their rights are automatically swept along into the nation-building current and are presumed to have an interest in developing a state-centred national identity and in cultivating allegiances to the state, its laws, and its polity.

What this frame overlooks—indeed, is unable to attend to—is precisely forms of claims emanating from sites that exist geopolitically within the state, but that are, nevertheless, directed against the state. That is, 'state-centred universalism' remains the assumed and defining background condition and, as such, fails to attend to postcolonial claims emanating from groups that hold little or no allegiance to the state and may, in fact, reject or be openly hostile to any such allegiance. In attempting the well-worn task of reconciling particularism with universalism, state-centred contemporary theory uncritically assumes the state as the legitimate universality or overarching community of belonging. As such, regardless of how one justifies differentiation within states, questions of unity and the cultivation of citizenship virtues automatically assume that we seek unity according to state boundaries and that we seek democratic virtues relative to others within the state-defined polity. In short, because this analytical paradigm results in a normative hierarchy such that the claims of individuals and groups within existing state boundaries are uncritically subordinated to the interests of state, state-based analyses are unable to attend to the postcolonial claims that explicitly reject state-based allegiances.

1.2.2 Cosmopolitanism

A competing conception of citizenship existing alongside national citizenship that has expanded enormously in the last 10-15 years is that of cosmopolitan citizenship, alternatively described as global or trans-national citizenship. This particular literature is worth considering given its skepticism toward the nation-state as the appropriate frame for citizenship. As such, one might expect some resonance with and even some theoretical

insights for a critical Indigenist politics that also rejects the state as representing the appropriate ideal for political membership. However, as it currently stands, the array of contemporary cosmopolitanisms remains unable to adequately attend to the kinds of claims associated with postcolonial citizenship.

Generally speaking, the range of views on cosmopolitanism are bound by a common adherence to the basic principle that all human beings ought to be the subjects of equal moral concern. This "weak ethical version" is generally held to be acceptable to "almost anybody, barring a few racists and other bigots" (Miller, 2002: 84). From this basic starting point, most cosmopolitans debate the extent to which local allegiances ought to constrain or be trumped by responsibilities to a global political community. As a result, the state of cosmopolitan theory has been described as having reached a "'weak cosmopolitan plateau' upon which struggles are waged not over whether we owe outsiders anything, but how much, and what it is" (Vernon, 2010:2). While numerous typologies of the views on cosmopolitanism exist, I present them here in terms of how they express the referent for cosmopolitan citizenship—that is, how they prioritize either the local or the global community of belonging as the primary referent. As such, I argue that the bulk of contemporary cosmopolitan scholarship represents a *traditional* spectrum of views spanning from 'rooted' to 'civic' conception that debate the relative priority of local versus global allegiances. However, in recent years, traditional cosmopolitanism has also been supplemented by an alternative, *postmodern* approach that works to conceive of political allegiances in ways that transcend the state.

Civic cosmopolitanism occupies one extreme of this spectrum, approximating a direct application of the basic cosmopolitan principle. Amongst scholars more closely associated with this orientation, there are those who explicitly reject the common nationalist claim that national identity is key to creating the kinds of democratic community that can sustain the sense of belonging that citizenship requires. One variant of this position suggests that cultural and national allegiances resemble patronizing contrivances that fail to recognize the true fluidity and hybridity of identity while ignoring the Kantian insight that, whether we like it or not, we share the world with others (Waldron, 2000, 1995). As a result, we must be willing to recognize that particularistic cultural norms exist only as contingent solutions to more or less parochial problems and to be willing to reconsider and modify these norms when we are faced with the universal context that the fact of coexistence entails. A similar perspective argues patriotism and cosmopolitanism are mutually exclusive and that a commitment to the basic moral equality of all humans cannot be sustained by any form of nationalist sentiment that prioritizes kinships or compatriots over human beings regardless of affiliation (Nussbaum, 1996).

Given that civic cosmopolitanism explicitly rejects state-based allegiances as unduly parochial and anti-thetical to cosmopolitan aims, one might expect a resonance with the aims of postcolonial citizenship. However, even while a civic approach tends toward the elimination of the state as the presumed polity altogether, this simply replaces a state-centred universalism with a global universalism. Put another way, it imposes a reified global universalism as the primary referent while delegitimizing the kinds of non-state, local allegiances that are centrally valuable to many Indigenous peoples. While this may go

some way toward challenging the authority of a state, it is clearly an unsatisfactory shift for those who seek a kind of postcolonial self-determination that is inextricably tied to recognition of their legal, political, and cultural particularism.

Rooted cosmopolitanism, on the other hand, stands in direct opposition to the civic conception by arguing that local allegiances are not only valuable, but possibly necessary for the realization of cosmopolitan aims. Generally speaking, rooted cosmopolitanism endorses retaining primary national/cultural allegiances while simultaneously enlarging a sense of belonging to transnational and global spheres (M. Cohen, 1992). Here, again, we are faced with a range of possibilities regarding the relative positioning of local allegiances:

Rooted cosmopolitanism is therefore not a single or simple doctrine, but rather a loose umbrella covering a range of different views both about *how* particularistic solidarities complement good global citizenship and about *which* particularistic solidarities do so" (Kymlicka and Walker, 2012: 10).

As such, positions range from the mere suggestion that 'parochial allegiances' are not incompatible with a sense of global citizenship to the claim that rooted attachments are actually necessary for the realization of cosmopolitan aims (Ibid.). Nevertheless, rooted cosmopolitanism is generally understood as including state-based allegiances in the list of those local affiliations that ultimately enable a cosmopolitan ethic.

Again, one might expect a proponent of postcolonial citizenship to endorse such a conception of political belonging, particularly because it shares with Indigenist

perspectives a commitment to local national identities. While this may be so, the rooted conception also entrenches the place of the state within a hierarchically nested conception of political belonging and authority that renders Indigenous peoples as sub-state, and therefore subordinate, political entities. Such an approach fails to interrogate the assumption that the state exists as a legitimate referent thus failing to account for contexts of colonialism. This way of framing cosmopolitanism focuses attention on how local allegiances further cosmopolitan goals or how global polities and authorities might influence states to act in accordance with universal norms. Whatever the case, failing to explicitly challenge the assumption of state legitimacy entrenches the state's position of authority by framing the problem as one of how the state ought to behave toward its own citizens or to non-citizens. Even those that root their cosmopolitanism in non-state entities are vulnerable to being "seen as supplementing either state- or nation-based versions of rooted cosmopolitanism (Ibid.: 9). In the end, we are left with a nested version of global belonging that simply "inserts another, highest, ultimate layer of rights" (Heater, 2002: 5). Accordingly, state-centred universalism remains but is partially subordinated to the global universal. And since compliance with global norms remains the prerogative of the state, the potential for internal groups to benefit from cosmopolitan rights remains a function of their membership in the state.

Thus, while the scope of citizenship is expanded beyond the state level, problems surrounding the distribution of citizenship rights remain within the purview of the state. The state remains the rights bottleneck. The problems of accommodation of difference remain as internal problems that are informed by universal norms. The legitimacy of the

state as such vis-à-vis all those residing within its borders is not called into question. All that has changed is that the state is now subject to greater outside pressures to provide rights to citizens. However, like the state-centred approach, these forms of cosmopolitanism do not adequately attend to postcolonial claims emanating from groups whose political ethos is decidedly *non-state* in that they seek recognition of their rightful political autonomy without seeking membership, secession, or statehood.

I label the versions of civic and rooted cosmopolitanisms surveyed so far as 'traditional' because, although they problematize a strictly Westphalian sense of belonging and authority, they articulate an alternative that fails postcolonial citizenship in the same way that Western theory in general always has—by failing to interrogate the place of the state as an imbedded referent and/or by imposing an alternative universal referent that threatens to subsume Indigenous modes of belonging and authority within an overarching polity and authority of some sort. 'Postmodern' approaches, on the other hand, are set apart by precisely this key feature—that is, postmodern cosmopolitanisms explicitly reject any model that relies on a nested or 'concentric circle' paradigm of political belonging and, with it, the idea that that state, as an internal concentricity, properly represents the organic, fluid, and unbounded nature of political allegiances. Such a model of political belonging does not seek to define allegiances according to existing political structures and institutions. This emerging viewpoint has been forwarded in cosmopolitan scholarship in what I would identify as both negative and positive iterations. That is, a negatively defined postmodern cosmopolitanism is understood as derived from an alternative identity formed explicitly in opposition to the state and relies on "coalitions and alliances among precisely

those left outside state- and nation-based projects such as Indigenous peoples or migrant workers" (Kymlicka and Walker, 2012: 10). Alternatively, one might assume that the issue is not inclusion but, on the contrary, a rejection of the universalizing of a singular (liberal-democratic) form of political organization (e.g. J. Cohen, 2008; Erni, 2009), perhaps in favour of creating the conditions for the "coexistence between different regional poles with their specific institutions" (Mouffe, 2008: 466).

The positive sense, on the other hand, does not emerge as a critique of state-centredness but, rather, as a positive expression of the real relationships that occur between people and peoples. It does of course challenge state-centric renderings of political affiliation, but is not defined by this. Instead, as William Connolly argues, state-centric approaches to cosmopolitanism that rely on the common nested or concentric paradigms need to be challenged with

a more rhizomatic or network conception of political culture. The idea is not to delegitimize concentric identifications as such, for you need to participate in the family that nourishes you and the state that governs you. It is to appreciate how concentric circles of political culture are complicated and compromised by numerous crosscutting allegiances, connections, and modes of collaboration (2000: 603).

This way of interpreting cosmopolitanism is valuable for a postcolonial theory of citizenship because it reveals the totalizing effects of adherence to a vision of belonging

that is either strictly state-defined or that maintains the state as an unchallenged internal concentricity, while bringing to the fore the more spontaneous and organic nature of community formation. Moreover, it does not ignore the state altogether but pays due attention to the realities of state power and the effects that this has on community formation. Clearly this resonates with a *non*-state postcolonial political ethos.

However, both versions remain vulnerable to critique from a postcolonial perspective. The negative sense falls short in that it relies upon an identity formed in opposition as the grounds for a cosmopolitan community. Indeed, Will Kymlicka includes this perspective in the catalogue of 'rooted cosmopolitanisms', but substitutes allegiances to the state or nation with allegiances defined by alterity (Kymlicka and Walker, 2012: 9-10). While these kinds of identities surely exist, to derive a theory of cosmopolitanism from them is to allow for their totalization by the very structures that they are opposing. The state, for example, continues to enjoy the privileged position of defining identities either through inclusion or exclusion. While resistance to this privilege may be part of some cosmopolitan identities, it fails postcolonial citizenship because it defines Indigenous identity solely with reference to the relationship to the state while failing to attend to the alternative modes of political belonging and authority that actually emerge from self-defined Indigenous world views.

Finally, perhaps the greatest problem of cosmopolitan theories of citizenship is the general tendency to ignore and/or transcend territory. States and state based theories of citizenship take territory, or more accurately territoriality very seriously. Cosmopolitans in seeking to move away from states often appeals to a transcendent idea of humanity as

detached from both states and territories—a commitment which is inconsistent with Indigenist understandings of land as representing the context for the development of non-dominating, reciprocity-based relationships with Creation. Even the more particularized versions of cosmopolitanism commonly default to the territorial state as the essential localized entity but fail to interrogate the fundamental relationship to geographical space imbedded in this form of community.

In this respect, the positive sense of postmodern cosmopolitanism fares better because it allows for an emphasis on the organic and unbounded nature of identity formation. However, its shortcoming is that it is not critical *enough* of the state. A theory of postcolonial citizenship must be sensitive to the complicating fact that a key issue *is* precisely to delegitimize concentric identifications that include the colonial state (Alfred, 2009a,b). Connolly's approach seems to be an augmentation—not an additional layer but, perhaps, an additional dimension. It seems that a postcolonial approach could draw on the additional dimension but, in addition, must simultaneously challenge the legitimacy of the colonial state while working within it to some extent. Similarly, endorsing a multi-polar model, for example, seems promising because it acknowledges the legitimacy of “a plurality of just forms of society, and the fact that the liberal-democratic model is only one form” (Mouffe, 20008: 466). However, while this is certainly a welcome observation from the perspective of postcolonial citizenship, there is nevertheless a marked absence of a consideration of the deep philosophical differences that ground and shape alternative institutional formations. A postcolonial theory of citizenship must move beyond endorsing alternative polities and must deconstruct the very nature of the polity itself (that is, the

nature of the community and its associated authority). The difficulty here—one that I will take up again in the final chapter of this dissertation—centres on how to envision legitimate identifications with and engagements of the colonial state under conditions already defined by territoriality and settler colonial domination. In this regard, social citizenship as presented in the following section adds an important piece to the puzzle by addressing the extent to which citizens constitute themselves and their political authorities through political activity.

1.2.3 Social Citizenship

A third general approach in Western political theory that I think moves closer to enabling an understanding of postcolonial citizenship struggles, stems from the Aristotelian and Arendtian renderings of citizenship as a political *activity*. From this perspective, citizenship is more than a legal status that is bestowed upon or acquired by groups once they become recognized as insiders relative to the state or as a transcendent global community. Instead, it is understood in general terms as "that set of practices (juridical, political, economic and cultural) which define a person as a competent member of society, and which as a consequence shape the flow of resources to persons and social groups" (Turner, 1993: 2). As such, the 'right to have rights' takes on a different character. This foundational right does not simply follow from membership. Rather "individuals perform their fundamental right to have rights by asking questions concerning social justice" (Isin, 2008: 7). Thus, the focus is on the activity through which individuals and groups constitute themselves as citizens—as staking legitimate claims to the benefits and

burdens of political membership—by entering into the Arendtian 'space of appearance' and engaging the systems of governance to which they are subjected. The area of concern, then, is the constitution of *identities* as citizens. As Tully argues, these identities are not "generated by the possession of rights and duties" but through "[p]articipation in dialogues and negotiations over how and by whom power is exercised" (Tully, 2008a: 146). Through this lens, citizenship is understood as *social* citizenship because it focuses on the kinds of social activities that constitute political identities. In this sense, the social nature of identity and community formation is understood as being prior to and enabling political identities and agency.

As I've suggested, this way of framing citizenship appears to encourage a more accurate understanding of postcolonial struggles because it presents the relevant community as constituting itself through social activity and, as such, does not lend *a priori* legitimacy to state-defined polities. However, as presented in its two main contemporary iterations by Engin Isin (2008, 2002) and James Tully (2008a,b) I shall argue that such a theory remains insufficient to adequately address many postcolonial struggles that are characterized by both internal colonization and an ambivalent relationship with the state. In order for these vulnerabilities to be drawn out, there are two key features of social citizenship that need unpacking: the relocation or "recasting" of the social (Isin) and the 'citizenisation effects'¹⁰ on identity formation (Tully).

¹⁰ Both Kymlicka and Tully deploy the term 'citizenisation' in their work to describe the unifying effects of properly constructed democratic institutions and policies. Kymlicka argues that Canada's diversity policies in general "provide access points and legal tools for non-dominant groups to challenge their status". These "forms of 'citizenisation' ... are centrally concerned with the construction of liberal democratic citizens in a multiethnic state" and are aimed at overcoming the divisiveness following from historical ethno-political injustice, creating a more inclusive society by developing "relations of liberal-democratic citizenship"

First, Isin's recasting of the social in citizenship theory offers important insights into how citizenship and the associated rights and responsibilities are not mere products of a bestowed status. For Isin, the key point here is that 'the social' represents a locus of struggle for recognition that is prior to both the delineation of scope and distribution that are the usual topics of citizenship theory. As we've seen, the state-based and cosmopolitan approaches covered so far begin with the determination of scope, problematizing the criteria by which individuals and groups are identified as insiders and outsiders at national and global levels. From here, the logic moves forward to questions of distribution and, finally, to the issue of maintaining social unity or citizenisation. 'Practice-based' or 'social' citizenship relocates the social, acknowledging its priority over scope and distribution. To make this point clear, Isin builds upon Janine Brodie's distinction between two conceptions of the social—one indicating the kinds of 'social rights' of the Marshallian sort, the other referring to the Latin root, *socius*, or the web of relationships and actions within society, both peaceful and antagonistic, that produce social norms (Brodie, 2008). So while Marshall may be correct that social rights are the result of working class struggles to attain social security, and are enabled by prior distributions of civil and political rights, the initial struggles themselves were 'social' in the second sense. The basic point behind this recasting of the social in citizenship is that a focus on the struggles for citizenship rights

(Kymlicka, Will. 2005. "Ethnocultural Diversity in the Liberal State: Making Sense of the Canadian Model(s)." Paper presented to *The Art of the State III: Diversity and Canada's Future*. Montebello, Québec: 17). Similarly, Tully argues that inclusive "public discussions and negotiations, both *within* and *over* the conditions of citizenship" constitute "activities of *citizenisation*" "that "generate the sense of belonging to a 'free people' ". When these avenues for negotiating inclusion are unavailable, "[t]he larger political association tends to instability and disintegration" (Tully, James. 2008a. *Public Philosophy in a New Key Volume 1: Democracy and Civic Freedom*. Cambridge: Cambridge University Press: 164-5). Both renderings of 'citizenisation' suggest that democratic engagement of state legal and political apparati leads to the creation of a unified society and a shared, state-centred identity.

highlights the extent to which "the social enables civil and political rights" rather than merely following from them (Isin, 2008: 283).

The main benefit of this frame of analysis, for the purposes of a postcolonial theory of citizenship, is that understanding the social as *socius* allows us to conceive of communities of belonging that are constituted through the course of struggle rather than being determined from the outside by given boundaries. However this benefit is also its shortcoming. On the one hand, a focus on the struggle for recognition within a community allows for an identity that is not overtly defined by state membership. Many postcolonial struggles, for example, are for recognition of the right to self-determination but not for citizenship in the existing state (differentiated citizenship) or for citizenship in a separate state (secession). If the social defines the identity, then the actual aims and nature of the struggle ought to be definitive. The failure of typical state-based paradigms to account for this conception of the social (*socius*) is clear: the social does not fall in line with reified political boundaries and produces a fluid conglomeration of "social fields ... that splinters, spatially disperses, and complicates citizenship" (Stasiulis, 2008: 135).

On the other hand, this lens presents the complications arising from the spatial dispersion of the social as a problem for the state to solve. While it is acknowledged that "hybrid allegiances and loyalties" can no longer be "captured by terms such as *postnational*, *global*, or *cosmopolitan* forms of citizenship", much less '*national*', the problem is framed as stemming from the fact that the state must now deal with "subjects who constitute themselves entitled to social rights across state boundaries" (Isin, 2008: 283). This highlights the key normative question: If the social in the sense of *socius* is not constrained

by state boundaries and precedes and enables the social in the sense of Marshallian social rights, how is it that this second sense of social becomes bound by the state? At what point do fluid, hybrid, and unbounded communities become 'sub-state' communities or 'internal minorities'? Granted, this question is less salient when, for example, we are dealing with questions surrounding migrants, which is often the main focus. In this sense the problem is clearly one for states since the context is often one of non-citizens seeking protections from and full membership in the state. However, the question becomes especially poignant when one considers a postcolonial context for which claims are made against the state yet membership within it is rejected.

The second key feature of social citizenship builds from this general idea that there is something like the idea of *socius* that precedes status. However, what is of central importance here is not so much the priority of the social as the idea that the social activity of citizenship constitutes identities as citizens and, if properly conducted, engenders unity amongst the participants. As Tully argues, solidarity, here, is not the product of agreement since the fact of contemporary pluralism makes this an unrealistic assertion. Rather, it is the participation in "activities of discussion and negotiation [that] generates bonds of solidarity and a sense of belonging to the political association" (Tully, 2008a: 163-4). As in the presentation of *socius* above, the benefit to this kind of understanding of the social in citizenship, from a postcolonial perspective, is that it does not rely on reified state boundaries to define the scope of citizenship and speaks to the democratic politics of coalition building which seeks to challenge existing power relations. The boundaries of shared citizenship are brought into being *through* democratic participation: "what citizens

share is nothing more or less than being in on the dialogues over how and by whom power is exercised" (Ibid: 147). Moreover, these negotiations need not be restricted to *state* power since these "activities of '*citizenisation*'" (Ibid: 165) occur wherever "conduct is governed by the exercise of political power in any system or practice of governance" (Ibid: 145).

This rendering of citizenship, which I label the 'citizenisation thesis', can be understood as housing two key assertions—that the practice of citizenship generates the social bonds of citizenship, and that these bonds ought to be understood as constituting a democratic political identity and community that is prior to and, to some extent, independent of the state. Both of these assertions, however, are problematic upon closer inspection when viewed through a postcolonial lens. First, with respect to the presumed unifying influence, it is by now a truism that participation in a properly constructed democratic society results in these kinds of 'citizenisation' effects (e.g. Barber, 1984; Habermas, 1998; Mansbridge, 1995; Tully, 2008a). However, as intuitive as the idea may be, the empirical grounding is suspect at best (Kymlicka, 2002). As Jane Mansbridge aptly quips: "Participation does make better citizens. I believe it, but I can't prove it. And neither can anyone else" (Mansbridge, 1995: 1). While these intuitions at least seem more likely to be true for the general case—state-citizens or non-citizens seeking state-citizenship—the presumed truth relies on the unexamined background condition that the actors in question are seeking rights from *and* membership in the state. If a sense of belonging is in fact generated, one can logically assume that it rests upon the fact that, divergent intermediate

aims notwithstanding, the end game for all involved is a desire for membership and the ability to participate on par with others as a community of citizens.

A postcolonial context contradicts this assumed background condition. Indeed, it presents a fundamental challenge in that postcolonial demands are often for recognition of rights that far exceed those claimed by other residents and aspiring residents of the state (e.g. political, legal, and territorial autonomy), yet they do not seek secession from the state either—they simply exist prior to the state and therefore outside of it. In short, from the perspective of those with whom they are negotiating, they may be seen as demanding *more* rights while insisting on a *lesser* sense of belonging to the community that they presumably become a part of through participation. Thus, while the intuitions behind the 'citizenisation thesis' may be reasonable from a state-centred perspective, they rely on a presumed background motivation for participation that does not fit a postcolonial context.

My concerns with the second assertion regarding the ontological independence of the formation of social bonds from the boundaries of the state apply to both the idea of *socius* and the citizenisation thesis. Indeed, the citizenisation thesis as presented above builds upon the priority of the social as indicated by the idea of *socius*. The key problem seems to stem from the very idea that practices of citizenship can, or do in fact, generate identities and solidarities that are independent of the state. The empirical claim that state boundaries no longer capture the true nature of social citizenship coupled with the normative claim that, therefore, the state ought not to constrain practices of citizenship and identity formation seems to render an image of the state simply as one possible forum on

par with a myriad of others, thus failing to account for the real ubiquity and power of the state relative to other formations.

If Tully is right that "what citizens share is nothing more or less than being in on the dialogues over how and by whom power is exercised" (Tully, 2008a: 147), then the relevance of the state fades from view. The focus on the ontological priority of identity formation seems to pay inadequate attention to the extent to which 'activities of citizenisation' require democratic institutions in order to function. Or, rather, the necessity of the institutions is acknowledged, but the extent to which available institutions are invariably state-based is overlooked. As the earlier discussion of state-based and cosmopolitan conceptions of citizenship indicates, identifying fluid, hybrid, and overlapping social affiliations occurring at the local, national, transnational and global levels, does not change the state-based nature of citizenship when one considers that all of these iterations require the state to function. The state remains the rights' bottleneck.

To be sure, Tully goes to some length to address the problems of citizenship in a colonial context where the state exists as an illegitimate authority or a "structure of domination" (Tully, 2008b). I develop this point more thoroughly in Chapter 2 however, the key point is that the normative claim that colonized peoples ought to be free to negotiate the terms of their inclusion or negotiate terms of exit still presents colonized people with a context in which they must negotiate as part of the broader polity and through the colonizer's institutions in order to demonstrate that incorporation is illegitimate. This mirrors the logic as presented in various UN instruments¹¹ and in

¹¹ See for example the *Declaration on the Rights of Indigenous Peoples* (UN, 2007) or *General Recommendation No. 21: Right to Self-Determination* (UN, 1996).

Canada's *Quebec Secession Reference* (SCC, 1998) where self-determination is considered legitimate up until it threatens the unity of the overarching state.¹² It is only when the state can be shown to be overtly oppressive and incapable of change that this caveat is superceded. The burden of proof remains with the colonized to demonstrate illegitimacy, yet they must do so from the illegitimate and subordinate position as members of a superimposed polity. That is, according to the citizenisation thesis, colonized peoples are required to act as citizens of the colonizing state in order to prove the illegitimacy of the imposition to begin with, engaging with others (or their representatives) in the broader polity and presumably cultivating solidarity with them. The key point here is that the sheer ubiquity of the state and state-based institutions through which all practices of citizenship are ultimately channelled stands in stark tension with the foundational assertion regarding the priority and ontological independence of social identity formation.

Similarly, Isin's emphasis on the social as *socius* implies that the real essence of citizenship has little to do with the state and everything to do with group formation as such—wherever it occurs. A key issue here is the place of the spatial feature of group formation. For Isin, it is a simple observation that groups in general inhabit space and states in particular represent associations for which the delineation of physical space is fundamental. However, his emphasis is on cities as the kinds of spaces that more accurately reflect the permeability and fluidity of political spaces and identities (Isin, 2002: 44). What

¹² While Tully's work is, indeed, important to a theory of postcolonial citizenship, his failure to adequately interrogate the territorial foundations of the Canadian state leads to his utilization of the *Quebec Secession Reference* as an analogy for Indigenous self-determination in Canada. As such, he explicitly endorses the position that Indigenous self-determination must be "reconcile[d] with the requirements of unity" (2008a: 218). As I argue in Chapter 4, this is a deep tension within his work that is brought to light through an analysis of the effects of territoriality on the possibilities for theorizing postcolonial citizenship.

binds the city and the state as examples of types of social space is that they represent the medium through which the activity of citizenship takes place. A citizen, then, indicates "that kind of identity within a city or a state that certain agents constitute as virtuous, good, righteous, and superior ... via various solidaristic, agonistic, and alienating strategies and technologies" (Ibid: 35-6). What matters are the identity-constituting struggles. The city, here, simply represents a more permeable iteration of the state. This rendering adds a dimension to the first feature of the citizenisation thesis described above, revealing that struggles of citizenship do not always engender belonging but are also aimed at constituting alterity. From the perspective of a postcolonial view of citizenship, this is a welcome observation and seems to provide a way out from the potentially totalizing implications of the assertion that citizen activities engender belonging. However, as is the case with the second feature of the citizenisation thesis, there is the danger that focusing on the social nature of the 'space of appearance' diminishes the relevance of the state by engaging it simply as one of many abstract social/political media for citizenship struggles. From this perspective, as a social/political space,

[t]he city is neither a background to these struggles *against which* groups wage, nor is it a foreground *for which* groups struggle for domination. The city is the battleground *through which* groups define their identities, stake their claims, wage their battles, and articulate citizenship rights and obligations. The city as an object of thought and experience emerges out of these practices and has neither the unity, the cohesion, or the shape that has been attributed to it. ... Being

political arises qua the city and there is no political being outside the machine
(Ibid: 50).

This selection nicely highlights what I see as the key problem for social citizenship approaches generally if the aim is to account for postcolonial struggles. That is, I do not wish to dispute the post-structuralist insight that the city (or the state) is not a static, unified, and coherent object. Yet I think that in making the case for the social constitution of political space and identity, this rendering goes too far by failing to account for the extent to which the boundaries that represent various polities *are simultaneously* foregrounds and backgrounds to struggles *in addition to* being the medium through which struggles take place. Drawing on Tully's rendering of colonial 'structures of domination' one could make the point that, when viewed through a postcolonial lens, the state exists as an imposed, alien, inaccessible, and relatively immovable political space that bears far more functional resemblance to the images of 'foreground' and 'background' than to a pliable 'medium'. From a postcolonial perspective, the enduring problem seems to be one of how to engage in reified political spaces without constituting oneself as one vying to move from outsider to insider. To appropriate Isin's metaphor, the aim seems to be to remain robustly political while remaining, as it were, 'outside the machine'.

1.3 Conclusion and Chapter Summaries

To sum up, the key problem for postcolonial citizenship that is evident across the three basic theoretical approaches as presented above is centrally related to the place of

the state in citizenship theory. However, this problem manifests differently depending on the approach. Standard state-based theories and traditional cosmopolitan theories are of a kind in that they both seek to reconcile the universal (state-based or global) with minority-based particularity. While the most promising forms of traditional cosmopolitanism at least question the utility and legitimacy of the state as the universal, they nevertheless reproduce the problems of the state-based models by assuming a broader (global) universalism that is partially constrained by the state as the rights bottleneck. Alternatively, postmodern cosmopolitanisms and social conceptions of citizenship present two kinds of problems that are in tension with each other—they either entrench the totalizing effects of a state-centric paradigm by defining citizenship in opposition to the state, or they may fail to adequately interrogate the legitimacy of the state's inescapable influence on the formation of political identities that are motivated by a decidedly *non-state* ethos. Beyond this, *all* the approaches surveyed above are uncritically based on an exclusively anthropocentric framing of the issues surrounding citizenship. None consider land to be anything other than territory—a controlled space that houses citizens and resources to be distributed among them.

A theory of postcolonial citizenship must account for how colonized peoples struggle to strike a precarious balance between engaging the state while—and as a means to—resisting both the relationships to land that it imposes and its centripetal political force, to constitute postcolonial communities of belonging and legitimate authorities within an interdependent universally ecocentric web of belonging and relationships that neither derive their legitimacy from nor are subordinate to the state within its own self conceived

territorial boundaries. Each chapter of this dissertation works toward fleshing out this explanation. Chapter 2 presents the proposed formal analytical framework and definition of terms that describe the basic ideal of citizenship in general, and postcolonial citizenship in particular. Here I argue that a theory of postcolonial citizenship must place the concept of the referent front and centre. That is, any emancipatory conception of citizenship must ultimately enable the uncoerced constitution of community that underwrites any legitimate authority. Here I explain the dynamics of the referent and draw the distinction between a colonial and postcolonial referent. A key feature of this analysis entails explaining how settler colonialism functions as an underlying ideology that produces an oppressive colonial referent that inescapably subordinates conceptions of citizenship to the assumed legitimacy of *territoriality* and the associated domination of land and people, thus necessitating a postcolonial response.

In Chapter 3 I argue that, although canonical early modern social contract theories explicitly endorsed a foundational emancipatory conception of authority as constituted through the constitution of community, the fact that these theories imbedded an emerging conception of territoriality into their theories, effectively reversed the emancipatory potential of their works rendering them theories that ultimately support the domination of land and people. In Chapter 4 I argue that because key theorists of citizenship in Canada uncritically accept the inherited territorial paradigm, they are unable to adequately attend to Indigenous claims and consistently conflate such claims with those of the Québécois whose vision of citizenship is also compatible with territoriality.

In Chapter 5 I begin to articulate postcolonial citizenship as an alternative rooted in distinct conceptions of land, community and authority that follow from Indigenous worldviews as articulated in critical Indigenist thought. However, rather than explaining postcolonial citizenship as such, I draw on existing scholarship to describe the conceptual foundations of postcolonial citizenship and how these can be understood to produce an alternative referent that is anchored to Indigenous world views: In general, community must be understood as entailing a commitment to a universal ecocentric kinship according to which nonhuman entities—including land, flora, and fauna—are understood as imbued with personhood and are considered members of the political community; and authority must be understood as fundamentally diffuse, emergent, and noncoercive and following from the imperative to live in harmony with a universal ecological order.

I conclude the dissertation in Chapter 6 by outlining a conception of postcolonial citizenship that emerges when an Indigenist view of citizenship confronts settler colonialism. Here I outline 3 key features of postcolonial citizenship: (i) as rooted in an awareness of a *universal ecocentric kinship*; (ii) as necessarily *practice-based*; and (iii) as necessarily and deeply ambivalent to state-based community and authority. These three key features follow from an analysis of citizenship in terms of the *referent* and the effects of and foundational yet undertheorized commitment to *territoriality* and act as an interpretive aid serving to avoid the pitfalls of misunderstanding/misrepresenting critical Indigenist claims regarding citizenship. Thus, as a point of entry into how to develop a legitimate relationship between Indigenous peoples and the settler societies in Canada, I close the dissertation in Chapter 6 with a discussion of how these insights might modify the

contemporary approaches examined in Chapter 4 and offer some recommendations regarding the just forms of coexistence.

Chapter 2: Analytical Framework and Definition of Terms

2.1 Introduction

The key aim of this chapter is to explain the structure of the proposed analytical framework introduced in the previous chapter and to demonstrate its relevance to the analysis of citizenship in general and postcolonial citizenship in particular. A core contention of this project is that citizenship theory requires a concept like postcolonial citizenship in order to attend to the shortcomings brought to light through an engagement of Indigenous struggles for self-determination in colonial contexts. This analysis trades heavily on my proposed concept of the *referent*, defined briefly in the previous chapter as the product of the co-constitutive and recursive dynamics between community and authority. In short, the referent represents the complex nature of that which is implicitly or explicitly appealed to (or referred to) when citizenship claims are made. An analysis that attends to the referent need not deny, for example, that citizenship can be understood as representing one's status as a member of the state, but it does make it clear that any claim that citizenship is *only* about one's status in the state (or any reified political entity) carries with it the associated claim that the existing authority underpinning such citizenship is unproblematically assumed and that the constitutive dynamics between community and authority are, for all meaningful intents and purposes, irrelevant. That is, while citizenship clearly does denote a status as a member of a particular political community subject to (and able to participate in) political authority, the emphasis on the dynamics between community and authority makes it plain that any status is always preceded by a mutually

constitutive process that brings communities and authorities into being to begin with. In short, *status* always necessarily implies *practice* and citizenship claims, therefore, always imply a referent that stands as the legitimate representation of political community being appealed to, along with the associated authority through which such claims are mediated.

The approaches surveyed in the previous chapter all speak to the core features of the referent in some form. State-centred and traditional cosmopolitan approaches tend to reify both community and authority, disagreeing with respect to which level or sphere of membership or status ought to be primary. It is because they fail to attend to the constitutive processes that precede and enable status that these approaches end up failing postcolonial perspectives for which the constitution and maintenance of alternative communities and authorities is central. Postmodern cosmopolitanism and social citizenship offer some remedy to this by focusing on precisely the unbounded and constitutive nature of citizenship, but fail to adequately address the extent to which real existing structures exert a dominating centripetal force on constitutive practices, drawing those who wish to express their own political agency into existing status-based categories. Furthermore, all the approaches to theorizing citizenship do so from within the conceptual horizons offered by an underlying acceptance of the legitimacy of an anthropocentric perspective. Introducing the idea of the referent, then, brings to light the need to examine the conceptual construction of the categories of community and authority while also directing us to an analysis of how different initial conceptual constructions lead to competing *colonial* and *postcolonial* conceptions of the referent.

All of this talk of a referent remains potentially obscure given the notoriously contentious and inconsistent ways in which the core components of the referent—community and authority—are deployed in contemporary scholarship. In what follows, I expand upon the dynamics within the referent by clarifying my usage of both community and authority and how they come together to form a conception of citizenship in general and postcolonial citizenship in particular. The aim is to provide a presentation of the referent that is capacious enough to accommodate a broad range of conceptions of citizenship including those emerging from both Western and critical Indigenist thought. To this end, I begin in Section 2.2 by unpacking the concept of the referent. First, I explain my particular usage of the concept of 'community', then my usage of 'authority', followed by an explanation of how these concepts stand in a recursive, mutually constitutive relationship to each other, thus forming the referent for the concept of citizenship. Both community and authority are defined in general functional terms so as not to foreclose alternative conceptions of their particular makeup and character. Further, this explanation relies entirely upon scholarship from leading Western theorists of community and authority while a detailed discussion of these concepts as presented by critical Indigenist thought is reserved for Chapters 5 and 6. This particular method is inspired by the imperative to speak to existing dominant theories of citizenship. The intent is to provide a presentation of the referent that resonates with dominant contemporary theory and then to move toward a persuasive discussion of how this perspective conflicts with critical Indigenist thought.

In Section 2.3, therefore, I analyze how settler colonialism provides the ideological foundation that effectively holds the colonial referent together by producing conceptions of community and authority that are commensurate with the anthropocentrism at the heart of settler colonialism. That is, the colonial referent relies on an anthropocentric cosmology that assumes human dominance over the natural world and reflects a Western ontology of space. As a result, community and authority are articulated within the conceptual horizons offered by the paradigm of modern territoriality, or the "spatial strategy to affect, influence, or control resources and people, by controlling area" (Sack, 1986: 1-2). As such, an analysis of settler colonialism reveals a fundamental contradiction (explored more fully in Chapters 5 and 6) between Western and critical Indigenist thought—that their divergent conceptions of citizenship are rooted in competing cosmologies or the foundational beliefs about humanity's place in the universe and the appropriate relationships with the non-human world that follow.

The key point defended here is that settler colonialism is premised upon an anthropocentric domination over land that, in turn, precipitates the domination of humans by humans or what I define as *intra-human*¹³ domination and produces conceptions of citizenship that reinforce domination in both anthropocentric and intra-human forms. In Section 2.4 I present the general contours of my approach to theorizing a postcolonial response. Given the arguments in Section 2.3 regarding settler colonialism as the ideological foundation supporting the imposition of a colonial referent, I argue that a postcolonial response should be understood as informed by a counter-ideology of theory

¹³ Many thanks to my examining committee, especially Dr. Coll Thrush and Dr. Andre Mazawi for challenging me on the connotations of my original use of 'humanistic domination' as implying a form of humanism proper.

and practice that is rooted in a universal ecocentrism that is derived from critical Indigenist thought. While I reserve a discussion of the details of this approach until Chapters 5 and 6, I argue that this general idea fits within much of the existing literature regarding participation in the postcolonial project of deconstructing dominating narratives while articulating alternatives. I conclude in Section 2.5 by tying this approach back to the concept of the referent, arguing that the imposed colonial referent is incapable of succeeding in its unifying/universalizing aims because it imposes a world view and relationships of domination that are antithetical to those reflected in critical Indigenist thought.

2.2 The Referent: Community and Authority

First, the concept of a community, or a *political* community, is one of the most fundamental features of political theory. Even from a liberal perspective, where the interests of the individual are paramount, it is at least descriptively accurate to argue, as Kymlicka does, for example, that "cultures or nations are basic units of liberal political theory" (Kymlicka, 1995: 93). I would broaden this statement, however, to observe that 'communities'—regardless of whether they can properly be equated with nations or cultures—make up the basic units for political theory, especially for any theory of citizenship, liberal or otherwise. Put simply, the most common basic questions of political theory centre on legitimate distributions of power and resources. Even if the key concern happens to be the interests of the individual, an individual can only make a legitimate claim

to their share, by virtue of their membership as part of some community that is able to provide or underwrite benefits or burdens to begin with—whether the community is understood as state-based, substate, transnational, or universal.

That communities in general are of central concern is clear. The precise nature of community, however, is decidedly less so. Much has been written, and with little consensus, regarding how to properly define the concept of community. Ferdinand Tönnies' classic distinction between *Gesellschaft* and *Gemeinschaft*—between a mere society or association, possibly bound by pure self-interest, and the concept of a community bound by genuine identification with and concern for other members of the group—is a possible starting point (Tönnies, 1887; 1957). In recent decades more emphasis has been placed on identifying the kinds of group characteristics that are necessary and/or sufficient to establish a stable modern political community. A liberal approach, for example, might emphasize a shared sense of justice (Rawls, 1971, 1999), a sense of 'constitutional patriotism' or allegiance to common legal/political institutions (Habermas, 1998), or the existence of a 'societal culture' entailing shared language, histories, and legal/political institutions in a particular territory or homeland (Kymlicka, 1995). Alternatively one might endorse a more republican emphasis on face-to-face relationships based on reciprocity and a sense of shared identity and common values (MacIntyre, 1984). Or, put another way, one might emphasize the ontological value of community as a relationship among members that affords a sense of mutual recognition of intersubjective identities (Taylor, 1994). Still others might understand community in terms of the relational networks formed around

kinship, religion, and ideology that come together, more or less organically, to form a 'civil society' (Walzer, 1997). The list could go on.¹⁴

My particular aim here, however, is not directed at identifying specific necessary or sufficient features of community. Rather, the emphasis is on the *functional* definition of community relative to the idea of legitimate authority and, therefore, defined as a 'community of belonging', or *a group whose qualitative features work together to engender a sense of belonging amongst its members that is robust enough to incur uncoerced mutual obligations—that is, to give moral force to the benefits and burdens associated with membership—and to maintain the unity of the group*. Whether and to what extent this entails a shared sense of justice, adherence to common values, shared history, shared identity, etc., is not the primary concern. Any combination of these kinds of qualitative features in various magnitudes may suffice to create the sense of belonging that is necessary to incur obligations among members and maintain the unity of the group. This is not to say that there exists a fixed ideal type or threshold of community at which point a group graduates from a mere association to a genuine community. Emphasis on the functional nature of community directs attention to the observable outcomes (uncoerced obligations and the unity of the group).

It should be emphasized that this is meant to offer a descriptive account of modern citizenship generally speaking and does not carry with it a normative argument regarding the particular kinds of interests that bind a community together. It is not immediately relevant, for example, if said interests are based on liberal values (e.g. individual autonomy,

¹⁴ For an expansive analysis of conceptions of community in political theory see Mason, Andrew. 2000. *Community, Solidarity and Belonging*. Cambridge: Cambridge University Press.

protection of private property) that may produce sufficient levels of 'constitutional patriotism' to maintain uncoerced mutual obligations amongst the group's members, or whether these interests are more communitarian or republican in nature. The normativity enters in as a function of the relationship between community and legitimate authority (which I explain further below), the key point being that the community of belonging is an *uncoerced* community that is willing to take on the responsibilities, as well as the benefits, of membership due to some sense of mutual obligation. As such, just as any selection of the commonly discussed features may combine in various magnitudes to form a community, the strength of that association will necessarily obtain in degrees resulting in relatively stronger or weaker senses of mutual obligation and solidarity.¹⁵

The term 'community of belonging', then, describes the functional nature of the concept. As such, a community of belonging can be judged more or less robust with reference to its tendency to uncoercively incur more or less enduring senses of mutual obligation and unity. Further, when such a community understands its shared belonging as entailing common allegiance to a unique set of political and legal institutions¹⁶, the community may then be understood as a *political* community. Thus, the idea of 'political

¹⁵ This point echoes Mason's argument that "[c]ommunity comes in degrees". However, there is a key distinction here in that this observation leads Mason to suggest that we must judge "whether members of a group share enough values, whether they participate in a way of life that is sufficiently encompassing, whether they identify sufficiently strongly enough with the group, and whether there is sufficient agreement amongst them concerning who counts as a member of the group" (*op cit.*: 25-26). My functional definition requires no such itemized judgment of specific features. Rather the focus is on the extent to which the dynamics of a given community produce outcomes that incur uncoerced mutual obligations and maintain unity.

¹⁶ 'Institutions', are understood here in a broad sense so as to include a spectrum of modes of governance and societal norm construction/maintenance (See, for example, Miller, Seumas, "Social Institutions", *The Stanford Encyclopedia of Philosophy* (Winter 2014 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/win2014/entries/social-institutions/>>. As will be demonstrated in Chapter 5, political and legal institutions need not entail the formal entities that are common to Western societies, for example, a Supreme Court, or Parliament.

belonging' is used broadly to indicate the sense of belonging to a community where shared legal and political institutions function to both distinguish the community from other political communities and to mediate relationships within the group. Community, then, is an inherently normative concept precisely because the unity and mutual obligations that define it are, ultimately, uncoerced. Thus, to say something about a community of belonging in general, and political community in particular, is to say something about the legitimacy of the shared authority relative to the community itself.

The concept of 'authority' is no less complex than 'community'. Indeed, constructing a model of citizenship that can effectively mediate between Indigenist and Western conceptions of community and authority adds a particular complexity in that it must allow for a distinction to be made between legitimate authority and the instruments, jurisdictions, and actors that represent the scope of the authority—that is, between the legitimate *exercise* of authority and the legitimacy of the scope or jurisdiction of any authoritative *entity*. Thus, I define authority in terms of its general function as *that which underwrites mutual obligations within a community of belonging*. As such, this model engages the concept of authority as both a normative 'right to rule' and as an entity (whether individuals or institutional/justificatory frameworks) with an associated jurisdiction. In any conception of citizenship where uncoerced compliance regarding mutual obligations is an integral feature, the concept of authority must entail both features—there must be some entity that is seen as legitimately underwriting the obligations within the group.

Legitimate authority in this first sense, as a normative concept, is often understood in Western thought in terms of the distinction between *de jure* and *de facto* authority.¹⁷ Here *de jure* represents authority as a right and "presupposes some sort of legal entitlement, whereby it may be determined who shall have this particular right" and *de facto* indicates the bare fact of an authoritative entity's capacity to elicit a kind of allegiance involving "deference or respect or trust", whether the 'right' exists or not. Both of these forms of authority are distinguished from brute power which achieves compliance regardless of a subject's sentiment and strictly through "the threat of punishment or offer of reward" (Friedman, 1990: 60-63). Put another way, because *de jure* authority presents authority as an acquired right it can be properly understood as a normative notion, or as legitimate authority, and *de facto* authority as a non-normative or purely descriptive notion (Christiano, 2013).

Since the problem currently under consideration pertains specifically to the relationships between the members of political communities and political authorities in general, the focus here is on the normative sense of political authority, that is, on the ideal of legitimate political authority, rather than *de facto* authority or brute power. Legitimate political authority stands as a distinct category in that it entails a right to rule broadly speaking according to which the source of an authoritative entity's (e.g. the state's) ability

¹⁷ The distinction between *de facto* and *de jure* authority is not universally endorsed. Thomas Hobbes, for example, argued that any *de facto* authority—that is, any authoritative entity that is able to maintain public order and secure compliance—is legitimate (*Leviathan*). However, I maintain the distinction here because a *de jure* or normative sense of authority (i.e. legitimate authority) allows for a greater sensitivity to the means by which order and compliance are achieved. As such, the focus is on the relationship between the authoritative entity and those subject to it rather than a purely descriptive account of an entity's ability to maintain order and secure compliance.

to achieve compliance is the explicit topic of normative scrutiny (Christiano, 2013; Dworkin, 1990; Raz, 1995).

Put another way, 'compliance' might stand as an indicator of either *de jure* (normative) or *de facto* (descriptive) authority as well as brute force. What matters from a normative standpoint is the source of the compliance—whether this is the result of a justified sense of obligation or the threat of sanction. Understood in this way, *de facto* authority represents the general case where allegiance or deference obtains whereas a classification of *de jure* or legitimate authority requires some argument referencing the normatively defensible processes by which that allegiance or deference is achieved. In this sense, for political authority to be considered legitimate, the capacity to underwrite distributions of benefits and burdens within society must rest on justifications that are morally persuasive to the members who are expected to comply. Legitimate authority, then, represents a justified 'right to rule' and, as such, necessarily implies a justified (uncoerced) obligation to comply with the authoritative entity's directives.¹⁸ While it is generally accepted in Western thought that any large-scale society necessarily demands some level of coercion to achieve broad compliance, it is also clear that as the need for coercion increases, legitimacy decreases: coercion and legitimacy stand in an inverse relationship to each other. As such, because the model that I am proposing begins with a descriptive general account of Western citizenship, I rely here on the typical understanding of legitimate political authority—or the justified capacity to achieve compliance regarding

¹⁸ Ronald Dworkin states this point rather succinctly: "A state is legitimate if its constitutional structure and practices are such that its citizens have a general obligation to obey political decisions that purport to impose duties on them. An argument for legitimacy need only provide reasons for that general situation" (Dworkin, Ronald. 1990. "Obligations of Community". In *Authority*. Edited by Joseph Raz. New York: New York University Press. 218-239: 219).

the provision and distribution of benefits and burdens—as resting on the persuasiveness of the justifications offered and the democratic procedures by which this persuasiveness is measured. It is important to keep in mind, however, that the generalizable concept of authority remains tied to the foundational definition as 'that which underwrites mutual obligations'. The preceding discussion of legitimate authority simply explains how Western theory ideally purports to fulfill this function by optimizing persuasion and minimizing coercion.

The second way that I use the term 'authority' is to indicate the particular entity to which the 'right to rule' is attributed. This stipulation works to move beyond questions of how to legitimize a given entity's or authoritative framework's exercise of its capacity by directing the analysis to the prior question of the legitimacy of the mere existence of an authoritative entity as representative of the polity within its jurisdiction. This may seem an unnecessary stipulation since when we refer to legitimate authority we are usually speaking to the methods of legitimation (public justification, consent, democratic participation, etc.) which take for granted that there is an authority—that is, an authoritative entity—whose capacity to impose obligations or compliance must be legitimated. Yet while contemporary citizenship theory emphasizes the relationships of various individuals and groups to given authorities, it rarely addresses the prior question of whether the positioning of the authoritative entity itself—usually understood as the state—is legitimate to begin with. This is a key oversight from the perspective of postcolonial citizenship where the assumed structure and jurisdiction of the entity (usually

the state) is considered illegitimate.¹⁹ In fact, failing to engage the idea of authority as an authoritative entity to which the right to rule is attributed serves to derail any postcolonial rendering of citizenship by framing the debate in terms of the proper processes or principles necessary to render a *given* institutional framework legitimate.

However, from the perspective of many Indigenist leaders and scholars, no amount of consent to, or public justification of, principles of justice nor democratic procedure will serve to legitimate the position of a colonial authoritative entity, and with it, the assumed jurisdiction over colonized peoples.²⁰ Thus, when I refer to the original *constitution* of legitimate authority, I am literally referring to the coming into being of the authoritative entity itself rather than simply the procedures by which a given authority achieves legitimacy. In sum, drawing attention to the authoritative entity in this way adds a layer of complexity to the ideal of legitimate authority, indicating that political legitimacy in general requires two levels of analysis with respect to (i) the moral persuasiveness of the justifications and procedures regarding the distributions of benefits and burdens within society, and (ii) the moral persuasiveness of the arguments defending the structure and jurisdiction of the entity to which the right to rule is attributed.

¹⁹ One might also consider particular leaders as authoritative entities whose directives are considered legitimate commands. However, my focus is on the liberal democratic context according to which it is the position of the particular individual within the institutional framework that lends legitimacy to given directives. It is, therefore, the framework and not the individual(s) within it that represent the authoritative entity.

²⁰ It may seem counterintuitive to suggest that actual participation in practices of public legitimation of given entities does not, in practice, secure the authority's legitimacy. However, as I discuss in the later chapters, when a given entity holds a monopoly on political authority, the coercive feature of public legitimation must be recognized, for to abstain from participating in any liberal democratic system is to marginalize oneself or one's group and thus to undermine the individual's or group's ability to share in the benefits and burdens associated with the territorial state.

Given these basic stipulations, we can now address how community and authority come together in a recursive relationship to comprise the referent. In the briefest terms, the referent represents that which is appealed to (or referred to) in any citizenship claim. The framework that I am proposing is rooted in the idea that any analysis of citizenship necessarily entails (implicitly or explicitly) an analysis of the referent, understood as the constitution of the relevant community of belonging, the associated authority (understood as both the right to rule and the authoritative entity), and the recursive interactions between the two. Highlighting the recursive relationship draws attention to how the two features of community and authority are understood as mutually constitutive elements of citizenship. This means that, on the one hand, any legitimate political authority requires the existence of a community that shares some measure of collective recognition of its legitimacy—that is, of their obligation to comply with the authority's directives regarding the mutual obligations within the community. On the other hand, the recursivity is evident given the fact that, for a community to exist at all, a collection of individuals must display some common adherence to an authoritative justificatory framework that can coordinate disparate values, desires, perspectives, etc. in such a way as to sustain a cohesive community of belonging and underwrite mutual obligations between the members of the community. That is, while a community is defined functionally as a group characterized by a level of mutual obligation sufficient to maintain unity and solidarity, any such association necessarily requires some common framework that gives the mutual obligations moral force. Such is the complex nature of recursivity: communities and authorities are both cause and effect of each other in any legitimate citizenship regime.

This adds yet another layer of complexity to the ideal of legitimate authority as described above. In such a system, obligations occur simultaneously at two levels—between the members of the community and between the members and the authority. Ideally, then, legitimate authoritative legal/political institutions and actors represent "official or formal organs of the community" and choosing to obey them normally "expresses one's identification with the community" and demonstrates that the "obligation to obey ... is part of a duty of loyalty to one's community" (Raz, 1995). In the context of citizenship where incurring obligations regarding the benefits and burdens of membership is a key feature of analysis, the 'right to rule' must be understood in terms of the authoritative entity's capacity to provide benefits and impose burdens on members through some justificatory logic of mutual obligation among the members of the group (Raz, 1995; see also Christiano, 2013; Dworkin, 1990; Friedman, 1990). This may seem to be in tension with the initial representation of legitimate authority described above as requiring justifications for (i) an authority's directives and (ii) the authority's existence as such. However, the tension is relieved if we consider that this communal aspect is integrated into this rendering of legitimate authority by offering guidelines regarding the kinds of justifications that are considered to be morally persuasive. To fulfill this role in a liberal democracy, such arguments must ultimately appeal to the shared sense of mutual obligations amongst the members of the community.

The referent, then, is generated via the complex linkage between community and authority and is presented as a mutually constitutive circle: for a community of belonging to exist at all there must be some generally accepted legitimate authoritative justificatory

framework (formal or informal) that serves to mediate relationships within the group by offering moral valuations or narratives regarding the combination of factors (shared histories, values, senses of justice, etc.) in a way that fosters a sense of belonging robust enough to compel mutual obligations and solidarity among the members; however, for legitimate authority to exist, it requires the uncoerced compliance of a community of belonging that, due to the shared sense of mutual obligation among members, defines and underwrites the directives regarding the benefits and burdens associated with membership. Put another way, legitimate authority compels adherence to certain relationships/obligations within a community of belonging while the community of belonging manifests those obligations by constituting and reinforcing the authority, thus completing the mutually constitutive circle (see Figure 1). As such, a community of belonging is highlighted as the essential feature for a legitimate citizenship regime. Indeed, it is no surprise that nation-building, or the need to instill 'citizenship virtues', maintain unity, and engender belonging (Banting et. al., 2007; Kymlicka, 1992), are the central preoccupations for citizenship theorists in culturally/nationally diverse states such as Canada—a community of belonging is essential to the state's legitimacy and stability (see Chapter 1).



(Figure 1: The Referent)

In short, we are now in a position to offer a definition of citizenship derived from this recursive understanding of the referent:

To be a citizen is to constitute oneself as a member of a community of belonging and, in so doing, to affirm the authoritative framework that lends moral force to the obligations that follow from membership;

or, alternatively:

To be a citizen is to affirm the authoritative framework that lends moral force to the obligations that follow from membership and, in so doing, to constitute oneself as a member of a community of belonging.

2.3 What is 'Colonial' About Western Citizenship?

As mentioned above, the basic idea of the referent is intended to act as a neutral framework that can accommodate dominant and postcolonial conceptions of citizenship. The preceding section draws from this framework to describe how the key features of the referent are understood according to a Western ideal of citizenship. While the particulars may change based on political/philosophical tradition, the stipulated *functional* definitions of community and authority remain consistent and generalizable—communities remain groups bound by uncoerced mutual obligations and authority remains that which underwrites the obligations. Thus, the proposed framework acts as an analytical guide, encouraging an analysis of how both colonialism and critical Indigenist thought presuppose distinct conceptions of both community and authority, thus producing both colonial and postcolonial renderings of the referent.

However, to counterpose a conception of *postcolonial* citizenship to dominant ones is to imply a critique of some essentially *colonial* features of dominant forms of citizenship that are harmful or unjust and that this requires a postcolonial response. In this section I clarify the nature of the postcolonial critique by narrowing the focus to contexts of *settler colonialism*, examining how settler colonialism functions as a foundational ideology that predetermines particularly colonial forms of community and authority, and how these

conceptual constraints necessarily lead to harmful or unjust relations. Here I argue that the 'wrong' of settler colonialism is rooted in the presumed legitimacy of anthropocentric domination that enables a Western ontology of space and the imposition of territoriality and relationships of domination in general.

There are at least two ways to understand the idea of colonialism. The most common usage follows the Oxford English Dictionary's definition of colonialism as "[t]he policy or practice of acquiring full or partial political control over another country, occupying it with settlers, and exploiting it economically" (2014). While it is important to examine colonialism in terms of the various practices or strategies used to dominate, dispossess, and exploit, a thorough account of what colonialism is and how it functions requires more. That is, a deeper analysis must also consider the underlying justificatory logics that render such colonial practices legitimate in the first place and continue to provide legitimacy to the settler colonial state. As such I also rely on an understanding of colonialism as an 'ism'—that is "the theoretical or ideological framework by which ... colonization is justified" (Arneil, 2012b: 491-492). Thus, a postcolonial project is more than an attempt to challenge unjust practices, it is an explicit attempt to understand and challenge the underlying colonial logics that justify colonial domination in order to learn about and express how we might think differently about politics in general. Postcolonialism, in this sense, is about fundamentally challenging and thinking beyond colonial ideologies.

This gets us closer to the heart of the matter, but we still need greater precision regarding the specific features of colonialism that a theory of postcolonial citizenship seeks

to challenge or move beyond. There are several usual suspects—the assumed legitimacy of capitalist expansion and exploitation of labour and the environment; the belief in European cultural and racial supremacy that justified colonialism as a legitimate 'civilizing mission'; and patriarchal, hierarchical, centralized, and imperial authority are all commonly critiqued features of colonialism that readily spring to mind. While all of these features are relevant to some extent to a theory of postcolonial citizenship, the specific aim of this project is to uncover how the underlying foundational logics that generate colonial conceptions of citizenship enable the domination of Indigenous peoples and the appropriation of Indigenous lands and, in so doing, foreclose possibilities for the self-determination of Indigenous peoples and for acceptable modes of coexistence between Indigenous and Settler societies.

Thus it is helpful to qualify the specific type of colonialism under examination as *settler colonialism*. Settler colonialism defines a particular ideological perspective that underwrites settler colonization and its own unique set of colonial practices. The outcome remains consistent—a colonial state controls, occupies, and exploits foreign peoples or lands in varying degrees—but the strategies and logics by which these outcomes are achieved are distinct. As Lorenzo Veracini argues, a settler colonial situation is the product of the combination of two forms of colonization—"a political body ... is dominated by an exogenous agency, and an exogenous entity ... reproduces itself in a given environment" (2010: 2-3). The reproductive feature of settler colonization is key to understanding its distinctiveness. Rather than establishing colonial outposts in order to control people and territory for a time, settler colonial practices involve permanently planting "autonomous

collectives that claim both a special sovereign charge and a regenerative capacity" (Ibid.: 3). This is more than exploitation by an exogenous entity—it is the implantation of an exogenous entity that reproduces an exogenous sovereignty that mirrors the political/societal structures of its origins yet claims its own autonomy and jurisdiction over the colonized lands and peoples.

In order for the settler colonial practices of planting and reproducing to succeed, two key conditions must be met: on the one hand, the existing peoples must be removed, "[s]ettlers, unlike other migrants, 'remove' to establish a better polity" (Ibid.: 4); in addition, an alternative society, economy, and legal/political institutional framework must be established in its place. Patrick Wolfe describes this general settler colonial tendency as 'the logic of elimination' (2006; 1999; 1994), recognizing that a key feature of settler colonialism's distinctiveness is that "[s]ettler colonialism destroys to replace" (2006: 388). Removal/destruction and replacement are not necessarily discrete, complete, or chronological practices. In Canada, for example, colonial administrators past and present have engaged in a variety of strategies aimed at "the complete disappearance of the Indigenous problem: that is, the disappearance of the Indigenous peoples *as* free peoples with the right to their territories and governments" (Tully, 2008a: 262). These strategies range from earlier blatant attempts to cause extinction (through actual death) or, in more contemporary times, through legislating the loss of Indigenous legal identity through marriage, to the legal attempts to extinguish Indigenous rights to their lands, to the re-education of Indigenous peoples in residential schools such that they lose any sense of their particular distinctiveness, to attempts to legislate the incorporation of Indigenous

individuals and groups through various schemes of individual and group citizenship rights (Ibid.: 262-264).

Similarly, Wolfe argues that in Australia "the logic of elimination, most crudely manifest in the initial massacres, has persisted into the present by way of a number of strategic transformations" evidenced, for example, in the strategies by which the settler-colonial state offers avenues for improved welfare that require Aboriginal peoples to accept the state's authority and jurisdiction—a "twin-track strategy that seeks to protect the territorial basis of the settler-colonial state by limiting concessions to the welfare area" (Wolfe, 1999: 204-205). In short, early overt genocidal practices gave way to coercive assimilative/integrative approaches. The intended outcome, however, remains the same. The end goal is to eliminate an alternative and competing Indigenous sovereignty within the boundaries claimed by the settler state. Where the elimination is not complete, domination continues in forms of continued exogenous pressure to control Indigenous lands and societies. An analysis of the logic of elimination offers valuable contributions to the project of identifying the core ideological underpinnings of settler colonialism.

For Wolfe, the analysis leads him to identify modern *territoriality* as the key fundamental impulse. However, as I argue below, I think that shedding light on the underlying belief in the legitimacy of *anthropocentric domination* is logically prior to territoriality and that this takes us closer to the root of the ideological impasse between Indigenist and Western conceptions of citizenship. First, however, the link between territoriality and the logic of elimination must be drawn out.

The modern concept of territoriality is defined by Robert Sack as "the attempt by an individual or group to influence, affect, or control objects, people and relationships by delimiting and asserting control over a geographic area" (1986: 56). From this perspective, territory is understood as a container for "socially or economically valuable artifacts" (Sack, 1983: 59) and the domination or control of territory (e.g. through the establishment of state boundaries or private property) is essential to the control of its contents. As such, "territoriality conceptually separates place from things" thus enabling the idea that the contents of a geographical area—the 'things'—can be legitimately manipulated, removed, and recombined to suit the needs of the entity that claims control. That is, territoriality enables the understanding of geographical area as "emptiable space" (Sack, 1986: 34). Sack's full theory of territoriality is complex but there are two fundamental features that are centrally relevant to the analysis of settler colonialism: the clear distinction between a geographical area and the contents (structures, people, flora, fauna, resources, etc.); and the idea that these contents, once conceptually distinguished from the area itself, can be legitimately controlled (and eliminated) by claiming control or jurisdiction over the defined geographical area—controlling boundaries legitimates the control of the objectified contents.

For Wolfe, "[t]erritoriality is settler colonialism's specific irreducible element" and it is linked to the logic of elimination by virtue of the observation that "the primary motive for elimination is ... access to territory" (2006: 388). But access to territory does not automatically demand the elimination of those already occupying it and this is why I think we need to dig deeper. That is, the key question must address *why* territoriality demands

elimination as a particular strategy. Wolfe provides some explanations that are common within the literature on settler colonial justifications:

The answer that springs most readily to mind is agriculture, though it is not necessarily the only one. The whole range of primary sectors can motivate the project. In addition to agriculture, therefore, we should think in terms of forestry, fishing, pastoralism and mining. ... With the exception of agriculture, however (and, for some peoples, pastoralism), none of these is sufficient in itself. ...

Agriculture not only supports the other sectors. It is inherently sedentary and, therefore, permanent. In contrast to extractive industries, which rely on what just happens to be there, agriculture is a rational means/end calculus that is geared to vouchsafing its own reproduction, generating capital that projects into a future where it repeats itself (hence the farmer's dread of being reduced to eating seed stock). Moreover, as John Locke never tired of pointing out, agriculture supports a larger population than non-sedentary modes of production. In settler-colonial terms, this enables a population to be expanded by continuing immigration at the expense of native lands and livelihoods (Ibid.: 395).

Here it is the settler colonial mode of production—more specifically, the *capitalist* mode of production—that offers a key explanation. From this perspective, it is a short leap to suggest that territoriality necessitates elimination as a direct result of the imported economic and subsistence practices of the colonizers who are claiming territorial control.

The key contrast that Wolfe draws here is between a capitalist mode of production that can reproduce itself on a given territory (sedentary agriculturalism) and the modes of production (e.g. hunting/gathering) that require movement across space. But, as Wolfe notes, if this is taken as a complete explanation, then the reasoning imposes a false caricatured polarity between the sedentary settlers and the nomadic Indigenous and does not explain why the logic of elimination extends to Indigenous peoples who are also agriculturalists (Ibid.: 396).

To address this, Wolfe posits an alternative polarity: individualism versus collectivism. The key characteristic of those that require elimination is their "... collectivity. Tribal land was tribally owned—tribes and private property did not mix. Indians were the original communist menace" (Ibid.: 397). In this regard, Wolfe's analysis provides a convincing argument for how the logic of elimination also functions through the practice of assimilating Indigenous individuals into the settler society, thus eliminating the original Indigenous collectivity. However, although this adds an explanatory dimension, we still do not have a complete answer. That is, it does not hold that collectivity as such necessitates an eliminatory response. Indeed, settler states have long allowed collective ownership of land and collectivities such as Hutterite, Mennonite, and Jewish colonies to exist and flourish within their boundaries even if there is considerable tension in maintaining these kinds of communities within a state founded on private property (Arneil, 2012a.) More is needed if we are to fully understand how territoriality necessitates the elimination of Indigenous peoples in settler colonial contexts.

A closer look at the economic nature of the competing collectivities adds important details to the emerging picture. A key argument throughout this dissertation is that the conceptual disconnect between Indigenist and Western conceptions of citizenship follows from foundational philosophical differences between these worldviews, broadly speaking. In general terms this can be understood in terms of the distinction between anthropocentric and ecocentric philosophies. If Indigenist ecocentric philosophies seek to develop nondominating and nonexploitative relationships with all of the natural world (see Chapter 5 and below), then the capitalist mode of production, which is fundamentally about dominating and exploiting the natural world for human ends, presents a profound contradiction foreclosing possibilities for coexistence. Indeed, the strategies of elimination already listed include strategies to transform Indigenous economies by, for example, instituting regimes of private property and opening up Indigenous lands to resource exploitation. While this is often couched in terms of a benevolent state-sponsored enabling of Indigenous peoples to participate economically with the settler state, it is also clear that capitalism sets the limits of what this entails ensuring that "any institutionalized accommodation of Indigenous cultural difference be reconciled with ... *one* mode of production—namely capitalism" (Coulthard, 2014: 66).

Moreover, understanding the imposition of capitalist practices as a component of a strategy of elimination requires some understanding of how Indigenous modes of production reflect alternative worldviews that are fundamentally constitutive of Indigenous peoples *as such*. Imposing capitalist relations of domination between Indigenous peoples and their lands compromises the very fabric of Indigenous societies

and threatens to destroy their ability to maintain themselves and their lands now and into the future. Thus, the blunt statement following from a thorough analysis of the multidimensional impact of capitalism on Indigenous peoples: "For Indigenous nations to live, capitalism must die" (Ibid.: 173).

This brief consideration of capitalism illustrates the initial contention that I began with at the outset of this section—that the 'wrong' of settler colonialism is rooted in the presumed legitimacy of *anthropocentric domination* that enables a Western ontology of space and the imposition of territoriality and relationships of domination in general. In this sense, while capitalism is clearly a strategy of domination, it should also be seen as a *manifestation* of a prior logic of anthropocentric domination. Put simply, capitalism requires a prior acceptance of the legitimacy of the idea that the natural world exists for the benefit of humans and not only *can* be but *ought* to be mastered by humans. Thus, while the dispute may, on the one hand be rightly described as one between competing modes of production, this does not get at the ideological foundation of the contradiction. In this regard, I contend that an acceptance of the legitimacy of *anthropocentric domination* is the fundamental ideological feature of settler colonialism that provides the missing link between territoriality (and capitalism) and the logic of elimination. That is, it is not enough to understand territoriality as a particular strategy of control. A thorough understanding of the link between territoriality and the logic of elimination requires an appreciation of the nature of said control as characterized by both domination and anthropocentrism.

The concept of anthropocentric domination, as I present it here, entails two key features: first, as a form of domination, it entails the exercise of arbitrary authority as such,

most commonly understood as a form of *intra-human* domination or the domination of individuals or groups of humans over other individuals or groups of humans; second, the anthropocentric qualification serves to draw attention to the fact that most political theorizing of domination fails to consider the moral relevance of domination over the non-human world. We can understand domination in general terms (intra-human and anthropocentric) as "arbitrary or uncontrolled power" (Lovett, 2014), whether this exists in actuality or as a potential: "What constitutes domination is the fact that in some respect the power-bearer has the capacity to interfere arbitrarily, even if they are never going to do so" (Pettit, 1999: 63). In this regard settler colonial practices that impose political, economic, and legal orders clearly represent instances of domination. Indeed, as Tully convincingly argues with respect to the colonization of Turtle Island, "[t]he relevant institutions of the US and Canada constitute structures of domination ... because they are now relatively stable, immovable and irreversible vis-à-vis any direct confrontation by the colonized population" (2008a: 259). As such, many Indigenous peoples are forced to struggle for the survival of their societies by engaging the legal and political structures of the settler society that were imposed upon them without their consent and against their wishes.

That settler colonial practices of arbitrarily imposing legal, political, and economic systems are instances of intra-human domination is plain enough. Alternatively, how domination—or more specifically, anthropocentric domination—links territoriality and the logic of elimination requires further explanation. First, recall that territoriality is a strategy aimed at controlling people, resources, etc. by controlling geographical area. In settler

colonial contexts, an exogenous entity exerts arbitrary control over people, flora, fauna, resources etc. by exerting arbitrary control over geographical area. Thus, at least insofar as it is a feature of settler colonialism, territoriality exists as a strategy of domination. In settler colonial contexts territoriality and domination are inseparable.

Once territoriality is understood as a strategy of domination, the link to the logic of elimination is more readily drawn. That is, domination is by its very nature exclusive. Power cannot be effectively uncontrolled or arbitrarily imposed while either facing an entrenched and principled resistance to its claim of authority or while remaining subject to the authority of another entity that claims the same privilege. In this regard Wolfe was correct in identifying the *permanence* of Indigenous agriculturalists as eliciting an eliminative response (2006: 396). But it was not solely, as he argued, the permanence of agriculturalist or communist-like collectivities that was the problem. Instead, it was the permanence of an entity that represented a competing sovereignty—complete with alternative political, legal, and economic systems/modes of production—within the geographical area that was to be dominated.

Hutterites and Mennonites, for example, may have been collectives but they nevertheless fit within the overarching framework of imposed sovereignty, accepting the ultimate authority of the settler state and its overarching political and economic system. The fact that many Indigenous peoples did not (and do not) accept the ultimate authority of the colonizing state to determine their political and economic systems is what makes their coexistence unacceptable. Further, this illuminates the understanding of elimination introduced above. The logic of elimination does not automatically necessitate the genocidal

removal or physical relocation of a collective entity. The logic of elimination can achieve its aims by transforming a sovereign collective entity—that is, an entity that by its very nature resists the domination of an exogenous sovereignty—into a collection of assimilated individuals or a subordinate (non-sovereign) internal collectivity.

Following this, understanding territoriality as anthropocentric domination is at once straightforward and more complex. On the one hand, territoriality exists as a strategy of imposing boundaries in order to control the contents of the imposed boundaries. It is straightforward to appreciate that the contents are both human and non-human and that, as a strategy of domination, territoriality enables the domination of human authority over the non-human world. On the other hand, the very act of arbitrarily imposing boundaries that circumscribe geographical area is itself an act of anthropocentric domination. To draw a territorial line bisecting a mountain range, a river, a forest, or a prairie is, in effect, to assume the legitimacy of a human authority to arbitrarily separate a river or grassland into 'inside' versus 'outside'. Such circumscription is relatively conceptually unproblematic if one accepts the anthropocentric view that the non-human world exists as a conglomeration of discrete resources or goods available for legitimate exploitation for human ends.

This culturally specific conception of legitimate relations to geographical area is what I define as a Western ontology of space. This is similar to Avery Kolers' description of an 'ethnogeography' as a "culturally specific conception of ... what land is, what about it is valuable, how humans interact with it" (2009: 3), but with key differences that follow from a sensitivity to the profound differences between Indigenous and Western conceptions of land and demonstrate how pervasive Western logics are in this regard. As Kolers argues,

most theorizing regarding territory and the adjudication of jurisdictional disputes over land fails to appreciate the diversity of views regarding land, its value, and appropriate ways of relating/interacting with it: "Mainstream political theory since Locke has inherited the Anglo-American ethnogeography, according to which land is wholly passive, and worthless without human valuation" (Ibid.: 68).

Koler's insight is that he rightly identifies the problematic universalization of the culturally specific Lockean conception of land and its value. Where his approach fails with respect to Indigenous perspectives, however, is that his expanded sense of what gives value to land retains the anthropocentric objectification of land as a collection of materials that are only valuable in instrumental terms. For example, he argues that there are three basic ways that land is valuable: as providing physical space for humans and our belongings and projects; as providing resources for humans to use for subsistence and self-expression; and as an integral part of the global ecosystem upon which humans rely for our very existence. His conclusion in this regard: "All the value of territory is built on these three foundations" (Ibid.: 8).

Moreover, territoriality, as a form of anthropocentric domination, remains out of focus through this particular critical lens. He is rightly critical of the territorial assumption that geographical area is 'emptiable space' and draws our attention to an agrarian account of 'plenitude', suggesting that where a "city-dwelling traveller sees emptiness", someone who has a deeper sense of the diversity and vibrancy of the natural environment would see "plants, animals, processes, and places that he understands" (Ibid.: 113-114). However, this alternative sense of value is, nevertheless, constrained by the deeper underlying

assumptions of territoriality—anthropocentric domination—that shapes Kolers entire analysis. As such, these alternative sensitivities to places are, nevertheless, products of alternative modes of domination:

To make a place out of mere space is to bound it, to subject it to in/out of place rules, and to control, to some degree, the flows within and across its borders.

Plenitude extends this bounding and controlling (Ibid.).

Indeed, Kolers states that these culturally specific conceptions of land are "ontologies of land" (Ibid.), but even while naming these as 'ontologies', he fails to appreciate how deep ontology runs and fails to attend to the profound differences between Indigenous and Western perspectives in this regard. By emphasizing ontology and shifting from Kolers' ethnogeography to an 'ontology of space', I am drawing attention to a deeper ontological value of land that is missed by Kolers' analysis. I expand on this in Chapter 5, but it should be understood that this conception of land is one that moves beyond its instrumental value and, indeed, beyond understanding land as simply 'space' and 'material'. This is not to say that land does not *also* have subsistence or instrumental value. However, as many Indigenous scholars argue, land is especially valuable because of the reflexive, reciprocity-based relationships that can be developed with it, how this is fundamentally constitutive of Indigenous lives and political/legal systems, and what this can teach us about living well and fulfilling our obligations to all beings, human or

otherwise (see, for example, Coulthard, 2014; Henderson, 2000; Ladner, 2000; LaDuke, 1999; Little Bear, 2004)

It is also important, at this point, to highlight the key semantic differences between 'land' and 'territory' —the two concepts speak to two radically different conceptions of geographical space.²¹ On the one hand, according to Indigenist thought 'land' refers to far more than simple geographical space and entails a holistic sense of all that exists within this space (e.g. humans as well as animals, trees, rocks, rivers, etc.) and assumes nondominating, reciprocity-based relationships amongst all these entities. Moreover, as I expand upon in Chapter 5, the foundational ontological value that land has for Indigenist humans follows from the nature of the relationships that are developed with it. In this regard, land can be understood "*as a system of reciprocal relations and obligations* [that] can teach us about living our lives in relation to one another and the natural world in nondominating and nonexploitative terms" providing an all-encompassing ethical foundation for relationships in general (Coulthard, 2014: 13). In this sense, "the land is the very source of Aboriginal being" (Little Bear, et al. 1994: 59).

'Territory', on the other hand, already implies an objectification of 'contents' that are solely of instrumental value and, as we've seen, already denotes relationships of domination. The idea of 'territoriality' is commonly deployed in modern thought (including

²¹ Of course, these terms are often used interchangeably by Indigenist and Western scholars alike. However, I would argue that this is so precisely *because* the concept of territory and how it discursively imposes and reinforces settler colonial logics has not been adequately theorized and problematized. A notable exception in this regard is Paul Nadasdy's work regarding how Indigenous peoples in Canada are often forced to defend their land within the horizons offered by the given/dominant Western discourse. 'Territory' and 'territoriality' are clear examples of the imposition of foreign and inadequate terms (See Nadasdy, Paul. Forthcoming. "Imposing Territoriality: First Nation Land Claims and the Transformation of Human Environment Relations in the Yukon." In *Perspectives on the Environmental History of Northern Canada*. S. Bocking and B. Martin, eds. Calgary: University of Calgary Press).

Kolers' analysis) in terms of the strategy to "influence, affect, or control objects, people and relationships by delimiting and asserting control over a geographic area" (Sack, 1986: 56). From this perspective, 'territory' explicitly refers to controlled geographic space and, as such, relationships of domination. At its very root territoriality rests upon the anthropocentric premise that imposing boundaries upon geographical space is legitimate to begin with. Indeed, to describe land disputes between settler colonial and Indigenous societies as *territorial* disputes, is straightforwardly question-begging and is to foreclose the kinds of nondominating solutions that might emerge from a genuine engagement with Indigenist thought.

To sum up, in this section I offer an explanation for how the neutral conception of the referent presented in Section 2.2 is transformed into a colonial referent that necessitates a postcolonial response. I argue that settler colonialism—or the ideological framework by which settler colonial practices are legitimated—provides the key underlying justificatory framework for the imposition of relationships of domination. However, I go beyond current theories of settler colonialism and contend that an underlying Western ontology of space and endorsement of anthropocentric domination exists as the key foundational ideological belief enabling settler colonialism to begin with. Although territoriality exists as the chief strategy of domination in settler colonial contexts, a prior underlying anthropocentrism enables territoriality as such.

Thus, in terms of the conceptual logic, settler colonial domination occurs in two stages: in the first instance domination is purely anthropocentric as exclusive and discrete

territorial boundaries are imposed upon geographical space;²² in the second instance, once imposed, territoriality necessarily entails the domination of both humans and non-humans as manipulable contents within the circumscribed space. Chapters 3 and 4 examine the ways in which territoriality leads to the intra-human domination of people in general and Indigenous peoples in particular by enabling the arbitrary circumscription of potential spheres of belonging and relationality and the arbitrary imposition political authority. The anthropocentric dimension is taken up in Chapters 5 and 6 where I introduce the ideal of a *universal ecocentric kinship* as an alternative foundational ideology derived from critical Indigenist thought (Chapter 5) and discuss the potential for arriving at theories of citizenship that can accommodate both anthropocentric and ecocentric modes of political organization (Chapter 6).

2.4 Theorizing Postcolonial Citizenship

If settler colonialism legitimates the imposition of a colonial referent, then what is the nature of the postcolonial response? Put another way, what is the meaning of the 'postcolonial' qualifier in postcolonial citizenship? In Chapter 5 and 6 I discuss the particular features of postcolonial citizenship in greater detail. However, at this point, it is helpful to articulate the general contours of the concept.

²² In practice, of course, boundaries are rarely imposed on geographical space alone and work to circumscribe and divide relationships among people as well—anthropocentric domination entails the domination of 'land' broadly understood (i.e.: including humans). However, the argument here is that the underlying logic requires, in the first instance, an acceptance of the legitimacy of imposing boundaries on geographical space whether or not humans exist there.

First, in general terms, postcolonialism should be understood as a way of thinking about politics that contributes to the ongoing project of decolonization. It is important to recognize, as many scholars have, that, in settler states in particular, colonialism is not over or a past historical epoch, and so postcolonialism cannot be taken to mean a new context of self-determination beyond a past context of colonial domination (Gilbert and Tompkins, 1996; Mishra and Hodge, 1994; Smith, 1999; I. Young, 2000; R. Young, 2003). Settler colonial domination persists in a variety of ways—from the continued imposition of territorial boundaries on geographical space, to the circumscription of the communities within the imposed boundaries, to the control of the relationships and practices of those (human and non-human) who are bound by the imposed circumscription. It is for this reason that the hyphen is dropped from 'post-colonial' in favour of the unified 'postcolonial' in order to draw attention to the fact that we are not speaking of something that is temporally *after* colonialism but are engaging a more nebulous concept that seeks to move beyond colonialism in the present (Mishra and Hodge, 1994). Postcolonial theory and practice, then, contribute to the project of "postcoloniality" that seeks to undo the effects of persisting colonial legacies of domination, marginalization, and subordination (I. Young, 2000).

To clarify, one might distinguish between a postcolonialism that seeks to disrupt colonial strategies of domination and to "decolonize the imagination of colonial subjects" and an *anticolonialism* that, in addition, seeks a revolutionary overthrow of the colonizer and occupation of the colonial power structures (Bruyneel, 2007: 140-146).

Anticolonialism might adequately describe the sentiment behind the struggles for

independence from British imperialism—a response in kind in order to achieve political autonomy—but postcolonialism acknowledges that the ideologies underpinning colonial political forms persist within and through the structures themselves and the relationships that they impose. Thus, while the settler society in Canada, for example, may have enjoyed some success in their anticolonial struggles, colonialism remains alive and well within the settler society and continues to dominate and oppress Indigenous peoples economically, politically, psychologically and spiritually. Moreover, it seems that the anticolonial success enjoyed by the settler society further obscures postcolonial challenges to citizenship since a key feature of this success is the entrenchment of the state-centred national identity myth according to which independence from imperial rule crystallized and affirmed the unified Canadian polity. The result is that most contemporary theory remains bound to the Canadian national narrative and postcolonial claims are, therefore, misinterpreted as hyphenated post-colonial claims—claims for forms of just inclusion into the unified and emancipated state that has freed itself from the imperial domination. Indeed, if postcolonialism in Canada, for example, is taken as implying an anti-colonial overthrow, then we are left with no alternative to the typically modern idea that a resolution must leave us with a state that exercises absolute authority within fixed geographical bounds. That is, the solutions are limited to the two options that are explicitly rejected by many theorists of critical Indigenist thought—assimilation (failure) or secession (success). In this sense, anti-colonialism may be understood as challenging exogenous domination by working toward Indigenous control of the imposed settler colonial structures. However, as the preceding examination of settler colonialism as a form of domination reveals, if the

structures themselves and the ideological foundations that legitimize them are not challenged, a successful anti-colonial overthrow removes only a layer of domination, removing the settler individuals from the positions of power—the domination inherent in the settler colonial structures and logics remains.

Thus, the kind of postcolonial project that I seek to participate in through this analysis is one that enables alternative conceptions and practices of citizenship by challenging, not only settler colonial practices, but the foundational ideologies and concepts that enable settler colonial domination to begin with. If settler colonialism can be understood as the ideology that enables and legitimizes settler colonial practices and the associated colonial legacies, then I would argue that when situated in contexts of settler colonialism, postcolonialism can be understood as a counter-ideology of theory and practice that problematizes and undermines settler colonialism from an array of sites and perspectives, challenging any of the number of ideological components of settler colonialism. The idea of postcolonial citizenship, then, explicitly problematizes settler colonial renderings of citizenship—of political authority and belonging—and is characterized by a posture of negation, resistance, and delegitimation with respect to the structures, institutions and logics that underpin settler colonial impositions of authority and polity, while also seeking to create the space for and to establish, reinvigorate, and foster alternative conceptions of political belonging and authority. In this sense, postcolonialism in settler colonial contexts implies both theory and practice. This form of postcolonialism is not simply an abstract worldview or system of beliefs, but is the product of the confrontation of traditional Indigenist worldviews with those imbedded in settler

colonialism and is, therefore, defined in part by an existential struggle against settler colonial domination in the present.

In addition, this rendering of postcolonialism is simultaneously constructive and *deconstructive*. The critical or deconstructive aspects of postcolonialism in settler colonial contexts are necessitated by the fact of settler colonial domination. Once we excavate the foundations of settler colonial logic, we find that there are foundational assumptions that are so entrenched in settler society—and canonical and contemporary Western political theory and practice in general—as to seem a matter of 'common sense'. Territoriality and anthropocentric domination present clear cases of these kinds of foundational assumptions. In this sense, postcolonialism works to uncover and problematize these foundations. At the very least, revealing the existence of territoriality and anthropocentric domination and demonstrating how these conflict with foundational normative commitments of critical Indigenist thought disproves the universality of a putatively objectively reasonable and rational Western mode of political theory and practice. Any positive or constructive attempt to articulate alternatives under conditions of political and, indeed, conceptual domination requires such critical/deconstructive complements in order to create the space for alternatives where none are/were presumed to exist. The ubiquity of settler colonialism within settler societies suggests that the positive project of establishing alternatives cannot be undertaken without a coincident struggle against the prevailing and dominating status quo.

2.5 Conclusion: Towards a Postcolonial Referent

Returning to the proposed analytical framework, we can now see that an analysis of the referent is essential to a theory of postcolonial citizenship because it locates key areas of contention, pushing us to confront the incongruency between the dominant presumption that any Indigenous practices are aimed at securing their status as minority groups of citizens of the broader state and Indigenous self-understandings of their own practices as constituting and maintaining their status as members of their own nations, not subject to foreign jurisdiction. Moreover, the proposed framework serves to caution against such presumptions. That is, if the referent is the product of the mutually dependent dynamics of an ideal, already existing, system of legitimate authority, then the failing of any one of the key elements in the mutually constitutive circle results in the failing of the system as a whole, threatening the stability of any putatively legitimate political authority and its citizenship regime.

Postcolonial citizenship introduces a context in which each these features seems to fail: postcolonial resistance may, for example, focus on existing authority *as such* as foreign and therefore illegitimate (e.g. Alfred, 2009; Turpel, 1990); the idea of belonging to an inclusive state-defined polity may be rejected (e.g. Alfred, 2009; Henderson, 2002a; Ladner, 2003); or the anthropocentric rendering of both community and authority may be cited as fundamentally incompatible with Indigenous worldviews and political systems (e.g. Boldt and Long, 1985; Henderson, 1995, 2002b; Lyons, 1984, 1985). For any of these conditions, the mutually constitutive relationship between legitimate authority and community does not obtain, either because there is no accepted authoritative framework that effectively

mediates relationships between members in such a way as to encourage a sense of belonging or because the lack of a shared sense of belonging results in a failure of mutual obligation between members. Further, my analysis of settler colonialism indicates that in terms of the relationship between Indigenous peoples and settler society, settler colonialism acts as an underlying ideological justification for the imposition of relations of domination as described above. One might say it exerts a centripetal force on the recursive dynamics between community and authority, holding the referent together despite the diversity of particular views within any citizenship regime. However, if the underlying ideological framework is rejected, then the links between community and authority fail as well. As such, I argue that in settler-colonial contexts the proposed model remains descriptively accurate but the sustainable relationships within it fail. The crucial question centres on where to locate the origins of this failure. Put another way, the problem remains how to understand the link between community and authority in a sustainable, normatively legitimate, and mutually constitutive way.

I will say more about how to conceive of this relationship in colonial contexts in Chapters 5 and 6. However, one dominant stream of Western political thought—social contract theory—provides an important starting point, namely the prior need to recognize the community which constitutes authority before assuming what that authority might be. Although these foundational theories rely on definitions of authority and community that are in tension with Indigenist definitions, their normative appeal is the idea that political authority must be constituted in relation to community. That is, the early social contract theories all offer a similar and persuasive starting point for the mutually constitutive

relationship represented by the referent—for the founders of modern political theory, the key was to be found in the constitution of the community itself. Canonical thinkers like Hobbes, Locke, and Rousseau all proclaimed the logical priority of community, arguing that any legitimate authority must have its origins in the original constitution of a community bound by some essential sense of their shared condition. The next chapter examines these theories and how they expressed what has become the most central feature of modern political theory—that legitimate authority has its origins in the people that it governs. Chapter 4 follows the engagement of foundational Western theory by examining contemporary theories of citizenship in Canada that in some form continue the Western tradition by articulating a conception of citizenship that is based on the interests of the governed. However, it is argued that worthy emancipatory aims notwithstanding, these key iterations of Western theory in general—from the Enlightenment through to the present—are bound by the background condition of modern territoriality that ultimately subverts their normative aims, reproducing the very problems they sought to resolve.

Chapter 3: Territoriality and the Foundations of Western Citizenship Theory

3.1 Introduction

The previous chapter makes the case that any analysis of citizenship necessarily implies a referent, defined as the product of the co-constitutive and recursive dynamics between a community of belonging and the associated authority. Drawing attention to the constitution of communities and authorities in this way makes it clear that, while citizenship is in part about one's *status* as a member of a political community, it is also necessarily about the constitutive *practices* that bring these communities and authorities into being in the first place.

Recall, for example, Arendt's famous assessment of citizenship as a status that carries with it the "right to have rights"—that is, it entails membership in "a community willing and able to protect any rights whatsoever" (1958: 297). This is a general point that aligns well with my key thesis that citizenship is about more than membership in a community—it is also about that community's ability or authority to underwrite obligations (that is, to protect rights). Although Arendt makes it clear that the dominance of the Westphalian system leaves stateless people vulnerable in this regard, her key insight points to the importance and function of communities *as* such and lends no normative priority to the state itself. Other theorists who assume or defend the position that citizenship denotes membership in the state implicitly or explicitly accept that the kind of community best suited to underwriting the rights and responsibilities associated with

citizenship is the kind of political community defined by the Westphalian state. Similarly, those who argue for more cosmopolitan forms of global or non-state citizenship often rely on a combination of local, international, and state polities working through their respective institutions to underwrite and interpret universal rights. Thus, any claim for rights relies upon membership in the relevant political community in order to engage the associated institutions that have the authority to provide what is claimed, or influence other authorities to respect the claimed rights. What these dominant approaches fail to account for, however, is the prior issue of the original constitution of the community, and with it, the original constitution of the associated authority. Put simply, the question of what communities and authorities are or where they come from in the first place, or what kinds of practices constitute communities of belonging and associated legitimate authorities, is left out of the analysis.

One might argue that omitting the constitutive questions is warranted since much contemporary citizenship theory, at least of the liberal-democratic kind, builds from the works of canonical social contract theorists like Thomas Hobbes, John Locke, and Jean-Jacques Rousseau who all grappled with the fundamental problem of how individuals might come together and constitute themselves as political communities and then create legitimate authorities. Modern intuitions are grounded in the basic idea—radical as it was for these Enlightenment thinkers—that legitimate authority follows from the shared interests and consent of a self-constituting community of belonging. Through this lens, the constitutive questions seem to have already been answered. What is left is to ensure that given authorities adhere to the founding values as closely as possible so as to protect

against coercion or arbitrary authority while promoting the freedom and unity of the members of the community.

An analysis of colonial realities, however, complicates this standard narrative and presses us to question *how* these constitutive questions were initially answered and to confront some key incongruities that directly contradict the normative bases for Western thought. How, for example, is it that Western political thought and practice, by and large, enables the freedom and flourishing of members of settler societies while resulting in the continued domination and oppression of Indigenous peoples? With respect to citizenship in particular, the glaring question remains: How is it that a Western tradition built upon the foundational premise that legitimate authorities are constituted by their communities of belonging consistently results in the arbitrary imposition of political communities and authorities on Indigenous peoples within the territories claimed by the bounded Westphalian state, leading to the widespread misinterpretation of Indigenous claims to self-determination as claims for some form of differentiated citizenship within the colonial state? Put another way, this chapter is part of the critical project of creating space for an alternative postcolonial conception of citizenship by questioning what it is about the Western paradigm that renders it incapable of adequately attending to claims made by Indigenous peoples in settler colonial contexts. Is this simply the persistence of an early modern Eurocentric racism that runs contrary to the true spirit of the political thought of Western political theory's 'founding fathers', or is there something about the theory itself that enables the shift toward domination?

In this chapter I argue that there are assumptions made in Western political theory with respect to both community, authority, and land that inherently constitute the particular set of dominating relations described in the previous chapter—anthropocentric domination of land by humans and, subsequently, intra-human domination of humans by humans. In particular, the modern concept of *territoriality*²³ which underpins the Westphalian state—or the specifically modern "spatial strategy to affect, influence, or control resources and people, by controlling area" (Sack, 1986: 1-2) is key. In the previous chapter I argued that territoriality is an anthropocentric premise, following from a Western ontology of space, that enables anthropocentric and intra-human domination. In this chapter I argue that territoriality as a strategy of rule exists as an important constitutive element of canonical approaches to citizenship theory and is a core but often overlooked and undertheorized feature of modern conceptions of legitimate authority and political community. As such, the acceptance of the logic of territoriality infuses a putatively emancipatory tradition with relationships of domination. Thus, I argue that modern territoriality represents a fundamental contradiction that exists within the Western tradition itself, transforming an emancipatory political tradition aimed at offering robust protective and democratic rights and freedom from arbitrary rule into one that imposes political authority and seeks to assimilate Indigenous political communities and authorities. The argument is analogous to that made in the previous chapter. I begin by offering a favourable reading of foundational social contract theories that should resonate with those who would read each respective thinker as offering emancipatory logics. Then I

²³ Recall from the previous chapters that the concept of 'territory' dovetails with the concept of 'territoriality'. That is, whereas territoriality is a strategy of dominating/controlling land, territory denotes land that is subjected to this strategy. Thus, 'territorial domination' is, in effect, a redundancy.

argue that—just as a neutral conception of the referent is rendered colonial through an acceptance of a Western ontology of space and the territorial domination that it enables—by implicitly or explicitly endorsing territoriality, the potentially emancipatory aspects of these social contract theories are rendered colonial and instrumental in the continued domination of Indigenous peoples and appropriation of Indigenous lands by settler colonial societies²⁴. I defend this contention through an examination of the foundational social contract theories of Hobbes, Locke, and Rousseau aimed at drawing out the effects that the imbedded territorial paradigm has on their prescriptions regarding a legitimate relationship between political authority and the community within its jurisdiction.²⁵ I begin in Section 3.2 by arguing that these key social contract theories are valuable touchstones to many proponents of the liberal-democratic state in that they speak to the

²⁴ My focus here on territoriality should not be taken to imply that these social contract theories *are*, in fact, emancipatory except for the territorial features, or that modifying the theories to rectify their reliance on or endorsement of territorial logic would then rescue them from their dominating features and effects. Such a claim would be unsubstantiated given the thorough and persuasive accounts of, for example, Social Contract Theory's typically restrictive Euro-centric and male conception of 'people' as expressed in the inherent racism, sexism, and counterfactual erasure of Indigenous peoples as represented in, for example, Charles Mills' *The Racial Contract*, Carole Pateman's *The Sexual Contract*, and Robert Nichols' "Settler Contract" respectively (see Mills, Charles. 1997. *The Racial Contract*. Ithaca: Cornell University Press; Nichols, Robert. 2013. "Indigeneity and the Settler Contract Today". *Philosophy and Social Criticism*, 39(2): 165-186; Pateman, Carole. 1988. *The Sexual Contract*. Stanford: Stanford University Press). The core point to this chapter is to draw the ways in which territoriality became entrenched as a modern 'social episteme' and how this deeply entrenched feature of modern thought is in direct tension with the basic emancipatory logics that originated in the Enlightenment and that continue to carry normative weight in the present.

²⁵ This is not to say that the domination of Indigenous peoples was *accidental*. There is plenty of evidence indicating that Locke, in particular, intended to offer arguments that would justify dispossession and the appropriation of Indigenous lands by colonizers (see, for example, Arneil, Barbara. 1996. *John Locke and America*. Oxford: Clarendon and Tully, James. 1993. *An Approach to Political Philosophy: Locke in Contexts*. Cambridge: Cambridge University Press). However, the key contention that is defended in this chapter is that each of the three canonical thinkers—regardless of their particular contexts and aims—end up contradicting their foundational normative narratives regarding secular political authority and that this contradiction follows from an underlying acceptance of the legitimacy of territoriality. As such, each theorist ends up providing theories that reinforce domination in general, but in ways that disproportionately disadvantage Indigenous peoples.

general modern intuition that any authority that presides over a political membership is considered legitimate insofar as it is based, broadly speaking, on the state's ability to garner the consent of those it governs through its ability to serve their needs and interests. Moreover, these thinkers all represent the consensual act itself as that which *constitutes* both the political community and legitimate authority. In this sense, legitimate authority is theorized as non-existent until a community of individuals collectively constitutes it and, in so doing, constitutes itself as a political community. In Section 3.3 I argue that, despite the fact that these thinkers all provide some form of argument protecting against the imposition of arbitrary authority, their emancipatory logics are ultimately subverted by their implicit or explicit endorsement of territorial rule, particularly in colonial contexts. This contradiction leads them to sanction the imposition of a political authority that defines the nature and extent of the community within its jurisdiction, only subsequently seeking legitimation from it. Finally, Section 3.4 closes the chapter by arguing that the consequences of modern territoriality and the logical reversal that it necessitates are largely irrelevant to existing (and aspiring) members of settler societies because they generally already hold (or wish to cultivate) allegiances to settler polities and authorities. For Indigenous peoples, however, the background condition of modern territoriality works to subsume them within the overarching settler community, to arbitrarily impose alien settler authorities, and to dispossess Indigenous peoples of their traditional lands thus eliminating their existence *as peoples*. In short, a paradigm defined by territoriality not only undermines the emancipatory potential of foundational social contract theories, it presents

an ideal of citizenship based on an imposed referent and stands in direct opposition to postcolonial citizenship.

3.2 Early Modern Citizenship: The Priority of Community and the Promise of Emancipation

How we think about the potential answers to the question of the appropriate relationship between community and authority in contemporary liberal democracies is heavily indebted to the revolutionary thought of the Enlightenment. The social contract theories developed during this period indicate a profound shift in how the relationship between community and authority was understood. Emerging from a context of the theocratic and imperial domination of previous centuries, canonical thinkers like Hobbes, Locke, and Rousseau sought to articulate the novel idea that legitimate authority had its origins in 'the people' rather than Divine Appointment. Thus, the 'divine right of kings' as articulated, for example, by Sir Robert Filmer (1680) is rooted in the notion that the Divine appoints the authoritative entity itself which, in turn, defines the community (decides on insiders and outsiders), imposing social hierarchies and obligations. The referent, in this sense, is thoroughly theocratic: the community, the authority, and the dynamics between them are determined 'from above' and are articulated and legitimated through some claim to Divine power. This is the historical conception of authority that Arendt refers to when she describes "[t]he authority we have lost in the modern world" as one anchored in hierarchy, religion, and tradition, and the modern shift toward public legitimation of

authority as representing "the loss of the groundwork of the world" (1968: 91-93).²⁶

Clearly, the loss of such an enduring foundation for authority brings with it profound uncertainty regarding how to establish and maintain legitimate authority in the modern age.

By locating the origins of legitimate authority in the natural rights of those who come together to form the community rather than the divine right of monarchs, the early social contract theories seem to provide the answer that modernity needed. Each of these three social contract theorists' approaches justifies the existence of authority on the basis of some initial collective constitution of community—that is, some initial sense of a shared condition robust enough to maintain communal bonds. Imbedded in this idea is some form of the emancipatory promise that communities of belonging can, in contemporary terms, be self-determining by constituting their own authorities and be free from subjection to foreign rule. Further, the social contract theories of Hobbes, Locke, and Rousseau are centrally relevant to the analysis of citizenship in general, not only because they provide much of the foundations for contemporary theorizing but because they represent a useful representation of a spectrum of normative arguments regarding how strong the connection ought to be between a political community and the authority that governs it.

It is no surprise that Hobbes' *Leviathan* offers what might be considered the 'thinnest' connection between authority and community but, nevertheless, his entire thesis rests on the foundational argument that legitimate authority—or the state's 'right to rule'—is derived from the consent of the governed:

²⁶ It is worth noting that Arendt's insights here and above, with respect to the vulnerability of stateless peoples, offer descriptive accounts of modernity and should not be taken as endorsements.

For it is evident, and has already been sufficiently in this Treatise demonstrated, that the Right of all Sovereigns, is derived originally from the consent of those that are to be governed (*Leviathan*: 599).

Hobbes relies on his own 'state of nature' narrative to defend the idea that there is a clear logical legitimating progression from the individual to the community to the authority. That is, individuals come together and form a community based on the motivation supplied by their shared aims "to defend them from the invasion of Forraigners, and the injuries of one another". Then, by contracting together to "erect such a Common Power ... [by] ... submit[ting] their Wills, every one to his Will, and their Judgments, to his Judgment" (Ibid: 227), the collection of individuals is transformed into a unified community comprised of individuals that incur obligations to each other and their common authority through the contractual act:

This is more than Consent, or Concord; it is a reall Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such a manner, as if every man should say to every man, *I Authorise and give up my right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner* (Ibid).

The relative weakness of the link between authority and community is simply a product of the nature of the contract itself, given that Hobbes envisions individuals contracting with each other to submit to the authority rather than contracting with the authority itself. But this simplicity is complicated by Hobbes' desire to make it exceedingly clear that the authority itself is not only secular but also *constituted by* the community. According to the Hobbesian ideal, authority is not simply an entity that derives its legitimacy from the fact that it rules according to the pre-political interests of those who agree to submit to it. Rather, the sovereign is brought into being through the act of collective authorization. The sovereign, as an abstract authoritative entity, comes into being at the moment the collection of individuals agrees to appoint it as their representative. As a result, the multitude is represented as the singular "artificial person of the state" (Skinner, 1999), whose agents of rule exist as a 'man or an assembly of men'. By positing the state as the sole and singular representative of the multitude of competing voices, Hobbes can argue that the people do, indeed, constitute the sovereign which then represents the collectivity as a singular, stable unity. In this way, the people are presented as prior to authority and, therefore, as constituting authority in both senses of the word outlined in the preceding chapter—as an *entity* or the "Seat of Power" (*Leviathan*: 75) and as a legitimate exercise of its *capacity* to rule.

If Hobbes offers the thinnest connection between community and authority, Rousseau occupies the opposite end of the spectrum. It should be kept in mind that even though Hobbes understood the people as constituting authority, a key point was that through the constitutive process, the people also agreed to relinquish their pre-political

right to rule themselves unto the newly constituted sovereign—to "submit their Wills, every one to his Will, and their Judgments, to his Judgment" (Ibid.: 227). This is precisely the aspect of the Hobbesian view that Rousseau rejects when he states that it is slavery to submit to laws that are not of our own making "while obedience to a law one prescribes to oneself is freedom" (*Social Contract*: 65). As such, his aim was to theorize a form of authority whereby the pre-political right to rule oneself was retained and "under which each individual, while uniting himself with the others, obeys no one but himself and remains as free as before" (Ibid.: 60).

Like Hobbes, Rousseau relied on the consent of the governed, arguing that "all legitimate authority among men must be based on covenants" (Ibid.: 53). However, it is the nature of Rousseau's contract that establishes the far more intimate link between the community and the authority. Rather than contracting together to submit to an external authority as in the Hobbesian variant, Rousseau's model envisions individuals contracting together *to form* the sovereign authority. Rejecting the idea that individual members ought to submit their wills to an external authority, Rousseau introduced the concept of the 'general will' to describe how individuals come together to form a community in which their wills remain their own. For Rousseau, the general will exists as the collective will of the people aimed at the common good: "[T]he general will is always rightful and always tends to the public good" (Ibid.: 72).²⁷ The general will gives direction to the sovereign

²⁷ The derivation of the 'general will' remains one of the most notoriously obscure yet central features of Rousseau's theory. It is clear, however, that Rousseau is referring to more than an aggregative conception of the "will of all"—central to both Hobbesian absolutism and Lockean majoritarianism—which is "but a sum of individual desires" (*Social Contract*: 72). It has been argued that Rousseau's commitment to public creation of laws tends toward a deliberative formation of the general will (see Held, 2006: 45-49). However, he is clearly skeptical of public discussion as encouraging the formation of "cabals and factions" which distorts the general

power of the people, orienting the legislative capacities of the state. It emerges as a product of the people's participation in the creation of laws. The people do not transfer their right to rule themselves to the sovereign authority but participate in a continuous process of legislation and legitimation. Speaking directly to Hobbes's theory, Rousseau argues that submission to an external authority would ultimately eliminate both the community and with it the source of legitimate authority. Rather than *constituting* the sovereign, the act of submission would render the constitution of a ruling authority an impossibility: If a people promises simply and solely to obey, it dissolves itself by that very pledge; it ceases to be a people; for once there is a master, there is no longer a sovereign, and the body politic is therefore annihilated (Ibid.: 70).

Thus, while Rousseau parallels Hobbes by arguing that the "act of association creates an artificial and corporate body" called "the *sovereign*", it is the distinct nature of the act of association that defines the more intimate relationship. By envisioning a collective contracting together to form the sovereign authority and, therefore, retaining control of an authority guided by the general will, Rousseau emphasizes that those party to the contract—those who "collectively take the name of *a people*"—are not only "*subjects*, in that they put themselves under the laws of the state", but are "*citizens*, in that they share in the sovereign power" (Ibid.: 61-62). In this way Rousseau maintains, as Hobbes did, that legitimate authority is derived from the community, but Rousseau presents the

will. Nevertheless, it is also clear that Rousseau himself saw the formation of a general will out of competing perspectives as a central challenge inherent in the 'art of politics' (*Social Contract*: 73 and notes 1,2).

constitution of authority in a much more literal sense, establishing a much more intimate link between the community and its sovereign.

In terms of the relationship between political authority and those subject to it, Locke occupies a relative middle ground between Hobbes and Rousseau. Like both Hobbes and Rousseau, Locke argues that legitimate authority is constituted through the prior consent of the community:

And thus that, which begins and actually *constitutes any political society*, is nothing but the consent of any number of freemen capable of a majority to unite and incorporate into such a society. And this is that, and that only, which did, or could give beginning to any *lawful government* in the world (*Second Treatise*: §99).

Locke shared Hobbes' view that the primary motivation for the contract was rooted in the shared aim amongst a collection of individuals to protect their individual natural rights—articulated here as the familiar "lives, liberties and estates" (*Second Treatise*, §123).

However, Locke goes further by arguing, contrary to Hobbes, that "*freedom* from absolute, arbitrary power, is so necessary to, and closely joined with a man's preservation, that he cannot part with it" lest he deliver himself into the "perfect condition of *slavery*" and nullify the consensual contract (*Second Treatise*, §23-24).

The imperative to avoid arbitrary power and therefore slavery foreshadows Rousseau's later work. However rather than situating self-rule and the opposition to

arbitrary rule as the core shared aim providing the motivation for the contractual act as Rousseau did, Locke relies on its instrumental value to the original desire to protect individual rights. It was of central importance to Locke that sovereignty ultimately remained with the people and that the right to rule of the constituted authority—more specifically, the legislature—was understood as entrusted to the governing authority, conditional upon its continued protection of the aims underlying its constitution in the first place:

Though in a constituted common-wealth ... there can be but *one supreme power*, which is *the legislative*, to which all the rest are and must be subordinate, yet the legislative being only a fiduciary power to act for certain ends, there remains still *in the people a supreme power to remove or alter the legislative*, when they find the *legislative* act contrary to the trust reposed in them (*Second Treatise*, §149).

Thus Locke offers a significantly more robust connection between the political authority and those subject to it than Hobbes did even though he defends this fiduciary relationship by relying on a similar commitment to the protection of individual rights. And while there is clearly a strong democratic current here, its value is instrumental. He does not, therefore, take the democratic argument as far as Rousseau did seventy years later by situating self-rule as the initial shared aim motivating the constitution of political authority.

In sum, this brief review of these key thinkers who laid much of the foundation for modern political thought highlights their distinct approaches to the enduring questions

surrounding citizenship in contexts of modern, secular political authority and the proper relationship between state and society generally speaking. Each approach offers a distinct initial cause or shared aim strong enough to bring individuals together into a contractual relationship. Following from these origins, each approach offers a unique ideal for how to envision a legitimate relationship between political authority and those governed by it.

Despite these differences, there are three points of convergence that are especially salient and significant when viewed through the lens of postcolonial citizenship. First, the normative logic of all three approaches is clear: some shared aims draw individuals together to form a community of belonging that is robust enough to incur mutual obligations to establish a formal political community and, with it, legitimate political authority. In short, the community ought to be prior to the authority that governs it. Indeed, the legitimacy of political authority is invariably presented as resting on, not only consent, but also the shared aims and the mutual obligations incurred through the constitutive contractual process itself.

Second, each approach relies on this logic to offer some emancipatory promise related to the initial shared aims: for Hobbes, mutual insecurity leads to the institution of an authority that can promise "*the safety of the people*. ... But by Safety here, is not meant a bare Preservation, but also all other Contentments of life, which every man by lawfull Industry, without danger, or hurt to the Commonwealth, shall acquire to himselfe" (*Leviathan*: 376); for Locke, similar insecurities motivate the shared aim of setting up an accountable authority that can promise to protect the 'lives, liberties and estates' of those

subject to it; for Rousseau, a common desire for self-rule underwrites the establishment of a thoroughly democratic authority which offers the promise of freedom from arbitrary rule. All three of these variations on the emancipatory promise rely on the logical priority of the community bound together by shared aims and mutual obligations.

Finally, these two points of convergence map neatly onto the benefits and burdens associated with citizenship in liberal democratic states that aim to guarantee protective rights and democratic voice which entail the reciprocal respect for the rights and democratic participation of other members of the political community. Yet these two key features consistently fail for Indigenous peoples in contexts of settler colonialism: Indigenous peoples are consistently subject to the foreign rule of the colonial state and continue to struggle for basic rights, not to mention 'all other Contentments of life'; the 'lives, liberties and estates' of Indigenous peoples are in constant peril; Indigenous peoples have had their own democratic institutions undermined and destroyed while experiencing consistent marginalization from the democratic processes of the colonial state. This serves to restate the original problem of connecting community and authority albeit in an increasingly perplexing way: If modern legitimate authority is characterized by the radical shift in the source of authority, such that authority is no longer imposed or defined, as it were, from the outside, then how is it that this new form of authority appears to have precisely the opposite of its intended effects for colonized peoples? How is it that the modern emancipatory paradigm fails so miserably in contexts of colonization?

As mentioned in the introduction to this chapter, one of the key candidate explanations for why the potentially emancipatory logic of social contract theories fails

when confronted with colonial contexts is that these theories implicitly or explicitly rely on a Western ontology of space and are embedded within modern concepts of territoriality. This is directly related to the nature of the authoritative entity itself—that is, when the authoritative entity is understood as defined by fixed territorial bounds as it is in state-centred social contract theories, the attempt to situate the constitution of community as prior to that of legitimate authority fails. The remainder of this chapter examines how territoriality works as a background condition that confounds the emancipatory potential of the canonical social contract approaches.

3.3 Territoriality and Modern Citizenship

Territoriality is, first and foremost, a specifically Western and modern way of organizing community and authority according to relatively fixed spatial boundaries. Recall that Robert Sack defines territoriality as "a spatial strategy to affect, influence, or control resources and people, by controlling area" that is "intimately related to how people use the land, how they organize themselves in space, and how they give meaning to place" (1986: 1-2). Key features of territoriality include the ability to set relatively fixed and permanent geographic boundaries, to establish legal jurisdiction within these boundaries, and to control the flow of people and resources within and across these boundaries (Kolars, 2009: 70-82). As such, territoriality is centrally implicated, not only in discussions regarding the benefits and burdens of citizenship, but also in any determination of insiders and outsiders, or who might properly be considered a member of a political community. Therefore,

contemporary understandings of citizenship in general, and political community and authority in particular, are fundamentally linked to modern territoriality.

Moreover, that this is a specifically modern strategy for organizing political community and authority is, by now, well observed. Generally speaking, medieval authorities were decidedly relational as opposed to territorial. Regarding theocratic authority, for example, it did not explicitly matter *where* one lived, as opposed to the religion with which one identified. Papal authority was assumed to extend to all of Christendom wherever believers could be found or converted—it was one's allegiance to theocratic authority that mattered (Hinsley, 1968; Skinner, 1978). Similarly, feudal authority, while materially dependent on the use of land, was determined largely by personal allegiances and status. A vassal making use of a particular geographical area was commonly subject to numerous competing allegiances of a relational nature (Spruyt, 1996)²⁸.

Furthermore, the jurisdictional area itself was rarely characterized by fixed or mutually exclusive boundaries. The medieval political map "had never been composed of a clearly demarcated set of homogeneous political units. ... [It] was an inextricably superimposed and tangled one, in which different juridical instances were geographically interwoven and stratified, and plural allegiances, asymmetrical suzerainties and anomalous

²⁸ Spruyt provides several examples of crosscutting feudal obligations. A particularly complex instance is found in the story of the relationship between the vassal, John Toul, and four lords to which he owed competing allegiances: "If it should happen that the count of Grandpré should be at war with the countess and count of Champagne for his own personal grievances, I will personally go to the assistance of the count of Grandpré and will send to the countess and count of Champagne, if they summon me, the knights I owe for the fief which I hold of them. But if the count of Grandpré shall make war on the countess and count of Champagne on behalf of his friends and not for his own personal grievances, I shall serve in person with the countess and count of Champagne and I will send one knight to the count of Grandpré to give the service owed from the fief which I hold of him" (Spruyt, Hendrik. 1996. *The Sovereign State and Its Competitors: An Analysis of Systems Change*. Princeton: Princeton Univ. Press: 39).

enclaves abounded" (P. Anderson, 1979: 37-8; J. Anderson, 1996; Ruggie, 1993; Spruyt, 1996). Of course, these overlapping forms of relational authority *required* land and those subject to rule *occupied* land. However, the key difference is that authority was *defined* by personal bonds rather than fixed territorial boundaries. To put it simply, medieval rule represented "rule over people rather than rule over land" (Spruyt: 1996: 40; Ruggie, 1993).²⁹

There is value in considering the relevance of geopolitical space in the pre-modern West if only to acknowledge the historical contingency of the modern Westphalian organizing principle that circumscribes political units according to relatively fixed and juridically exclusive territorial bounds. This is the emergent context within which the social contract theorists developed their theories of the best form of relationship between community and authority. Each thinker developed their theories in ways that served to

²⁹ It is not particularly enlightening nor accurate to suggest that there was a discrete shift from a 'relational' to a 'territorial' form of rule in modernity (For a nuanced analyses of the complexity of the histories of competing paradigms of rule see, for example, Burbank, Jane, and Frederick Cooper. 2010. *Empires in World History: Power and the Politics of Difference*. Princeton, N.J.: Princeton University Press: especially pp. 181-182; Spruyt, Hendrik. 1996. *The Sovereign State and Its Competitors: An Analysis of Systems Change*. Princeton: Princeton Univ. Press). Surely an array of forms coexists at any given point in history. Indeed, overlap is endemic—even a strictly territorial form of rule relies on some form of explicit or implicit relationality between rulers and ruled (as the analytical framework in Chapter 2 outlines). Similarly, while Imperial rule clearly overlaps with territorial rule in that competing Empires vied for expanded geographical domains, jurisdictions, by and large, derived legitimacy through the inhabitants or the workers of the associated land and their relationships to both the land and the authority. Alternatively, the modern dominant logic, neatly expressed in the treaty of Westphalia, is now that relationships follow from territorial jurisdiction, which serves to place limits on Imperial geographical expansion. As a result, how individual members are connected to a particular ruling regime is far less significant than the simple fact of geographical residence. The value, therefore, of the conceptual coupling of 'territoriality' with 'modernity' is to highlight several key points: (i) territoriality, while not the singular ruling principle, remains the dominant paradigm guiding political theory and practice in modernity; (ii) territoriality is not only dominant but its dominance is contingent, only becoming so in modernity; (iii) as such, territoriality is both undertheorized and a key obstacle to Indigenous struggles for self-determination; and (iv) Enlightenment thinkers are complicit in the establishment of this dominant paradigm as evidenced by their failure to challenge territoriality as such or to recognise its subversive effects on their normative commitments.

justify territorial boundaries on the basis of the interests of the communities within and to ensure protection from the arbitrary domination of Imperial rule.

Yet the "sovereign territorial ideal" has since become "so thoroughly accepted that we rarely even stop to consider its impact on our thinking" (Murphy, 1996: 83). Indeed, territoriality is, by now, described as a defining feature of the modern "social episteme" or "the mental equipment by which people reimagined their collective existence" in modernity (Ruggie, 1993: 157, 169) and has become so entrenched in our theorizing that "[t]he only plausible model of political community we have is the state ... [that] ... affirms the presence of political community in territorial space" (Walker, 1990: 13, 14).

Territoriality, then, represents an important background context for much of contemporary citizenship theory and is a core but often overlooked and undertheorized feature of modern authority and community.

With respect to the issues at hand, the central problem for all three social contract theorists is that territoriality works to undermine their foundational contractual narratives, effectively flipping the emancipatory logic on its head and arbitrarily circumscribing the initial bounds of a putatively organic and self-determining community. That is, rather than individuals coming together to form communities and, then their collective authorities, it is the state that determines who 'the people' are to begin with, sets the conditions for whatever shared aims they might have, and demands that communities form allegiances within state-defined geographical boundaries. Of the three, only Locke and Rousseau attempt to maintain the logical consistency of their theoretical frameworks when faced with the question of territoriality, if only in passing. Both offer brief explanations for

how the territorial jurisdiction of the state might follow from the territorial property of the individuals party to the contract.

Locke's approach is to build from his familiar labour theory of property to connect territoriality to the original constitution of the community:

Thus *labour*, in the beginning, *gave a right of property*, wherever any one was pleased to employ it upon what was common [i.e. not claimed by individual or state]. ... [A]ftwards, in some parts of the world, ... the several *communities* settled the bounds of their distinct territories, and by laws within themselves regulated the properties of the private men of their society, and so, *by compact* and agreement, *settled the property* which labour and industry began (*Second Treatise*, §45).

But the logic of this constitutive narrative is quickly reversed when faced with the contradictory logic represented by a world already divided into territorially defined jurisdictions and authorities. Instead of communities playing the constitutive role in establishing legitimate authority, the territorial authority itself becomes constitutive of community and the only available role for individuals and communities is to *legitimize* rather than *constitute* existing territorial authority. This is evident in Locke's discussion of property rights regarding both inheritance and immigration. With respect to inheritance:

because common-wealths not permitting any part of their dominions to be dismembered, nor to be enjoyed by any but those of their community, the son cannot ordinarily enjoy the possessions of his father, but under the same terms his father did, by becoming a member of the society; whereby he puts himself presently under the government he finds there established, as much as any other subject of that common-wealth (*Second Treatise*, §117).

Here, the son is under his father's authority until 'the age of discretion' at which point he can choose his preferred body politic. But if he leaves, he necessarily forfeits his right to his father's land, regardless of how thoroughly he may have 'mixed his labour' with it, because the land itself is part of the territorially defined 'dominion'.

As for immigration, Locke makes it clear that anyone joining an existing commonwealth not only joins himself to the community, but also submits to the community, those possessions, which he has, or shall acquire, that do not already belong to any other government:

for it would be a direct contradiction, for any one to enter into society with others for the securing and regulating of property; and yet to suppose his land, whose property is to be regulated by the laws of the society, should be exempt from the jurisdiction of that government, to which he himself, the proprietor of the land, is a subject" (*Second Treatise*, §120).

The new, logic is clear—the state is prior to the individuals who no longer form collectivities to constitute the state but, rather, are faced with the option to accept membership in a pre-existing community that is circumscribed by existing geopolitical boundaries or to join some other such entity.³⁰ The only way that Locke's self-constituting community, and therefore the original emancipatory logic, can hold is under the condition that one is able to "agree with others to begin a new [common-wealth], *in vacuis locis*, in any part of the world, they can find free and unpossessed" (*Second Treatise*, §121).

Indeed, this point is central to Locke's support for the appropriation of Indigenous territory that he describes as the "in-land, vacant places of *America*" and the "wild woods and uncultivated waste of *America*, left to nature, without any improvement, tillage, or husbandry" (Ibid.: §36, 37). Here the modern territorial paradigm finds full expression. By presenting waste as "the antonym of cultivation and enclosure" (Arneil, 1996: 110), Locke expresses the emerging anthropocentric ideal that the ability to control geographical space, rooted in a particular kind of agrarian labour, justifies jurisdiction. As Locke presents it, Indigenous peoples did not control their land via agrarian labour as Europeans did and thus, "for want of improving it by nature" (Ibid.: §41) ultimately forfeited their claim to it.³¹

³⁰ Locke's often-cited support for revolution does little to remedy this predicament. His support for revolution extends only to the right of the existing community to replace the legislators who occupy the seat of authority "when their legislators have acted contrary to their trust" (*Second Treatise*, §226). Indeed, he explicitly contrasts such a *revolution* with the idea of *rebellion*, rejecting rebellion outright: "... for *rebellion* [is] an opposition, not to persons, but authority, which is founded only in the constitutions and laws of the government" (Ibid.). A rebellion, then, is an "evil" that has the effect of "destroying the authority which the people did set up, and introducing a power which the people hath not authorized" (Ibid. §226, 227). Here again, Locke is committed to the foundational narrative that the community precedes legitimate authority, which remains unworkable in a context defined by territorial rule.

³¹ It is important to note that Locke was well aware of the fact that many Indigenous peoples of North America did actually engage in the agricultural development of their lands and taught the settlers how to do the same, as the collection of books in his library on colonization suggests. Nevertheless, he maintained this myth of 'Indians' failing to properly

As a result, the lands that sustained their pre-existing communities and political systems were considered a prototypical example of '*vacuis locis*' with no existing legitimate authority, enabling the imposition of European jurisdiction and, along with it, the narrative that European settlers might have had the opportunity to come together and establish authority in the empty space. Yet without the initial extension of territorial authority over Indigenous lands, no such foundational context could exist to begin with. Nevertheless, whether we agree with Locke that his original state-of-nature narrative reflects the real origins of legitimate modern authority—that "the *governments* of the world, that were begun in peace, ... were *made by the consent of the people*" (*Second Treatise*, §104)—is not of central concern. Hypothetical or not, the emancipatory thrust of Locke's logic is found in the original constitutive narrative itself and it is this specific logic that is reversed when confronted with the reality of modern territoriality.

Rousseau begins with a similar narrative reconciling territoriality with his original contractual logic:

We can see how the lands of private persons, when they are united and contiguous, become public territory; and how the right of sovereignty, extending from the subjects to the soil they occupy, covers both property and persons (*Social Contract*: 67).

cultivate the land, thus justifying colonial territorial claims (see Arneil, Barbara. 1996. *John Locke and America*. Oxford: Clarendon Press).

Rousseau was, however, aware of the contradictions between his theory and contexts of pre-existing authority. Indeed, he opens *The Social Contract* with the observation that modern political institutions transform individuals who are born free into those enslaved by their political authorities. His question, "How can it be made legitimate?" (*Social Contract*: 49), alludes to that which Locke fails to confront—that an ideal constitutive moment may be impossible in the present, but that existing forms of government must be made to align with the emancipatory, constitutive logic at the root of his social contract. In fact, Rousseau explicitly acknowledges that the actual origins of political societies are in tension with his proposed narrative. That is, for a collection of individuals, drawn together by their shared desire for self-legislation, to bring into being the sovereign state, there must be a pre-existing authoritative legal framework in place to prescribe the required democratic procedure.

How can a blind multitude, which often does not know what it wants, because it seldom knows what is good for it, undertake by itself an enterprise as vast and difficult as a system of legislation? ... Is it to be by common agreement, by sudden inspiration? (*Social Contract*: 83).

This is, of course, "the paradox of political founding" (Connolly, 1991: 465; Olson, 2007; Ricoeur, 1984) stated more directly by Rousseau in terms of how the 'social spirit' required for the original constitution of good laws and institutions is itself a product of the very institutions it is taxed with establishing.

For a newly formed people to understand wise principles of politics and to follow the basic rules of statecraft, the effect would have to become cause, the social spirit which must be the product of social institutions would have to preside over the setting up of those institutions (*Social Contract*: 86-87).

The problem presented by this paradox is that it requires a solution that is in direct tension with Rousseau's foundational normative claim that legitimate authority ought to have its origins in 'the people'—it presents "a task which is beyond human powers and a non-existent authority for its execution" (Ibid.: 86). His solution is to have a wise legislator underwrite the founding by falling back on the medieval appeal to Divine authority, not because Divine authority is real, but because the only means by which to secure the allegiance of the people is through "compelling by divine authority persons who cannot be moved by human prudence" (Ibid.: 87). For Rousseau, this concession is not meant to permanently re-integrate religion into politics but merely to provide the missing and essential starting point: "we must not conclude from this ... that religion and politics have the same purpose among men; it is simply that at the birth of nations, the one serves as the instrument of the other" (Ibid.: 88). From this it is clear enough that Rousseau's original emancipatory logic cannot be sustained. Legitimate authority, which is initially presented as constituted by the people bound together by their shared aims for self-legislation, is predetermined by an external authority that initiates the prior imposition of a legal/institutional framework that must subsequently be legitimized by the people.

But what of territoriality? According to the initial narrative, territoriality should obtain organically through the merger of the 'united and contiguous' lands of the people who are party to the original contract—people have particular relationships to land and, because of this, the constituted authority has a territorial character. However this logic cannot hold when the authority is revealed as prior to the constitution of the people. The founding paradox is resolved by acknowledging that, contrary to the original normative narrative, authority constitutes the laws of the people. But how are the bounds of the people established when they are robbed of their constitutive powers? By now it should be clear that the pre-existing authority does not only impose the initial legal/institutional framework, but that this framework is *already* territorial before the people are brought in to legitimize it. Although Rousseau readily abandons his initial normative foundations in order to establish authority, he provides no similar explanation for how this authority came to be territorial. Indeed, once we concede the impossibility of the constitutive narrative, we are left only with Rousseau's observation that modern territorial rule is an effective strategy for imposing authority:

This advantage seems to have eluded the ancient monarchs, who, in calling themselves simply the King of the Persians or the Scythians or the Macedonians, appear to have regarded themselves rather as rulers of men than as masters of their countries. Monarchs of the present day call themselves more shrewdly the King of France, or of Spain, or of England and so on; in holding thus the land, they are very sure of holding the inhabitants" (*Social Contract*: 67).

Thus, rather than individuals being drawn together organically, constituting themselves as a community, and incurring mutual obligations through the act of constituting legitimate authority, as Rousseau's original normative framework would have it, a pre-existing authority defines, not only what the original legal/institutional framework is to be, but by its very nature, imposes a territorial circumscription on the collectivity of candidate individuals in first place.

For Rousseau, the state's authority over its territory seems to be justified via a very clever or shrewd rhetorical device, but remains devoid of any deeper theoretical foundation that reconciles this authority with his democratic theory. In this way, territoriality works again as both an undertheorized background condition within which the democratic theory is now embedded—an inherent feature of the imposed authority—that renders the ideal constitutive moment doubly impossible: first, by spatially defining *who* the people are before they are able to determine what their shared aims might be; and second, by imposing a territorially defined legal/political framework on the constitutive moment, effectively transforming an organic act of self-determination into an exercise in top-down nation-building.

Hobbes also recognizes this founding paradox but makes short work of it with much the same reasoning that Rousseau would use over a century later, by arguing that the original contractors, lacking "humility", "patience", and "the art of making fit Lawes" would be able to constitute nothing but a precariously built "crasie building" and, as such, would require a prior authority—"a very able Architect"—to establish the initial authoritative

framework (*Leviathan*: 363). Addressing this particular problem only in passing, Hobbes spends more time addressing the impracticality of the idealism behind the founding myth, observing that "there is scarce a Common-wealth in the world, whose beginnings can in conscience be justified" (*Leviathan*: 722). However, he fails to see this as problematic, much less paradoxical. Instead, he simply closes the chapter on the founding of the Common-wealth by noting that, in addition to the ideal constitutive narrative that grounds his theory—the logical progression that he entitles "Common-wealth by *Institution*"—sovereignty can also be legitimately attained through conquest, or "Common-wealth by *Acquisition*" (*Ibid.*: 228).

Later, in his discussion of 'Common-wealth by *Acquisition*' Hobbes makes it clear that there ought to be no real consequences to this shift in the means by which authority is established: "the Rights and Consequences of Sovereignty, are the same in both" (*Ibid.*: 252). His confidence in the stability of his general theory is rooted in the claim that authority established through conquest, nevertheless retains the key consensual component:

Dominion is then acquired to the Victor, when the Vanquished, to avoyd the present stroke of death, covenanteth either in expresse words, or by other sufficient signes of the Will, that so long as his life, and the liberty of his body is allowed him, the Victor shall have the use thereof. ... It is not therefore the Victory, that giveth the right of Dominion over the Vanquished, but his own

Covenant. Nor is he obliged because he is Conquered ... but because he commeth in and submitteth himself to the Victor" (Ibid.: 255-256).

Lockean suspicions surrounding coerced consent aside, it is immediately evident that the constitutive dynamics shift radically when faced with this alternative and, as Hobbes suggests, most likely of contexts. Rather than individuals constituting themselves as a community and incurring mutual obligations to submit to the authority that is constituted through the contractual act,

Sovereign Power is acquired by Force ... when men singly, or many together by plurality of voices, for fear of death, or bonds, do authorise all the actions of that Man, or Assembly, that hath their lives and liberty in his Power (Ibid.: 252).

The general case, then, is best described as one for which authority is not, in fact, constituted, but is pre-existing (pre-constituted) and what is left is for individuals to join a community that did not constitute itself, but that was previously defined by an external authority. Hobbes spends even less time than Rousseau in explaining why this previous circumscription of community is spatial. Indeed, he takes the territorial nature of authority as given, observing in passing that "Dominion" is tied to "place": "For the Sovereign of each country hath Dominion over all that reside therein" (Ibid.: 252). Territoriality, then, becomes a defining feature of the modified framework simply because it is an assumed background and defining feature of the imposed authority.

In sum, each social contract approach derives its central normative thrust from the initial claim regarding the popular origins of legitimate political authority—that a community comes together and constitutes both itself and its ruling authority. Yet because of their failure to critique territoriality as a background condition, each accepts the logical reversal according to which a pre-existing authority defines the territory and, with it, the terms for the constitution of the community within that territorial jurisdiction.

In terms of the analytical framework presented in the previous chapter, the origins of the system of legitimate authority are no longer found in the self-determining, organic constitution of a community but are established by fiat by an existing authority that first defines a community according to territorial circumscriptions and then seeks to be legitimated by it. The emancipatory dynamic which describes how a collectivity of individuals might come together through a recognition of shared aims, values, etc. to constitute itself as a community and incur a meaningful sense of mutual obligation sufficient to underwrite the constitution of a shared authority or authoritative framework, is reversed such that the imposed authority imposes a spatial circumscription on who 'the people' are. In short, the people no longer define themselves, but accept their constitution as given by a pre-existing authority. The legitimacy of the new relationship between authority and community depends, therefore, on the ability of the authority to garner the support of those over whom it claims jurisdiction.

The modern strategy of territoriality is of central importance because it defines the essential character of modern authority *before* it requires democratic legitimation. That is, territoriality is fundamental to the origins of modern conceptions of legitimate authority

because it enables the prior imposition of authority in the first instance. None of the canonical thinkers theorize this aspect in any satisfactory way. Locke clings tenaciously to the unworkable myth of popular origins, Hobbes merely notes peripherally that the imposed power is territorial in nature, and Rousseau, while noting the efficacy of territoriality, fails to critically address its pivotal role in the establishment of modern democracies and empires, instead focusing on the mystical narrative necessary to convince a circumscribed people that the imposed authority is legitimate to begin with.

However, the modern Western paradigm is one that presents any legitimate authority as one that effectively operates within the set of fixed geographical boundaries defined by the nation state. The new legitimating logic demands that, as a prerequisite, any candidate authority must be effective in controlling bounded geographical space. Of course this can be considered a step up from the medieval paradigm, broadly speaking, according to which authority effectively imposes non-spatial relational hierarchies, in that it works to set relatively firm limits to Imperial expansion. Yet it fails to realize the emancipatory aims to switch the logic from, as it were, top-down, to bottom-up.

When one considers that the modern territorial organizing principle is based on the effective exclusive control of geographically bounded communities within its spatial jurisdiction, it becomes immediately apparent that this represents a prior circumscription on the possibilities for any self-constituting community of belonging. Communal bonds are channeled through existing, territorially defined, authoritative institutions that give priority to any acts of citizenship that reinforce a state-defined identity while delegitimizing those that strain against it. Not only is the top-down logic firmly entrenched,

but the legitimacy of this paradigm also depends upon the prior ability of any imposed authority to effectively control geographical space. In this sense, the origins of any modern system of legitimate authority are not to be found in the self-constituting community, as the dominant narratives would have it, but are found in the principle of territoriality and the possible conceptions of legitimate authority that it enables.

3.4 Territoriality and Colonialism

Returning to the initial problem regarding why it is that the emancipation promised by the canonical social contract narratives is not realized for many colonized peoples, it is apparent by now, that the question ought to be reframed. Clearly, the original emancipatory narratives, fail to hold, in the strictest sense, for *anybody*. That is, Westphalian authority rarely, if ever, follows directly from the self-constitution of a community of belonging and is nearly always, in the first instance, imposed. Yet, for the bulk of contemporary citizens or would-be citizens of the modern liberal democratic state—whether they are actively seeking membership, passionately patriotic, or passively indifferent—the fact that their political communities are given and, therefore, that the original constitution of their political authorities runs contrary to the stated founding stories matters little, if at all. The reframed question, then, must address why this pervasive phenomenon, which appears to be of so little consequence for the members of a settler society, is of such significance for colonized peoples. As I argue below, this significance of this reality cannot be overstated—the logic amounts to nothing less than, at best, the

usurpation of Indigenous peoples right to rule themselves and, at worst, the elimination of Indigenous peoples altogether.

The consequences of accepting modern territoriality as an organizing principle are decidedly asymmetrical. From the perspective of the bulk of members or aspiring members of the colonial state, the inaccurate mythology behind modern social contract narratives is relatively irrelevant—membership in the state-defined community is explicitly aimed for or valued and is the basic necessary condition for access to the benefits that are central to their well-being. Authority, from time to time, may appear to lack legitimacy, but most are content to wait until the scheduled time at which they can cast a ballot to voice their opposition and, hopefully, usher in a more acceptable ruling party. However, even when dissatisfaction intensifies to the point that the people take to the streets, the ruling or authoritative entity, itself—the 'Seat of Power'—is rarely rejected. Rather, people strive for a Lockean sort of 'revolutionary' change by changing who occupies the seat in the hopes that this will lead to changes in the distributions of benefits and burdens within society. Indeed, it is often the stability of contemporary legal/political institutional frameworks and the constitutional guarantees protecting the rights of citizens that can work to garner the 'constitutional patriotism' (Habermas, 1998) of citizens or to develop an enduring 'societal culture' (Kymlicka, 1995). Such political communities are bound by a common allegiance to the framework that enables them to enjoy the benefits of membership in the state.

For many colonized peoples, however, the original imposition of an alien authority is not the stuff of vague historical mythologies, but remains the daily lived experience, precipitating the forced relinquishment of Indigenous sovereignty and a usurpation of the

right to rule themselves according to their own political systems and jurisdictions. When one considers the continuity across generations of the acts of postcolonial citizenship—struggles to maintain, reclaim, and re-constitute Indigenous communities, legal/political orders, and lands—it becomes apparent that the imposition of political authority rooted in modern territoriality is real and ongoing. Indeed, this is more than an imposition of authority, but an explicit imposition of community. When it is assumed that Indigenous peoples are part of the new colonial political community, Indigenous peoples are expected to share, at the minimum, an allegiance to an authoritative framework that guarantees the benefits of membership.

The prospects for developing a shared sense of belonging amongst Indigenous and settlers alike are discussed in Chapter 6, however it is plain enough that an alien community, imposed on others against their explicit protestation, is unlikely to generate the bonds of solidarity and mutual obligation to underwrite and sustain legitimate authority. Moreover, when one considers that Indigenous political communities view their particular communities as both reinforcing and derivative of their own political authorities, as the analytical framework suggests, any trumping of that allegiance by colonial authorities and communities is bound to undermine the stability and longevity of their traditional political identities and their own mutual obligations to each other. Not only does the imposition of colonial authority work to displace existing Indigenous legal and political systems, but it effectively draws Indigenous people's obligations away from the members of their own community and toward the state and the state-defined polity.

This active undermining of Indigenous political authority *and* Indigenous political community leads to the more extreme ramifications regarding the elimination of Indigenous peoples as such. Recall that modern territoriality is an integral feature of Western citizenship because it presents political communities and legitimate authority as coextensive with controlled, bounded territory. As such, the state must claim and have some measure of success in exerting control over its claimed bounded space. The mere existence of Indigenous peoples explicitly confounds the colonial territorial logic because Indigenous peoples present competing claims to the territory claimed by the state—claims that predate the establishment of the state and that continue to the present. While this struggle for territory is often understood in strictly material terms as debates over who ought to profit from the resources of a given territory, a consideration of territoriality brings to light the importance of landbase to the mere *existence* of political community and authority. As explained in the previous chapter, whether conducted through strategies of assimilation or outright genocide, the *elimination* of Indigenous nations as such—that is, as political communities holding a claim to territory and exercising autonomous jurisdiction within it—has, and continues to be, the settler-colonial aim rooted in the primary anthropocentric motivation to secure access to and control of territory. For many members of settler societies the fact that territoriality legitimates existing political systems rather than some popular sovereignty narrative, is an inescapable, perhaps regrettable, piece of historical trivia.

However, from the perspective of Indigenous peoples, it should be apparent that the territorial logic presents a real and decidedly *existential* threat that has already decimated

their political communities and authorities and continues currently in, for example, attempts to privatize what remains of Indigenous lands³² or the modern treaty process.³³ While the contemporary context has moved beyond policies that explicitly condone the outright killing of the actual Indigenous *people*, colonialism has entrenched the structural elimination of Indigenous nationhood.³⁴ The legitimating logic of territoriality does not require the elimination of Indigenous individuals, only the elimination of their land-based collectivities. From this perspective, it seems clear that the contradiction existing in the foundations of Western political thought—a contradiction that leaves contemporary citizens with little choice but to participate in the legitimation of existing authoritative entities rather than constituting them—is one that produces the most unacceptable of consequences for generations of Indigenous peoples who continue to resist the appropriation of their territories by colonial states. Indeed, continued acts of postcolonial citizenship that aim at reclaiming or resisting the settler state's appropriation of their territories expose the falsity of the colonial territorial narrative, demonstrating that colonial control of the state's territory is not now, nor ever has been, complete.

³² For recent arguments in favour of privatizing Indigenous territories in Canada see Flanagan, Tom, Christopher Alcantara, and Andre Le Dressay. 2010. *Beyond the Indian Act: Restoring Aboriginal Property Rights*. First Edition. Montreal and Kingston: McGill-Queen's University Press.

³³ For example, Mohawk scholar Taiaiake Alfred argues that according to the modern treaty process in British Columbia, Canada "Indigenous nations must surrender their independent political existence and ownership of their lands to Canada" (Alfred, Taiaiake. 2001. "Deconstructing the British Columbia Treaty Process". *Balayi: Culture, Law and Colonialism*. Vol. 3. 37-65).

³⁴ Patrick Wolfe describes "settler colonization" as "structural" because it exists as a "complex social formation" according to which settler society persists through the continued dispossession of Indigenous lands and as "continuity through time" because this logic continues into the present (Wolfe, Patrick. 2006. "Settler Colonialism and the Elimination of the Native". *Journal of Genocide Research*. 8:4. 387-409).

3.5 Conclusion

This chapter has made the case that territoriality is not only an undertheorized feature of citizenship theory and more specifically social contract theory in the early modern era, but it plays a pivotal role in the colonial logic of citizenship, providing a key component of the underlying justification for the assumption that Indigenous peoples ought to be considered members of the colonial state. That is, because colonial powers were able to, over time, exert control over the geographical space that encompassed pre-existing Indigenous political communities, they were then also able to absorb Indigenous communities into the broader colonial body politics—at least in theory. Thus, what is often referred to as the 'legal magic' that allowed the extension of sovereignty over Indigenous peoples (e.g. Ladner, 2009; Prins, 1996; Russell, 2005) only seems so when contrasted with the foundational constitutive narratives. It is, however, not magical at all, but is a coherent logic that follows directly from the dominant acceptance of the modern territorial paradigm—that legitimate authority, contrary to the original logic of foundational social contract theories, is ultimately rooted in the bare ability of an authoritative entity to exert control over bounded geographical space.

What makes this so difficult to comprehend in contemporary contexts is that it runs directly contrary to the original emancipatory logic that makes up the foundations for modern political theory and informs our modern intuitions regarding legitimate relationships between political communities and the authorities by which they are governed. One might expect the original emancipatory logic to resonate with Indigenous peoples who seek to maintain and re-constitute their own political authorities and

communities. However, once territoriality is considered, the legitimating narrative is revealed as little more than a mythical gloss that distracts from the colonial imperative to enable the imposition of colonial political communities and authorities through the appropriation of Indigenous territories, undermining the existence of Indigenous peoples as such.

Since the Enlightenment this mythical gloss has become so thoroughly entrenched in contemporary thought that the issue of territoriality is almost entirely ignored even while it continues to exert this dominating force. In the next chapter I take a critical look at some of the leading contemporary theories regarding Indigenous citizenship in Canada. The works of Charles Taylor, Will Kymlicka, and Jim Tully are examined as three of the most popular and progressive approaches that mainstream theory has to offer in this particular area. The work of these thinkers is especially illuminating because it is here that we find the function of territoriality as the modern 'social episteme', existing as an assumed background condition that continues to exert the same influence as it did in foundational modern thought, ultimately subverting attempts at providing emancipatory frameworks and subordinating any such attempts to the interests of the territorial state.

Chapter 4 Theorizing Aboriginal Citizenship in Canada

4.1 Introduction

Contemporary political theory is heavily indebted to the political thought represented by the social contract theories examined in the previous chapter. While there are clearly plenty of important axes along which to critique the nature of the legal/political systems that emerged from these foundational works, the key normative contributions that remain influential to contemporary thought in liberal democratic societies are those that centre around the idea of a *secular* society where political authority is rooted, to greater or lesser extents, in the will of the people. And while contemporary theory has, by and large, moved beyond the questions of whether political authority ought to be secular, we are still very much preoccupied with the core question of how to conceive of the connection between political community and the governing authority. As demonstrated in Chapter 1, this preoccupation is reflected in contemporary theories of citizenship that address this problem by debating the appropriate extents or boundaries of a political community along with debating the kinds of rights/responsibilities that should be protected/endorsed by the governing authority.

However, as argued in the previous chapter, territoriality—or the specifically modern "spatial strategy to affect, influence, or control resources and people, by controlling area" (Sack, 1986: 1-2)—provides the undertheorized background context, introducing relationships of domination that circumscribe any attempt to constitute political

authorities and communities and contradicting the putatively emancipatory narratives forwarded by the foundational social contract theories. In this chapter I argue that territoriality performs an analogous function with respect to contemporary citizenship theory—more specifically, with respect to leading theories that address the relationships between Aboriginal peoples and the Canadian state. In the contemporary context, however, the influence of territoriality appears more obscured by the entrenchment of the territorial paradigm within the Westphalian state system, whereas in early modernity, as previously discussed, territoriality was an emergent context. As such, we see each social contract thinker address this context to greater or lesser extents, ranging from Hobbes' mere acknowledgement that political authority is spatial, to Locke's full utilization of the territorial logic to endorse the appropriation of Indigenous lands. As the analysis that follows below reveals, fast forward to the contemporary Canadian state and it is clear that territoriality and the territorial Westphalian state has emerged as the defining feature of the modern "social episteme" or "mental equipment by which people reimagine their collective existence" (Ruggie, 1993: 157, 169; Murphy, 1996; Walker, 1990)

With this in mind, I examine the leading approaches to the accommodation of cultural diversity in Canada—as presented by Charles Taylor, Will Kymlicka, and James Tully—and demonstrate that territoriality functions as an unacknowledged background condition that contradicts, to varying degrees, the emancipatory potential of their theories in ways that disproportionately undermine Indigenous struggles and transform *sui generis* Indigenous claims into claims for some form of differentiated citizenship within the territorial Canadian state. The territorial assumption is evident in what I argue is a

conflation between Indigenous and Québécois nationalism and, as a result, a misrepresentation of the nature of their particular citizenship claims and political aims.

This conflation is particularly telling in that Québécois nationalism already fits the given territorial paradigm, aiming at either secession (that is, the formation of an independent territorial state that, nevertheless, remains compatible with territorial domination) or a form of nested sovereignty that respects their jurisdiction within their own fixed territorial provincial bounds while acknowledging some measure of accountability to, and shared responsibilities with, the overarching Canadian state. In this latter regard, the Québécois are unproblematically understood as Canadian, although perhaps with some qualification. If this is rejected, the secession option is the preferred route as expressed through *QSR*. However, as we've seen, because many Indigenous peoples reject the territorial state form as such, neither integration nor secession exist as acceptable alternatives—that is, both options entail an acquiescence to territorial domination and the anthropocentric and intra-human domination it enables (see Chapter 2).

As such, examining how territoriality enters into the leading contemporary theoretical approaches forwarded by Kymlicka, Taylor, and Tully, precipitates this conflation, and thus undermines the foundational normative aims of each approach, is the core focus of this chapter. Theorists of multiculturalism are the most salient here, as exemplified by Will Kymlicka's classification of Indigenous peoples and the Québécois as national minorities (as distinguished from ethnic minorities), and Charles Taylor's focus on Aboriginal and Québécois national differences as examples of 'deep diversity'. However, I

will argue that even the postcolonial theorizing of James Tully, while offering greater insight into the problems produced by colonial contexts, is ultimately undermined by the territorial logic given his reliance on the principle of self-determination as expressed in several national and international instruments including the *Quebec Secession Reference (QSR)* and the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* as a benchmark for judging the legitimacy of the constitutional relationships between both the Québécois and Indigenous peoples and the Canadian state.

In what follows, I address the work of each thinker in turn, arguing that the background territorial context that assumes some form of common citizenship amongst those residing within the territorial boundaries of the Canadian state ultimately works to undermine their particular normative commitments and ends up reproducing the very problems their theories were meant to address. As such, this engagement of contemporary theory, coupled with the previous chapter's examination of canonical social contract theories, demonstrates the ubiquity of the territorial paradigm and how it represents a key feature of the conceptual colonial legacy persisting across time and theoretical approaches. It also sets the stage for the final two chapters of this dissertation that seek to both articulate an alternative vision of a legitimate relationship between community and authority in general that is based on Indigenist thought and to explore the prospects for the co-existence of Indigenist and state-based models of political belonging and authority—that is, of postcolonial citizenship.

4.2 Charles Taylor: Identity and 'Deep Diversity'

As presented by Taylor, Canada is faced with the issue of how to maintain unity in context of "deep diversity". His understanding of diversity speaks directly to the unique ways in which national minorities like the Québécois and Indigenous peoples presumably see themselves as belonging to Canada. These modes of patriotism are described as distinct in that, while other Canadians may be expected to share a primary allegiance to Canada, many Québécois and Indigenous people identify, first, with their national group. Thus, any attachment they have to Canada depends upon the security, maintenance, and recognition of their primary allegiances to their own nations. As such, their sense of being Canadian must "pass through" their particular nationalisms. In this way, "the Québécois, Cree, or Déné [are] Canadian through being members of their national communities" (Taylor, 1993: 182-183).

Moreover, as Taylor argues in his well-known work, "The Politics of Recognition", these primary allegiances have an important ontological value rendering their recognition a "vital human need", the absence of which "can inflict harm [and] can be a form of oppression, imprisoning someone in a false, distorted and reduced mode of being" (Taylor, 1994: 25, 26). A key feature of the demands emanating from these types of national identities is not simply that the identities are recognized here and now, but that they are recognized in a way that aims at posterity, ensuring the survival of their particular national communities into the future (Taylor, 1993: 193; 1994: 40, 61). For Taylor, the common underlying normative framework is rooted in the similar ontological value of Québécois and Indigenous national identities and attends to two basic concerns – first, that the

survival of national identities are ensured and are protected into the future against majority encroachment and, second, that their value is recognized by the broader society.

Although Taylor is generally focused more on frameworks as opposed to specific recommendations, when he does suggest policy options it becomes clear that the common legitimating framework leads to divergent potential solutions due mainly to the empirical differences between Indigenous and Québécois political communities. For Quebec, the existence of a clearly demarcated territorial base coupled with a post-Quiet Revolution economic prosperity has enabled the idea of sovereignty in the Québécois political imaginary. As a result, the contemporary context is one in which secession exists as a real alternative to being recognized as a legitimate founding partner in Confederation in a Canada that is a binational, bicultural country rather than a country of provinces. As Taylor argues, while the "two founding peoples" narrative only gained prominence in the latter portion of the 20th Century, it has enduring value as "an expression of the profound sentiment that this was the only form in which Confederation could ultimately be acceptable to French Canadians" (Taylor, 1993: 169). While a form of French Canadian nationalism may be said to have persisted from the outset, the secessionist variant of a specifically *Québécois* nationalism emerged from a combination of political and economic developments within Quebec and the continued lack of recognition on the part of the broader Canadian society. The "failure of recognition" exacerbated an enduring problem—the fact that "what was always missing was a genuine patriotism for Canada" (Ibid: 168). The contemporary reality, then, is one in which the consequences of failed recognition

could feasibly tend toward the break-up of the country, both logistically (secession is a *practical* possibility) and in terms of popular support (secession is internally *conceivable*).

Placing these empirical realities front and centre, Taylor makes it clear that what is needed in terms of actual policy is a Canadian constitutional framework that explicitly acknowledges the coexistence of "distinct societies" as the basis for "more than one formula for citizenship" (Ibid: 199). The type of framework envisioned by Taylor is one that attends to what he calls the three discourses of Québécois nationalism: the demand for internal provincial powers enabling Quebec to preserve and promote its distinct society; demands for protections from the external Canadian majority; and the demand for recognition. And although the Canadian constitutional framework is largely premised upon a more symmetrical territorial version of federalism, the entrenchment of official bilingualism and protections for cultural minorities along with the fact that Quebec has taken more advantage of potential provincial powers relative to other provinces has resulted in a type of *de facto* asymmetry effectively allowing for Quebec's special status. In this sense, the first two demands, to a large extent, are already attended to. However, what remains is the absence of formal constitutional recognition of Quebec as a distinct society (Ibid: 162-172, 195).³⁵ It is on this specific failure of recognition that Taylor focuses his more prescriptive arguments.

³⁵ On November 27, 2006, the House of Commons approved a motion, tabled by Prime Minister Harper recognizing that "the Québécois form a nation within a united Canada" (Hansard. 2006. 39th Parliament, 1st Session; No. 087). It should be noted that this, nevertheless, falls short of the formal constitutional recognition advocated by Taylor. It is difficult to imagine the counterfactual regarding the real differences that formal constitutional recognition might make to the positioning of Quebec in Canada. However, the issue was important enough to Prime Minister Jean Chrétien that it was the "chief

Thus the connections between the normative bases, empirical realities, and practical solutions are drawn. When the two key normative commitments to the protection of identities on the one hand and their recognition on the other, are considered in the light of the contemporary political and economic place of Quebec within the Canadian federation, the need for explicit constitutional recognition becomes salient as the primary remaining and unresolved concern.

When considering Taylor's arguments regarding the recognition of Aboriginal peoples, it is apparent that the normative starting point remains the same. However, in this case the first feature—the survival of identities and cultures into the future—is the central issue. Generations of state policies aimed at the appropriation of traditional territories and the elimination of Indigenous political and economic structures and peoples have resulted in a current context in which the well-being and, indeed, the survival of Indigenous people and peoples is, in many cases, consistently threatened. It is perhaps for this reason that Taylor's prescriptions are aimed exclusively at this salient concern. As such, he argues that Aboriginal bands ought to "get certain rights and powers not enjoyed by other Canadians ... [such as] the right to exclude others in order to preserve their cultural integrity" (Taylor, 1994: 40). Although at one point in a brief discussion on the Nisga'a treaty, Taylor does mention rights that arise "in virtue of having functioning societies on this territory when the ancestors of non-Aboriginal Canadians came", it is only in passing in favour of re-

sticking point" regarding his conditional acceptance of the Meech Lake Accord. As such, he argued that formal recognition of Quebec as a distinct society could be included in the preamble to the accord but must remain outside the Constitution itself, lest Quebec be granted powers that could override the Charter (Martin, Lawrence. 2003. *Iron Man: The Defiant Reign of Jean Chrétien*. Toronto: Penguin Books: 15).

emphasizing the instrumental role of a form of "genuine Aboriginal self-rule which [must] not turn into a rule that might liquidate the Aboriginal society and culture" (1998-1990: 39).

As a result, when Taylor addresses the differences between Indigenous and Québécois contexts he does so on the basis of the distinctions between their respective societal characteristics. In this respect he argues that the use of the term 'distinct society' to encompass both cases is problematic because they espouse very different models of society:

Quebec already is—and is further developing as—an immigrant society in which people of diverse origins and traditions converge on a French-speaking culture that will develop out of it without being identical to the historical culture of French Canada. By contrast, aboriginal societies will mainly be made up of descendants of their present members; they will not want to assimilate large numbers of outsiders, nor will they be able to (Taylor, 1993: 201, note 2).

Indigenous societies, then, are distinct from Quebec because of their empirical capacities. For the most part, they do not have the political and economic capacities to assimilate outsiders without endangering their own existence. Therefore, their accommodation requires the promotion of "self-government and self-management" that may entail "a new form of jurisdiction in Canada, perhaps weaker than provinces, but, unlike municipalities, not simply the creatures of another level of government" (Ibid: 180).

That is, while Aboriginal communities clearly remain subordinate to the federal government—in the sense that they are to be 'less-than-provincial' entities—the scope of rights afforded these communities ought to include some justifiable control over membership, all due to the need to ensure the survival of their particular national identities.

The key point here is that the defence of special treatment for both Aboriginal and Québécois societies is rooted, on both counts, in the original normative argument regarding the ontological necessity of their national identities. The differences in proposed solutions, however, arise as a direct function of their respective political and economic capacities. At the level of normative justification, no distinction is made—each type of community must be afforded the means by which to ensure the survival of their national identities because of the importance of their identities as such. While Taylor acknowledges the logical primacy of Indigenous nationalisms in a way, by flagging rights that arise from their pre-existence on what is now Canadian territory, this key feature does not make its way into the formal defence of special treatment. In other words, special treatment in both cases remains bound to the assumption that there exists a normative equivalency between Indigenous and Québécois claims for a unique relationship with the Canadian state.

The territorial paradigm makes its way in here as a background condition by entrenching the assumption that Indigenous and Québécois identities ultimately express their desire for membership in the Canadian political community. While this may make sense for the Québécois case, there is no defence of this assumption with respect to

Indigenous peoples.³⁶ At what point did these communities become Canadian communities? The only logic available to us is that they simply are Canadian by virtue of their geopolitical positioning within the territorial state. The legitimacy of the extension of Canadian sovereignty over Indigenous communities and territories is left out of the analysis.

As a result, the normative aim of creating a theory which speaks to the needs and interests of Indigenous peoples is subverted in at least two related ways in Taylor's theory. First, as Glen Coulthard has persuasively argued, the type of recognition politics that Taylor advocates "promises to reproduce the very configurations of colonial power that Indigenous peoples' demands for recognition have historically sought to transcend", in part, because the reciprocity that Taylor's form of recognition requires is precluded by colonial contexts (2007: 439). As argued in the previous chapter, the territorial paradigm leads to a justification of political authority that rests on the authority's ability to establish and maintain territorial boundaries, and to control the contents (people and land/resources) within those bounds. Having established these Westphalian boundaries, then, the colonial state sets limits on the kinds of recognition of (now internal) polities that can logically follow. The state's existence as an authoritative entity with the associated territorial jurisdiction is assumed to be legitimate. What is left is to negotiate the legitimate exercise of that authority.

³⁶ As noted in Chapter 1, some Indigenous peoples accept inclusion into the Canadian political community, but this requires some form of explicit affirmation (e.g. treaties) to that effect. As such, the *assumption* that this is the case—as evidenced in the works of the thinkers addressed in this Chapter—is indefensible and undermines the stated normative aims of the theories.

According to Taylor, devolutions of authority may be defensible. But these remain devolutions that are, ultimately, at the discretion of the colonial state, with the internal political communities remaining, ultimately, responsible to the state rather than to their members. In short, because this kind of recognition leaves the existing colonial authority and jurisdiction intact, accepting the recognition that is granted by the state entrenches a position of political and economic subordination. It is the state that is put in the position of recognizing Indigenous peoples on what is assumed to be Canadian territory and in ways that is consistent with the Canadian state's overarching territorial claims. Clearly this type of recognition does not attend to the claims Indigenous peoples actually are making regarding their rights to self-determination and the need for reciprocity premised on a nation-to-nation relationship of equality.

The second and related subversion speaks directly to Taylor's key normative concern regarding the damaging effects of *misrecognition*. Taylor is preoccupied with the question of how to maintain national unity within the territorial state in contexts of 'deep diversity'. It is this fundamental starting point that precedes and trumps the aim to avoid *misrecognition*. Indeed, the concept of 'deep diversity' itself blatantly assumes that Indigenous identities are ultimately defined by the overarching aim to be recognized as *qualified* Canadians. Beginning from the territorial premise that the territorial state legitimately defines the scope of citizenship—that is, that the geographical boundaries of the Canadian state circumscribe an inclusive polity under the jurisdiction of an overarching legitimate authority—Taylor is left with no alternative but to theorize the most legitimate way in which this absorption into the territorial state might be made complete. While he

offers a meaningful analysis of the ontological value of the *primary* allegiances that Indigenous peoples might have to their own political communities, there is a conspicuous absence of any defence for why this identity is considered as merely instrumental to the *secondary* identity as members of the political community defined by the boundaries of overarching colonial state.

Thus, Taylor's framework explicitly commits the *misrecognition* that he is hoping to guard against. The particularistic primary identities that matter most to many Indigenous peoples are considered valuable insofar as they articulate their desire for a qualified membership in an oppressive colonial state—a membership that is explicitly rejected by many Indigenist leaders and scholars. This case of blatant *misrecognition* lies at the root of the persistent misinterpretation of Indigenist claims as claims for some form of differentiated citizenship within the colonial state.

4.3 Will Kymlicka: Autonomy and Cultural Protections

Turning now to Kymlicka's theory of minority rights, it is evident that a similar phenomenon occurs. However, in this case, the normative starting point is rooted in a liberal commitment to individual autonomy and the key instrumental role of cultural rights. The central underlying concern is that we are able to "lead our life from the inside, in accordance with our beliefs about what gives value to life ... [and] ... that we be free to question those beliefs, to examine them in the light of whatever information and examples and arguments our culture can provide" (Kymlicka, 1989: 13). One's culture, then, provides

an essential "context of choice" and, as such, ought to be considered "a good in its capacity of providing meaningful options for us" (Ibid: 166). In addition, Kymlicka distinguishes between 'ethnic minorities' (usually immigrant groups who voluntarily came to Canada after it was formed) and 'national minorities' (groups that pre-existed Confederation, like the Québécois or Aboriginal peoples, who have a resilient sense of nationalism). While culture matters for ethnic minorities, they often integrate quite willingly into the broader society. Special treatment for these groups (e.g. affirmative action policies) is thus considered legitimate as a means to facilitate participation in and integration into the broader society (Kymlicka, 1995, 2001).

National minorities, on the other hand, are understood as "synonymous with a 'nation' or a 'people'—that is, an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history". As 'institutionally complete' entities, societal cultures are seen as "containing a full range of social, educational, economic, and political institutions, encompassing both public and private life" (Kymlicka 1995: 18, 78). Accommodation of national minorities, then, requires more robust policies such as "group-differentiated self-government rights", "territorial autonomy, veto powers, guaranteed representation in central institutions, land claims, and language rights" aimed at ensuring the viability and preservation of their own 'societal cultures' (Ibid: 109, 113). Thus, while Taylor's approach is characterized by a dual focus on the survival and recognition of national identity, Kymlicka focuses exclusively on the singular issue of special treatment and group rights legitimated by the need to ensure the survival of national minority groups.

Having established a common basic legitimating framework, Kymlicka moves to addressing the issue of how to determine which particular types of solutions are appropriate to specific cases. In one respect, his argument tracks Taylor's emphasis on political/economic capacities. For example, he argues that forms of federalism can suffice "as a mechanism for self-government if the national minority forms a majority in one of the federal subunits, as the Québécois do in Quebec". He goes on to argue that, with the exception of Nunavut, the demographic dispersion across Canadian territory makes a territorial solution of this kind practically impossible for Aboriginal peoples in general (Ibid: 29, 30).

However, he also goes further than Taylor in drawing out important differences between Indigenous peoples and the Québécois in terms of their historical relationship to the Canadian state and the relevance that this holds for appropriate policy. Of central importance here is the legitimacy of the state's acquisition of authority over national minority groups: "If incorporation occurred through a voluntary federation, certain rights might be spelled out in the terms of federation (e.g. in treaties)... . If incorporation was involuntary (e.g. colonization), then the national minority might have a claim of self-determination under international law which can be exercised by renegotiating the terms of federation" (Ibid: 117). This framework places the Québécois and some Indigenous peoples (those with treaties explicitly consenting to some form of incorporation) in a similar category. In these cases, the support for the specific provisions stems from the state's duty to honor the terms of the agreement. However, in the absence of such an agreement—or when the agreement is rendered void due to the Canadian government

reneging on certain promises—an alternative means of determining appropriate treatment must stand in. Here, Kymlicka falls back on his foundational group equality argument stipulating that promoting the equality of citizens requires that the state offer measures of self-government as a means to protect national minorities from majority cultures. In this sense, "the equality argument can help those groups which, for whatever reason, lack historical rights" (Ibid: 119).

Kymlicka thus does identify some important differences between the Indigenous and Québécois cases. Indeed, in later work he goes even further suggesting that, in spite of the fact that some Indigenous peoples and the Québécois may have explicitly consented to some form of constitutional incorporation, their respective relationships with the Canadian state are unique in important ways. Rather than understanding the differences in policy approaches as successive layers of legislation, they should be seen as distinct "vertical silos" that are in reality historically, legally, and administratively disconnected (Kymlicka, 2005: 1). Indeed, if there is a "common logic" binding the array of existing policies, he argues that it is rooted in "the logic of liberal constitutionalism—the same logic that informs the entire constitution. ... In particular the logic of the idea of the inherent equality of human beings, both as individuals and as peoples" (Ibid: 2, 12). Thus, by defending a foundational equality of peoples, Kymlicka's normative basis allows him to pay some attention to the distinct Indigenous and Québécois historical contexts. And although these historical differences do not enter into the foundational normative framework, they do play a role as key factors in assessing appropriate policy in a way that is absent in Taylor's theory.

Nevertheless, like Taylor, Kymlicka's entire argument is developed assuming a background theoretical frame of a common Canadian citizenship, however differentiated, with no explicit justification. This assumption rests, ultimately, on the territorial logic that Indigenous peoples *must* be Canadian given their geopolitical positioning within the territorial boundaries of the Canadian state.

That these background assumptions are unwarranted impositions is drawn into sharp relief by the way in which Kymlicka emphasizes the historical differences between the Québécois and Indigenous peoples. The logical misstep occurs in the arguments just presented which attend to the distinct ways in which the state acquired authority over the respective groups and their territories. Kymlicka rightly argues that the place of the 'equality argument' must be reconsidered because, while it "assumes that the state must treat its citizens with equal respect", it fails to attend to "the prior question of determining which citizens should be governed by which states" (Kymlicka, 1995: 116). This is the right question. However, we are left with unsatisfactory answers. Of course, historic and modern treaties stand as examples of explicit agreements that can provide the required legitimization. However, in the absence of these instruments, Kymlicka falls back on the equality argument. That is, he reverts to assuming citizenship for all people within Canada's territorial boundaries, including Indigenous peoples, where no legitimization of this assumption exists.

The territorial assumption pervades Kymlicka's entire framework. Indeed, he gives an explicit nod to Taylor's generalization of 'deep diversity' suggesting that for Indigenous and Québécois peoples, "Canada is a federation of national groups which respect each

other's right to be a distinct societal culture *within Canada*" (my emphasis), thus arguing that, whatever differences exist between these groups, they can all be distilled down to different "way[s] of being Canadian" (Ibid: 189-191). Moreover, the aforementioned 'common logic' of liberal constitutionalism, while based on the equality of both individuals and peoples, can only be sustained within the context of the assumption of a comprehensive Canadian citizenship defined by Canada's claimed territory.

Once again the tension arises in the sense that distinct policy measures are aimed at rectifying a diverse historical "catalogue of uncivil relationships" through forms of "citizenisation" – that is, through "the constructing of liberal democratic citizens in a multiethnic state. ... This means filtering and framing these differential claims through the language of human rights, civil liberties and democratic accountability" (Kymlicka 2005: 17). In this sense, the 'prior question' of legitimate authority is answered by whether or not the state successfully promotes basic/civil rights and democracy within its jurisdiction. Accordingly, the prior question that Kymlicka himself poses regarding the legitimization of citizenship through the acquisition of authority is not prior at all and, in fact, only a second order consideration. Put simply, citizenship is assumed unless the state defaults on its liberal-democratic commitments to its citizens. While this assumption may hold for cases of explicit consent to incorporation within an overarching constitutional framework, it fails to attend to the cases for which this prior legitimating step is absent and, therefore, cannot hold without recourse to some illegitimate territorial logic sanctioning colonialism or conquest.

Ultimately, this assumption proves fatal to Kymlicka's initial grounding normative commitments. That is, if cultures ought to be protected because they provide the essential context for autonomy, allowing us to "lead our life from the inside, in accordance with our beliefs about what gives value to life ... [and to] ... be free to question those beliefs, to examine them in the light of whatever information and examples and arguments our culture can provide" (Kymlicka, 1989: 13), then how does one justify imposing an overarching Canadian political community, thereby restricting Indigenous individuals' most basic associative freedom to choose their own political allegiances?

Moreover, his description of national minorities as representing the kinds of cultures that are deserving of special (albeit subordinate) autonomy introduces a further inconsistency. Recall that national minorities are defined as "synonymous with a 'nation' or a 'people'—that is, an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history" (Kymlicka 1995: 18, 78). This description is curiously similar to any generic description of the modern state minus the key feature of the putatively absolute sovereignty over said territory. Yet there is no explanation as to why or how the state acquired sovereignty absent explicit consensual agreements. The implication is that, while all cultures are key to the autonomy of those who share them, the societal culture of the liberal democratic state is somehow *more* important since it stands as the assumed overarching and sovereign context of choice, the existence of which requires no such justification. Unless we accept the logic of modern territoriality—that authority over people and land/resources is legitimated via the state's putative ability to control the contents of a geographical

circumscription—we are left with no justification for the state's authority to impose itself as an overarching political community and political authority. Modern territoriality, then, provides the unacknowledged background conditions that set unacknowledged limits for Kymlicka's normative prescriptions.

Finally, it is worth taking a step back and reconsidering how modern territoriality works in the background to limit possibilities regarding the concept of 'culture' in Kymlicka's theory. Although his rendering of culture as a 'context of choice' is a novel contribution, it relies on the now prevalent understanding of culture as "a good in its capacity of providing meaningful options for us" (Ibid: 166). As a 'good', culture is then understood "as an object or a state of affairs, valuable for its potential to be consumed, experienced, or used" (Holder, 2008: 10). However, Indigenist conceptions of culture often depart quite radically from this view. Instead, culture

is not a good that individuals have an interest in accessing or consuming but an activity that individuals and peoples must be permitted to pursue. Cultural rights are rights to do cultural sorts of things: express and develop language, a worldview, a history, an identity as peoples and as individuals. In short, cultural rights protect the interests peoples have in culture as a verb: in a way of living (Ibid.: 15).

This is a significant contrast. In Kymlicka's theory, when culture (understood as a good) is mapped onto the idea of citizenship, it then becomes one of the benefits of

membership—something that the state has the authority to protect or provide. When state citizenship is the assumed background condition, the culture in question *must* ultimately be compatible with the aims and ideology and sovereignty of the state and the underlying logic of modern territoriality. However, when culture is understood as a verb related to the development and expression of an identity as peoples, one must pay close attention to what sort of identity is being expressed or developed. Importantly, an identity related to postcolonial citizenship is partly characterized by a resistance to state authority over peoples and territories. If this is what the state ought to protect, we are left in the paradoxical situation according to which the state must protect that which negates its legitimacy. The tension is relieved when culture is relegated to the status of a good. Indeed, accepting Westphalian territoriality as the background condition—that is, theorizing from within a context that assumes the prior legitimacy of the state-defined boundaries as properly circumscribing a polity—necessitates this rendering of culture. In short, like Taylor's work, the applicability of Kymlicka's approach is restricted by the acceptance of the background territorial condition. As a result, the theory is not able to provide the cultural protections that it is designed to defend when these cultures exist as an expression of the prior and existing sovereignty of Indigenous peoples and, therefore, necessarily misinterprets claims regarding postcolonial citizenship.

4.4 James Tully: Civic Freedom and Self-Determination

Tully's work on legitimate forms of democratic constitutionalism and the implications for the relationships of Indigenous peoples and the Québécois with the Canadian state sheds valuable light on the problems discussed so far. His analysis provides important insights into the ways in which the legitimacy of the Canadian state must be understood differently when considering the distinct cases of the Québécois as part of the broader 'settler society' and 'Aboriginal' peoples as Indigenous peoples. That is, he goes beyond Kymlicka's liberal argument and Taylor's communitarian argument—both of which respond to historically distinct relationships with the Canadian state as a practical policy issue—by imbedding such differences within his foundational normative framework from the outset. However, as I will argue, although his normative starting point explicitly addresses the ways in which a colonial assumption of authority is illegitimate, his approach remains vulnerable to a modern territorial paradigm, manifested here in his reliance on a federal/provincial confederative analogy and the *QSR* and the *UNDRIP* as models for 'internal self-determination'. In the end, the proposed solutions lead to logical inconsistencies similar to those displayed by both Kymlicka and Taylor by allowing for the prior legitimacy of some form of constitutional incorporation and external circumscription of Indigenous political communities and territories.

Like Taylor and Kymlicka, Tully is concerned with the recognition of national identities and ensuring the equality of national groups. However his basic normative foundation differs in that he is committed to promoting a kind of civic freedom, enabling political communities to act as a check against domination by political authorities:

'Practices of civic freedom' comprise the vast repertoire of ways of citizens acting together on the field of governance relationships and against the oppressive and unjust dimensions of them. These range from ways of 'acting otherwise' within the space of governance relationships to contesting, negotiating, confronting and seeking to transform them. The general aim of these diverse civic activities is to bring oppressive and unjust governance relationships under the on-going shared authority of the citizenry subject to them; namely, to civicise and democratize them from below (Tully, 2008a: 4).

The main concern centres on the injustices of state domination in the form of "relations of communication and governance that arbitrarily or unnecessarily constrain citizens from exercising their democratic freedom to engage freely in effective practices of deliberation and negotiation of the rules by which they are governed" (Tully, 2005: 212). Thus, while he also attends to the unique contemporary challenges arising from "[t]he politics of recognition of multiple nations and cultures within a constitutional democracy", he makes it clear that the core issue is "not recognition, identity or difference, but freedom; the freedom of the members of an open society to change the constitutional rules of mutual recognition and association from time to time as their identities change" (Tully, 2008: 189). A constitutional structure that is not open to democratic challenge and amendment by its members, therefore, represents a "structure of domination" and stands in direct opposition to the freedom of the polity. As such, Tully cites "[f]reedom *versus* domination [as] the

emerging focus of politics in multinational societies at the dawn of the new millennium" (Ibid: 190).

Against the background of this basic framework Tully offers a normatively grounded sketch of how minority national groups³⁷ within multinational democracies in general—and the Québécois and Indigenous peoples in Canada, in particular—might realize this sense of civic freedom. In general, if national minorities are to be free from state domination they must not only be empowered to exercise their democratic freedoms within a given constitutional framework, but must also be free to "impose the general system on themselves" by negotiating the terms of—and consenting to—their incorporation into the broader constitutional order (Tully, 2005: 191).

This is a promising point of entry into the problems surrounding postcolonial citizenship. It offers a fresh perspective, enabling an understanding of the colonial domination of Indigenous peoples as a unique case requiring unique solutions. When considering the relationships of Indigenous peoples to the Canadian state, it then becomes apparent that "[t]he relevant institutions of ... Canada constitute structures of domination because they are now relatively stable, immovable and irreversible vis-à-vis any direct confrontation by the colonized population." As a consequence of their positioning within these "stable structures of incorporation", Indigenous peoples' struggles for freedom have

³⁷ Tully does not offer an explicit definition of 'national minority' in the way that Kymlicka does (see above). However, in his chapter "Reimagining belonging in diverse societies" in *Public Philosophy in a New Key, Volume I*, he describes three categories of demands for recognition in constitutional democracies like Canada. Indigenous peoples are included in the third category: demands for "'multinational' constitutional associations, or what might be called constitutional associations of more than one 'free people'". These are demands to establish autonomous political and legal institutions separate in varying degrees from the larger political association" (my emphasis) (Tully, James. 2008a. *Public Philosophy in a New Key Volume 1: Democracy and Civic Freedom*. Cambridge: Cambridge University Press: 173). This initial inclusion of Indigenous peoples as part of, but differentiated from, the "larger political association" is a problematic assumption following from the governing territorial paradigm as I argue below.

mainly been channeled through state-defined delegations of minority rights—including the types of self-government measures advocated by Kymlicka and Taylor—"rather than [through] direct confrontation with the background structures of domination" (Tully, 2008a: 259-260). As such, they remain unfree in the sense that they "are constrained to deliberate in a particular way, in a particular type of institution, and over a particular range of issues ... [such that] ... they nevertheless deliberate within the rules rather than over the rules" (Tully, 2005: 214).

Nevertheless, I think that there is a tension here that risks reproducing the kinds of domination that the theory is aimed at rectifying—a tension that is drawn out when one considers the place of the referent in the ensuing discussion regarding the types of constitutional solutions that follow from this basic foundation grounded in civic freedom. As I explain below, this tension emerges as a result of two general solutions endorsed by Tully: the proposal of a dual-confederation model and the reliance on the principle of self-determination. These proposed ways forward ultimately fall prey to the logic of modern territoriality in a way that parallels the shortcomings of the early social contract theories and, therefore, cannot meet the requirements of postcolonial citizenship.

4.4.1 The Dual Confederation Model

First, as part of a dual-confederation framework, Tully articulates the "confederation of Aboriginal and non-Aboriginal Canadians ... by drawing an analogy to the similar relationship between the provinces and the federal government" (Tully, 2008a:

235). The analogy is aimed at drawing out the idea that any legitimate relationship between First Nations and Canada must, like that between the federal government and the provinces, be based on "universal, liberal principles of equality, continuity and consent" (Ibid.: 236).

However, there are important differences: First, it must be recognized that the establishment of the original colonies rested on treaty agreements with the Indigenous nations already on the continent. Thus, "the right of the federal and provincial governments to exercise jurisdiction over their respective territories is based on their recognition of the prior right of the Aboriginal nations" and, therefore, "[f]or provincial and federal governments to deny the treaty relationship between Aboriginal and Canadian governments would be to violate the conditions of their own legitimacy".

Second, federal-provincial relations are the product of "intergovernmental delegation, first ministers' negotiations and referendums, and recorded in the Constitution ... [while] ... Aboriginal-Canadian relations are based on treaty negotiations ... [with] ... the Crown and later with the federal and, to some extent, provincial governments" (Ibid.). Although the Canadian Constitution makes reference to Aboriginal and treaty rights, this is only in order to entrench their constitutional protection, not as a means of incorporation. In short, "Aboriginal peoples have never been part of [the federal-provincial] confederation and it is a travesty of history to pretend otherwise" (Ibid.: 237).³⁸

³⁸ The fact that Aboriginal peoples are mentioned in Section 91(24) of the 1867 *Constitution Act* and Sections 25 and 35 of the 1982 *Constitution Act* is often construed as legitimating the conception of Aboriginal peoples as minority groups of citizens falling within the sovereign jurisdiction of the Canadian state. However, contemporary scholarship has refuted this position by showing that Section 91(24) refers only to the transfer of the Crown's responsibilities to the federal government and by demonstrating how Sections 25 and 35 "create a shield around treaty rights" as *sui generis* rights that are not derived from but, rather, predate the

Surely this reconceiving of the relationship between Indigenous peoples and Canada—resituating Indigenous political communities and authorities *outside* of the typical federal-provincial constitutional framework—is a much needed step in the struggle against colonial domination. However, the key concern that follows centres on the kind of relationship that stands in as an alternative. If the federal-provincial Constitution acts as an imposed referent, forcing Indigenous peoples into a Canadian community and under Canadian authority, then how can we conceive of a legitimate alternative referent? It makes sense to me that treaties ought to play a central role here because they represent an explicit acknowledgment of shared obligations and some level of shared authority. Tully's dual-confederation framework is intended to attend to precisely this alternative context.

Nevertheless, the modern territorial paradigm, once again, works in the background to transform this potentially emancipatory framework into a totalizing one that concedes that Indigenous peoples are, ultimately *Canadian* with no explicit justification as to why treaty negotiations must necessarily aim toward this end result. Thus, while Tully defends Indigenous peoples' "equal yet prior status as nations" (Ibid.: 234), he nevertheless argues that the treaty relationship that follows from this foundational relationship includes Indigenous peoples in a new vision of 'Canada', stipulating that they are, indeed, *Canadians*:

establishment of the Canadian state. (Henderson, James Youngblood. 2000b. "Constitutional Powers and Treaty Rights". *Saskatchewan Law Review* 62 (2): 730; see also Borrows, John and Leonard Rotman. 1997. "The *Sui Generis* Nature of Aboriginal Rights: Does it Make a Difference?". *Alberta Law Review* 36 (1):9-45; Ladner, Kiera. 2003. "Rethinking the Past, Present and Future of Aboriginal Governance". In *Reinventing Canada*. Edited by Janine Brodie and Linda Trimble. Toronto: Canadian Scholars Press. 43-60.; Tobias, J. L. 1991. "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy". In *Sweet Promises: A Reader on Indian-White Relations in Canada*. Edited by Miller, J. R., Toronto: University of Toronto Press. 127-144; Tully, James. 1995. *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge: Cambridge University Press.).

Therefore, let us use the term 'Canada' from now on to refer to the political association of the two confederations, and abandon the narrow, colonial use of the term. Aboriginal peoples are 'Canadians' in this broad sense of the word: that is, members of Aboriginal nations and members of the federation of the Aboriginal nations and the federal-provincial confederation (Ibid.: 237).

This formulation is problematic because although it redefines Canada in a radically different way, as two confederations as opposed to one as other theorists from Taylor and Kymlicka back to Locke have done, it still leaves the Canadian state in place as the overarching comprehensive referent. That is, it recognizes a distinctive founding moment, as it were, that sets Indigenous political units apart from the provinces, yet, by positing treaty negotiations as a way to "establish autonomous political and legal institutions separate in varying degrees *from the larger political association*" (Ibid.: 173; my emphasis), it nevertheless assumes that such negotiations aim at defining Indigenous nations as a unique part of said 'larger association', which is *Canada*. To put it bluntly, we don't assume, for example, when Canada negotiates treaties with the United States, that this is a means of expressing a unique kind of American citizenship for all Canadians. Yet, according to the dual confederation model, this is precisely the assumption that is made with respect to treaties between Indigenous nations and the Canadian state, which ultimately circumscribes the possibilities available to Indigenous peoples as they seek to constitute their own political communities and authorities.

This circumscription manifests in at least two ways. First, it leaves individual First Nations no alternative but to legitimize their existence through treaties with the Canadian state and the Canadian state alone. They are ultimately constrained to define themselves as peoples—as autonomous nations with their own political authorities—only with reference to their relationship to the Canadian state. Thus, rather than treaties flowing from and existing as an expression of Indigenous nationhood, treaties with Canada stand as comprehensive expressions of Indigenous rights—rights that are defined entirely with reference to the overarching Canadian state.³⁹ In short, the treaties that define the Aboriginal-Canada relationship can only be understood in the lesser sense as 'treaties' in scare quotes, since they do not express the full autonomy of Indigenous nations to enter into agreements with partners and substance of their own choosing.

Second, this approach imposes a collective identity on all Indigenous peoples within the boundaries claimed by the Canadian state. Indeed, recent decades have witnessed "a prominent pan-Indian trend" resulting in individual Indigenous nations "transferring some of their tribal loyalty to the larger community of Indians" as a direct consequence of "the universal Indian experience of discrimination and of being deprived of treaty and aboriginal rights" (Little Bear, Boldt, and Long, 1984: xvii-xviii). While it is necessary for Indigenous nations—individually and collectively—to have some real influence at the federal and provincial levels, this is clearly necessitated by the geopolitical fact of colonial

³⁹ See, for example, Andrew Woolford's analysis of the BC Treaty Process as imposing identities and relationships to territory that are ultimately compatible with provincial and federal paradigms (Woolford, Andrew. 2005. *Between Justice and Certainty: Treaty Making in British Columbia*. Vancouver: UBC Press; Woolford, Andrew. 2011. "Transition and Transposition: Genocide, Land and the British Columbia Treaty Process." *New Proposals: Journal of Marxism and Interdisciplinary Inquiry* 4, no. 2: 67–76.

domination. Any normative account of Indigenous community and authority, therefore, should explicitly resist the default to a comprehensive rendering of Indigenous belonging that falls back on the state as an assumed overarching condition and context.

4.4.2 The Principle of Self-Determination

The second general tension follows from Tully's reliance on the principle of self-determination—expressed in various legal instruments like the *QSR* and the *UNDRIP*—as compatible with a normative commitment to the civic freedom of national minorities in general and of the Québécois and Indigenous peoples in Canada in particular. Here Tully draws on *UNDRIP* and the "exemplary reasoning" of the Supreme Court of Canada in its interpretation of the *QSR* as offering an ideal expression of the right to self-determination of peoples in multinational democracies understood as "the right to initiate political and constitutional change (up to and including secession) and the correlative duty to enter into political and constitutional negotiations with the member who invokes this right by a legitimate procedure" (Tully, 2008a: 191).

The 'up to and including secession' portion speaks to the definition of self-determination as housing 'internal' and 'external' features of the right. 'Internal' features refer to the ability "to contest and seek to change any rule of recognition governing the members and the relations among them, by presenting arguments in terms of the principles, values and goods of the constitution" (Ibid.: 197). If this practice of civic freedom is blocked, then those seeking self-determination "have a right to 'external self-

determination': that is, to activate their right to secede" (Ibid.: 218). Moreover, Tully argues that this basic framework serves as a useful model for both the Québécois and Indigenous peoples in Canada, the key difference being that, while the *QSR* recognizes the Québécois right to self-determination, there is no analogous recognition in the Canadian Constitution regarding Indigenous peoples. As such, "[t]heir self-determination is blocked [because] they are constrained from the meaningful exercise of their right to internal self-determination" (Ibid.: 219). As Tully argues, realizing this right would allow Indigenous peoples to negotiate the terms of their inclusion in the broader Canadian constitutional order enabling the dual-confederation approach described above.

An immediate problem arises, however, when one considers that the principle of self-determination is itself an expression of territoriality or the strategy of bounding and controlling geographical space as the modern 'social episteme' as described in the previous chapter. As such it limits any negotiated co-existence to the two options of 'internal' or 'external' self-determination, mirroring the (differentiated) integration/secession territorial logic. A key issue here is that Quebec already fits within the modern territorial paradigm and so the political ethos and economic positioning of post-Quiet Revolution Quebec renders these alternatives potentially viable. At both the provincial and federal levels, Quebec already has the institutional infrastructure in place enabling the articulation of Québécois views of a just relationship with the Canadian state.⁴⁰ Without delving into the array of nuanced perspectives and legislative intricacies of what this just relationship might look like, the common underlying premise is that Quebec entered into confederation

⁴⁰ By federal and provincial infrastructure I am referring to features like official bilingualism in Parliament, Parliamentary representation in the form of the Bloc Québécois, autonomous provincial institutions, etc.

with the explicit aim of maintaining a robust level of political autonomy and as a means to the preservation of their cultural/linguistic/legal distinctiveness as a self-governing nation within a territorially defined federation as outlined in *The Quebec Act* of 1774. The legitimacy of the contemporary relationship, then, must be measured against this benchmark (Tully, 1995: 145-157; 1994: 84-86).

Moreover, as has already been discussed with respect to Taylor's work, the idea of secession is already established in the Québécois political imaginary and their political and economic capacities are testament to the viability of this option. On the one hand, whether as a province or an independent state, Quebec is already geopolitically structured as a basic territorial entity according to the Westphalian territorial model. Furthermore, at the risk of oversimplification, one might argue that all that stands in the way of Quebec taking advantage of the framework outlined by the *QSR* is evidence of state domination in terms of an arbitrary usurpation of Quebec's legal/political autonomy (e.g. the imposition of the 1982 *Charter*) and an appropriate measure of internal popular support for secession. And, as the results of the 1995 referendum on Quebec's sovereignty suggest, achieving the needed support for sovereignty is not out of the question. In this sense, although it is not, as it were, a straight path to self-determination, the Québécois have the necessary instruments available to them that enable them to deliberate 'over the rules' of their incorporation into the Canadian state rather than being constrained to work only within an imposed framework.

Many Indigenous peoples, on the other hand, do not fare so well within this framework, especially when one considers the key characteristic (identified in Chapter 1)

that rejects *both* integration and secession. Given this framework, if secession is rejected either as practically infeasible (as Kymlicka and Taylor suggest) or as following from a rejection of the *state form* (Alfred, 2009a) we are left, as Tully is, with little choice but to default to the 'internal self-determination' option. But what is the nature of 'internal self-determination' and how does it fit with a commitment to the civic freedom of Indigenous peoples? Put another way: What makes Indigenous peoples 'internal' to begin with? The conditioned Western response relies explicitly on the logic of modern territoriality that accepts without justification that because Indigenous peoples and their territories exist within the boundaries claimed by the territorial state, they are necessarily subordinate and not equal in status.

The core problem for this approach is that the emancipatory potential of the internal self-determination concept is limited by the idea that Indigenous nations are 'internal' to begin with. The logic here is mirrored by Tully's characterization of the relationship between Indigenous peoples and the Canadian state as a system of "internal colonisation". Through this lens, "the ground of the relation is appropriation of land, resources, and jurisdiction of the Indigenous peoples ... for the territorial foundation of the dominant society itself" (2008a: 262). As described in Chapter 2, this is precisely the dynamics of *settler colonialism* whereby "a political body ... is dominated by an exogenous agency ... [that] ... reproduces itself in a given environment" (Veracini, 2010: 2-3). Describing this as 'internal colonisation' reverses the relationship and assumes a position of incorporation as the starting point for discussion instead of revealing the expansionist drive to incorporate as the problematic process. As such, this concept enables the

conflations with minority groups like the Québécois, suggesting that the problem is to be found in the *details of* their incorporation, rather than the *fact* that they are assumed to be incorporated in the first place. Jodi Byrd offers an analogous rendering of this conflation in her critique of the term 'internal colonisation' with respect to Indigenous nations and the United States:

one might argue that the idea of 'internal colonialism' services the construction of the United States as a multicultural nation that is struggling with the legacies of racism rather than as a colonialist power engaged in territorial expansion since its birth (2011: 34)

And as Arneil observes:

scholars of settler colonialism do not assume the state, arguing instead the state itself must be critiqued along with any notion that indigenous peoples exist 'inside' something else. As such, internal colonialism does not work because indigenous peoples are not one group amongst many subject to the dominating power of internal colonialism but the *only* group subject to *settler* colonization that preceded all other forms of domination in settler states (2015).

Thus, the concept of internal colonization may be an accurate description of the *intent or aspiration* of the settler colonial state, but it should be understood as an intended

imposition—one that is continuously being resisted by those Indigenous peoples who continue to struggle for the recognition of their prior and existing sovereignty—rather than a *fait accompli*.

This internalizing of Indigenous peoples is evident in the language of 'internal self-determination' in the instruments that Tully relies on in his theorizing. Importantly we see an emphasis on the imperative to maintain unity within the boundaries claimed by the territorial state. This imperative stands as a robust expression of modern territoriality within the self-determination framework and is explicitly relied upon in both the *QSR* and the *UNDRIP*—two key sources that Tully draws from when he argues that both the Québécois and Indigenous peoples have a valid claim to the right to self-determination under domestic and international law (Tully, 2008a: 215-219). The *UNDRIP*, for example, states:

Nothing in this declaration may be ... construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity of political unity of sovereign and independent States (UN, 2007).

The *QSR* predates the *UNDRIP* but draws on similar wording in various other U.N. instruments such as the *Declaration of Friendly Relations*, the *Vienna Declaration*, the *Declaration on the Occasion of the Fiftieth Anniversary of the United Nations* and the *Helsinki Final Act* which all state that any right to internal self-determination

shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States (UN, 1995 cited in SCC, 1998: §120).

As such the *QSR* states that the right to internal self-determination "operates within the overriding protection granted to the territorial integrity of 'parent states'" (Ibid.: §131) and can be realized through a commitment to the 'federal principle' according to which "diversity could be reconciled with unity" (Ibid.: §43) in the context of the Canadian state that is "possessed of a government representing the whole people belonging to the territory without distinction" (Ibid.: §136).

Tully relies on this same framework for both the Québécois and Indigenous peoples. With respect to Quebec, he argues that, as peoples, the Québécois have a valid claim to this right and, therefore, Canada "must find a way to reconcile their exercise of the right of self-determination with the requirements of unity... [and] ... within the framework of [the] existing state" (Tully, 2008a: 217). Moreover, he argues that this parallels Indigenous self-determination:

The same analysis applies to Indigenous peoples. ... Canada is bound to recognize their right of self-determination internally and *reconcile this with the requirements of unity*. This would then enable the Indigenous peoples of Canada to exercise their right to initiate constitutional change effectively as they develop the capacity to share and exercise powers of self-government over their

traditional territories and negotiate treaties of cooperation with provincial and federal governments (Ibid.: 218-219; my emphasis).

However, when considering the historical relationships between Indigenous peoples and the Canadian state, there is something decidedly anachronistic about the self-determination approach modeled on Quebec in that it constrains Indigenous peoples—regardless of their particular treaty-based relationships—to negotiate their collective existence from a position of legitimate incorporation—*Indigenous peoples are constrained to act as if they see themselves as internal minorities existing on Canadian territory*, which is a stark reversal of the historical record. Nevertheless if the existing form of incorporation that follows from this false premise can be shown to be illegitimate, then negotiations can ensue that ought to work toward legitimizing the relationships. The possible solutions, however, are constrained by the internalizing frame which leaves in place the overarching Canadian referent and leads to the totalizing problems described above with reference to the dual confederation framework—Indigenous peoples are left with no choice but to be included in a comprehensive Canadian polity and, ultimately, subject to an overarching Canadian authority—both assumed to be properly circumscribed by the territorial bounds claimed by the state—while being granted more or less robust levels of autonomy within the legal, political, territorial, and *social* boundaries of Canada.

It is important to note that this observation should not be interpreted as suggesting that Tully's work represents an underlying *endorsement* of territoriality and the relationships of domination between humans and between humans and the rest of the

natural world. Rather, the key point in this regard is to highlight the ubiquity of territoriality, as the modern “social episteme” or “mental equipment by which people reimagine their collective existence” (Ruggie, 1993: 157, 169; Murphy, 1996; Walker, 1990) that, nevertheless, impinges upon even the most thoughtful and hermeneutically sensitive works.

Indeed, published alongside many of these key recent selections of his work in *Public Philosophy In A New Key*, Tully expounds “an ecological ethics for the present” and explicitly endorses a non-dominating relationship between humans and non-humans, including the entities within the non-human world as members in an “eco-community” (2008b: 73-90). More recently, Tully has offered insights on the theory and practice of reconciliation, arguing that in order to develop sustainable relationships between Indigenous and non-Indigenous peoples we must necessarily develop “sustainable relationships with the living earth” and *vice versa* (2014). Thus, at this juncture, it is important to reiterate the key point that territoriality, as an assumed background condition, becomes an integral feature of the options for co-existence that follow if a sustained critique of territoriality and the dominating relationships it imposes is not included in the analysis. The intention is to unmask the subversive effects of territoriality as a background condition and to demonstrate this by shedding light on the inconsistencies that it introduces in our attempts to develop emancipatory frameworks.

This kind of inconsistency parallels the problems faced by the foundational social contract theories discussed in chapter three. Like the social contract approaches, the civic freedom approach begins with the emancipatory conception of citizenship that seems to

hold a radical domestic promise, appealing to the right of citizens to decide how and by whom they are governed. Yet the state based territorial logic makes its way in both implicitly and explicitly. Implicitly, even the basic definition of 'practices of civic freedom' introduced above presents the acts of "contesting, negotiating, confronting and seeking to transform" illegitimate relationships as means "to bring oppressive and unjust governance relationships under the on-going shared authority of the citizenry subject to them" (Tully, 2008a: 4). Here civic freedom is conceptually limited to the freedom to "civicize and democratize [unjust relations of governance] from below" (Ibid.), leaving the predetermined scope of the community and the jurisdiction of the overarching authority in place.

Explicitly, the default to the internalizing conceptual frame makes it clear that any form of civic freedom must necessarily be subordinated to the 'requirements of unity' within the context of the sovereign territorial state. As is the case for the original social contract theories, modern territoriality sets firm limits on the emancipatory potential of the theory. While it allows for some level of differentiation and autonomy, this must necessarily take place in such a way as to affirm the legitimacy of the state's claim to the contents (people, land, and resources) within its territorial boundaries. What remains is the freedom to seek ways to legitimize an existing state-defined authority and to articulate a particular mode of belonging to the broader state-defined community. No explicit justification for the elevated status of the state is given. Rather, it exists as a context and is presumed legitimate as a context (if not in its particular function) by virtue of its imposed existence alone and its place as the already present overarching authority.

4.5 Conclusion

All this is not to say that the normative approaches surveyed in this chapter have nothing of value to offer. Taylor's emphasis on the damaging effects of a misrecognized identity, Kymlicka's focus on the value of culture and the danger of assimilation are important to a broadly liberal approach to political theory that seeks to recognize, protect and accommodate ethnic, religious and cultural difference. Tully's analysis goes much further through his commitment to civic freedom as a means to counter state domination and a more radical democratic rather than liberal approach. Thus all provide important insights for consideration in the struggle to articulate and achieve legitimate relationships between Indigenous peoples and the states that claim that such peoples exist within their sovereign territory. Such approaches are useful for those Indigenous people(s) that have explicitly accepted some form of state citizenship and/or have engaged in treaty negotiations to that effect.

Where all three theoretical models all fall short, however, is with regard to those Indigenous peoples, who have not yet established a treaty relationship or who reject the Canadian state and citizenship outright. Taylor commits the misrecognition he hopes to avoid by assuming that Indigenous peoples' identities are comfortably nested within the concentric circles that emanate, ultimately, from the local to the national. Kymlicka fails to appreciate the extent to which Indigenous cultures are not the kinds of 'goods' that the

state can either provide or protect but are often characterized by the constitutive practices engaged in by Indigenous communities that affirm their own senses of nationhood and connection to place that is, at its core, fundamentally opposed to any external, state-defined circumscription. Finally, Tully's commitment to civic freedom seems to hold much promise but, in the end, succumbs to the centripetal force of the modern territorial state by subordinating that freedom to the principle of national unity and articulating it solely with reference to the civic community to be created between Indigenous peoples and the overarching state. As such, claims grounded in the priority of Indigenous community and authority and a rejection of Canadian citizenship remain unable to find space within these theories and are, therefore, consistently transformed and misrepresented as claims for some level of differentiated inclusion—an inclusion that is ultimately totalizing for Indigenous peoples because it relies on the bounded Canadian state as its final comprehensive referent.

The final two chapters seek to articulate an alternative vision of Indigenist belonging and authority in contexts of settler-colonialism—that is, of postcolonial citizenship which seeks to get beyond the flaws of previous theories as articulated in this chapter. The central contention expressed in this dissertation is that the proposed analytical framework that draws attention to the referent for citizenship—and the constitutive dynamics between community and authority at work within it—shed valuable light on how to conceive of legitimate relationships between citizens and authorities in general and Indigenous peoples and colonial authority in particular. The analyses so far suggest that both the foundational underpinnings and contemporary articulations of

Western theory hold some promise for envisioning this relationship but that this potential is consistently derailed by the centripetal force of the territorial paradigm. If the proposed rendering of the referent is correct, then we must consider the effects that any presumed context in general, and modern territoriality in particular, has on the possibilities for the constitution of communities of belonging and their legitimate authorities.

Thus, the next chapter begins to articulate a vision of postcolonial citizenship by focusing on how to conceive of a postcolonial referent that is sensitive to representations of community and authority in terms of a universal ecocentric worldview expressed in critical Indigenist thought. Chapter 6 presents a rendering of postcolonial citizenship as a response to the confrontation with colonialism and, in addition, considers possibilities for a constructive dialogue regarding legitimate forms of belonging and authority when faced with the fundamental opposition between a Western anthropocentric ontology of space that grounds territoriality and a universal ecocentric cosmology that understands humans as imbedded in an interdependent web of being that resists the objectification and domination of territory that lies at the heart of the territorial paradigm. In the end, I argue that there is no specifically comprehensive *Canadian* form of citizenship that can do justice to the kinds of relationships envisioned by postcolonial citizenship unless we witness an unprecedented (and unlikely) consensus across all Indigenous nations expressing a desire to join some agreed upon version of a confederated Canada. Thus, we must reconceive reconciliation in terms of a broader aim towards non-dominating co-existence that attends to but is not subordinated to nor unduly constrained by modern territorial conceptions of community and authority.

Chapter 5 Philosophical Foundations and Indigenous Citizenship

Our births, lives, and deaths on this site have brought us into citizenship with the land. We participate in its renewal, have responsibility for its continuation, and grieve for its losses. As citizens with this land, we also feel the presence of our ancestors and strive with them to have the relationships of our polity respected. Our loyalties, allegiance, and affection are related to the land. The water, wind, sun, and stars are part of this federation. The fish, birds, plants, and animals also share this union. Our teachings and stories form the constitution of this relationship and direct and nourish the obligations that it requires (Borrows, 2002: 132).

5.1 Introduction

In the previous chapters I focused on how modern territoriality—that is, the Western ontology of space—functions as a conceptual constraint compromising contemporary attempts to engage critical Indigenist thought through a broadly construed Western philosophical lens. This results in inevitable and significant distortions of the positions expressed in critical Indigenist thought regarding what it means to be Indigenous and to be part of a community of belonging that is understood in terms of Indigenist worldviews. In this chapter I work towards articulating the idea of *postcolonial citizenship* by, first, analyzing key selections from existing critical Indigenist scholarship in order to develop a general foundational ideal of the kinds of Indigenous citizenship that are so commonly distorted in contemporary scholarship. The selections included in this chapter are representative of the body of scholarship that I describe in Chapters 1 and 2 as *critical Indigenist thought*—that is, a growing body of scholarship that is rooted in a universally

ecocentric kinship paradigm that is reflective of many traditional Indigenous worldviews, alternative Indigenist ontologies of space, and many traditional systems of governance. The list is not exhaustive, but is taken to be representative.

Further, care must be taken to avoid essentialism, hence the use of the term Indigenist to acknowledge that this body of work is not essentially *Indigenous*: not all Indigenous peoples will necessarily share the views expressed; *and* not all scholars who share these views are Indigenous. In addition, this category of political thought is necessarily critical because it is engaged in the project of articulating alternative worldviews and concepts within a context of a dominant Western mainstream that assumes the dominant modern ontology of space.

However, the aim in this chapter is to start with an articulation and engagement of alternative ontological philosophical foundations, as far as possible, on their own terms. While I include some references to Western thought throughout, these references flag particular points of contrast aimed at keeping the narrative 'on track', as it were, and to avoid the tendency to default to dominant interpretations. The selections are appropriately part of the category of *critical* thought because they engage in the critical project of creating space for and articulating alternative/marginalized ideas. However, I resist the urge to engage in direct critique here in order to focus on the ideas themselves rather than what they oppose—the aim at this juncture is to expound rather than critique. As such, this chapter lays the foundation for a productive discussion of contrast in my articulation of the ideal of postcolonial citizenship presented in the following chapter (Chapter 6). That is, the

ideal of postcolonial citizenship as the product of the confrontation between this ideal or traditional sense of Indigenous citizenship and colonialism.

Thus, this chapter utilizes the analytical framework presented in Chapter 2 to describe an alternative view of citizenship that is based on critical Indigenist thought—a philosophical/political thought that derives from foundational Indigenous cosmologies. Recall that the analytical framework relies on the concept of a *referent* for citizenship, or that which is implicitly or explicitly referred to when citizenship claims are made. This referent is understood as the product of the co-constitutive and recursive dynamics between community and authority. Thus, the concept of citizenship is never solely referring to simple membership, but always implies some claim (be it affirmative or critical) regarding the authority associated with the community in question. The relationship between community and authority is both recursive and co-constitutive: a community requires some authoritative framework to underwrite the moral obligations amongst members; the authoritative framework requires the collective support of the community for its legitimacy; and constituting oneself as a member of a community also works to constitute the authority (and vice versa). Thus, we arrive at a recursive definition of citizenship as introduced in Chapter 2:

To be a citizen is to constitute oneself as a member of a community of belonging and, in so doing, to affirm the authoritative framework that lends moral force to the obligations that follow from membership;

or, alternatively:

To be a citizen is to affirm the authoritative framework that lends moral force to the obligations that follow from membership and, in so doing, to constitute oneself as a member of a community of belonging.

As I have argued, this analytical framework is intended to be capacious enough to encompass *both* critical Indigenist and the basic emancipatory thrust of modern Western theories on citizenship (e.g. that people should be free from imposed or arbitrary authority) as well as some of the critical insights provided by contemporary critiques analyzed in the previous chapter (e.g. Taylor's and Kymlicka's rejection of assimilation; Tully's commitment to civic freedom as a counter to state domination). In each of these cases, however, the normative value is undermined by the undertheorized conceptual constraints imposed by the underlying presumed legitimacy of *territoriality* or a broadly construed Western ontology of space. The dominant Western conceptions of both community and authority are bounded by the presumption that, first, land is a legitimate object of control (anthropocentric domination) and, second, that geospatially defined authority legitimately delineates the parameters of the political community under its rule thus imposing dominating relationships between the political community and the associated authority as well as between humans and the non-human world (intra-human and anthropocentric domination) (See Chapter 2).

In general, the referent and the dynamics between community and authority that it represents remains as an accurate descriptive model. However, the analytical framework focuses our attention on how an underlying Western ontology of space impacts and limits possible conceptions of community and authority. In short, the presumed legitimacy of territoriality (i.e.: the control of geographical space and its 'contents') provides a philosophical foundation that severely constrains the possibilities for our conceptions of community and authority, thus limiting possible conceptions of the referent and reproducing the dominating relationships inherent to territoriality as such.

In this chapter, I use the concept of the referent for citizenship to frame an analysis of how an alternative Indigenist ontology of space—one that is based on the ideal of a universal ecocentric kinship—leads to alternative conceptions of both community, authority and the dynamics between them, leading to alternative conceptions of citizenship. A key point is that the framework remains applicable—community and authority remain co-constitutive elements of citizenship regardless of one's perspective and, therefore, the recursive definition of citizenship introduced in Chapter 2 (and re-stated above) remains accurate—but that, for this to obtain, it must be understood that both community and authority take on profoundly different meanings from typical Western conceptions when we engage them from alternative world views that are expressed by an Indigenist ontology of space. This requires nothing less than a reconceptualization of both community and authority in ways that are consistent with Indigenist ontologies of space and that resist modern political thought's default reliance on territoriality and sovereign states as referents in order to anchor citizenship in a theory that is sensitive to alternative

Indigenist conceptions of both community and authority along with the dynamic interactions between the two.

I begin, therefore, in Section 5.2 by presenting leading critical Indigenist scholars' views on an alternative foundational cosmology that underpins much Indigenous thought and provides a different ontology of space and, therefore, leads to alternative understandings of community and authority as well as the relationships between the two. Thus Section 5.3 turns to a discussion of how this philosophical foundation enables alternative understandings of *community* in terms of an 'all my relations' paradigm, or what I have alluded to in Chapter 1 as a *universally ecocentric kinship paradigm*—a paradigm according to which 'land' (including humans, rocks, trees, animals, lakes, etc.) represents a generalized field of reflexive, reciprocity-based relationships and, as such, represents the community of belonging as a whole. Section 5.4 examines how this alternative foundation leads to alternative conceptions of *authority* as diffuse, emergent, and non-coercive. Finally, in Section 5.5, I discuss how these alternative visions of community and authority come together to create an alternative referent and an alternative conception of citizenship that resonates with the ontologies of space represented by critical Indigenist thought yet still encompasses both the emancipatory potential of early western political theory rooted in consent and democracy as well as the critical elements of contemporary political thought that critique existing power relations in relation to indigenous peoples.

This chapter, then, prepares the way for the discussion in Chapter 6 where postcolonial citizenship is understood as the modes of political belonging and action that result when the ideal theory of citizenship presented here confronts colonialism. It is in this

discussion where *territory*, once again, takes centre stage. That is, in what follows, it becomes apparent that land is an integral feature of Indigenous citizenship—it is inextricably linked to Indigenous conceptions of both community and authority. However, the contemporary preoccupation with territoriality follows from settler colonialism's objectification of 'land' as 'territory' along with its insatiable appetite for acquiring and controlling land (understood as territory). It is, in a sense, settler colonialism's successful casting of 'land' as 'territory' that threatens the existence of Indigenous peoples as such and, therefore, necessitates a territoriality-oriented discourse.

5.2 Indigenous Ontologies: Foundations for Citizenship

One of the key barriers to meaningful communication across Indigenous and Western perspectives is the underlying and undertheorized tension between their foundational cosmologies. While the relationships represented by the referent are broadly applicable (i.e. the co-constitutive/recursive dynamics between authority and community), the generalizability of the model requires sensitivity to the competing definitions of authority and community—definitions that derive, ultimately, from these competing philosophical foundations. In this sense, because political theory is fundamentally about how we might best live together, understanding how divergent historical contexts and experiences produce disagreements on our place in the universe—that is, the appropriate roles, responsibilities, and relationships that we as humans have—is of central importance.

The main focus of this chapter is to articulate how the cosmologies drawn from critical Indigenist thought reveal an alternative ontology of space, thus leading to alternative conceptions of community and authority and, therefore, of the referent and citizenship in general.

The aim, then, is to draw out the connections between a cosmological universal and the particular understandings of community and authority that follow. There is, however, an inherent problem in the attempt to draw out a cosmology underlying critical Indigenist thought. This problem is rooted in Western understandings of a universal cosmological order as a fixed set of rules or laws that allow us to understand how the universe functions and, indeed, how we as humans ought to function within it. The tendency is to describe this 'order' in terms of fixed laws and relationships that are broadly generalizable and that we can then draw from as we attempt to determine appropriate relationships amongst humans themselves and between humans and the non-human world in general. In this regard, Western thought in general can be said to adhere to a rough approximation of the traditional 'Great Chain of Being' (or at least contains the remnants of this idea) that assumes relatively fixed hierarchical relationships amongst humans and between humans and the non-human world in general. Critical Indigenist thought demonstrates no such commitment to a reified order. As Ladner explains,

[e]ach nation understands and experiences their relationship to Creation somewhat differently. So there is no conceptualization of there being a universal,

other than to say that Creation is universal in 'Indian Country' as is the desire to understand one's experiences with and relationship to Creation (2000: 260-261).

Thus when considering foundational cosmologies, it is imperative that we resist the tendency to impose a Western interpretive lens by assuming that any such framework either follows a generalizable hierarchical structure or that any articulation of the framework represents a static or reified set of relationships.

Indeed, critical Indigenist thought largely describes foundational cosmologies in terms of a broad universal that resists any reification and is, itself, fundamentally characterized by movement, change, and flux. Henderson, for example, draws on insights from theoretical physics to describe a general Aboriginal framework in terms of the 'implicate order' of the universe:⁴¹

Most Aboriginal people view the world as independent from their beliefs. It is an external reality that is in a continuous state of transformations. The entire universe is seen as creative local space: as realms of flux, or change, yet perfect and sacred. ... Thus, the sacred space is considered as a transforming flux constituting an indivisible web of meanings. ... [T]he total order, described as the indivisible world, can best be understood in English as the Implicate Order (1995a: 297).

⁴¹ Henderson borrows the term 'implicate order' from the work of theoretical physicist David Bohm who argued that "a *total order* is contained, in some *implicit* sense, in each region of space and time. ... So we may be led to explore the notion that in some sense each region contains a total structure 'enfolded' within it" (Bohm, David. 1980. *Wholeness and the Implicate Order*. New York: Routledge:188).

With respect to the Mi'kmaq worldview in particular, he states:

The Mi'kmaq order, like Mi'kmaq consciousness, language, and worldview is founded on two understandings. First, it views the world as eternal, yet remains tolerant of flux and is refined by endless renewals and realignments. Second, it asserts that each part enfolds or encapsulates the whole. These understandings focus the Mi'kmaq consciousness on the human's dependence on the forces of nature outside and within themselves, as well as the need for respectful behaviour to all parts of the sacred spaces. The forces express nature instead of creating it. The various forces of nature are perceived as strands in a larger pattern that enfolds an uncreated, timeless, and experienced reality. Thus, order is said to be *ta'n tela'sik koqoey* or *tela'ski wistqamoe'l*. The root verb is *tela'sikl*, which means 'the process which is meant to be' (Ibid.: 300).

Similarly, Little Bear argues that

Aboriginal philosophy consists of and includes the ideas that there is constant motion/flux, that all creation consists of energy waves, that everything is animate, that all of creation is interrelated. ... There is a tacit assumption that, in the cosmic flux, there exists a particular combination of energy waves that allows

for our continuing existence. If this particular combination of energy waves dissolves, this particular reality we are in will disappear into the flux (2004: 27).

These kinds of descriptions of an 'implicate order' have profound effects on how we think about the basic questions of politics regarding how we might best live individually and collectively by offering guidelines regarding what is (and is not) considered reasonable or acceptable. On the one hand, control or domination of the natural world is rejected. It is immediately apparent that this perspective directly contradicts the basic premise underlying the idea of *territoriality* and its function in settler colonial logics as well as in dominant early modern and contemporary political thought as discussed in the preceding chapters. According to the territorial frame, key political questions revolve around *who* has the right to control or dominate the natural world and the question of *whether* this is appropriate or reasonable is not addressed. On the contrary, this alternative framework suggests that our existential context is beyond our control and that, therefore, we must eschew any pretenses toward the idea that we can control or dominate the natural world—control, where it seems to obtain, is only short-term and illusory. On the other hand, it becomes clear that living well is less about an individualistic self-determination bounded only by competing imaginations, aspirations, and capacities. Instead, living well depends upon our awareness of the 'cosmic forces' described by scholars like Little Bear and Henderson, and our ability to live in harmony with them.

This general cosmological understanding offers a generalized "philosophical base" (Little Bear, 2004: 31) from which one can articulate basic values that are core to many

distinct Indigenous cultures. From a Plains Indian perspective, for example, "the concept of constant motion and flux, the cyclical and repetitive patterns and phases" underpins a picture of what it means to live well within a given, yet constantly changing existential context—a picture characterized by the primary aims of maintaining "beauty, harmony, and balance" (Ibid.).

But how is this connection between a general cosmological framework and particular renderings of political ideals like community and authority drawn? Put another way, one might question how a philosophy that seems to be grounded in the cold abstractions of theoretical physics leads to political ideals centred on beauty, harmony, and balance. Rather than positing some deterministic logic here, it is important to avoid jumping to essentialist conclusions and to consider why, for example, Little Bear restricts his analysis to the Plains Indians even acknowledging that, within this general context, a diversity of religious views leads to diverse cultural and religious practices (Ibid.: 32-33).

According to leading Indigenous scholars, the key to understanding the connection between a broad cosmological universal and its particular expressions is found in the ways in which many Indigenous nations engaged with their particular ecological environments but in a way that is internally diversified. Ladner articulates this balance between the two in the following way,

it is possible to speak broadly of an Indigenous tradition which reflects how *most* Indigenous peoples view the natural world or Creation and the place and actions of human beings and non-human beings in that world. But in so far as it is

possible to speak of an Indigenous worldview or tradition, one must also recognize that the tradition is internally differentiated as different nations experienced the natural context quite differently (2000: 261).

As such, Little Bear restricts his discussion to the cultures of Cree and Blackfoot because their regional proximity meant that they shared a general natural or ecological context—from the kinds of game they hunted for sustenance and material supplies, to the kinds of plants they harvested and used for food, medicine, and ceremony, to the ways in which the physical features of the land itself was woven into their cultural, economic, political, and spiritual expressions and practices (Little Bear, 2004: 32-33). Indeed, as Henderson argues, the understanding of an overarching 'implicate order' is learned through one's experience of their ecological context: "Aboriginal worldviews are empirical relationships with local ecosystems" (Henderson, 2000a: 259). The 'empirical relationship' implies that what is key to understanding one's place in the universe in *ecocentric rather than anthropocentric* terms follows from paying close attention to the multi-generational patterns of relationship that emerge between humans and the non-human world. Thus, whereas settler colonialism in particular and the mainstream of Western thought in general defaults to the assumption of humanity's superiority over natural world, this general ecocentric perspective "sees humans as simply a part of creation, not above it" (Little Bear, 2004: 32).

There are a myriad of empirical factors that might come together to support the thesis that humans are an organic part of an interrelated network of existence. Many

traditional Indigenous stories demonstrate the empirical realities of human inter-dependency with and embeddedness in the non-human world. In such stories, cavalier, dominating, or otherwise disrespectful attitudes and behaviours toward the nonhuman world result in the loss of the benefits that result from a respectful relationship.

For example, as Anishinaabe scholar Leanne Simpson describes in her retelling of traditional Anishinaabeg stories, the hoof clan might leave the traditional hunting grounds of a particular tribe if that tribe fails to treat them with respect by wasting their meat or becoming greedy (Simpson, 2013: 9-12). Similarly, failure to treat plants with respect and care may result in those plants failing to grow in a given territory, which causes ripple effects depriving the tribe of essential vitamins, insects leaving for more prosperous territories, other plants failing to reproduce due to lack of insects and pollination, resulting in a poor quality of meat from the animals that depend upon such plants for subsistence (Ibid.: 19-22). Such stories are not only based on multi-generational longitudinal empirical observations but they demonstrate that humans are far from superior to the nonhuman world and are thoroughly part of and dependent on it.

Moreover, such stories also emphasize the imperative to remain aware and attentive to the relationships with and need for balance with the environment in general. The moral of such stories, and the worldview that they reflect and reinforce, is captured nicely by Simpson in her retelling of an Anishinaabeg story about the relationships between humans and nonhumans in their shared environments:

Our ancestors were very smart people, and they knew more than anybody about how to live in our territory in a good way because they paid attention to the Elders and to the animals and to the plants. They paid attention to each other (Ibid.: 19).

In sum, this sort of ecocentric philosophy contains both universal and particular features. The universal speaks to the general background context—the implicate order or the "process which is meant to be" (Henderson, 1995a: 300). It is not a universal that expresses fixed laws from which models of society can be constructed. Instead, as discussed above, it is a universal defined by continuous flux, wholeness, and interrelatedness. The feature of continuous flux resists the imposition of fixed frameworks while an interrelated whole suggests that humans and non-humans alike are an integral part of this flux. Moreover, it suggests that, while flux might imply unpredictability, learning how to live well requires the maintenance of relationships with all that exists within this context—a reflexive attending to other cohabitants in the flux (human and non-human) such that we can sustain our individual and collective existence. How this works out in practice depends upon the ecological contexts within which this existential drama is played out. On this understanding, the particular features of the diversity of Indigenous societies—particular ceremonies and subsistence practices, for example—are not only ways of enacting and reminding a group of how relationships ought to be, but are also reflexive ways of determining how relationships ought to be in different contexts as these contingencies arise.

In short, the background cosmological understanding provides the conceptual framework that individuals and communities can draw from in seeking to understand their place in the universe. Given this general paradigm, it becomes more and more clear how such a broad and abstract universal might tend toward values like balance, harmony, and building of reciprocity-based relationships between individuals and groups (human or otherwise). The 'process which is meant to be', as that which is ultimately immune to human agency, demands, if our aim is to live well, that we seek to attend to and live in harmony with it, balancing our own agency either as peoples or individuals with the agency of others in a way that allows us and subsequent generations to flourish. How this works out in practice, then, depends very much on the particular position within the implicate order and the particular relationships that result. As one might expect, this conceptual framework enables unique perspectives on the idea of community itself, the obligations entailed, and the ways in which such obligations acquire moral force—that is, on the ideal of citizenship.

5.3 Reconceiving Community

This alternative cosmology provides us with the 'philosophical base' from which to build alternative understandings of citizenship and the referent, beginning with redefined understandings of both community and authority. Community, for example, must be reconceived in terms of the 'all my relations' paradigm that is often referred to by critical

Indigenist scholarship or what I have described as a universally ecocentric kinship. This shift implies a foundational question: What happens to our understanding of community when all entities within the natural world (humans and otherwise) comprise a network of relationships and are eligible for consideration as members?

To begin with, the idea that humans are parts of a universal whole—as "part of creation, not above it" (Little Bear, 2004: 32)—provides the conceptual starting point for this rendering of community that is clearly much broader than the strictly human sense that dominates early modern and contemporary political thought. Put another way, seeing humans as part of and subject to the implicate order leads to the claim that all of creation deserves the same moral consideration that we are accustomed to reserving for humans alone:

Constant flux results in a "spider web" network of relations, out of which arises a very important part of Aboriginal philosophy: interrelationships. Because of the constant motion and flux, everything mixes, combines, and recombines with everything else. The flux gives rise to the belief that all of creation is made of energy waves. If all is animate, then all must be somewhat like humans: awarenences with energy forces that we call spirit. If all have spirit, then all of creation—including animals, rocks, the earth, the sun, the moon, and so forth—are "all my relations" (Ibid.: 29-32).

The concept of 'all my relations' that refers to the networks of relationships between all of the natural world is one of the most common descriptions used by Indigenist scholars and leaders when describing their sense of community and connection to each other and to the nonhuman world. Moreover, this widely supported conception goes deeper than a purely instrumental and biological claim regarding our obvious dependency on the natural world for our sustenance and, indeed, for our existence. Instead, the moral concern is rooted in a *literal* sense of a kinship-based relationality. In this sense, "animals, fish, trees, and rocks [are] brothers, sisters, uncles, and grandpas" (LaDuke, 1999: 2), and this is explicitly *not* metaphorical:

When Aboriginals say 'the land is our Mother', 'the land is our flesh', 'the land is our blood', 'all my relations', and so on, non-Aboriginal people take these kinds of statements as metaphorical. But they are not: they are real (Little Bear, 1994:59; see also Deloria, 2003; Feit, 2004; Holder and Corntassel, 2002; Little Bear, 1994; Nadasdy, 2007; Suzuki and Knudtson, 1992).

The idea that 'all my relations' describes a broad universal ecocentric community bound together through kinship ties is a complex one. As Cree lawyer and author Harold Johnson describes,

a student can spend a lifetime trying to understand three words: 'All My Relations.' ... But who are my relations? How should I relate to them? Why should

I remember them when I gather from nature? ... I could spend a lifetime trying to understand and never know it all (2007: 19).

The basic condition of 'constant flux' as described above with respect to the 'implicate order', adds to the complexity of building relationships with 'all my relations'. Not only is the field of potential (and necessary) relations far more expansive than when only human relations are considered but, in addition, there is a recognition that the constant changing of contexts continually resituates each individual relative to other individuals, groups, and ecological actors, potentially effecting the nature of one's responsibilities across time and place.

The idea of 'kinship', as defined above however, provides a point of entry to illuminate at least some of what the 'all my relations' paradigm entails. However, two key cautions should, again, be highlighted as a guard against misrepresenting the idea of kinship in terms that are commensurate with the default Western logics described in previous chapters. That is, it is important to resist the tendency to understand kinship in racialized terms or in strictly human terms.

First, like the concepts of 'citizen' or 'nation', the concept of kinship remains burdened by the historical practice of racialized definition, imposing a frame that radically misrepresents the kinds of relationship building implied by the concept of kinship. In Canada, for example, kinship remains fundamentally tied to the imposed Indian Act formulae for determining which Indigenous persons belong to which Indigenous community. While an Indigenist rendering of the idea may entail relationships that follow

from matrilineal (or patrilineal) lineage or through intermarriage, kinship is also used to describe reciprocity-based relationships that are established through forms of covenant-making and 'adopting' strangers (Miller, 2009: 8-10). This provides some insight into why, for example, treaties are often described from Indigenist perspectives as ways of transforming strangers into family members in a literal—not figurative—way (Asch, 2014: 124-125), or why Johnson suggests that, through the signing of Treaty 6, the settlers who were granted access to that land "became relatives" to the Cree and should be called "*Kiciwamanawak* [cousin]" (Johnson, 2007: 13). This process of adoption and inclusion in the broader community entails much more than an acquired status and right to the kinds of benefits (use of land, resources, etc.) enjoyed by the broader community—it means entering into a reciprocity-based relationship whereby one takes on responsibilities to the broader community just as the community takes on responsibilities to the new kin.

Moreover, kinship should be understood as an ongoing process:

One couldn't just 'marry in;' the way you conducted yourself and lived your life would dictate the level of acceptance you gained from the community, as well as the level of responsibilities you were given (Simpson, 2011: 90).

In this sense, kinship is far more about establishing and maintaining covenants and obligations than it is about genealogy and status. As Asch explains, "by becoming family members, all have become members of the same ethical community, that is, the community within which promises are kept" (Asch, 2014: 124).

This conception of kinship appears less radical, perhaps, until we observe the second caution mentioned above, which is to avoid the default to an entirely anthropocentric perspective. The idea of kinship is immediately complicated when one understands it in terms of a universal ecocentric kinship and considers the idea that these kinds of kinship relations are not only possible between humans and communities of humans but are also possible between humans and the rest of the natural world. Moreover, this is not an anomalous or peripheral feature—descriptions of kinship and treaty relations with animals, for example, are found in a broad array of Indigenous perspectives: in many traditional Indigenous stories "human and animal characters frequently address one another by kinship terms, like 'brother-in-law' or 'auntie,' which convey clearly understood behavioural expectations" (Cruikshank, 2005: 68); as Borrows explains, these sorts of relationships with the natural world are woven into and inform Mi'kmaq, Haudenosaunee, Anishinaabeg, Cree, Métis, Carrier, Nisga'a, and Inuit legal traditions (2010: 59-106); and as Simpson explains, "treaties were viewed as sacred relationships between independent and sovereign nations, including agreements between humans and non-humans" (2011: 109). Simpson, for example, goes on to describe how, for generations in Michi Saagiig Nishnaabeg territory, certain people (fish clans) were responsible for meeting with and maintaining the treaty relationship with the fish (fish nations) that they relied on in their territory:

The fish clans and the fish nations gathered to talk, to tend to their treaty relationships. ... These were important gatherings because the fish nations sustained the Nishnaabeg nation during times when other sources of food were

scarce. ... Our relationship with the fish nations meant that we had to be accountable for how we used this 'resource' (Ibid.).

As this quotation suggests, expanding the concept of kinship to include the nonhuman world carries with it the underlying claim that reciprocal and reflexive relationships between humans and the rest of the natural world is, indeed, possible. While this may seem exceedingly foreign to mainstream Western political thought, it aligns well with the underlying Indigenist cosmological framework described at the outset. The idea that the nonhuman world, like humans, emerges from the constant motion and flux of the implicate order and is part of the constant recombination of parts within the whole, implies that "all of creation ... is animate" and are "awarenesses" imbued with "energy forces that we call spirit" (Little Bear, 2004: 30). If all of existence is considered to have some capacity for awareness then the 'all my relations' concept implies the potential for reflexive relationships and a measure of reciprocity between all the entities therein (human or nonhuman) as well as land. The fundamental point is that humans and nonhumans alike are capable of relationships: "I can relate to all and all can relate to me including other humans, animals, plants, rocks, the earth, the sun, moon, and so on" (Little Bear, 1994: 47).

Nevertheless, in recognizing that the other-than-human world commands a moral regard that is rooted in a *literal* sense of a kinship-based relationality, it is also important to once again caution against imposing a caricatured "ecologically noble Indian" interpretation that maps neatly onto Western notions of "radical environmentalism" or those who "deny any sharp distinction between humans and the environment ... and see the

value of nature as an inherent quality, utterly independent of its utility to humans" (Nadasdy, 2005: 297). This is not a debate between intrinsic versus instrumental value of the non-human world. While the universality of Creation allows for a kind of moral equivalency between all entities, and while this grounds a potential for the building and maintaining of reciprocity-based relationships, this does not preclude an additional sense of instrumental value. Animals, for example, are hunted and used for furs, food, trading, pedagogy, etc. Indeed, it may seem difficult to square the killing of animals with a philosophy that also affords moral concern for and moral culpability to said animals.

However, when viewed through the lens of reciprocity-based relationality, a coherent narrative emerges according to which hunting, for example, is not "a violent process whereby hunters take the lives of animals by force. Rather, hunting is more appropriately viewed as a long-term relationship of reciprocal exchange between animals and the humans who hunt them" (Nadasdy, 2007: 25). From this perspective, it is often considered evidence of an animal's agentic nature that the animal would give itself to the hunter as an acknowledgement of the hunter's need and respectful behaviour—something that can only be achieved through the development of reflexive relationship. While this same behaviour may be explained through Western experience and philosophy (as it often plays out in sport hunting, for example), there is no independently greater merit to the Western explanation other than the fact that it resonates with a Western audience as people will choose which explanation to believe "based on their broader assumptions about the nature of animals and of the world" (Ibid.: 35). Indeed, this apparent contradiction revealed by the killing of animals within a universal ecocentric paradigm is,

itself, fully reliant on an anthropocentric worldview and results in an awkward tautology: Because humans are in hierarchical relationships of domination relative to animals whereby animals are of solely instrumental value, the killing of animals is an expression of domination and a purely instrumentalist relationship.

Thus, when seeking to relate to Indigenist conceptions of community as I have described them here, it is of fundamental importance to resist imposing Western anthropocentric frames as much as possible and to acknowledge the reality of this sense of universal ecocentric kinship. This basic understanding of the agency and awareness of the nonhuman world underpins interpretations of, for example, the traditional Anishinaabeg stories introduced above that move beyond a purely biological/material cause-and-effect explanation or the consequences that follow from one's treatment of their environment, encouraging the reader to consider consequences in terms of the interplay between instrumentality and the real *relational* dynamics that speak to the agencies of all parties.

Clearly this is a radical departure from the dominant anthropocentric renderings of the uni-directional relationship between humans and the nonhuman world. The important point, given the project at hand is that the alternative underlying cosmology introduced in Section 5.2 enables an alternative ontology of space rendering geographical space as much more than a delineation of a material environment full of contents available for exploitation, but as the space within which existence is sustained through the building of relationships with all of Creation. Clearly this strains against the objectification of 'territory' (as controllable space housing exploitable contents) discussed in the previous chapters. With respect to the current discussion of the concept of community, it is also

clear that this alternative ontology of space leads to a radically different conception of community. In sum, the idea that the nonhuman world can be participants in, and exercise relational agency in, a community of belonging is the first fundamental difference that must be taken into account when arriving at an alternative rendering of citizenship that is consistent with critical Indigenist thought.

5.4 Reconceiving Authority

So the concept of community clearly takes on significantly distinct characteristics when considered in light of critical Indigenist paradigms. When considering the concept of citizenship and the referent in general, then, it is also of fundamental importance to consider how Indigenist paradigms lead to alternative conceptions of authority. Recall from Chapter 2 that the general function of authority is to underwrite, or lend moral force, to the mutual obligations within a political community. As I've argued, this broad functional definition is capacious enough to accommodate both Indigenous and Western conceptions of authority, but the legitimate *means* (the legitimacy of particular authoritative entities/structures and the practices employed) to achieving these ends will be significantly different depending on which philosophical base one draws from to develop their understanding of authority and its relevance to citizenship. Ignoring the cosmological foundations or 'philosophical base' from which these political frameworks are derived risks leading a Western audience to impose a Western interpretive lens and misrepresent

what critical Indigenist scholars are saying when they refer to the concepts that work to lend moral force to the obligations within their communities.

To begin with, as mentioned above, much Indigenist thought builds from an understanding of the 'implicate order' of the universe that provides the 'philosophical base' for understanding Indigenous culture and political systems. This implicate order—characterized by wholeness, flux, and continuous change—nevertheless results in general patterns of natural relationality that emerge from particular ecological contexts. Taken together, these patterns, understood as expressions of "the process which is meant to be" (Henderson, 1995a: 300) reflect a 'natural law' (Lyons, 1984; 1985) that reveals humanity's place within the cosmos and implies certain responsibilities within the complex relational dynamics at play within and between communities—communities that are understood as encompassing the entirety of the human and non-human world. It is only in the light of a background understanding of this natural order that obligations within communities take on meaning and derive moral force.

In the following discussion of authority, I argue that this cosmological background underwrites obligations amongst community members in at least two related ways: in a negative sense by imposing undesirable consequences that follow from a failure to attend to one's obligations; and in a positive sense by providing the ontological framework that enables a sense of identification with and care for the broader community with whom one shares an intimate sense of relationality.

In the negative sense, there is the imperative to strive to live in harmony with the implicate order in general and one's local ecological environment in particular or suffer the

consequences of failing to do so. In the most basic of terms, living in harmony with the network of human and nonhuman relations that make up a broader existential environment is essential, not only for living a happy and fulfilling life (Little Bear, 2004), but for living or existing at all (Lyons, 1984; 1985). Moreover, this is more than a concern for each individual or group in the present—it is understood in terms of enabling future generations to live and to live well. This basic understanding is expressed in this excerpt of a statement made by the Sto:Lo Nation's elders to the UN General Assembly in 1982:

Brothers and Sisters the natural law is the final and absolute authority governing 'Etinohah'—the earth we call our mother. This law is absolute, with retribution in direct ratio to violations. This law has no mercy; it will exact what is necessary to maintain the balance of life. ... We are part of the great cycle of life, with four seasons and endless renewal, as long as we abide by this absolute law. When we disturb this cycle by interfering with the elements, changing or destroying species of life, the effects may be immediate or they may fall upon our children who will suffer and pay for our ignorance and our greed. The natural law says that the earth belongs to our children—seven generations into the future—and we are the caretakers who must understand, respect and protect 'Etinohah' for all life (cited in Lyons, 1985: 21).

This understanding of the 'absolute authority' of the natural law is fundamentally distinct from the kinds of rendering of absolute authority in mainstream Western thought

in that it is neither *secular* nor *theocratic*. It is, first of all, not a *secular* authority. Recall from Chapter 3 that a key motivating factor underlying the radical shift presented by early modern social contract thought was the imperative to locate authority in 'the people' rather than some Divine right. It is perhaps this assumed dichotomy between theocracy and secularism that suggests that an 'absolute authority' that is not secular *must* be theocratic. However, to accept this dichotomy is to situate one's thinking squarely within early modern debates and to allow Enlightenment consciousness delimit our ability to imagine alternatives. Rather, consideration of the alternative cosmology presented in Section 5.2 enables a conception of absolute authority as an expression of the implicate order or the 'process which is meant to be' that is immune to human agency (i.e.: not secular) but that is decidedly *not* theocratic in that it does not assume that there is an enforcement of this law meted out by an overarching and single deity or its human representatives: "Aboriginal natural contexts are not based on the instructions of a noun-God. ... To understand the meaning of life, [elders] urge Aboriginal people to re-establish a relationship with their local ecological order" (Henderson, 2000a: 256). As such, the negative consequences ought to be understood in terms of a broader natural order that tends toward the restoration of balance and harmony. In this sense, critical Indigenist paradigms reinforce "the idea that if someone does wrong, the 'implicate order' will come back to that person and correct the imbalance in some other way" (Simpson, 2011: 54).

Maintaining the balance, or 'doing right', then, is centrally about maintaining relationships with one's ecological context such that what is required becomes cognizable. Indeed, the consequences of 'doing wrong', or failing to maintain the relationships seem to

be focused more on the danger of *losing* relationships, rather than punishment *per se*.

Indigenist thought is replete with traditional stories that express the need to live respectfully and in harmony with 'all my relations' and the negative consequences that follow from failing to attend to the interests of one's fellow community members. Many Anishinaabeg stories, for example, describe how dominating or disrespectful behaviour toward particular relations leads to a loss of relationship and, indeed, a loss of sustenance (e.g. the hoof clan leaving the traditional hunting territories of a particular tribe, or certain plants failing to produce essential berries [see L. Simpson, 2013]).

Put another way, "(i)mproper behaviour violates dignity and most often leads to a loss of protection from spiritual forces" (Henderson, 1995a: 301).⁴² In sum, from a critical Indigenist perspective, authority performs a similar function to that found in Western thought—it underwrites obligations amongst members of a community. However, the ecocentric underpinnings lead to alternative means of performing this function—means that are more directly connected to the imperative of fostering an awareness of a universally ecocentric kinship and recognizing the responsibilities that follow, and that reject any personally coercive strategies of enforcement.

⁴² Indigenous scholars often invoke the idea of 'spiritual forces' or 'spirit' when describing their relationships. While this may seem to imply some reference to a religious or theocratic framework, a hermeneutically sensitive reading of these instances ought to take into account the descriptions of 'spirit' that are deployed in articulations of the general worldview as described, for example, in Section 5.2 above. That is, in these instances 'spirit' often refers to the agency of entities that are usually considered by the dominant Western society as inanimate or lesser in moral importance than humans and speaks to the foundational understanding of what humans and non-humans share. As Coulthard explains: "Furthermore, within this [Dené] system of relations human beings are not the only constituent believed to embody spirit or agency. Ethically, this meant that humans held certain obligations to the land, animals, plants, and lakes in much the same way that we hold obligations to other people" (2014. *Red Skin White Masks*. University of Minnesota Press: 61).

This *negative* sense of underwriting obligations, however, is only a partial understanding of authority. Taken alone, it does little to distinguish the idea of being part of an inclusive community with the nonhuman world from an instrumental, materialist reliance on one's external environment. The *positive* sense of relationality delves deeper into the reciprocal relationships that are enabled by Indigenist worldviews and ontologies of space. That is, beyond seeing one's environment as purely instrumental to one's well-being, Indigenist scholars often refer to the "special bond" and the "special relationship" that they have with the land and the other non-human entities that co-exist in a particular place and the imperative to "preserve the land's ancient relations" (Borrows, 1999: 80-81). This should not be confused with familiar modern narratives of nationalism that cite the emotional sense of patriotism or nationalism tying citizens to a particular territory or homeland, although these kinds of historical, nostalgic ties carry a weight of their own. Indeed, "it is a profound misunderstanding to think of land or place as simply some material object of profound importance to Indigenous culture (although it is this too); instead, it ought to be understood as a field of 'relationships of things to each other' " (Deloria cited in Coulthard, 2014: 61). As Henderson explains:

Aboriginal consciousness is more an emotional response to a place that acknowledges the ability of the forces in a space to move the soul. A consciousness that honours processes and relationships rather than fixed rules, leads to an understanding and acceptance of the interrelated relationships and

expressive energies and experiences. This generative order is the source of all Aboriginal law (1995b: 221).

As articulations like this suggest, the central feature of this rendering of authority—that is, as that which underwrites moral obligations within a community—is *relationality*: both the *content* and the *moral force* of obligations depend upon establishing and maintaining reflexive relationships of reciprocity. We have already seen that many Indigenist conceptions of community include nonhuman members and that this is associated with the claim that all members are able to interact and relate to each other. From this perspective, obligations amongst members presuppose relationality. On the one hand, the *content* of obligations is derived through an understanding of 'processes and relationships rather than fixed rules'. Coulthard, for example, describes how seeing land as a "mode of reciprocal *relationship*" has the potential to "teach us about living our lives in relation to one another and our surroundings in a respectful, non-dominating and non-exploitative way" producing an ethical framework he describes as a "grounded normativity":

Seen in this light, we are as much a part of the land as any other element.

Furthermore, within this system of relations human beings are not the only constituent believed to embody spirit or agency. Ethically, this meant that humans held certain obligations to the land, animals, plants, and lakes in much the same way that we hold obligations to other people. And if these obligations were met, then the land, animals, plants, and lakes would reciprocate and meet

their obligations to humans, thus ensuring the survival and well being of all over time. (2014: 61).

As such, relationships with other members are the means by which one can come to understand what their obligations are or, put another way, reflexive relationships function in a more or less typical manner, allowing members to communicate their needs and desires to other members.

On the other hand, however, the *moral force* of these obligations is fundamentally tied to the desire to remain in harmonious relationship with the entire community—human and nonhuman. The 'all my relations' paradigm, or what I have called 'universally ecocentric kinship', can only be understood if one accepts that the kinship between humans and nonhumans is real and not metaphorical. To bring the nature of this relationality down to earth with a stark (albeit entirely human) anecdote: As a father, I have obligations to my son, but these obligations do not derive their moral force from externally defined rules. Instead, my obligations are 'heartfelt'—they 'move the soul' and what drives me to fulfill these obligations is not the threat of punishment if I fail, but rather the positive desire to see my son live well and to ensure, to whatever extent I can, that my relationship with him will endure—it is the desire to *be* in relationship. If there is a threat looming in the background, it is the threat that, if I do not fulfill my relational obligations—supporting, listening, responding in respectful, compassionate, humble, and non-dominating ways—then I may be in danger of losing that relationship altogether and damaging my son, thus compromising the potential for future generations of good relationships.

While this negative component of my obligations is ever-present, the consequences are not punitive but are the outcome of my own choices move me to the periphery of the relationship and are, in this sense, of my own choosing. Nevertheless, the main motivating force remains as the positive desire to be in relationship with my son and to nurture that relationship such that 'we' will endure and that good relationships will persist into the future (including, possibly, future generations). In general, the idea that obligations can derive a strong sense of *relational moral force*, presupposes that profound, reflexive relationships are possible. As I understand it, then, the broader aim of living in harmony with the complex ecocentric community is not only rooted in a *negative* sense of a fear of coercive consequence, but is also fundamentally about the *positive* desire to be in relationship with one's kin and to maintain such relationships into the future. Authority, in this sense, can only be understood in terms of the relational interpretive lens and is inherent in any set of kinship relations.

It may seem somewhat romantic or even 'Polyannish' to emphasize aspects like harmony or respect or to use a father-son relationship to describe relational dynamics amongst all of Creation—especially when some of those relations also entail killing, as discussed above with respect to hunting. However, as Nadasdy explains with respect to his portrayal of Kluane relationships to Creation and the danger of defaulting to a caricature "ecologically noble Indian":

terms like sacred and reverence, like respect, are English terms used to approximate aboriginal concepts. It is dangerous to judge First Nation people's

behavior against the meanings of these English terms as generally accepted by Euro–North Americans. Important as love and reverence (however one defines the terms) may be for First Nation ideas about respect, they are only part of the picture. There are other aspects of the concept that—to Euro–North Americans—can seem unrelated, or even contradictory, to the image of the ecologically noble Indian who loves an environment that he or she holds sacred. (2003: 303).

This is an inherent difficulty in the project of decolonizing colonial concepts by using colonial languages. A (perhaps unattainable) level of hermeneutic sensitivity is required at all times. As such, one can begin by accepting that a word like 'harmony' was chosen as the best fit for the Indigenous concept being conveyed. The Oxford English Dictionary, for example, defines harmony as "the quality of forming a pleasing and consistent whole" or "the state of being in agreement or concord" (2015). As the discussion regarding hunting suggests, once the concept is disentangled from Western anthropocentric notions, and once due consideration is given to philosophical foundations regarding the "implicate order" as "the process which is meant to be" (Henderson, 1995a: 300), there is no obvious reason why hunting, for example, ought to be considered incompatible with such a conception of harmony. It would follow, then, that 'harmony' is not to be interpreted as a set of fixed rules regarding specific conduct. Rather, it should be understood as the product of a relational process whereby all of Creation form relationships of reciprocity that enable each agent to determine what their obligations are across contingencies and that enable the maintenance of these relationships with all of creation into the future.

From this perspective, authority performs the same basic function as it does in the original analytical framework presented in Chapter 2: as an integral feature of the referent, it works to lend moral force to obligations within a community of belonging. The influence of the background cosmological framework can be seen in terms of the means or instruments through which this moral force exerts an influence on said community. As argued in Chapter 2, dominant Western conceptions of citizenship present authority in terms of *legitimate authority* or the 'right to rule' that is attributed to the *authoritative entity*. However, while there appears to be agreement on the general function of authority as that which gives moral force to obligations, critical Indigenist thought is decidedly opposed to dominant Western understandings of legitimate authority and a centralized authoritative entity such as the state as the appropriate means by which to achieve this end.

As we've seen (see Chapter 2), these two ideas are intimately linked in Western thought where legitimate authority is not only a right to rule that is acquired through some social contractual procedure, but it is fundamentally about a centralized entity's acquired right to use coercive force when deemed necessary in order to ensure compliance—that is, to underwrite the moral obligations within a political community. In this regard, one of the most prevalent features of critical Indigenist thought is the principled rejection of coercion as such. A deep commitment to individual conscience and individual moral culpability follows from the idea that a "society [is] an ecosystem populated with many different but complementary creatures, each fulfilling a unique role" (Barsh, 1986: 183). Accordingly,

coercive interference with one's ability to realize and actualize the gifts they are born with disrupts the harmony of the implicate order.

All conscientious behaviour reflects the unique medicine conferred upon each individual by creation, and it is therefore morally indefensible and cosmologically hazardous to prevent anyone from doing what his conscience demands. ... Above all, compulsion is abhorred" (Ibid.: 184).

From this perspective, occupying a position of authority does not entail the ability to *enforce* compliance, but carries with it a duty to remain sensitive to the 'implicate order' and the community's particular ecological context, and to communicate these understandings in order to *persuade* others to consider what is required of them to live in harmony with the natural/cosmological order (Boldt and Long, 1985). Leaders, in this sense, do not *rule* as such—instead, they "lead by following", seeking to allow others to understand their own particular gifts and connection to creation (Simpson, 2011: 119). As such, a person in a position of authority is understood as "an adviser rather than an executive" (Alfred, 2009a: 114)—"not a decision-maker, but a coordinator, peacemaker, teacher, example and comedian" (Barsh, 1986: 192). Boldt and Long offer an analogy that likens non-authoritarian leadership to "the relationship of a military drummer to his company. The drummer can establish a cadence but he has no authority to require individuals in the company to march to it (1985: 339). Alfred expands on this analogy to represent the diversity of Indigenous societies:

I like to think of Indigenous leadership in terms of the relationship between the drummers, singers, and dancers at a pow-wow. The drummers and singers give voice to the heartbeat of the earth, and the dancers move to the sound, giving life to their personal visions and to those of their people. The drum prompts and paces. Drummers, singers, and dancers act together to manifest tradition through the songs. All three groups are essential and related, the role of each group being to respect and represent the spirit of creation in its own way, according to its own special abilities (Alfred, 2009a: 115).

Against this background, the idea of *legitimate* authority takes on a distinct meaning. It retains a democratic component but relies on a consensus-based form of democracy that eschews majoritarian approaches as an affront to individual conscience and the imposition of coercive paradigms (Alfred, 2009a; Barsh, 1986; Mercredi and Turpel, 1993; Simpson, 2011). In short, the idea of *legitimate authority* entails a robust democratic process that legitimizes an individual's special responsibility to encourage others in their community to seek out and fulfill their moral obligations in ways that promote harmony within the implicate order—a responsibility that does not include the right to punish those who did not fall in line (Henderson, 1996, 1995a). In this sense, legitimate authority is not a 'right to rule' but is, rather, a responsibility to maintain relationships/harmony within a community of belonging.

While it may be possible to articulate an Indigenist position on legitimate authority as a legitimized responsibility to encourage the fulfillment of obligations within a community of belonging, it is important to note that it is not only the *function* of the authority that matters here, but also the *form*. In this regard, many Indigenist scholars explicitly reject the idea that political authority ought to be centralized in a singular overarching office or entity. Leanne Simpson, for example, explains that traditional Nishnaabeg authorities were "pluralistic":

Leadership within the Nishnaabeg nation and within our clans was diffused, shared, and emergent arising out of need. ... When particular issues arose, leaders emerged according to their expertise (a combination of authentic power, knowledge, experience and personal gifts or attributes as recognized by the collective) (Simpson, 2011; 120-121).

Similarly, Alfred explains that traditional Indigenous governance espoused

no absolute authority, no coercive enforcement of decisions, no hierarchy, and no separate ruling entity. ... [Instead], Indians had spread out the idea of governing to include all activities of life—thus, at times, medicine people would be influential and, at other times, warriors, or hunters, or scouts would be influential (Alfred, 2009a: 80, 90-91).

Thus, when critical Indigenist scholarship voices an opposition to state authority as an illegitimate entity, we can now see that this opposition entails at least three related levels: a rejection of the centralized entity itself as unrepresentative of their particular political community; a rejection of the centralized entity as a foreign power structure or foreign *form* of authority (hierarchical, anthropocentric); and a rejection of the coercive means used to achieve compliance, or the *means* by which authority achieves its general function in state-based systems.

In sum, the alternative general understanding of how authority functions to lend moral force to obligations within a community follows from critical Indigenist cosmologies. Through understanding the place of humanity within the implicate order one can gain a better understanding of how the responsibility to live in harmony with the broader ecological context and to persuade others to do the same is a responsibility that is shared amongst members of the community. The general framework necessitates an understanding of authority that is diffuse and emergent, not centralized in any particular authoritative entity, and authoritative responsibilities do not grant anyone the 'right to rule' over others.

On the one hand, living in accord with the implicate order means that each individual carries the responsibility to refrain from interfering with others as they seek to manifest their particular talents (Simpson, 2011). On the other hand, each individual carries the related responsibility to maintain the overarching harmony by self-actualizing their particular potential or by "figuring out one's place in the cosmos and how to contribute to the collective while respecting oneself and one's inner being" (Simpson, 2011:

54). The purpose of human life, in this regard, is "to care for and renew the web of life, and therefore [each individual] must respect and value all the forces of life" including those represented by their own particular gifts (Henderson, 2000a: 259). Moreover, because the community is understood in terms of a universal ecocentric kinship, the nonhuman world is included in the realm of those that should be allowed to live a self-actualized life and not be interfered with or ruled over. "The Aboriginal worldview asserts that all life is sacred and that all life forms are connected. Humans are neither above nor below others in the circle of life" (Ibid.).

5.5 Conclusion: The Redefined Referent

Taken together, these alternative representations of community and authority generate an alternative ideal referent derived from Indigenist philosophical foundations—one that reflects an Indigenist ontology of space and, as such, provides us with the foundations for an alternative conception of citizenship.

Recall the proposed dynamics within the referent as it functions, generally, across paradigms: there is an underlying authoritative framework that works to mediate relationships within the group in a way that fosters a sense of belonging robust enough to effectively underwrite mutual obligations amongst the members; and for this authoritative framework to be made manifest in a formal political/societal order, the community of belonging must support the framework, lending it the necessary legitimacy; this, in turn,

reinforces the community and the shared sense of obligations within it. However, a distinct foundational cosmology or philosophical base leads to a distinct rendering of the referent and to distinct understandings of both community and authority and the interactions between them. In a sense, the two modalities of authority (the original authoritative framework and the resultant political manifestations) are merged in Indigenist thought.

Thus, the cosmological foundations are not implicit assumptions operating in the background but, as we have seen, consistently referred to as explicit justifications for and explanations of fluid social structures and legal frameworks. As such, the recursive relationship between community and authority remains, but the relationship between the two is more intimate—meaning that authority is not understood as something separate from, and operating on, community but is woven directly into the conception of community. As Henderson explains in his description of the Mi'kmaq model of governance, a community of belonging cannot be understood without attending to the central role of the authoritative framework as a core constitutive factor:

Mi'kmaq believed themselves tied together by a deep and lasting consciousness.

Typically, their communal bond rested more on a shared worldview than on a sense of fate. The natural facts of being born into a clan, a territory, a spiritual realm, or a race were secondary. These predetermined circumstances were important only insofar as each actually contributed to a shared worldview or mental experience. The very core of Indigenous community was, and remains, the sense of having a view of the world in which others participate, a view whose

hold over the groups was so strong that it never needed to be spelled out. This cognitive solidarity was precisely the condition of moral and social communions that were the foundation of customary federations, their laws and their Indigenous freedoms (1996: 13).

If the referent is that which is referred to and affirmed when citizenship claims are made (see Chapter 2), then the preceding discussions of Indigenous conceptions of community and authority can aid in understanding what Indigenist scholars are telling us when they explain their perspectives on citizenship. That is, *citizenship claims* must be understood as claims about *belonging* to a community where 'belonging' entails building reflexive, reciprocity-based relationships with all members and, in so doing, learning about reciprocal obligations and reinforcing their moral relevance. This is more than a claiming of status and the associated material benefits and burdens—the ideal of citizenship that follows from Indigenist renderings of community and authority is fundamentally about claiming the right to be part of a community of belonging defined by a universal ecocentric community and a shared consciousness that gives meaning to and underwrites reciprocal obligations amongst members.

It is for this reason that the *practices* of citizenship, defined not in Western terms but in their own terms of community and authority, are so central to Indigenist thought. In terms of the proposed framework, these practices serve to continually (re)constitute the referent. I will say more in Chapter 6 about how practices also involve resistance to imposed authorities and polities when I discuss how the ideal conception of citizenship

presented in the current chapter is transformed into *postcolonial citizenship* through the confrontation with colonialism. However, with respect to the ideal currently under consideration, there are many practices that serve to reinforce a sense of belonging to the universal ecocentric community while simultaneously reinforcing the shared consciousness or underlying authoritative framework. The practices that I am referring to here are those such as "storytelling, ceremony, singing, dancing, doing" that are central features of Indigenous cultures and that work to generate and expound meaning about and within a shared consciousness (Simpson, 2011: 93). Such practices celebrate, establish, and strengthen the ties or reciprocal obligations within a community of belonging. Indeed, the continued engagement in these practices continually (re)constitutes the referent by attending to and strengthening the relationships and obligations within it.

Thus, a referent that reflects Indigenist paradigms requires constant maintenance and practice in order for it to retain its meaning and its constitutive power. Failure to practice would result in a gradual loss of the binding consciousness. Engaging in these practices not only reminds individuals and communities of who they have relationships with, but enables members to reinforce existing relationships, and to build new relationships, while also enabling each individual to come to a reflexive understanding of the kinds of obligations that follow from their relationships. As Little Bear explains, "balance and harmony ... is accomplished through ceremonial renewal of the relationships to the land, the animals, the plants, and the cosmos" (2004: 32).

Above all, it is important to keep in mind that these concepts of community and authority find meaning within the conceptual horizons offered by the alternative

cosmological foundations described at the outset of this chapter, which produce an alternative Indigenist ontology of space. Through this lens, geographical space is not an objectified container of material objects to be exploited and controlled, as the dominant understanding of 'territory' or 'territoriality' would have it. Rather, this lens enables the distinction between 'territory' and 'land' (see Chapter 2). In this sense, in addition to providing material sustenance (which 'territory' can also do), land "ought to be understood as a field of 'relationships of things to each other'" (Deloria, cited in Coulthard, 2014: 61). Land represents the particular geographical space where all these dynamics—relationships, community-building, shared authoritative consciousnesses, pedagogies and practices of all kinds—occurs. As such, land is centrally important because that is where the 'spider web' relational network operates on human experience;

It is the place for 'all my relations'. 'All my relations' includes, but is not limited to, animals, plants, inorganic matter such as rocks, and the land itself. In other words, 'all my relations' also have an interest in the land, just as humans do (Little Bear, 2004: 35).

By now it is clear, given all that has been discussed thus far with respect to the definition the referent according to Indigenist cosmological foundations, that land or place is intimately woven into the complex 'spider web' of relations at the core of Indigenist thought. The land' presents itself here as interwoven with both community and authority—in short, *the land is the referent* for Indigenous citizenship as I have presented it here. This

ideal of citizenship cannot be adequately understood without an appreciation of the kinds of relationships with and within a given place that are being referred to when Indigenous peoples speak of the 'special bond' with their traditional territories. The land provides the context—the ontological and epistemological framework—within which learning about the cosmos, reciprocal relationality, and harmony and balance takes place. As such, I would argue that when Indigenous peoples engage in land claims by referencing their occupancy since 'time immemorial', these kinds of claims are, at their core, citizenship claims—claims about the maintenance of reciprocal relationships and obligations within a community of belonging in ways that are consistent with Indigenist thought. This is how I understand, for example, Mohawk lawyer and scholar Monture-Angus' description of Indigenous identity as "requir[ing] a relationship with territory, and not a relationship based on control of that territory"⁴³ (Monture-Angus, 1999: 36), and her description of Indigenous postcolonial struggles within the problematic discourse of territorial sovereignty as struggles to live up to one's responsibilities to their (universal, ecocentric) community:

What must be understood then is that the Aboriginal request to have our sovereignty respected is really a request to be responsible. I do not know of

⁴³ Monture-Angus' use of the term 'territory' may seem contradictory. That is, if 'territory' already implies control of objectified space and contents, then rejecting the 'control of territory' leads us to a semantic paradox. The semantic problem is a real one and I discuss this in Chapter 2 with reference to Paul Nadasdy's insights regarding how Indigenous peoples in Canada are often forced to defend their land within the horizons offered by the given/dominant Western discourse. 'Territory' and 'territoriality' are clear examples of the imposition of foreign and inadequate terms (See Nadasdy, Paul. Forthcoming. "Imposing Territoriality: First Nation Land Claims and the Transformation of Human Environment Relations in the Yukon." In *Perspectives on the Environmental History of Northern Canada*. S. Bocking and B. Martin, eds. Calgary: University of Calgary Press).

anywhere in history where a group of people have had to fight so hard just to be responsible. It seems so absolutely ridiculous (Ibid.).

Thus, for example, when Indigenous scholars like Borrows describe their "citizenship with this land" (1999: 72), or when Henderson argues that Indigenous perspectives articulate a "*sui generis* citizenship based on kinship" that expresses a "vision of belonging to the land, a people, and a family" and a "distinct form of responsibilities ... among families, clans, communities and nations to a particular ecology" (2002b: 423), we must consider that these renderings cannot be grafted, piecemeal, onto existing dominant paradigms of citizenship in the state (or some broader regional order) with its attendant assumptions regarding legitimate exercise of authority and the anthropocentric conceptions of community. To do so is to radically misrepresent both Indigenous identity and the meaning of Indigenist discourses surrounding citizenship.

Of course, this misrepresentation occurs regularly and, as I have argued in the preceding chapters, a key problematic is to be found in the colonial rendering of territoriality that flows from a Western anthropocentric ontology of space. Indeed, I would argue that the salience of territoriality in scholarship regarding Indigenous rights has become so central precisely because the dominant philosophical and political perspective that threatens Indigenous societies is a settler colonial one that assumes the legitimacy of the domination and appropriation of geographical space in general and Indigenous lands in particular. That is, while access to land is clearly an important implication of traditional Indigenist thought, its disproportionate salience in current discourses is largely due to the

confrontation with a dominating colonial approach that is fundamentally characterized by the expansionist drive to secure, control, and exploit territory.

In the next and final chapter, I build from the two general renderings of the referent represented thus far—a referent that reflects a Western ontology of space as presented in Chapter 2 through 4, and a conception of the referent derived from critical Indigenist thought as presented in this chapter—in order to offer an alternative to the common and, as I have argued, problematic approaches to theorizing a legitimate relationship. That is, given what I have presented as key underlying points of contention between Indigenist and Western perspectives on citizenship, I offer an account of postcolonial citizenship that offers a more accurate account of the challenges faced by Indigenous peoples and settlers alike as we seek to establish, develop, and maintain non-dominating, reciprocity-based relationships.

Chapter 6 (Re)Conceiving Postcolonial Citizenship

6.1 Introduction

In the preceding chapters I have argued that a key undertheorized barrier to the self-determination of Indigenous peoples residing in the geographical space claimed by Canada is a conceptual one that effectively transforms any claims related to self-determination as claims for some form of differentiated citizenship within the Canadian state. I have argued that this conceptual disconnect should be understood as a conflict between competing conceptions of citizenship and, in response, I have proposed a generalizable analytical framework that serves to highlight how community and authority stand in a recursive relationship with each other to comprise the referent for citizenship. Further, I have argued that in contexts of settler colonialism, the underlying settler colonial ideology functions to impose a Western ontology of space that leads to anthropocentric and dominating conceptions of both community and authority and, therefore, of citizenship. This ontology of space provides the conceptual foundations for *territoriality* or the "spatial strategy to affect, influence, or control resources and people, by controlling area" (Sack, 1986: 1-2). Thus, by drawing attention to the referent (as the product of the recursive and mutually constitutive dynamics between community and authority) the analytical framework enables sensitivity to the ways in which an imposed colonial referent subordinates any conception of citizenship to an underlying and under theorized commitment to territoriality.

In Chapter 2 I explain how, as an under theorized foundation for theories of citizenship, territoriality imposes relationships of domination—first between humans and land and subsequently between humans and their political authorities. Chapters 3 and 4 demonstrate the intra-human forms of domination and describe how the initial anthropocentric domination of land through the imposition of territorial boundaries undermines the emancipatory narratives of canonical and contemporary theories of citizenship. In Chapter 5 I argued that the domination that is inherent in territorial frameworks is especially poignant for Indigenous peoples who do not share the Western philosophical foundations that enable domination. In addition, I have sought to articulate an alternative referent by drawing on critical Indigenist thought in order to provide a clearer picture of the Indigenist alternative conceptions of citizenship that are foreclosed by an imposition of territorial domination.

At this juncture, then, we are faced with two general and competing renderings of the referent, each representing key foundational aspects of Indigenist and Western worldviews and the competing conceptions of community and authority that they generate. Although identifying *two* competing positions in this regard runs the risk of caricaturing a complex and diverse problem as a binaristic/dichotomous competition, understanding these positions as ideal types allow for a deeper and more accurate analysis of the barriers and potential ways forward regarding reconciliation. That is, internal diversities and overlaps/intersections amongst the actual people and political institutions notwithstanding, we are dealing fundamentally with the products of a conflict between worldviews—a conflict that began when Indigenous societies, governed by their own

systems rooted in ecocentric and relational ontologies of space sought to coexist with European newcomers carrying with them their own societal frameworks (including legal, political, and economic features) premised upon a Western ontology of space. While there is clearly more to this conflict, the core purpose of this dissertation is to bring to light the deep effects of this particular conceptual divide and to integrate these observations into a theory citizenship in a way that is sensitive to these differences and that can offer some productive sense of a way forward. Thus, in this concluding Chapter, I outline a conception of postcolonial citizenship that follows from an analysis of the confrontation between the two general competing conceptions of the referent already expounded.

Care must be taken here to avoid the default to an understanding of this postcolonial referent as a single overarching entity such as the state—the analysis here does not suggest a more sensitive or more differentiated form of citizenship in a unified Canadian state. The postcolonial referent is necessarily a polymorphous ideal that is the product of an array of Indigenous communities and authorities (including the associated political/legal/economic systems) engaging with the colonial state. It is best understood as an umbrella concept that speaks to the fact that, while some Indigenous peoples may accept membership in the state and thus endorse a unified singular, albeit differentiated, model (as represented in degrees in the works of Taylor, Kymlicka, and Tully in Chapter 4), there are those that do not. Further, as this dissertation has demonstrated, this rejection of the Canadian referent is a normatively defensible one following from a rejection of the colonial relationships of domination (intra-human and anthropocentric) that the territorial state-based model imposes.

It should also be understood that, although the concept of postcolonial citizenship derives much of its substance from the Indigenist views presented in Chapter 5, it is not meant to be understood exclusively as an Indigenous mode of citizenship. Rather, it should be understood in terms of its general rejection of settler colonialism and the anthropocentric domination that it imposes as well as the positive drive to constitute, maintain, and strengthen alternative communities of belonging and authoritative frameworks.

Thus, Chapter 5 contributes to the ideal of postcolonial citizenship in 2 key ways: First, it articulates an alternative vision of citizenship that is not defined by its opposition to an existing settler colonial context but is, nevertheless, clearly threatened by it and, second, it offers a testament to the profound differences between these Indigenous articulations and the dominant Western conceptions of citizenship. As such, it speaks to the injustice of assimilative approaches and the magnitude of the consequences of imposed Western frameworks. In demonstrating what is potentially lost through the processes of settler colonial domination, there is also the potential that such an articulation might persuade non-Indigenous co-inhabitants of this space to engage in the postcolonial project—that is, to claim postcolonial citizenship by seeking to transform their own forms of community and authority and the relationships of domination that they impose.

The concept of postcolonial citizenship expounded here builds from the proposed analysis of the referent and the recursive definition of citizenship presented in Chapter 2:

To be a citizen is to constitute oneself as a member of a community of belonging and, in so doing, to affirm the authoritative framework that lends moral force to the obligations that follow from membership.

or, alternatively:

To be a citizen is to affirm the authoritative framework that lends moral force to the obligations that follow from membership and, in so doing, to constitute oneself as a member of a community of belonging.

If this is accurate, then a *postcolonial referent* represents that which is referred to when claims about the constitution of a postcolonial society/order/relationship are made. This is explicitly about the transition from a context of settler colonial domination to a postcolonial co-existence where settlers and Indigenous peoples alike work to constitute shared communities of belonging that are held together by a shared understanding of what our obligations to each other are. Thus, the idea of *postcolonial citizenship*—one that offers some explanation of how alternative (Indigenist) conceptions of citizenship are articulated and enacted within contexts of settler colonial domination—must explain how this transition rests on the articulation of alternatives and engages in the postcolonial project of challenging settler colonialism as such and struggling against the legacies of settler colonialism.

In this sense my use of postcolonial citizenship makes reference to the *ongoing decolonizing practice* that is simultaneously critical/deconstructive and productive. Postcolonial citizenship is therefore a collection of practices—engaged in by members of Indigenous *and* settler societies—that aims to articulate and re-articulate alternative citizenships in ways that effectively adapt to fluid (geo)political contexts. As a form of *citizenship* a thorough account must reveal the problematic colonial aspects of citizenship as well as indicating alternative ways forward. As the previous chapters explain, the key problematic that I focus on in deriving this conception of postcolonial citizenship is the assumption of the modern territorial paradigm that defines land as 'emptiable space' that can rightfully be controlled (Sack, 1986: 34) and, therefore, limits the kinds of relationships that can obtain between people and land (including animals, rivers, rocks, etc.). In the end, this modern territorial paradigm excludes conceptions of community and authority that derive from a critical/traditional Indigenist consciousness thus imposing a colonial referent. Postcolonial citizenship, then, is fundamentally about the confrontation between competing conceptions of citizenship—a confrontation between competing perspectives on what it means to belong to a political community, the kinds of relationships that are possible, and, indeed, on the nature of said community.

In the next section, I describe key features of postcolonial citizenship that I argue enable a robust understanding of this confrontation and the practices that emerge in this context. I argue here that postcolonial citizenship in contexts of settler colonialism should be understood as entailing three key features: (i) rooted in an awareness of a *universal ecocentric kinship*; (ii) rooted in *relational practice*; and (iii) necessarily *ambivalent* with

respect to state-based community and authority. I follow this in Section 6.3 with a consideration of how reconceiving citizenship along the lines of what I have presented in this dissertation leads to the imperative to reconceive reconciliation in terms of the maintenance of respectful, reciprocity-based relationships between a multiplicity of nations rather than simply in terms of a shared state-based citizenship. I close in Section 6.4 with a brief discussion of how postcolonial citizenship might be expressed through the practice of treaty-making between nations in general and between Indigenous and Canadian societies in particular.

6.2 Postcolonial Citizenship: 3 Key Features

6.2.1 Universal Ecocentric Kinship

The first feature of postcolonial citizenship entails an awareness of the universal ecocentric kinship paradigm as presented in the previous chapter. Recall that this paradigm is rooted in an Indigenist ontology of space that is decidedly contrary to the typical Western conception of 'territory' and objectified and controllable space and contents. Importantly, this perspective replaces the concept of 'territory' with the concept of 'land'. Land, in this sense, encompasses "people, and animals, rocks and trees, lakes and rivers, and so on". A crucial point in this regard is that, within this system, all entities that comprise land (human or otherwise) are "believed to embody spirit or agency" (Coulthard, 2014a: 61) or are understood as "somewhat like humans: awarenesses with energy forces we call spirit" (Little Bear, 2004: 32). Moreover, understanding that one can develop

kinship relations with the land requires that one understand that reflexive, reciprocity-based relationships are possible. Hence, for example, the Anishinaabeg practices of treaty-making with "fish nations" where "fish clans and fish nations gathered to talk, to tend to their treaty relationships" (Simpson, 2011: 109). And while this clearly leads to an alternative understanding of a universal ecocentric community, it also leads to alternative understandings of authority. That is, the content and moral force of obligations within and between communities depends upon establishing and maintaining reflexive relationships of reciprocity with 'all my relations', producing an ethical framework that can be understood as a "grounded normativity" (Coulthard, 2014a: 61). In the end, these alternative renderings of community and authority generate a 'land-as-referent' ideal and conception of citizenship that reflects the traditional Indigenous ontologies of space described in the previous chapter.

It is important, at this juncture, to emphasise that postcolonial citizenship requires an *awareness* of this alternative paradigm rather than necessarily requiring *adherence*. *Awareness*, here, should be understood as a minimal requirement. That is, membership in a postcolonial community needn't necessarily entail a wholesale acceptance of an Indigenist ecocentric ontology.

This is an important distinction to make if one is to be able to countenance non-Indigenous participation in the postcolonial project along the lines of how it is presented in this dissertation—that is, as a rejection of settler colonialism and the underlying anthropocentric domination that leads to the logic of elimination (see Chapter 2). As an extreme, although fairly typical, example, it is unlikely that a non-Indigenous member of

the settler society who is immersed in a dominant multi-generational culture defined by Western values and the Euro-American ontology of space, would suddenly decide to adopt a traditional Indigenous metaphysics and the kinds of ecocentric relationality that this entails. But, as I present postcolonial citizenship here, one must at the very minimum be aware of the profound philosophical differences that exist in order to effectively engage in the postcolonial project of resisting settler colonial domination. The harm of settler colonial domination and its logic of elimination is made explicit when one understands *what* is being eliminated or threatened through settler colonial domination. As we've seen in Chapter 4 in the theories of Kymlicka and Taylor in particular, to miss this foundational difference is to fatally compromise one's good intentions. Put simply, the basic critical feature of the postcolonial project in general—that of creating space for alternatives—demands some understanding of what those alternatives are.

6.2.2 Relational Practice

Like the traditional rendering of Indigenous citizenship expressed in the preceding chapter, postcolonial citizenship is rooted in relational practice. The relational practices previously described entail developing reflexive, reciprocity-based relationships with 'all my relations' and are fundamentally *constitutive*—ceremonial, cultural, political, and economic practices overlap with and prefigure each other and serve to continually (re)constitute the referent. Postcolonial practices retain these constitutive functions by reinforcing a shared consciousness, maintaining/establishing reciprocity-based

relationships with 'all my relations', and establishing/maintaining communities of belonging and authorities (see Chapter 5).

However, it is important to emphasise that how we understand the particular function of these relational practices will vary depending upon where one is situated within the postcolonial struggle—that is, whether one espouses traditional Indigenous ontologies and is seeking to articulate, develop, and protect their own Indigenist communities and authorities from within or if one is, for example, a member of the settler society who does not necessarily espouse Indigenous ontologies but is nevertheless aware of their distinctiveness and value and seeks to participate in challenging and transforming their own settler colonial structures of domination and to build healthy relationships between societies. Regardless of where one is situated in this struggle, however, the fact of colonial domination means that any such practices must necessarily navigate opposition from the mainstream of settler society and settler colonial institutions. As such, these constitutive practices are also *necessarily* confrontational given that they must articulate an alternative within a context of settler colonial domination that functions psychologically and materially to eliminate the very perspective that is being articulated. Ubiquitous settler colonial domination means that postcolonial practices are fundamentally about the constitution of a postcolonial society *through* struggle.

Care must also be taken here to avoid the potentially totalizing effects of understanding postcolonial communities as constituted through struggle alone. This caution applies whether one is engaging in or seeking to understand the postcolonial struggle from an Indigenist or a settler perspective. Focusing for the moment on the

postcolonial project as it pertains to Indigenous communities in particular, the kinds of practices of postcolonial citizenship that I refer to here are "frequently portrayed as only precipitated by immediate threats and event-oriented, suggesting a limited reactive agency tied to the Colonizer's initiative" (Aguirre, 2015: 4). If struggle is understood as precipitating the practice as such, then the dominating settler colonial state sets the terms of debate, as it were, defining what the issues are and, thus, predetermining the kinds of practices that are engaged in as a response. In this sense, Indigenous identity is only formed in opposition and is clearly not an expression of an antecedent Indigeneity. This also resonates with the idea that an emancipatory sense of Indigenous self-determination must entail "some form of critical individual and collective *self*-recognition on the part of Indigenous societies" that is not precipitated by or directed to the institutions and society of the colonial state (Coulthard, 2007: 456). The ubiquity of colonialism imposes struggle on any form of practice that, by its very existence, opposes settler colonial domination, but it would be a mistake to ignore the antecedent sources of the postcolonial practices themselves.

The antecedent sources of what is often understood as Indigenous activism challenges the very idea that displays of Indigenous difference through these kinds of practices of postcolonial citizenship are, in fact, properly categorized as forms of 'protest'. Of course, there are dimensions that are reactive, or responses to particular events and encroachments that fit the description. There are many examples of Indigenous peoples occupying or blocking access to traditional lands as a response to the lack of respect for treaty obligations and the ongoing encroachment and occupation of their lands by the

settler society.⁴⁴ Indeed, as a case in point, at the time of writing this particular chapter, in my home province of Manitoba, after several weeks of occupation, members of the Pimicikamak Cree of the Cross Lake Cree Nation successfully evicted Manitoba Hydro employees from the Jenpeg Generation Station—a hydro dam that is a key element in the hydroelectric power production in northern Manitoba—citing the violation of the terms of Treaty 5 (APTN, 2014). And while this event clearly has a reactive dimension to it, the 'letter of eviction' sent to Manitoba Hydro's CEO is also clearly an expression of *who* the people of Pimicikamak are independent of the current struggle:

We, the people of Pimicikamak, have occupied our homeland since before time was recorded by your people. We acknowledge that through treaties WE gave YOU and the Crown and settlers certain rights here. To be here and to share the lands and its bounties—with us (Merrick, 2014).

As this excerpt indicates, the claim that is being made here is not simply a claim for material benefits, although it is also that. However, the claim itself is not justified on the basis of a shared membership in the Canadian polity. The claim is antecedently anchored in the identity of the Pimicikamak as a nation with whom treaties were made. Indeed, I would suggest that the claim here is not for recognition of their identity—this is taken as foundational. Instead, the claim is aimed at pressuring Manitoba Hydro (and the Crown and

⁴⁴ For an abridged inventory of 'Aboriginal occupations' see Borrows, John. 2005. "Crown and Aboriginal Occupations of Land: A History & Comparison". Research Paper Prepared for the Ipperwash Inquiry. October 15. Toronto: Ipperwash Inquiry.

settlers) to fulfill their treaty obligations. In this sense, this kind of act is an *expression* of an antecedent identity that both (re)affirms and (re)constitutes Pimicikamak community and authority in the face of colonial domination. It is an act of postcolonial citizenship.

That these kinds of activities are fundamentally constitutive of alternative Indigenist forms of community and authority rather than simply reactive responses to perceived injustice is not immediately apparent from a settler colonial standpoint that understands such disputes as fundamentally about access to and exploitation of territory. However, critical Indigenist scholarship clearly offers this alternative perspective. An examination of the long history of Indigenous occupations reveals that they are aimed at achieving or expressing self-determination (Borrows, 2005). Indeed, "every act of resistance and resurgence ... holds at its core transformative energy" enabling Indigenous peoples to "reclaim, relearn, and rebuild [their] nations according to [their] own political traditions" (L. Simpson, 2010: 16). By challenging and rejecting colonial authority, Indigenous individuals and communities "strengthen a sense of agency, a sense that their communities and their governments have the primary responsibility for protecting their rights and advancing their interests" (Russell, 2010: 45). In this sense, postcolonial citizenship is at its core constitutive, establishing and affirming an alternative sense of political community and authority.

Moreover, while these confrontations are salient precisely because of the dimension that explicitly confronts settler colonialism, they are only a subset of the kinds of practices that play this constitutive role. As the previous chapter explains, traditional practices are key independent of their colonial context. But in a contemporary context where such

practices take place within a dominant settler colonial majority that is mostly ignorant of Indigenous worldviews, wherever they are visible, they are likely to be interpreted as forms of reactive protest rather than self-referential expressions and affirmations that are fundamentally constitutive. Because the settler colonial preoccupation sets the agenda resulting in the widespread interpretation and reporting of such acts as typical struggles over territorial control and material goods, the very presence of Indigenous difference is likely to incite defensiveness and a renewed possessiveness. Leanne Simpson offers a particularly poignant recounting of a 2009 "community procession of Michi Saagig Nishnaabeg dancers, artists, singers, drummers, community leaders, Elders, families and children" through the streets of Peterborough, Ontario:

With our traditional and contemporary performers gently dancing on the back of our Mikinaag [turtle], we wove our way through the city streets where we had all indirectly, or directly, experienced the violence of colonialism, dispossession and desperation at one time or another. Our drummers provided the heartbeat; our singers provided the prayers. Settler-Canadians poked their heads out of office buildings and stared at us from the sidelines. "Indians. What did they want now? What did they want this time?" But that day, we didn't have any *want*. We were not seeking recognition or asking for rights. We were not trying to fit into Canada. We were celebrating our nation on our lands in the spirit of joy, exuberance and individual expression. ... This was not a protest. This was not a demonstration. This was a quiet, collective act of resurgence (2011: 11).

To sum up, the practice-based dimension of postcolonial citizenship is both inward and outward looking. As inward looking practice it is self-referential and antecedent to settler colonial domination and rooted in the practices that have sustained Indigenous peoples for centuries prior to colonization and that continue to do so today. These are practices that continually (re)build reflexive relationships of reciprocity and obligation within a universally ecocentric kinship paradigm and, as such, continually (re)build and (re)affirm communities, shared consciousness, and obligations. These practices are rendered postcolonial by the very fact of the ubiquity of settler colonial domination. The very act of reconstitution within a context defined by the settler colonial logic of elimination means that any self-referential act is necessarily confrontational and part of the postcolonial struggle.

While the preceding examples focus on the dynamics within Indigenous communities, it is important to note that this applies to settler societies as well in an analogous way. That is, there are both inward and outward looking dimensions to the settler's postcolonial struggle, and these struggles are fundamentally about establishing and maintaining good relationships while confronting and deconstructing dominating ones. With respect to the inward looking dimension, the practices entail decolonizing our own communities and authorities. This is akin to Tully's description of how Indigenous peoples might engage in their struggle for freedom "within the structure of domination vis à vis techniques of government, by exercising their freedom of thought and action with the aim

of modifying the system in the short term and transforming it from within in the long term" (2008a: 276).

However, although Tully's focus here is on *Indigenous* strategies, it should be plain that this is clearly an option—*indeed, a responsibility*—that should be exploited by settlers who seek to engage in the postcolonial project. A key distinction here is that, while this kind of approach is *outward* looking for Indigenous "word warriors" who seek to engage, for example, the legal and political discourse of the colonizing state (see Turner, 2006), for settlers, this is more of an introspective, *inward* looking task as we seek to deconstruct our own identities and underlying ontological justifications by challenging the myths that legitimate the domination of Indigenous peoples by Western society. Moreover, if we accept Turner's description of the key barriers that Indigenous peoples face when engaging in this way—their limited numbers/resources due to the history of domination and marginalization, and the risk of being "subsumed or appropriated by the dominant culture" (2006: 100, 114)—the particular responsibility to 'tend to our own house', as it were, becomes all the more poignant. In this regard, as privileged members of the dominant society, settlers are especially suited to carry a significant portion of the responsibility for this particular feature of a decolonizing strategy.

It should also be noted that this inward looking approach is not restricted to this sort of maneuver within the system—direct confrontation is also available as a strategy. However, while, as described above, this kind of confrontation is an example of outward looking engagement with respect to Indigenous peoples, it entails both inward and outward aspects from a settler perspective—it is inward looking because it entail members

of the dominant society directly confronting their own institutions and power holders with the aim of challenging dominating relations; and it is outward looking in the sense that it entails establishing, developing, and maintaining good relations with Indigenous peoples.

The confrontation between the Pimicikamak Cree of the Cross Lake Cree Nation and Manitoba Hydro introduced above is exemplary in this regard. While the event is billed in the mainstream media as a confrontation between Manitoba Hydro and "First Nations members" (CBC, 2014) or "protesters from Cross Lake First Nation" (The Globe and Mail, 2014), the fact is that the demonstrations at the Jenpeg Generation Station or at the Manitoba Hydro building in Winnipeg were also joined by non-Indigenous Canadians who shared their Indigenous allies' concerns. Events like these are not only protestations against colonial relationships of domination, but are also opportunities for members of Indigenous peoples and settler societies to develop good relationships with each other and to work towards the development of good relations between Indigenous and non-Indigenous peoples.

Of course, similar examples of Indigenous and non-Indigenous people engaging together in decolonizing practices of citizenship of this sort abound. But the key point here is to highlight how these practices contribute differently to conceptualizing postcolonial citizenship from Indigenous and non-Indigenous/settler perspectives. Importantly, events such as these contribute to developing the essential feature of *awareness* as presented above. Much like the elucidation that can occur through academic political/legal/philosophical discourses between Indigenous and non-Indigenous participants (Tully, 2008a; Turner, 2006), the dialogues that develop within these contexts

demonstrate how direct confrontation plays an essential role in the constitution of a postcolonial society.

6.2.3 Ambivalence

Finally, postcolonial citizenship is complicated by a third feature: an inescapable ambivalence to the dominating aspects of settler society and settler colonial state authority. Again, this feature takes on distinct characters when viewed from Indigenous or settler perspectives. Since colonial state power is ubiquitous, Indigenous peoples are left with little choice but to seek some level of influence via participation and representation in the very legal and political institutions that dominate and disempower their communities (Borrows, 2002; Bruyneel, 2007; Henderson, 1994). Yet struggling both 'within and against' colonial structures carries with it the ever-present danger that, by participating in state institutions, one will also legitimate them and entrench colonial power and authority (Alfred, 2009; Tully, 2008a). As I mentioned in the introduction to this dissertation, critical Indigenist thought is not uniform or characterized by broad agreement on the best means toward emancipation from colonial domination or, indeed, how to articulate the emancipatory goal. Thus, this ambivalence is apparent within critical Indigenist scholarship itself.

The idea of ambivalence is used here to describe the coexistence of two broadly construed and competing approaches to self-determination that I categorize as 'engagement' and 'disengagement' strategies. Most critical Indigenist scholarship in recent

decades has endorsed some form of engagement. Dale Turner is perhaps the most adamant proponent:

As a matter of survival, Aboriginal intellectuals must engage the non-Aboriginal intellectual landscapes from which their political rights and sovereignty are articulated and put to use in Aboriginal communities. I am suggesting that instead of carving out their own communities and asserting their intellectual sovereignty within them, Aboriginal intellectuals must develop a community of practitioners *within* the existing dominant legal and political intellectual communities, while remaining an essential part of a thriving Indigenous intellectual community (Turner, 2006: 90).

Similarly, Tully contrasts two distinct categories of struggle that Indigenous peoples are engaged in – the "struggle for freedom as peoples ... resisting the colonial system as a whole" and the struggle "of maneuver within the system" (Tully, 2008a: 42) concluding that "struggles of freedom to modify the system of internal colonization from within are arguably more important and more effective than the complementary arts of legitimizing and delegitimizing struggles for freedom with which political theorists have been preoccupied" (Ibid.: 58). Moreover, legal scholars like John Borrows and Sákéj Henderson continue to offer interventions in Canadian constitutional law. Even here, however, where Indigenist legal scholars engage the colonial legal order, we see the ambivalent tensions arising regarding the particular aims. Borrows, for example, argues for "the ongoing

cultivation of solidarity within, between, and across legal cultures throughout the land" in order to integrate Indigenous and Canadian legal systems (2010: 21) while Henderson argues that the Canadian constitutional order should be read as creating "a constitutional shield around treaty rights ... [that] ... protects treaty rights from the inconsistent rights and freedoms of individuals and from the laws of governments elected by a non-Aboriginal majority" (2000b: 730).

Other scholars are less optimistic about engaging the state's institutional structures. Some legal scholars, for example, argue that "the laws of Canada [are] an obstacle for the governance aspirations of Aboriginal people and Aboriginal nations" (Monture-Angus, 1999: 21) or that the assumed supremacy of the Constitution as such "represents an act of ethno-centric domination" that "has the effect of excluding Aboriginal visions(s) and (diverse) views about the land and the society now called Canada" (Turpel, 1989: 151). Moreover, it is not simply the dangers of the dominating colonial system or the inability to find voice in colonial institutions that drives this aversion to engagement. There is a positive component that is focused on the need to rebuild Indigenous communities—strategies that are aimed at rejecting [colonial] institutions and values in favour of a "self-conscious traditionalism, an intellectual, social, and political movement that will reinvigorate [traditional] values" within Indigenous communities and political orders (Alfred 2009: 16). Put another way, postcolonial struggles

must continue to involve some form of critical individual and collective *self*-recognition on the part of Indigenous societies ... with the understanding that

[Indigenous] cultures have much to teach the Western world about the establishment of relationships within and between peoples and the natural world that are profoundly non-imperialist (Coulthard, 2007: 456).

My aim here is not to argue for one approach over another. Rather, by citing ambivalence as a key feature of postcolonial citizenship, I hope to draw attention to the inescapable tension within this postcolonial project. It seems to me that *both* approaches are essential. As Coulthard argues:

Settler colonialism has rendered us [Indigenous peoples] a radical minority in our own homelands, and this necessitates that we continue to engage with the state's legal and political system. What our present condition does demand, however, is that we begin to approach our engagements with the settler-legal apparatus with a degree of critical self-reflection, skepticism, and caution that has to date been largely absent in our efforts (2014a: 179).

Engagement is strategically necessary given the ubiquity of settler colonial domination. Further, the relational imperative at the heart of critical Indigenist thought appears to demand some level of concerted efforts at building and maintaining relationships with 'all my relations', settler or otherwise. Of course—and this is a problem that I return to at the end of this chapter—if settler society is premised upon a settler

colonial ideology that implicitly or explicitly demands the elimination of the sovereign Indigenous entities within the claimed territory, then how can one advocate or even conceive of productive engagement? In this regard, the need to strengthen communities such that engagement is not doomed to assimilative failure is also essential. Citing ambivalence, then, serves to caution against the widespread misrepresentation of Indigenist acts of postcolonial citizenship as acts aimed at achieving some form of full inclusion in the colonial polity. While Indigenous peoples may often appear to *act like* citizens of the colonial state by appealing to state institutions for rights protections or demanding some share of the bounty that is derived from the land claimed by the state, an appreciation of the ambivalent nature of the postcolonial project recasts these acts as attempts to reconstitute Indigenous communities and authorities in the midst of an existential struggle against settler colonial domination.

Finally, when considering *settler* perspectives and responsibilities in this regard, one must note the decidedly asymmetric nature of the postcolonial struggle in general and ambivalence in particular given the difference between Indigenous and non-Indigenous experiences and responses to settler colonial domination. As argued in Chapter 3, settler colonialism functions to benefit members of the settler society while threatening the very existence of Indigenous peoples. For this reason, settler ambivalence takes on a different character. For the settler, there is an inherent tension that follows from engaging in a decolonizing struggle that is aimed, ultimately at undermining one's own privilege. In this sense, it seems natural to expect that there would be an ambivalence to the postcolonial project itself.

While I think that this is an inescapable confounding feature that is key to understanding settler resistance to the postcolonial project and that follows from a ubiquitous and powerful settler colonial context, the confounding effects are attenuated by the two features of postcolonial citizenship—awareness and relational practice—already discussed. At the very minimum, there must be an awareness of the existence of Indigenous worldviews and the injustice that follows from their destruction. However, awareness of injustice does not necessarily generate a palpable sense of moral culpability that will lead to decolonizing practice. In this regard, developing relationships across the boundaries of the Indigenous/non-Indigenous dichotomy can work, on the one hand, to underwrite the moral obligation to challenge a form of domination that engenders one's own privilege. On the other hand, this kind of relational practice also performs the educative role described above, and creates opportunities for imagining how we might move forward toward the development of relations based on reciprocity and respect rather than domination.

In sum, I argue that when taken together these three basic features of postcolonial citizenship—an awareness of the foundational premise of universal ecocentric kinship, an ethos of relational practice, and an ambivalence to the colonial referent—capture the general contours of postcolonial citizenship and offer a guide to understanding the nature of the project of working toward a postcolonial society while distinguishing it from typical Western understandings of citizenship. First, at its root, postcolonial citizenship requires an awareness of the unique perspective offered by Indigenous worldviews. With respect to Indigenous communities themselves, it is about constituting an alternative referent that reflects an 'all my relations paradigm' and constituting this referent within contexts of

settler colonialism. It is fundamentally about building reflexive, reciprocity-based relationships within an ecocentric universe while resisting a ubiquitous settler colonial domination that is fundamentally anthropocentric in its origins. With respect to members of the settler society it is, at the very least, about respecting the legitimacy of this alternative ecocentric paradigm. This awareness must entail an understanding of the ontological importance that these relationships hold for Indigenous peoples and an appreciation of the injustice that follows from the ongoing domination by the settler state.

Second, postcolonial citizenship is rooted in an ethos of relational practice. Understanding the inward and outward looking features of this practice—and the distinct character of these practices from Indigenous and settler perspectives—is essential to understanding the multi-dimensional nature of the postcolonial struggle as it pertains to the project of working towards postcolonial citizenship and building a postcolonial society.

And, third, postcolonial citizenship is also characterized by ambivalence to the settler colonial referent. This feature is necessitated on the one hand by the fact that settler colonial institutions exist as ubiquitous structures of domination and, on the other hand, by the fact that, insofar as the settler colonial ontology of space and the relationships of domination it generates, is continually expressed through settler society and its legal/political/economic frameworks, the very society that Indigenous peoples must seek to build relationships with, cannot countenance coexistence with sovereign Indigenous entities within the territory it claims. Once again, this feature is complicated by the fact that ambivalence is experienced differently from Indigenous and settler perspectives—Indigenous peoples being caught in the apparent paradox of seeking participation in, and

therefore legitimizing, the very institutional framework that threatens them, and settlers seeking to deconstruct and challenge the very foundations of their own privilege.

6.3 Reconceiving Citizenship/Reconceiving Reconciliation

The key features of postcolonial citizenship as presented above suggest that reconciliation requires both an awareness of the deep differences between Indigenous and settler societies and a desire to build relationships of mutual respect and understanding in spite of these differences. However, the problem of ambivalence suggests an exceedingly bleak future for this project given one of the key factors—that the settler colonial ideology generates institutional frameworks that cannot countenance coexistence with sovereign Indigenous entities within the territory they claim. It is worth recalling here the point made in Chapter 2 regarding the connection between the settler colonial logic of elimination and territorial sovereignty. That is, there is more to consider than the idea that a settler colonial state cannot accept a competing sovereignty within its claimed sovereign jurisdiction. On its own, this leads only to the simplistic assimilation/secession binary. Beyond this, the ideal of a universal ecocentric kinship that underlies the conception of postcolonial citizenship that I have just proposed stands in direct opposition to the anthropocentric domination at the heart of settler colonialism and the associated claim to territorial sovereignty. This key tension reveals nothing less than a confrontation between worldviews and stands as the foundational barrier to struggles for postcolonial citizenship.

Any thorough discussion of reconciliation must attend to this foundational impasse. With this in mind, after committing the bulk of this dissertation to a description of the deep tensions between settler colonialism and postcolonial citizenship, I spend the remainder of this concluding chapter discussing possible ways forward.

We can begin by briefly reconsidering whether, in the light of the preceding discussions, the dominant Canadian approaches to theorizing Indigenous citizenship discussed in Chapter 4 have anything of value to offer. Of course, Kymlicka and Taylor both offer explicitly state-based frameworks and, as such, foreclose any endorsement of the kind of non-state forms of nation-to-nation relationality as described in this dissertation. However, it is worth reconsidering their foundational normative premises in light of the key features of postcolonial citizenship. Fundamentally, both Kymlicka and Taylor provide theories that express no evidence of an awareness of the deep differences between Indigenous and Western worldviews and how the state exists as a one-sided expression of legitimate citizenship.

But if we accept, for example, Taylor's commitment to the ontological importance of the recognition of distinct identities—that this recognition is a "vital human need", the absence of which "can inflict harm [and] can be a form of oppression, imprisoning someone in a false, distorted and reduced mode of being" (Taylor, 1994: 25, 26)—then a more thorough account of the distinctiveness of Indigenous identities as provided in Chapter 5 will clearly contradict the imposition of political formations that reproduce settler colonial logics of territorial (and along with it, intra-human and anthropocentric) domination. Indeed, it appears that, although Taylor grounds his theory in a consideration of ontological

value, he fails to appreciate how deep ontology runs in this regard. And, although the ideal of a reciprocity-oriented sense of mutual recognition may reflect a form of non-dominating relational practice, failure to adequately appreciate deep ontological differences contradicts the very ideal of reciprocity to begin with. In this regard, Taylor offers an account of reciprocity within relationships of domination rather than as an alternative to them.

Similarly, Kymlicka's rendering of culture as a "context of choice" that is essential in "its capacity of providing meaningful options for us" (1989: 13) and its role in enabling us to "lead our life from the inside, in accordance with our beliefs about what gives value to life (Ibid.: 13) clearly resonates in the abstract with the function of Indigenist relational practices as expressed in Chapter 5 and above. However, conceiving culture within the bounds of a Western ontology of space—a constraint that Kymlicka's theory fails to acknowledge—forecloses a more accurate account of "culture as a verb" or "a way of living" (Holder 2008: 15) that is reflective of a thoroughly pervasive world view and a fundamentally distinct ontology of space that is incompatible with the imposed Western frame. Indeed, if we conceive of culture as activity that appeals to and (re)produces the land-as-referent (see Chapter 5), then to impose a state-based referent is to directly threaten Indigenous cultures and contradict the normative premises of the theory.

Even Tully's theorizing of civic freedom and the necessity of developing effective strategies for struggling against illegitimate colonial "structures of domination" (2008a: 259-260) fails to attend to the most intractable cases where the basic ontology of space is the foundational point of contention. If the Westphalian state system in general, and

Canada in particular, are premised upon territoriality as a means to control the objectified contents of geographical space, and if this initial imposition of territorial domination generates relationships of domination within and across societies including legal, political, and economic relations as I explain in Chapter 2, then framing Indigenous peoples' civic freedom in terms of the ways in which they choose to include themselves in this system is to impose a colonial referent and circumscribe their ability to robustly exercise their freedom by building reciprocity-based relationships with partners of their choosing. Indeed, if Indigenous freedom is understood in terms of the freedom to "impose the general system on themselves" by negotiating the terms of—and consenting to—their incorporation into the broader constitutional order (Tully, 2005: 191), then, clearly, this freedom is a freedom to decide on the terms of inclusion in a territorially defined scheme of relationships—rejecting 'the general system' is not available as an option.

If the Western ontology of space and the settler colonial domination that it generates is so ubiquitous as to undermine even the most thoughtful contemporary theories of Indigenous citizenship, then how might one salvage the insightful aspects regarding the necessity of fair recognition/reciprocity, the value of culture, or the freedom to decide how and by whom/what one is governed? It may seem counterintuitive to restate the apparent incompatibility as part of a discussion of a 'way forward' with regards to the idea of reconciliation. However, I think that this is precisely the key point that must be addressed. At the beginning of this dissertation I introduced the problem of postcolonial citizenship by pointing to the explicit rejections of Canadian citizenship that are found in critical Indigenist thought. In subsequent chapters I have explained both why this

protestation makes sense given the perspectives found in this body of scholarship and how we might work towards a better understanding of the political and philosophical divide between many Indigenous societies and the settler society represented by the Canadian state. With this in mind, any meaningful way forward must move beyond the totalizing solution that envisions a common (albeit differentiated) citizenship within a unified Canadian state and instead embraces multiple forms of citizenship while requiring settlers to critically reflect on their own understanding of citizenship as something intertwined with and deeply embedded in colonial forms of domination.

In the most basic of terms, then, I would argue that we can salvage some of the insights and recommendations offered by contemporary theorists by engaging in a fundamental paradigm shift that understands the kinds of policy (Kymlicka and Taylor) or constitutional (Tully) recommendations as conversations amongst settler societies and governments regarding what the correct posture towards Indigenous nations might be, while resisting the impulse to extend these frames to include Indigenous peoples as automatically falling within the legal/constitutional/political boundaries claimed by the Canadian state. In a sense, we might consider Canadian ruminations regarding 'Aboriginal policy' to be more in line with *foreign policy* considerations rather than internal or domestic issues—despite the typical territorial/geopolitical assumptions that internalize Indigenous peoples simply as a function of a unilateral claim by the state to control expansive geographical spaces and their contents

Of course, in terms of mutual recognition, for example, one might consider that what grounds this form of reciprocity is the imperative to learn how to coexist without

domination and the obvious deleterious effects on human and non-human lives. In this sense, we see all three components of postcolonial citizenship described above: an awareness of profound difference; a relational practice of reciprocity-based engagement; and an inescapable ambivalence—as Indigenous peoples engage settler colonial representative and structures despite the ongoing practices of dispossession and domination, and as settlers interrogating our own privileges and practices of domination. I would argue that mutual recognition offers a useful frame, but one that must entail *critical engagement* of the dominating features of settler colonialism as described in this dissertation and must include the attempt to transform the settler colonial ideology at its root. This resonates with Alfred's call for a "spiritually rooted notion of revolution" that fights against state power and oppression yet embodies "the objective of transformation driven by compassion achieved through teaching [and] generating relations of love" (2009b: 202). This kind of revolution may "not seek to destroy the state, but to make it more just and to improve [Indigenous] relations with the mainstream society" (2009a: 77).

Similarly, Kymlicka's endorsement of special representation or federal arrangements takes on a different character when situated in this postcolonial framework. In part, this approach is mirrored by Borrows' form of engagement when he argues for "Aboriginal control of Canadian affairs", through securing positions of power in Canada's institutional framework—"We need an Aboriginal prime minister, Supreme Court judge, and numerous Indigenous CEOs"—in order to "preserve and extend [Indigenous] participation with the land, and our association with those who now live on it" (2002: 140-141). Insofar as this is a necessary strategy, drawing from the discussion of like-minded

settlers above, I would add that not only do we need Aboriginal people in these positions of power, we also need settlers committed to the postcolonial project occupying these seats. But again, without the paradigm shift to a foreign policy/nation-to-nation approach, the ambivalent tension re-emerges at a foundational level with respect to the settler colonial state as it is currently constituted. If participation in Canadian institutions is justified on the basis of shared Canadian citizenship, then we run risk of entrenching and legitimizing the state's imposed jurisdiction. This is further complicated by the fact that many Indigenous individuals and nations already endorse a form of differentiated inclusion in a Canadian polity. However, given the real effects of Canadian legislation on Indigenous communities and the deep integration that already exists, it is not unreasonable that Indigenous nations should have a *sui generis* representation—a representation that is not justified on the basis of common citizenship—in the institutions that have profound effects on their lives.

Finally, Tully's endorsement of the dual-confederation model shows some promise. Of course for those who already endorse differentiated membership in the 'Canadian' territorial confederation, the model may be ideal. However, it fails for the most intractable cases that are the key focus of this dissertation. Here again, the perspectival shift that understands the model as a guide for how Canada should understand its Constitutional obligations to autonomous Indigenous nations—and *not* as delineating Indigenous forms of governance nor legitimating Canada's legislative authority over Indigenous peoples—shows promise. That is, the recognition of Aboriginal and treaty rights in Canada's constitution should be seen as "creat[ing] a shield" around Aboriginal and treaty rights" as *sui generis* rights that are not derived from but, rather, predate the establishment of the

Canadian state. (Henderson, 2000b: 730). The dual-confederation model, then, can serve as a guide, reminding us that Indigenous nations are *not* automatically members of some confederation bounded by the territorial borders of the Canadian state. Rather, it speaks to Canada's origins by tying Canada's legitimacy to the establishment and maintenance of reciprocity-relationships with the Indigenous peoples with whom it now shares geographical space. As Tully rightly argues, "the right of the federal and provincial governments to exercise jurisdiction over their respective territories is based on their recognition of the prior right of the Aboriginal nations" and, therefore, "[f]or provincial and federal governments to deny the treaty relationship between Aboriginal and Canadian governments would be to violate the conditions of their own legitimacy" (2008a: 237). But as a guide for Canadian action, it must be made clear that this jurisdiction only extends to *Canadian* citizens and is itself dependent upon the maintenance of relations with Indigenous peoples.

Moreover, and importantly, if we take the ecocentric kinship features of Indigenist perspectives seriously and incorporate this awareness into a reconceived dual-confederation framework as a foreign policy guide, the ramifications are significant. First, "the right of federal and provincial governments to exercise jurisdiction over their respective *territories*" (Ibid., my emphasis) should be reworded to specify that Canadian governments enjoy jurisdiction over *citizens*, but that jurisdiction over *land* does not necessarily follow. The jurisdiction over land must follow from an analysis of treaty agreements and, where no treaties have been negotiated, as non-existent.

Second, while it may not be reasonable to expect settler polities and governments to fully endorse ecocentric ontologies, an awareness that Indigenous peoples include the land broadly speaking in their sense of community or polity should guide Canadian policy. That is, if the dual-confederation framework can act as a guide for how Canada interacts with Indigenous polities, it must also be considered that the Indigenous peoples with whom the state is entering into agreements represent and are themselves imbedded within ecocentric communities. As such, a dual-confederation framework necessarily impinges upon how we conceive of Canada's relations with *all* members of Indigenous polities, including land. Importantly, such a perspective places clear restrictions on legitimate use of Indigenous lands and shines a particular light on the illegitimacy of capitalist exploitation absent explicit endorsement from Indigenous communities. In short, once the dual-confederation model is understood in terms more akin to foreign policy and freed from the territorial assumptions that exclude non-human representation and that automatically include Indigenous peoples as some differentiated segment of a reconfigured Canadian polity, it can be seen as placing firm limits on Canadian jurisdiction while also highlighting the fact that we cannot assume that all Indigenous peoples and polities are, or desire to be, part of this confederation.

Without a doubt, Indigenous peoples are free to accept the *invitation* to Canadian citizenship, but the arguments presented here clearly support Henderson's claim that this citizenship is "unnecessary, ambiguous, and problematic" and, when held up as a solution to the problem of reconciliation puts the onus of transformation (assimilation) on Indigenous peoples, demanding that they "comply with colonial narratives posing as

modernity, instead of asking Canadians and their institutions to comply with constitutional supremacy⁴⁵ and shared sovereignties of treaties" (2002b: 416). As Henderson's statement suggests, we are faced with two broadly construed options when considering how to move forward: (i) a relationship based on common citizenship which, as I have argued throughout this dissertation, entails the constitution of a shared community of belonging under a shared authoritative framework or shared consciousness; or (ii) a relationship based on the ideal of treaty-making between nations, each with their own citizenship regimes. Insofar as the Canadian state remains guided by a settler colonial ideology, it is clear that the first option remains unavailable. However, while the second option of building treaty-based relationships that respect Indigenous nationhood continues to inform many contemporary aspirations and practices, the underlying settler colonial ideology remains as a significant barrier. In the final section, I conclude by offering some thoughts on how the ideal of postcolonial citizenship might be expressed through the establishment/maintenance of treaty-based relationships.

6.4 Conclusion: Treaty-Making, Postcolonial Citizenship, and Reconciliation

The idea of a treaty relationship has long been the cornerstone for many conceptions of an ideal relationship between Indigenous peoples and the Canadian state. Treaties are presumed to reflect the ideal of a 'nation-to-nation' relationship as outlined in

⁴⁵ By referring to 'constitutional supremacy' Henderson is not arguing that the Canadian Constitution defines Indigenous rights. Rather, he is arguing that Canada's Constitution, as the supreme law governing *Canada*, recognizes and protects Aboriginal and treaty rights (see Chapter 4, note 3).

RCAP and has been so widely endorsed since as to become a veritable buzzword in any discussion regarding a renewed relationship. As explained in Chapter 5, from the perspective of critical Indigenist thought, treaties are negotiated and maintained at numerous levels, within and between human and non-human nations in order to establish and maintain reflexive, non-dominating, reciprocity-based relationships.⁴⁶

With respect to the relationship between Indigenous nations and the Canadian state (or the Crown), the Two Row Wampum Treaty, or *Guswhenta*,⁴⁷ is widely held to reflect the notions of equality and respect for difference expressed in the nation-to-nation ideal. A thorough interpretation of all that the *Guswhenta* entails would be complex and beyond the scope of the point I wish to make here, but the commonly held principles underlying the nation-to-nation relationship are well established in the related literature. There are two key features of the wampum belt that are often referred to: First, two rows of purple beads represent two vessels (Haudenosaunee and the Dutch, English, French, or Americans) travelling the same river yet along parallel paths that never cross indicates that the Haudenosaunee and the settlers will coexist but will never interfere each other's ability to maintain their own languages, laws, religious/cultural practices, and systems of governance. Second, these two purple rows are separated by (or linked by) three rows of white beads that represent peace, friendship, and respect as foundations for maintaining

⁴⁶ It is important to preface what follows with an acknowledgement of the skewed power relations at play as well as the common default to an understanding of 'treaties' as one-off 'contracts'. However, by citing the *ideal of treaty-making*, I am identifying the practices of treaty-making as expressed in Chapter 5 as a regulative ideal that may depart significantly from many historic and contemporary examples. Indeed, if treaty-making is to be part of the postcolonial project, it must also entail a deconstruction of the process itself and attempts to reconstitute non-dominating treaty-based relationships.

⁴⁷ The *Guswhenta* is wampum belt constructed from coloured shells understood to represent the principles of separate treaty agreements negotiated between the Haudenosaunee and the Dutch, English, French, and Americans in the 17th and 18th centuries.

the autonomous coexistence represented by the two rows of purple beads (see for example, Alfred, 2009a: 137-138; 2009b: 206; Borrows, 2010: 75-76; Monture-Angus, 1999: 37; Turner, 2006: 54-55).

While these principles are worthy, I think that there are problems of application when we consider the contexts of settler colonialism as described in this dissertation and, further, I think that an appreciation of the problems of application direct us toward a more productive way forward than a reading of independent coexistence allows. First, the particularity of the *Guswhenta* should be noted—it is a model of treaty-based relationships emerging from the philosophy and practice of the Haudenosaunee, a relatively independent and powerful confederation, and should therefore not automatically be expected to offer a panacea for the relationships between the Canadian state and Indigenous nations generally speaking (Borrows, 2010). Moreover, the radical equality that the *Guswhenta* entrenches does not seem appropriate to contexts defined by vast power disparities between the partners (Coulthard, 2014b).

Beyond this, however, I think there is good reason to be skeptical of the applicability of the imbedded non-interference principles when one considers the foundational differences between the world views represented by settler colonialism and critical Indigenist thought. If we understand treaties like the *Guswhenta* as negotiated agreements by which the Haudenosaunee "opened their territory to Dutch [English, French, and American] traders" (Alfred, 2009a: 76), then there are at least two pivotal points that should be considered. First, the settlers that came to build their societies on Turtle Island carried with them a settler colonial ideology premised upon the anthropocentric

domination of the land and its contents. As explained in Chapter 2, this settler colonial domination is inherently exclusive and antithetical to the concept of shared sovereignties within a geographical space. From a Haudenosaunee perspective, the *Guswhenta* does not simply reflect a doctrine of political independence, but is premised upon and reflects "[t]he notion of a universal relation among autonomous elements of Creation" (Alfred, 2009b: 266). In this regard it is difficult to conceive of how settler colonial societies and governments can coexist in the same geographical space with Indigenous sovereignties premised upon a non-dominating universal ecocentric kinship when the settler society itself is premised upon its ability to circumscribe geographical space—to territorialize space—and dominate its contents.

Second, the apparent impossibility of the coexistence of Western societies premised upon settler colonialism and Indigenous societies that espouse a universal ecocentric kinship suggests that, if coexistence is the aim, then any way forward must entail a weakening or transformation of the settler colonial ideology at the root of settler colonial domination. That the onus of transformation should fall to the settler state is well established in historical accounts of settlement, treaty-making, and the development of the Canadian Constitution. In this regard, where foundational treaties were negotiated, the presence of settler society is legitimated through the negotiated agreements and the obligations incurred remain unfulfilled indicating that major shifts are required with respect to how the settler society governs itself on the lands to which it was granted access (see for example Alfred, 2009a,b; Asch, 2014; Borrows, 2002, 2010; Ladner, 2003; Tully, 2008a). Beyond the historical/legal arguments, however, this dissertation reveals that

there are also good moral reasons to place the burden of transformation upon the settler society in order to move towards a context of non-dominating coexistence.

We see evidence that the transformation in the consciousness of non-Indigenous Canadians is already under way in the growing number of scholars, activists, and leaders who continue to grapple with the political and philosophical issues stemming from colonialism. However, we also see the backlash from other segments of settler society and settler governments, from the general public disdain for Indigenous peoples and cultures expressed in nearly every comments section of any online news story regarding Indigenous peoples to the renewed efforts of the federal government to frame reconciliation according to settler colonial ideologies of territorial domination (i.e.: privatization/ownership/control of Indigenous lands). Nevertheless, part of the struggle against domination is the engagement required to reveal and transform the dominating elements of settler colonial theory and practice. This dissertation participates in the postcolonial project by revealing how an anthropocentric domination of space leads to the domination of people as well as non-human actors in that space and explains why it is entirely reasonable for Indigenous peoples to reject Canadian citizenship on both legal/historical as well as moral grounds. That a significant portion of the onus of transformation should fall to settler societies and governments is, therefore, presented here as both legally/historically *and* morally persuasive.

It may also be that this caution against emphasizing the non-interference principles of the *Guswhenta* is less warranted if one places as much emphasis on the role of the white beads signifying the *bonds* of peace, friendship, and respect. If, as discussed in Chapter 5,

treaties are relational practices that establish kinship ties and maintain reflexive, reciprocity-based, non-dominating relationships, then I think it becomes clear that treaties are more than contracts that delineate rights and responsibilities but ought to be understood as covenants that indicate the intention to build and maintain healthy relationships. Peace, friendship, and respect cannot obtain in a vacuum. This also lends a measure of depth to the common statement 'we are all treaty people'. If treaties are understood in this more robust sense, then we should understand this statement, not as a statement of some shared Canadian citizenship, but an acknowledgment of our obligations to maintain healthy relationships between our nations. And insofar as this also entails maintaining healthy relationships with the non-human world, it seems clear to me that maintaining healthy relations between Indigenous and non-Indigenous peoples is the surest way for a Western audience to learn from the ecocentric perspectives that have sustained Indigenous peoples for millennia.

In closing, it is reasonable to question how utopian this may all seem—whether transformations to non-dominating relationships amongst all members of an ecocentric community that reconciliation requires is too much to expect from the state as such. Put another way, one might consider whether Alfred's call for a moral revolution that "does not destroy the state, but [seeks] to make it more just" (2009a: 77) is at all feasible given that the state itself is premised upon anthropocentric domination and functions economically according to a capitalist logic, also premised upon territoriality and the objectification of land as a container for rightly exploitable 'resources' (see Chapter 2). Further, this is not simply a matter of transforming a single state—the Canadian state is itself imbedded

within a global state system that functions geopolitically according to the territorial logic and that functions economically in accordance with global capitalism. Indeed, if the imposition of fixed/discrete territorial boundaries is, as I have argued in Chapter 2, a first instance of anthropocentric domination that leads to further instances (both politically and economically) amongst humans and amongst humans and the rest of the natural world, then does the logic suggest that we are doomed to reproduce relations of domination within any state-defined, territorial enclosure? Is the capitalist state, as such, an obstacle to reconciliation?

Following from the arguments presented in this dissertation, the answer is a qualified 'yes'—the capitalist state stands as an obstacle to reconciliation and the constitution of communities and authorities premised upon non-dominating relationships of reciprocity amongst Creation. The qualification, however, can be best understood by referring back to the logic presented in Chapter 2—that both capitalism and the state as such are premised upon anthropocentric domination. But here I would argue that this does not render the quest for postcolonial citizenship a utopian dream. Rather, if we address each feature of our current context separately, it is evident that capitalism and the state, while co-occurring phenomena, do not necessarily entail each other and a way forward needn't necessarily entail, at least initially, a wholesale rejection of the capitalist state as a unified concept.

Following this, I would argue that, while there is a provisional way forward with respect to the state form, capitalism is itself thoroughly anti-thetical to postcolonial citizenship. Put plainly, the capitalist mode of production requires the exploitation and

domination of the natural world (humans included)—workers, water, trees, animals, etc. are objectified and exploited in order to generate profits for those who own the means of production. This is hardly a new point. But it should be emphasised that while the dominating nature of capitalism may have been gradually attenuated to some extent with respect to *people* through the establishment of unions and the development of international labour standards, this does not touch on the domination and destruction of land via the objectification of land as territory or controlled and 'emptiable space'.

Despite the dominating nature of capitalism and its ubiquity given the global system of capitalist production, this does not imply a hopeless situation. As Tully, for example, argues, it is not unreasonable to expect that local practices that reflect an ecologically ethical relationship to the nonhuman world might encourage the development of "an ecologically sound global network of institutions and practices" that present real challenges and alternatives to global capitalist systems, given that it is "our routine acting that holds these seemingly autonomous systems in place" (2008b: 89-90). Similarly, Coulthard argues that a resurgence of "Indigenous political-economic alternatives" can effectively challenge the "hegemony of settler-colonial capitalism" if, for example, Indigenous people reconnect to "land-based practices and forms of knowledge that emphasize radical sustainability" while, at the same time, taking a defensive stance against capitalist domination of Indigenous lands "through forms of direct action" such as blockades that physically prevent the capitalist incursions. This kind of strategy works to "simultaneously block the economic exploitation of [Indigenous] people and homelands while constructing alternatives to capitalism" (2014: 172-173).

However, as both Tully and Coulthard note, the imperative to break our dependency on dominating modes of interaction is not only an Indigenous responsibility but is also a responsibility that falls on settlers. On the one hand, if the transformation toward postcolonial citizenship is to succeed, we need to develop more robust influence through the development of "relations of solidarity and networks of trade and mutual aid" between Indigenous peoples who are on the front lines of these confrontations and other groups like the "labor, women's GBLTQ2S (gay, bisexual, lesbian, trans, queer, and two-spirit), ... environmental movements, and ... those racial and ethnic communities that find themselves subject to their own distinct forms of economic, social, and cultural marginalization" (Ibid.: 173). On the other hand, as Tully argues, we cannot hope to develop non-dominating and sustainable relationships with "the living earth" unless we simultaneously work at developing sustainable relationships between Indigenous and non-Indigenous peoples, in part, because Indigenous peoples who have been maintaining sustainable relations with the living earth for millennia have much to teach settlers about how to make the transition to sustainable relationships with each other and the living earth (2014). In short, because capitalism is itself premised upon anthropocentric domination, the onus of transformation discussed above that falls upon the settler society must entail a transformation of our economic relations with each other and Creation as a whole.

With respect to the state as such, it may seem contradictory to suggest working, to some extent, within a state framework to advance a postcolonial agenda as described in this dissertation—especially when, as I've argued, the very imposition of state boundaries loads the dice, as it were, in favour of anthropocentric domination. However, I think it is

strategically prudent to consider how the state system might be utilized in ways that can support decolonization. In this regard, I suggest that state sovereignty—the key colonial tool used to justify domination and control of Indigenous lands—can paradoxically be used to support Indigenous aims. While a full articulation of this idea requires a robust engagement with the political theory of sovereignty and, as such, is beyond the scope of this dissertation, I think the basic idea of sovereignty as articulate throughout the Western canon offers some openings for meaningful interventions. The key conceptual fissure is located within the typical distinction between 'internal' and 'external' sovereignty—internal sovereignty referring to supreme authority to dominate and control within territorial boundaries and external sovereignty referring to the idea that governments and authorities from outside the territorial boundaries may not interfere with the domestic politics/jurisdiction within. These two features "do not describe exclusive sorts of sovereignty, but different aspects of sovereignty that are coexistent and omnipresent" (see Philpott, 2014 for an overview).

While the basic idea of sovereignty suggest that the internal and external features must necessarily coexist, I think that the arguments presented in this dissertation offer clear and persuasive challenges to the colonial assumption of internal sovereignty while not necessarily offering the same sort of challenge to the state's claim to external sovereignty. That is, while we might provisionally concede Canada's claim to *external* sovereignty as an historically defensible (although not normatively defensible) claim, we can do so while simultaneously challenging the *internal* sovereignty claim as both historically and normatively indefensible. Such an approach enables attempts to transform

relationships with the state while, at the same time, drawing on the state's ability to repel economic and political incursions that would subvert such internal strategies. As such, the idea that Sections 25 and 35 of Canada's *Constitution* protect Aboriginal and Treaty Rights from incursions by the Canadian state, can be extended to support the argument that Canada's *Constitution*, coupled with the principle of *external* sovereignty, form a protective shield against domestic *and* international incursions. This, I would argue, should only be seen as a provisional component of a larger strategy that, via the development of global anti-state and anti-capitalist networks as described above, works to also transform global capitalism and global territoriality.

Nevertheless, it is important to return to the foundational argument as presented in this dissertation that the root of both territoriality and capitalism is to be found in the explicit or implicit endorsement of anthropocentric domination and to consider the three key features of postcolonial citizenship presented above (i.e.: an awareness of Indigenist world views; relational practice; ambivalence to the colonial/territorial state). That is, while an anti-capitalist struggle might be successful, unless it is motivated by, at the very least, an *awareness* of the need to respect Indigenist perspectives, it may simply usher in, for example, a socialist regime that may alter political/economic relations between people but will not necessarily alter the presumed hierarchy, instrumentality, and domination with respect to the non-human world. Similarly, if such strategies are informed by a commitment to *relational practice*, then the struggle itself will provide and embody the Indigenist alternative and guard against the co-optation of the struggle into some other dominating political form. Finally, *ambivalence* to the colonial/territorial state is not simply

descriptive of inevitable sentiments held by those who engage the state as part of their struggle. Rather, ambivalence should also be understood as a requirement to be ever-vigilant when engaging the state or utilizing particular aspects (such as external sovereignty) to further decolonial aims, lest the ability of the state to impose its jurisdiction internally is ultimately reinforced.

In sum, as these final considerations indicate, the idea of postcolonial citizenship does not refer only to Indigenous modes of belonging in the world or to some ideal postcolonial state where Indigenous and non-Indigenous peoples share a common citizenship under a centralized state authority. Instead, as I've expressed it, postcolonial citizenship refers to the practices of citizenship that seek to fundamentally alter contexts of settler colonial domination by, on the one hand, resisting the anthropocentric domination of space and the dominating impositions of community and authority that follow from it and, on the other hand, by working to constitute, maintain and strengthen alternative communities and authorities that are legitimized through the maintenance of respectful, non-dominating relationships amongst the natural world (Creation) as a whole. In this sense, postcolonial citizenship is not simply another term for Indigenous citizenship but should be understood in terms of its underlying ethos. In short postcolonial citizenship is something that is available to any individual who seeks to challenge colonial domination by working to transform or (re)constitute communities of belonging and their associated authorities.

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