THE LANGUAGE OF EMPOWERMENT: SYMBOLIC POLITICS AND INDIAN POLITICAL DISCOURSE IN CANADA

by

C. RADHA JHAPPAN

B.A.(Hon.), Oxford, 1981

M.A., The University of British Columbia, 1983

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Department of Political Science

The University of British Columbia
Vancouver, Canada

Date July 23rd, 1990
ABSTRACT

The question of how subordinated groups in democratic states set about shifting their political relationship with their encompassing societies has received little attention among political scientists in Canada. Groups which lack significant political, legal, and economic resources, and which are stigmatized by an inferior status (reinforced by law and policy) do not enjoy the level playing field predicted by pluralist interest group theory. Yet they are sometimes able to overcome these obstacles and to renegotiate their political and legal status. The question is how some groups are able to do this, and what strategies are available to or obligatory for groups wishing to initiate political bargaining.

According to the theory of symbolic politics developed here, disadvantaged minorities seeking political benefits from the state will typically conduct politics at the symbolic level. That is, they tend to invoke a range of political symbols and myths: first, to build in-group solidarity by presenting an analysis of a common past and present, as well as a vision of the future society, and thereby legitimate their political aspirations.

In the first stage of minority politicization, such groups must: (a) build a sense of community of interests and goals which can be said to represent the reference group as a whole; (b) reverse the stigmatic identity ascribed to them by the dominant society; and (c) find ways of competing with the dominant society, not on the latter's terms, but on alternative ideological grounds. In the second stage of politicization, minorities must: (a) create appropriate demands; (b) learn to use the mechanisms, methods and institutions of the mainstream political process; and (c) eventually routinize conflict by negotiating stable norms to guide on-going relations with government.
Subordinated groups do not normally seek purely material benefits. They usually seek symbolic benefits in the form of rights, and a redefined status within society. Thus, much of their politicking is conducted in public, and is largely devoted to capturing public sympathy which can be used as a resource against government. The political myths and symbols employed are characteristically emotive and imprecise. Political goals are presented in symbolic terms, and are advanced at the level of principle rather than substance.

When applied to the case of Native Indian politics in the Canadian context, the evidence confirms the accuracy of these hypotheses. Indians have pursued the symbolic strategies predicted by the model: the essence of their political aspirations has been captured in the symbols of aboriginal title/aboriginal rights, land claims, and ultimately, self-government; at the macro level, they have sought predominantly symbolic benefits, as represented by legislative and constitutional recognition of certain rights and privileges; and they have attempted to win public support to use as a bargaining chip vis-a-vis government. However, they have not been entirely successful in their use of the symbolic strategies outlined, and the evidence suggests that they have reached a public opinion impasse. Despite their efforts, public opinion on native and native issues has remained remarkably stable over the last twenty years, so that further effort in this area is likely to bring diminishing returns. In the end, symbolic politics, while necessary for subordinated groups in their fledgling stages of politicization, must eventually give way to more conventional political methodologies as groups become institutionalized in the mainstream political process.
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Writing a dissertation is rather like being afflicted by a serious disease. It
is a constant source of anxiety and preoccupation, which unfortunately affects one’s friends and relatives to an undeserved degree. Thus, I would like to acknowledge my friends, particularly Lise Magee and Donna Hewetson, who have put up with my unbearable angst, and who have politely inquired as to the status of my affliction over the years. Fortunately, the disease was terminal. It’s over now, and I’m cured.

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PREFACE

This dissertation is concerned with sensitive and controversial matters—Indian politics and political discourse in Canada. The subject is sensitive because of the socio-economic and political implications of the claims Canadian Indians are making against the state, and it is controversial to the extent that those claims are disputed by a number of governments, politicians, academics, interest groups and citizens. Both the practical and scholarly arenas bristle with polemics on either side of the issues, and objective discussion without advocacy is rare. In view of this, I wish to make my own position clear. Readers should therefore approach this thesis with the following caveats in mind.

First, while my sympathies lie with aboriginal people and their aspirations, this thesis does not attempt to speak with the Indian voice. My methodology has not relied upon interviews with Indian people. Although I have referred to a number of books and articles written by Indians (especially in Chapters 3, 4, and 5), such literature is rather scarce. Instead, I have relied more on secondary literature produced by non-Indians writing primarily in the period of the late 1960s to the mid-1980s. I have used: government publications; court decisions; newspaper and magazine articles; and theses and academic publications spanning the disciplines of anthropology, sociology, law, history, and political science. The nature of my theoretical approach has required a search of rather eclectic sources, and I do not claim mastery of any of the disciplines whose literary stores I have raided (except, of course, political science!). Inevitably, readers from each of those disciplines will point out that I have neglected other important sources of which I am ruefully unaware. However, there are spatial and temporal limits to the construction of a dissertation, though I would be happy to
hear of any pertinent sources I have omitted which might enrich future work in this area.

Secondly this thesis speaks to a theoretical proposition in political science. It constructs a theory of symbolic politics relating to subordinated groups in democratic societies, and applies that theory to the development of Indian political discourse in Canada. It is not an ethnohistorical study of Indian tribal groups, so readers interested in how specific native systems of government traditionally operated or continue to operate should consult modern ethnographic sources.

The theoretical approach of this thesis requires that the level of analysis be general. I am not attempting to trace the political activities of one particular tribal group or Indian organization, though I do discuss the contributions of a number of specific groups and individuals to the overall development of Indian political discourse. However, my focus is on how Canadian Indians in the aggregate have improved their political position within Canadian society and vis-a-vis government in recent decades. This general level of analysis is potentially problematic, since some of my arguments about Indians as a whole will not be accurate when applied to particular sub-groups of the Indian population. However, if political scientists were confined to particularistic studies, we would not be able to observe the broader trends and patterns which are the stuff of political analysis, and which contribute to our understanding of human affairs.

Finally, it is inevitable that the arguments presented in this thesis will be interpreted according to the varying purposes of readers with different agendas. It is therefore essential that they be read in context. This means, for example, that my arguments about self-government as a political myth should not be
applied to evidence about native institutions in specific cases before the courts. My analysis is intended to capture the broad rhythms of Indian political discourse, and evidence about Indian government given by native people or other expert witnesses in particular cases is not to be discounted as fictional political mythology. I have argued that political myths are neither deceitful nor contrived, but are usually based on historical realities. As my level of analysis is general, I do not claim to account for the cultural and political idioms of any specific tribal group. I therefore urge readers not to take my approach to Indian politics out of the spirit of scholarly inquiry in which it is offered.
1. INTRODUCTION: TOWARDS A THEORY OF SYMBOLIC POLITICS

1.1. OVERVIEW

The theoretical perspective presented here arises from consideration of the following question: how do subordinated groups in democratic states manage to induce profound public policy shifts in their favour? More accurately, given that policy changes are often initiated by politicians and bureaucrats in spite of minorities' actions and desires, I am interested in how minorities shape and contribute to public policy shifts which represent their own political goals.

This question has assumed an increasing relevance in the post-World War Two era which has been characterized by an unprecedented explosion of national and subnational militancies founded largely on ethnic and local communities. While on the one hand, the period has witnessed a seemingly irrepressible tendency towards centralization of state power, it has also, on the other hand, revealed a concurrent trend towards decentralization of political authority. The beneficiaries of this latter trend at the international level have been the newly-formed independent nation-states of Africa, Latin America and Asia, lately emancipated from their previous imperial rulers. At the national level, the tendency towards decentralization manifests itself in the rise of regional or local authorities, many of which appear to be engaged in a perpetual struggle against jurisdictional encroachments by central governments.

At the same time, most states have experienced in their recent histories demands from various groups for expanded rights or considerations. These demands have been of two major types: they have either been generated by ethnic or local groups seeking increased political autonomy (such as the Spanish...
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Basques, the Scottish and Welsh nationalists, the republicans of the Six Counties, the Kurds of Iran/Iraq, the Punjabi Sikhs and the Quebec separatists); or they have been generated by groups seeking specific, non-territorial rights (such as the American Black Civil Rights movement, the Womens Movement and the Gay Rights Movement).

In general, it seems that groups seeking increased political autonomy from centralized states have tended to be united by bonds of ethnicity, kinship, community or tribal affiliation - what S.D. Clark calls "communal" structures. 1 In contrast, groups seeking specific, non-territorial rights or benefits are referred to as "associational" structures. They are groups organized for specifically stated purposes. Rather than ethnicity-based, they are occupational, religious, political, civic or economic special interest groups. 2 These groups tend to be concerned with limited ranges of issues (racial or sexual discrimination, environmental issues, abortion and so on).

Although communal and associational groups vary considerably in terms of their philosophies, constituencies, concerns, goals, methods, levels and types of organization, and resources, they have several things in common. First, each group considers its interests (however defined) to be, in some way, neglected or abused by the government or by the society at large. Their demands are therefore for remedial action. They call alternately for "equal" treatment or for special consideration to make up for the alleged ill-effects of previous policies or practices. They are "pressure groups" to the extent that they attempt to exert pressure on the government (or on the society) for legislative or social changes

2Ibid.,p.19.
they believe will remedy the offensive situation.

The second feature common to associational and communal groups in general is their relative powerlessness vis-a-vis the largesse of the modern state. With few exceptions, pressure groups are constrained, not only by limited funds (that is, they lack significant economic power), but also by the fact that they seldom constitute voting blocs in sufficient numbers and ridings to be able to effect change through direct parliamentary representation. 1 Associational groups in particular suffer from the additional handicap that often their members’ general political views cross party lines. They may support a particular party’s position regarding the specific issue at hand, but may not necessarily align themselves with that party across a wide range of issues. To the extent that these factors hold true, such groups can be said to be lacking in formal political power. Finally, both associational and communal groups often have limited or no recourse to the law as it stands (in fact, more often than not it is the law they want to change), and can be said to be bereft of legal power.

Without minimizing the importance of the very great differences between such pressure groups, it can be said that for the most part they tend to channel their energies in three directions: they may apply pressure directly to the government (by lobbying politicians and bureaucrats in various ways); they may take the more circuitous route of wooing public opinion in the hope that demonstrable public support will induce the government to take action; or they may resort to political violence. However, I am interested here only in non-violent methods, and the discussion is limited to the first two types of behaviour.

1Women would be an exception to this since their numbers give them the potential to form voting blocs.
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In general, groups which take the first course are (or become) institutionalized lobbiers. They manage to gain access to the political and bureaucratic process and are, to a greater or lesser extent, regarded as legitimate spokesmen for legitimate interests. Incorporated into the political process (in some cases, even funded by government), they are able to develop long-term working relationships with decision-makers, which may further legitimize their organizations and interests.

On the other hand, groups which exert pressure on government from outside the political and bureaucratic process generally attempt to win public support for their causes, which can be used as political leverage. Armed with evidence of a given level of societal endorsement of their cause, they try to persuade the government to take appropriate action. Usually, such groups play "the politics of embarrassment", by highlighting (alleged) injustices or absurdities in public policy.¹ Pressure groups of this kind may eventually become institutionalized (and thus legitimized) by government, but this rarely happens overnight. They must first legitimize their claims in the public domain. This is no easy task, as the claims of such groups tend to be matters of controversy - they are claims which challenge the prevailing moral, social or political norms of the society.

This thesis is concerned with pressure groups of the latter kind - that is, groups whose political, economic and legal power is marginal, whose claims appear to be at variance with the prevalent norms of the encompassing society, and whose major hope for the legitimation and satisfaction of their claims seems

¹Of course, a group's ultimate objective may not be legislative change, but rather "public education" or a shift in societal attitudes. This point will be addressed presently.
to lie in winning public support for their goals.

Essentially, the thesis examines the means by which a disadvantaged minority attempts to induce profound shifts in public policy through the mobilization of public support. The major hypothesis suggests that if such a minority lacks real means (that is, political, economic or legal power) to achieve its ends, then it will garner support for its preferred solutions through symbolic means.

However, before a theory of symbolic politics is presented, a number of terminological definitions and schematic assumptions must be made explicit. Thus, Part I of this chapter specifies the assumptions regarding disadvantaged minorities and governments which comprise the theoretical bases of my approach to symbolic politics. Part II is a discussion of the general properties and functions of political myths and symbols, while Part III develops a schema of symbolic strategies available to disadvantaged minorities seeking a shift in their political relationship with government and society.

1.1.1. Definitions and Assumptions: the Minority

I am not concerned here with analyzing the conditions required for the emergence of a social movement, but rather with the relationship and interaction between a movement (or group) and other parties. Thus, it is assumed that a self-conscious group is already in existence and that it can be mobilized in pursuit of certain goals. At present, my focus is neither on the level of organization required for this mobilization nor on the presence or absence of leaders equal to the task. Instead, I am concerned with the fact that a minority group is conscious of itself as such.
"Minority" is a qualitative as much as a quantitative term. What makes a minority is a definition of self which distinguishes members of one putative group from members of other putative groups. It is an intersubjective definition, although it may conform to the definition of the group held by the larger society. Louis Wirth supplies the following view:

We may define a minority as a group of people who, because of their physical or cultural characteristics, are singled out for differential or unequal treatment, and who therefore regard themselves as objects of collective discrimination. The existence of a minority implies the existence of a corresponding dominant group enjoying higher social status and greater privileges. Minority status carries with it exclusion from full participation in the life of the society. Though not necessarily an alien group, the minority is treated and regards itself as a people apart.

This definition of minority is based on both the minority's and the dominant group's perceptions of inter-group separateness and intra-group sameness. It implies that the minority group is self-conscious and that it defines itself in contradistinction to some supposedly monolithic, homogeneous "dominant group", which has the power to grant or withhold benefits. However, while in the real world the "dominant group" is far from an homogeneous monolith (and indeed, is regarded by political scientists of the pluralist school as a collection of discrete sub-groups which compete with each other), the important point is that the minority group perceives itself as being disadvantaged vis-a-vis the rest of the

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1 In fact, even though the term "disadvantaged minority" has a qualitative as well as a quantitative meaning, the term "subordinated group" is probably more serviceable, since it allows the analysis to include groups which are disadvantaged but which are not necessarily numerical minorities within their respective societies. The most obvious examples here are women and South African Blacks. These groups are certainly subordinated, although they do not constitute numerical minorities. Thus, I will use the two terms interchangeably throughout this thesis.

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society. It may or may not be the object of collective discrimination, but it believes itself to be the recipient of differential and undesirable treatment. ¹

It is assumed that the minority has existed for some time and has a history of disagreeable treatment - one isolated piece of legislation affecting a given group of people negatively does not make a subordinated group per se. There must be some sense of continuity of historical treatment, if our definition is not to include groups organizing to change one piece of legislation or one practice, and disbanding after accomplishing their objective.

For some pressure groups, grievances are addressed towards government, particularly if the government is held responsible for the offensive state of affairs, or if the problem can be cleared up by legislative enactments. For other groups, grievances are directed towards the society in general (or some sectors of it) and the primary goal may be a shift in societal attitudes. Legislative change is only a secondary or eventual objective, if it is an objective at all. Finally, there are cases in which the pressure group's grievances are directed at both government and society, and they require legislative and attitudinal change. But in all three cases, the question of "going public" almost invariably arises. The decision to go public will be affected by the nature of the issue, the target of change (that is, law or attitudes), the group's level of organization, its resources and an assessment of the chances of success.

Aggrieved groups which choose to go public do so for a number of

¹Wirth's definition, however, stressing only physical or cultural characteristics, is rather narrow. It cannot include, for example, religious minorities, the poor, the unemployed and so on. Therefore, a broader definition would include groups sharing a range of social, cultural, racial, religious, economic or political characteristics which (a) are regarded as significant differentiators by the collectivity involved, (as well as by others), and (b) are the basis of differential and unequal treatment.
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reasons: they may have approached government without success; they may lack
the organization, resources and representatives needed to engage in the
political/bureaucratic process; they may consider the process too cumbersome to
match the immediacy of their needs; they may have little chance of success in
the absence of demonstrable public endorsement of their demands; or they may
simply not be accepted as legitimate actors in the process.

But even if a group is unaffected by the above considerations, going
public offers many advantages which are not available through the
political/bureaucratic process. First, bringing an issue to the public's attention
provides an opportunity to highlight the alleged injustice or absurdity of the
situation facing the group. Second, publicity puts the group into the main-stream:
the fact that the issue is out in the open suggests that more individuals or
groups may have a stake in the eventual outcome, even if only a moral or
philosophical one. Third, airing an issue out in public, in a sense, serves to
demystify it. No longer is it the exclusive preserve of politicians, bureaucrats and
experts- it is an issue people can understand, and moreover, it is an issue about
which the public apparently has a right to know. Fourth, going public has the
effect of augmenting the size and importance of the issue. We tend to assume
that if an issue is public, it is somehow worthy of our attention. Moreover,
publicity is an invitation to contribute to the debate. An issue which is presented
to the public within fairly narrow parameters can quickly increase in importance
as other groups and individuals realize its possible implications for them.

Going public offers a fifth benefit to pressure groups, and that is the
opportunity to enroll powerful allies to fight on the group's behalf, either through
financial contributions or by using whatever influence they might have on behalf
of the cause. Sixth, publicizing an issue increases its immediacy - it ensures that the issue will not become hopelessly bogged down in the bureaucratic system, where it can be shuffled from department to department and languish unresolved. Publicity increases the pressure on politicians to handle the issue quickly, and more significantly, it increases the chances of the group's preferred solution being adopted.

Finally, the most important function of publicity is the generation of controversy. The latter involves the exploration of possibilities and indeed, it can be argued that if a given political goal is controversial, its realization is regarded as a distinct possibility. Controversy, moreover, increases the likelihood of compromise. As Murray Edelman argues, "public controversy over an issue functions to help participants in a debate accept an outcome that deviates from their beliefs about the optimum policy". Thus, in general, going public can offer a disadvantaged minority a greater chance of success than conducting protracted lobbying through the political/bureaucratic process. For a subordinated group, to make its presence felt in the public space is to give itself socio-political reality.

However, going public is not necessarily a costless strategy. It is, in fact, risky. In generating publicity, a subordinated group takes a number of chances. First, publicity may well have a negative impact on public opinion. There is always a risk that highlighting an issue may provoke hostility from a previously ignorant or indifferent public. It may result in the alienation of significant groups and can possibly reactivate adverse sentiment within the population as a whole, particularly if the group is seen as demanding special treatment or rights. Thus, there is a danger that publicity will aggravate those who, due to ignorance or

indifference, might not have objected to quiet changes introduced without public exposure.

If publicity does provoke hostility (or even a backlash), a second risk is that that hostility may well be used by government to justify denial of the group's demands. Publicity is a two-edged sword which can just as easily be wielded by governments against the group concerned. Since the group is not likely to win unanimous or even majority public support, whatever level of support it does command can be downplayed by government. Politicians can easily argue that in the absence of a clear mandate from a substantial proportion of the electorate, they cannot concede to the group's demands. The democratic majoritarian principle can be used to trump minority interests if it serves governments to do so. While the group struggles to establish its case for special attention or remedial action, governments can situate its interests within a wider context of other groups and interests competing for attention or making claims on the public purse. Compared to larger issues such as the economy, the environment, taxes, budget deficits, and so on, and compared to the demands of larger established interest groups (such as business and labour), the subordinated group's concerns can easily be diminished.

A third and perhaps more significant risk of publicity is that governments may respond with symbolic discourse of their own. They may be able to invoke stronger myths and symbols (stronger in the sense that they appeal to public values), and they can certainly respond to symbolic acts in kind. They may even initiate such acts themselves. Given their obvious superiority in terms of resources and their ability to command media attention, governments are clearly not the defenceless victims of minority-generated publicity. In fact, symbolic
politics occur within an interactive context and relationship, so that in choosing to go public a subordinated group must gamble on its ability to win the publicity game. The hazards of publicity are thus as numerous as the potential benefits.

1.1.2. Definitions and Assumptions: the Government

Given that this thesis is addressed primarily to the interaction between subordinated groups and governments, certain assumptions regarding the latter must be made. First, it is assumed that government has no legal imperative to accede to a given minority's demands. The group hopes to point out or to create moral, social or political imperatives, but it cannot rely upon current law to compel government to take any particular action. ¹

The strategy of going public therefore relies on a second assumption regarding government - the assumption that government can be swayed by the force of public opinion. This is not an unrealistic assumption, particularly as, in recent years, observers have come to describe the modern political process as "opinion poll politics". While such a description may exaggerate the impact of opinion polls on politicians' actions, it cannot be denied that public opinion does act as a significant constraint on the governments of modern democratic societies, even if they are only driven by the desire to be re-elected.

The third assumption pertaining to government concerns the costs of not resolving controversial issues. It is assumed that governments in democratic states have a real political stake in avoiding protracted conflicts with pressure groups, especially where the latter enjoy the support of other influential groups or

¹Of course, in some cases, current law is equal to the group's needs, although it is ambiguous and its interpretation may be a matter of contention. In such cases, the group's aim may be to shift legal interpretation, though the courts and the government are under no obligation to do so.
individuals. It is argued that the more publicized an issue becomes, the greater is the government's stake in appearing (at least) to take resolute action in the matter. To avoid action is to risk appearing weak, indecisive, unresponsive or intransigent. In the case of particularly controversial issues, the longer the government avoids resolution, the more opportunities a pressure group has to make its case, playing on its adversary's alleged weaknesses or pertinacity. Thus, it is assumed that government has a real interest in reaching equitable solutions with reasonable speed.

This is, of course, a general assumption. Certainly, even within democratic states there are numerous examples of governments which are able and willing to sustain protracted conflicts with various interest groups (the Thatcher and South African governments come to mind). Therefore, a government's interest in avoiding conflicts (particularly those conducted at the symbolic level and in the public eye) will tend to vary with a number of factors. These include: the pressure group's size and power (that is, resources plus influence among other significant groups); the legitimacy of the group's claims (particularly where there is a possibility of legal recourse); the importance of the issue in terms of its potential impact on electoral outcomes; the strength of the government's legislative majority and popularity; and not least, the group's success at embarrassing the government and winning public support for its cause. The manner in which these factors (and others) combine in specific circumstances is of critical significance to the question of whether a government can ignore a subordinated group's demands with impunity. However, in general we can expect that governments wish to avoid messy public conflicts with interest groups, particularly those which can succeed in the politics of embarrassment.
Finally, it assumed that, far from being impasive receptacles of pressure groups' demands, governments will usually resist change. This is particularly true where a group's demands are not consistent with an incumbent government's political philosophy and policy objectives, or where an issue is so controversial that public opinion is either ambiguous or polarized.

The assumptions outlined above presuppose a democratic political milieu. While I would not confine the publicity-seeking strategy to groups operating within such a context, it would seem to stand a greater chance of success in countries where governments are ultimately accountable to the populus through free and regular elections, and where the democratic tradition precludes the habitual use of the state's coercive power. Indeed, the symbolic strategies described later in this chapter are likely to be more effective in countries with democratic institutions, and constitutions which enshrine fundamental individual liberties. These are important conditions, since actions which may be tolerated in liberal democratic states may not be tolerated in totalitarian or military regimes, one-party or religious fundamentalist states. There are, of course, exceptions to this general rule- the activities of Solidarity in Poland, for example (though the movement was suppressed by successive regimes for many years). Nevertheless, the present discussion is offered within a contextual framework of liberal

Various counter-strategies are available to governments in their attempts to defuse or discredit pressure groups' demands, though they are not the focus of this thesis. Clark et. al. suggest three responses: (i) indifference; (ii) accommodation, (iii) obstruction - see Clark et. al., op. cit., pp.27-29. Also, Anderson and Frideres have outlined four major techniques by which dominant groups/governments maintain control over minority groups - (i) insulation, (ii) sanctions, (iii) persuasion and (iv) co-optation. See A.B. Anderson and J.S. Frideres, Ethnicity in Canada: Theoretical Perspectives, (Butterworth and Co., Vancouver, 1981), p.199. These techniques are important for my purposes, chiefly because they affect the types of strategies available to minorities. More will be said of this later.
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democracy.

Now that Part I has outlined the major assumptions regarding minority
groups and governments, Part II of this chapter goes on to discuss the qualities
and functions of political myths and symbols, as a precursor to the development
(in Part III) of a theory of symbolic politics.

1.2. THE STUDY OF SYMBOLISM

The study of behaviours induced by the invocation of symbols has resided
almost exclusively in the domain of anthropology, specifically in the sub-fields of
structural anthropology, phenomenology and symbolic interactionism. However,
anthropologists (such as Malinowski and Levi-Strauss) have, for the most part,
been interested in the cultural functions of myths and rituals, rather than the
political functions of conceptual symbols. ¹ Political scientists have not offered
much explicit discussion of political symbols, which are usually subsumed under a
larger conceptual rubric. We are simply not conscious of political symbols per se,
as they are normally discussed within the context of particular ideologies. Often
they are dismissed as meaningless rhetoric used by politicians as filler for
platitudinous speeches, or, to take the more cynical view, they are simplistic
distortions of the truth employed with conscious deliberation to pull the wool over
our eyes.

For these reasons, the literature on the political uses of symbols and
myths is notably sparse. Of course, upon browsing through almost any political
text, one is apt to find references to "symbolic victories", "the symbolic order of

¹See, for example, Bronislaw Malinowski, Magic, Science, Religion and Other
Essays, (Doubleday and Co., New York, 1954), or Claude Levi-Strauss, Structural
society", and other similar phrases. However, few writers seem to appreciate the substantial benefits of using symbols in a strategic fashion, for the purpose of facilitating social and political change. Where discussion of this nature exists, it is confined to the exploitation of symbols by governments, which claim perhaps to be advancing "the national interest" through particular policy instruments.

In fact, Georges Sorel's Reflections on Violence, represents one of the few attempts to articulate a theory of political mythology. Sorel addressed the question of why men seemed willing to engage in apparently hopeless violent political upheavals. He advanced the thesis that such men are impelled to act by the pouvoir moteur of a great myth, a vision in which they pit themselves and their actions against some great enemy, over whom they are certain to prevail.

The myth has power, not only because it offers a particular vision of the future, but because it makes sense of present experience. A political myth does not propose a specific program, prediction, or plan of action, and hence, it cannot be refuted on logical or philosophical grounds. In Sorel's terms, the myth of the general strike presents a good example of the power of myth. As the authorities have no way of determining the capacity of the working classes to act together to disable the economy, they would prefer not to risk it. Such a

1In fact, Murray Edelman has produced the best-known work in this area, in his books, The Symbolic Uses of Politics, (University of Illinois Press, Urbana, 1964), and Politics as Symbolic Action, (Markham Publishing Co., Chicago, 1971). Although Edelman's theory applies chiefly to governments, some of his principles are useful for the purposes of this analysis. In another vein, the historians Cohn and Hobsbawm have examined the role of eschatological myths in peasant rebellions, but they have not offered a general theory of symbolic politics. See Norman Cohn, The Pursuit of the Millenium, (Paladin, London, 1970), and E.J. Hobsbawm, Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries, (Manchester University Press, 1963).


3Ibid., pp.31-32.

4Ibid., p.33.
myth works because it arouses fear of hidden power.

Sorel's work is, in a sense, my point of departure. The theoretical perspective presented here seeks to contribute to the literature on political symbolism (such as it is) from the vantage point of a sub-national group which is "poor in resources, rich in demands", ¹ and which is seeking to change the nature of its political relationship with state and society.

1.2.1. The General Properties of Symbols

The creation and manipulation of symbols is a fairly ordinary human activity. Every community, group or society marshalls a symbolic ensemble which, in some way, enables people to make sense of the world. Indeed, it can be argued that no sentient being can function in society without creating and responding to symbols.

That symbols and symbol-making pervade all aspects of human life is hardly a revolutionary idea. Anthropologists, linguists, mathematicians and philosophers have long been conscious of the importance of symbols. But it is only in recent years that we have come to appreciate the magnitude of their importance as behaviour modifiers. W.H. McNeill makes the point as follows:

The principal source of historical complexity lies in the fact that human beings react both to the natural world and to one another chiefly through the mediation of symbols. This means, among other things, that any theory about human life, if widely believed, will alter actual behaviour, usually by inducing people to act as if the theory were true. Ideas and ideals thus become self-validating within remarkably elastic limits. ²

¹This term is used by W.A. Gamson in "Stable Unrepresentation in American Society", American Behavioral Scientist, XII, Nov-Dec. 1968, p.20.
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But it is not enough to say that we react to one another through the mediation of symbols. For present purposes, my chief theoretical interest lies in how symbols animate and effect relationships of power. ¹ Abner Cohen argues that:

In both simple and industrial societies there are extensive patterns of normative, non-rational, non-utilitarian behaviour which play crucial parts in the distribution, maintenance and exercise of power. Descriptively, they are usually referred to as customs, or simply, as culture. On a higher level of abstraction they can be described as symbols. ²

Although Cohen seems to be equating behaviours with symbols, it is more accurate to say that certain behaviours are symbolic in nature, or that behaviours have symbolic functions and purposes. But what exactly is a symbol, and how can symbols be distinguished from behaviour, custom and culture?

Rodney Needham, a leading anthropologist in the study of symbolism, offers a simple definition. He says that "a symbol is something that stands for something else...as a crown stands for the monarchy or an eagle for the United States". ³ At a very basic level this is a straightforward and appropriate definition. However, symbols are much more than direct representations of other things. Indeed, if all a symbol did was represent something else, it would be superfluous - after all, if you mean "monarchy", why say "crown"?

Abner Cohen offers a much more sophisticated (and useful) definition when he suggests that:

³Rodney Needham, Symbolic Classification, (Goodyear Publishing, Santa Monica, 1979), p.3.
Symbols are objects, acts, concepts or linguistic formations that stand ambiguously for a multiplicity of disparate meanings, evoke sentiments and emotions and impel men to action. ¹

This is a much more serviceable definition, as it releases us from considering only objects as symbols, and acknowledges the importance of the emotional impact of symbols.

Symbols are usually used as a kind of perceptual short-hand, a simple object, concept or word triggering a mental or emotional association with a given phenomenon. The Crown, to take Needham's example, is an ornate, bejewelled piece of ceremonial head-gear which simultaneously represents a person (the monarch), an office (head of state), and, according to the receiver, perhaps a plethora of associated concepts (authority, tradition, service, duty, wealth, power and so on). Existentially, it is nothing more than a fancy hat. Perceptually, however, "the Crown" carries a wealth of meanings and associations well beyond the limits of its physical function. It may inspire nationalism, a sense of belonging to a continuous historical and political entity, or identification with a set of beliefs and a code of behaviour.

Symbols like "the Crown" are powerful, not just because they stand for something else, but because we have emotional responses to the something else, which itself may stand for an enormous range of other things. Occasionally, an object becomes synonymous with a larger concept, so that it carries, not just its original simple meaning, but a much more complex and emotive meaning. "The Crown in India" is a good example of this. To the associations triggered by "the Crown", we might add a chorus of other meanings associated with colonialism.

There is then, a distinction to be drawn between physical and conceptual

¹Cohen, Two-Dimensional Man, op. cit., p.ix.
symbols. A physical object, such as a totem or a national flag, is powerful because it is immediate, it is material. It exists in accordance with the physical laws of time and space and can be known through sense perceptions. It is a direct mnemonic aid. A conceptual symbol, on the other hand, is more complex than a physical symbol, because it is more likely to be coloured by individual perceptions. A conceptual symbol is not a mere mnemonic aid. It offers more opportunity for subjective evaluation.

To illustrate the distinction between physical and conceptual symbols, the reader is invited to consider a physical symbol - let us say, a bunch of shamrock. The association is, in most cases, immediate and direct - Ireland and things Irish. Now consider the conceptual symbol "women's liberation". This is a much more complex symbol and prediction of association is trickier. It may conjure up a range of visions, from suffragettes chained to the railings of 10 Downing Street, to Betty Friedan and the struggle for the Equal Rights Amendment. But it is more than likely to produce a value judgment, which will vary according to one's view of the cause. "Women's liberation" then, like many conceptual symbols, encapsulates a multiplicity of meanings and lends itself to many interpretations. It is an aspiration, whose precise nature however, is uncertain. It does not tell us what laws or public policies might be required, any more than it tells us what behaviours or actions can be expected in pursuit of the aspiration, or what accommodations men are required to make.

Conceptual symbols are, of course, normally expressed in language. Indeed, language is itself the transaction of symbols, the power of which is immense. Anthony P. Cohen recognizes the power of language as follows:

Philosophers have long since drawn our attention to the capacity of
language to express attitude as well as to denote object.... [Words] such as "freedom" and "democracy" do not merely describe forms of government and legal status. They also tell us how to regard these forms. They are "hurrah" words, as opposed to "boo" words...[Similarly] the use of the word "dirt" does rather more than signify the particles which lie under the finger-nail: it also expresses an attitude, "ugh!", and prescribes a remedy, "scrub!". ¹

Of course, there are many physical symbols which provoke value judgments, the swastika being one of the better examples. Nevertheless, we can say that conceptual symbols are more likely to trigger evaluations, and, more significantly, to suggest action. In a sense, all symbols are conceptual, in that they involve a thinking process through which information from the world is filtered and interpreted. However, the point is that some symbols are not at all linked to physical objects, and we are likely to see a broader range of meanings and associations. These are the kinds of symbols of which Abner Cohen writes:

[Symbols and symbolic complexes] are cognitive, in that they direct the attention of men selectively to certain meanings. They are affective, in that they are never emotionally neutral; they always agitate feelings and sentiments. They are conative, in that they impel men to action. These characteristics determine the potency of symbols...from the least potent, a mere "sign", to the most potent, a "dominant symbol". ²

An important characteristic of symbols is that they allow those who employ them (or receive them) to furnish part of their meaning. As Anthony Cohen points out, symbols do not so much express meaning as give us the capacity to make meaning:

Such categories as justice, goodness, patriotism, duty, love, peace, are almost impossible to spell out with precision. The attempt to do so

generates argument, sometimes worse. But their range of meanings can be glossed over in a commonly accepted symbol - precisely because it allows its adherents to attach their own meanings to it. They share the symbol, but do not necessarily share its meaning....Learning words, acquiring the components of language gives you the capacity to communicate with others, but does not tell you what to communicate. Similarly with symbols: they do not tell us what to mean, but give us the capacity to make meaning. 

Objects, events, behaviours and concepts do not contain meaning intrinsically: they are found to be meaningful by an act of interpretation. "Social interaction", argues Cohen, "is contingent upon such interpretation: it is essentially, the transaction of meanings". 

Interpretation is, by definition, subjective. When different interpretations of a phenomenon interact, there is always "the possibility of imprecision, of inexactitude of match, of ambiguity, of idiosyncracy". This is because symbols do not just represent other things, "they 'express' other things in ways which allow their common form to be retained and shared amongst the members of a group, whilst not imposing on these people the constraints of uniform meaning". Symbols are highly malleable, but that does not mean that they cannot be understood in similar ways by different people.

Anthropologists describe symbols of this kind as possessing a quality of "multivalence" - that is, they have multiple shades of meaning which vary according to the speaker. Mircea Eliade advises us that:

An essential character of....symbolism is its multivalence, its capacity to express simultaneously several meanings, the meaning of which is not evident on the plane of immediate experience...One cannot sufficiently insist on this point: that the examination of symbolic

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1 A.P. Cohen, op. cit., pp.15-16.
2 Ibid., pp.16-17.
3 Ibid., p.17.
4 Ibid., p.18.
structures is a work not of reduction but of integration. ¹

Therefore, symbols allow us to communicate abstract notions without compelling us to engage in semantic definition. Rather than imposing uniformity, they integrate ranges of meaning. We are normally quite unconscious of the fact that we are creating, using, responding to and communicating through symbols. We tend to respond to symbols on a subliminal level and believe that the interpretations we have as a result of them truly describe the world. ²

Summary

The general properties of symbols may be summarized as follows:

1. symbols are a kind of perceptual short-hand;
2. physical symbols are simple and direct mnemonic aids;
3. conceptual symbols are more complex than physical symbols, and they tend to induce emotional responses and to provoke value judgments;
4. symbols do not carry fixed meanings - they give us the capacity to make meaning;
5. symbols require an act of interpretation, which is, by definition, subjective;
6. symbols are multivalent - they allow for multiple layers of meaning, which vary according to the speaker (and indeed, the listener);
7. the indeterminacy of lexical meaning allows many people to use the same symbol without exposing significant differences of interpretation;
8. symbols are powerful because they are malleable and give the appearance of commonality.

²The tendency to believe our interpretations of symbols poses an interesting, though not insurmountable, problem for social scientists. As Karl Mannheim pointed out in Ideology and Utopia, the political scientist studying her/his own or a similar society is inevitably caught up in the same system of symbols which s/he is trying to decode. Because symbols are largely processed through the unconscious mind, it is hard for those influenced by them to identify and discuss them. See Karl Mannheim, Ideology and Utopia, (Routledge and Kegan Paul, London, 1936), p.9.
1.2.2. Political Symbols

While symbols in general are difficult to spot because we are largely unconscious of them, political symbols are a little easier to identify since they are normally used with more deliberation. For the purposes of this discussion, political symbols will be defined as any objects, acts, behaviours, concepts or words which pertain to relationships of power between individuals or groups, or which purport to describe, explain, criticize or alter the nature of those relationships. "Politics" is regarded here as the interaction between two or more parties, the purpose of which is to maintain or to change their status, powers, authorities, rights or duties in relation to one another. Thus, political symbols are designed to exalt, justify or criticize a political relationship (or balance of power) between two or more groups, or to propose changes to a political relationship.

Murray Edelman has produced one of the better treatments of political symbols to date, although his focus is on the use of political symbols by governments. In *The Symbolic Uses of Politics*, Edelman observes that, for most of us, politics is a spectator sport, "a passing parade of abstract symbols which our experience teaches us to be a benevolent or malevolent force that can be close to omnipotent". But whereas Edelman holds that this "passing parade of abstract symbols" is produced and manipulated by governments, in fact, it is generated and sustained by the interplay between governments and interest groups, individuals and collectivities.

1 Obviously, many political symbols are held and used by groups to fulfil internal functions only. However, this thesis is concerned with political symbols which are used to communicate values and ideas to other groups, and which are intended to distinguish groups from one another.
2 Edelman, op. cit., p.5.
Edelman makes a distinction between "referential" and "condensation" symbols, an approach which is roughly comparable to my earlier distinction between physical and conceptual symbols. Briefly, referential symbols are economical ways of referring to objective elements in objects or situations, elements which are identified in the same way by different people. Condensation symbols, on the other hand, evoke emotions associated with a particular situation. They are not designed to distil the objective truth of a situation. Rather, they are designed to feed into emotional, value and belief systems.

Condensation symbols encourage people to think in generalities and to skirt over specifics, especially where issues are controversial. Edelman argues that:

Practically every political act that is controversial or regarded as really important is bound to serve in part as a condensation symbol. It evokes an aroused or quiescent mass response because it symbolizes a threat or reassurance.

This point is essential to an understanding of symbolic politics, particularly as politically active minorities tend to undertake conspicuous political acts in public, for the express purpose of evoking mass responses. Political symbols in particular subvert rational processes, to the extent that they reduce complex situations to simple ideas (or, more accurately, value premises), which can be

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1 Ibid., p.6.
2 Condensation symbols obviate the need for constant referral to reality. For example, Edelman points out that it is impossible to test objectively a conviction that, for example, one is surrounded by communists. See Edelman, The Symbolic Uses of Politics, op. cit., p.6.
3 Ibid., p.27.
4 It is not inaccurate to say that politics is characterized less by rationality than by emotion. C.W. Wahl goes as far as to say that "the collectivity of psychotherapeutic experience suggests that the areas of politics and religion are more deeply immune to the rational processes than are any other portions of our conscious beliefs or value systems." See C.W. Wahl, "The Relation Between Primary and Secondary Identifications", in E. Burdick and A.J. Brodbeck, American Voting Behavior, (Glencoe, Illinois, 1959), p.263.
grasped easily by listeners. Harold Lasswell notes that this simplification function of political symbols is especially powerful in times of rapid political, economic, technological and social change. He argues that profound lifestyle changes which produce adjustment problems can be resolved largely through symbolization. "The rational and dialectic phases of politics", he maintains, "are subsidiary to the process of redefining an emotional consensus".¹

Emotional consensus is in fact one of the major goals of political rhetoric, which has been defined as "the organization of "meaning" in the verbal culture of politics".² The purpose of rhetoric (or the speaking of political attitudes, values or goals) is persuasion, and rhetoric relies heavily upon the use of condensation symbols. It plays upon the tendency of human beings to derive emotional security from the adoption of simple positions, which depict the world in black and white. In fact, Kenneth Burke calls political rhetoric "secular prayer", the purpose of which is "to sharpen up the pointless and to blunt the too sharply pointed".³ While this may be an overly cynical view of the function of political rhetoric, the point is well-taken. By simplifying complex situations and offering easy answers, political symbols allow us to exempt uncomfortable problems from close scrutiny.

At the same time, we must be careful not to dismiss political symbols as anaesthetics. They may encourage us to remain oblivious to certain inconvenient problems, but they have manifold other functions and benefits, which account for the persistence of their use. Edelman points out that sometimes symbols "are the

only means by which groups not in a position to analyse a complex situation rationally may adjust themselves to it, through stereotypization, oversimplification and reassurance. ¹ The fact is, "audiences do not like to be asked to examine arguments in extenso....and they are usually given what they prefer: persuasive capsules", ² in the form of political symbols.

Summary

The general qualities of political symbols may be summarized as follows:

1. political symbols are more condensational than referential in nature;
2. condensation symbols evoke emotions and aim at immunity from rational analysis;
3. political symbols tend to reduce complex situations to simple value premisses;
4. political symbols appeal to mass publics, who think in stereotypes and cannot tolerate analytical complexity;
5. political symbols, an essential component of political speaking, simplify the political environment and provide emotional security.

1.2.3. Political Myths

As defined above, political symbols are designed to encapsulate in a single object, act, concept or linguistic formation, a multiplicity of meanings and emotions. They stand ambiguously for complex, abstract ideas. However, they lack the dimensions of historical analysis and explanation. Thus, they are supported in the larger context by political myths. But before the distinction between political myths and symbols is drawn, some discussion of the notion of "myth" is warranted.

According to the Oxford English Dictionary, a myth is "a purely fictitious narrative, usually involving supernatural persons, actions or events, and

¹Edelman, op. cit., p.40.
²Paine, op. cit., p.16.
embodying some popular idea concerning natural or historical phenomena". In other words, "myth" refers to any belief that has no basis in fact. Myth is illusion, a product of fantasy or wishful thinking. As Percy S. Cohen notes:

In popular usage the term "myth" is almost always intended pejoratively: here, my beliefs are a strong conviction, yours a dogma, his a myth. Myths, in this view, are erroneous beliefs clung to against all evidence. The term is then synonymous with fallacy and "old wives tale"...

The term "political myth", however, is used in quite a different sense. Political myths are usually not mere flights of fancy. They are normally based, albeit loosely, on historical fact, though they may be embellished for dramatic effect. Percy Cohen offers an outline which stresses the narrative aspect of myth:

The chief characteristics of myth are as follows: a myth is a narrative of events; the narrative has a sacred quality; the sacred communication is made in symbolic form; at least some of the events and objects which occur in the myth neither occur nor exist in the world other than that of the myth itself; and the narrative refers in dramatic form to origins or transformations.  

So, considering any particular political myth, we can assume that at least some of its elements are based on historical fact. But given that myths are passed on by human beings (and human beings are not renowned for their objectivity), it seems likely that the greater part of a myth will be interpretation. Historical accuracy is not a central concern of adherents to particular political myths, and Henry Tudor makes the point that:

[Myth]...is a device men adopt in order to come to grips with reality;

2Ibid., p.333.
and we can tell that a given account is a myth, not by the amount of truth it contains, but by the fact that it is believed to be true and above all, by the dramatic form in which it is cast.¹

The quest for the truth or falsehood of myths has long been a preoccupation of anthropologists and historians. As Cuthbertson pointedly observes, "the alchemic search for the _quinta essentia_ is repeated in the efforts of mythologists to isolate the nuclear truth of the myth".² The point of the exercise seems to be to discover how "true" a given myth is, as if that will somehow tell us whether it _should_ be believed or not. If it is held up against historical fact and found wanting, we can righteously dismiss it as hocus-pocus stuff-and-nonsense.

But to demythologize myth is to miss the point. The historical accuracy of a myth has little bearing on its potency in the present. For example, the myth of Aryan superiority may or may not have been accurate (according to genetic and historical information available), but that did not determine its credibility in the eyes of several million Germans. Moreover, political myths tend to be reshaped by those who pass them on, according to their own needs and circumstances. Myths do not retain their purity over time. They are carried and manipulated by individuals and collectivities at particular points in time for particular purposes.³ What matters is whether myths are believed to be true, and, if they are, what actions they inspire. Political myths do not have to reflect historical or political realities accurately. They are simply a means of extracting important events, actions, conditions and values from a complex

³Tudor, op. cit., p.39.
historical environment to express a coherent world view. To the extent that this is so, political myths are selective constructions of the past, present or future. They are interpretations of how things were, are or could be.

A useful way of conceiving of the distinction between political myths and symbols is to regard myth as an historical context, out of which specific content - symbol- is drawn. Virtually all societies or communities construct political mythologies for the purpose of identity-building (among other things). For example, every nation has a founding myth, a story of how the society or nation came to be formed. In Canada, it is represented by the myth of the Founding Fathers of Canadian Confederation, and by the myth of the "Two Founding Nations" (English and French). Now, it is not suggested that the events surrounding Confederation did not take place, or likewise, that the signing of Magna Carta or the American Civil War never happened. The point is that the events, actions and people involved in these historical periods are embellished, and themselves come to be symbols of independence, parliamentary democracy and so on. Abraham Lincoln, for example, is revered as the champion of freedom, the man who went to war with his fellow whites in the South to abolish slavery. Yet in fact, there is a great deal of evidence to suggest that slavery was a fairly minor issue in the Civil War. Similarly, American history has elevated to the status of legend, Washington and his apple trees, Washington

1Brian Slattery makes this point as follows: "Most countries have a national myth- an account that purports to relate the central events of a country's history in compressed form, that explains how the country has come to be and what it stands for. National myths are useful and perhaps indispensable ways of making the complex past relevant to the perplexing present...All national myths involve a certain amount of distortion, but some at least have the virtue of broad historical accuracy, roughly depicting the major forces at work". See Brian Slattery, "The Hidden Constitution: Aboriginal Rights in Canada", in M. Boldt and J.A. Long, The Quest for Justice, (University of Toronto Press, 1985), p.114.
crossing the Delaware, Washington doing all sorts of things which are supposed to be meaningful to contemporary Americans. But the truth is, few citizens of any country are entirely familiar with the events, places and characters associated with their founding myths. We do tend to respond at some level to certain key words. We know they symbolize something - we may not be quite sure about what they symbolize, but we feel sure it must be something good. So, given the remarkable endurance of political myths and symbols, the question arises, what are the functions of political symbolism and mythology, and how do we account for their persistence over time?

1.2.4. The Functions of Political Myths and Symbols

In *Magic, Science and Religion*, Malinowski argues that the function of myth is:

...to strengthen tradition and endow it with greater value and prestige by tracing it back to a higher, more supernatural reality of initial events...[Myth] expresses, enhances and codifies belief.¹

This function of political myth is central to the present argument. By emphasizing tradition, the myth-maker links present circumstances to the past, and in so doing encourages a sense of historical continuity. Thus, political myths enable people:

...to see their present condition as an episode in an on-going drama. A political myth may explain how the group came into existence and what its objectives are; it may explain what constitutes membership of the group and why the group finds itself in its current predicament; and, as often as not, it identifies the enemy of the group and

¹Malinowski, op. cit., p.146.
promises eventual victory.¹

Insofar as this is true, political mythologies are, in a sense, polemics. They do not merely describe or explain the past, they hold the past as a paradigm for present action:

A political myth is one which tells the story of a political society. In many cases, it is the story of a political society that existed...in the past and which must now be restored or preserved. In other cases it concerns a political society destined to be created in the future, and it is told for the purpose of encouraging men to hasten its advent...A political myth does not, of course, have to be addressed to people already in a political society. In fact, political myths often find their audience among people who think of themselves as having lost a political society.²

Thus, the object of a political myth may be the preservation and protection of that which has existed in the past, or the creation of something new in the future. But whether past- or future-oriented, political myths are almost always concerned with the identity and survival of a group.

Political myths, moreover, are idealistic. They usually idealize either the past or the future. That future outcomes are uncertain in no way compromises the integrity of a forward-looking political myth/symbol, because it speaks to an ideal future. This is not to suggest that political myths and symbols cannot represent real objectives. On the contrary, they must represent real objectives if they are to inspire people to a sense of possibility. The point is, while a myth/symbol may speak to an ideal future, it does not necessarily follow that adherents expect actual outcomes to correspond rigorously to the ideal. In fact, it is characteristic of future-oriented, political myths and symbols to argue for more

¹Tudor, op. cit., p.139.
²Ibid., pp.138-9.
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than may actually be expected. They are large claims for large purposes. For example, Tudor notes that:

A political myth may...establish the claim of a certain group to hegemony, sovereign independence or an extension of territory; it may help strengthen the solidarity of the group in the face of a major challenge; it may serve to encourage the resistance of an oppressed minority; or it may supply compelling arguments for the abolition of undesirable institutions. ¹

It is important to understand that the grandeur of a myth does not necessarily make it unrealistic. If it is a large claim, it must be spoken in grand terms. Were this not so, many of the fundamental transformations societies have experienced throughout history could never have taken place, because people would not have been inspired to a sense of possibility.

Of course, it is always possible that a claim may be too large, or pressed too soon. In addition, there is always the possibility that, in creating a political myth or symbol, the myth-maker "either deceives himself or deliberately sets out to deceive his audience".² The problem is that few myths/symbols are obviously fraudulent, at least without the benefit of hindsight. It is very difficult to say unequivocally that a particular myth/symbol is false, because it is largely a matter of interpretation. Acceptance of symbols depends upon their consistency with one's own world-view, which ultimately is itself a mythical construction.³

Undoubtedly, some mythical and symbolic constructions are ultimately revealed as

¹Ibid., p.139.
²Ibid., pp.132-133.
³Kratochwil makes this point as follows: "[Symbols] create meaning by structuring our universe, building up images far removed from the immediacy of sense perceptions. Because symbolic structures cannot be unequivocally tested against reality - reality being itself a creation of the symbolizing activity that endows perceptions with certain meanings - deception but also persuasion are possible". See F.V. Kratochwil, International Order and Foreign Policy, (Westview Press, Boulder, Colorado, 1978), p.20.
counterfeits (the Third Reich being a good example). But it is hard to imagine a myth/symbol consisting only of deceptive rhetoric being sustained over time. If it is to inspire and maintain a following, a myth and its supporting symbols must be rooted in past and present realities. If it suggests specific future outcomes, a political myth/symbol must create a sense of possibility, through which its adherents can envision their goals realized. Furthermore, over time, there must be some evidence of progress towards the desired end if the symbol is to be carried beyond the "lunatic fringe".

In creating a possibility for something new in the future, it is not uncommon for myth- and symbol-makers to select elements from a variety of existing myths and fashion new ones. Levi-Strauss calls this process *bricolage*. The *bricoleur* "improvises a new artefact from the odds and ends lying about in his workshop". ¹ These "odds and ends" almost always hark from a distant past. It is as if, in bringing forth the new, we must somehow stand on the shoulders of the old. The pull of tradition is apparently irresistible, especially as it is seen to legitimate present claims.

But conjuring up the spirits of the past, though a potentially misleading exercise, does not necessarily imply that a group is unable to cope with the present. On the contrary, political mythology is geared towards beefing up a sense of identity and community which can help the group to survive as a distinctive entity:

It would be a mistake to characterize such responses as merely "traditionalistic", implying that the community in question is mired in its own past and is unable to face up to current imperatives. Rather, the past is being used here as a resource...It is a selective construction of the past which resonates with contemporary influences. Sometimes

¹Tudor, op. cit., p.52.
this kind of folk-history resembles myth or meta-history...a charter for contemporary action whose legitimacy derives from its very association with the cultural past. Myth confers "rightness" on a course of action by extending to it the sanctity which enshrouds tradition and lore. Mythological distance lends enchantment to an otherwise murky contemporary view...Myth is "beyond time". It blocks off the past, making it impervious to the rationalistic scrutiny of historians, lawyers and others who may dispute precedent and historiographical validity.  

Symbols of the past are invariably condensation symbols, and are particularly effective "during periods of intensive social change when communities have to drop their heaviest cultural anchors in order to resist the currents of transformation."  

Historians, particularly Eric Hobsbawm and Terence Ranger, have recently referred to this "selective construction of the past" as "the invention of tradition". They point out that many of the traditions we assume have genuine historical credentials are, in fact, quite recent creations. "Invented traditions" are actually "responses to novel situations which take the form of reference to old situations, or which establish their own past by quasi-obligatory repetition".  

The invention of tradition is a form of adjustment to current imperatives, especially where a rapid transformation of society displaces old social patterns. It can take the form of using old traditions for new purposes, but it is more likely to involve inventing new "traditions" which claim to be based on old ones. The point of the exercise is to establish a sense of cultural, social or political continuity, which can dampen fears of abrupt change. The invention of tradition therefore, is not a cynical attempt at deception. Rather, it is a way of adjusting to change through the use of historical or quasi-historical referents.

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1 A.P. Cohen, op. cit., p.99.
2 Ibid., p.102.
Communities facing rapid social change display a remarkable tendency to reassert their boundaries vis-a-vis the rest of the world. Thus, an important function of myths and symbols lies in their affirmation of "identity". Abner Cohen argues that groups establish their distinctiveness through myths and symbols. They must define their membership, identity and exclusiveness through (among other things) mythologies of descent, ritual beliefs and practices, moral exclusiveness and style of life. He makes the point that:

We can observe individuals objectively in concrete reality, but the relationships between them are abstractions that can only be observed through symbols. Social relationships develop through and are maintained by symbols. We "see" groups through their symbols.¹

Symbols and myths which are shared by a group of people reinforce consciousness of a common past, so that "what a particular group of persons understands, believes and acts upon, even if quite absurd to outsiders, may nonetheless cement social relations and allow members of the group to act together and accomplish feats otherwise impossible". ² Symbols and myths are incorporated into a group’s world-view (or ideology), which itself distinguishes the group from others. The mythological construction must therefore offer the group a positive, even romantic, view of itself, and this is particularly important for socially disadvantaged groups:

All human groups like to be flattered...A mingling of truth and falsehood, blending history with ideology, results....The result is mythical: the past as we want it to be, safely simplifies into a contest between good guys and bad guys - "us" and "them"...Groups struggling towards self-consciousness and groups whose accustomed status seems threatened are likely to demand (and get) vivid, simplified portraits of their admirable virtues and undeserved

This is a crucial function of political myths and symbols. McNeill maintains that belief in the virtue and righteousness of one's cause is a necessary sort of self-delusion for human beings, because "a corrosive version of history that emphasizes all the recurrent discrepancies between ideal and reality in a given group's behaviour makes it harder for members...to act cohesively and in good conscience". 2 Thus, groups which lack consensus on a set of believable myths will find it difficult to maintain solidarity in times of crisis.

Political myths and symbols, moreover, objectify roles and relationships between groups. By depersonalizing relationships, roles, offices and positions, myths and symbols discourage people from thinking of themselves as individual victims in a situation. 3 Instead, they are encouraged to look at the larger picture. It is not that they personally deserve this or that treatment. Rather, it is "the system", a consequence of history, or a result of other groups' misunderstanding of the reference group as a whole.

Furthermore, political myths and symbols are the stimuli of political action and reaction at a much deeper and more powerful level than ideologies. Acting from ideology requires a sophisticated understanding and analysis of the world through a philosophical prism. Political myths and symbols, however, appeal to a non-rational, non-intellectual level of human consciousness. They are unreasonable, and as such are much more effective catalysts to action in the political sphere. Whereas ideologies have rigid parameters, political myths and symbols are more valuable political currency because they have the capacity to transcend ideological

1Ibid., pp.12-13.
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boundaries. Political myths and symbols are not based on factual analyses of situations. They merely posit certain "truths" based on a priori assumptions. Thus they are free of the requirement of congruency with factual reality. Accordingly, they are a critical resource for groups wishing to shift the balance of current power relationships, for they do not describe what is so as much as they establish a claim for what could or should be. As Abner Cohen concludes:

Although [political myths and symbols] can be said to be phenomena sui generis, existing in their own right and observed for their own intrinsic values, they are nearly always manipulated, consciously or unconsciously, in the struggle for, and maintenance of, power between individuals and groups. They may be said to be "expressive", but they are at the same time instrumental. ¹

Finally, I must re-emphasize the point made earlier that the factual fidelity of a political myth is not of critical importance when it is being used to support contemporary political claims. It is not so much the substantive content of a myth that counts, but rather the message it carries about members of a group, community, or society - the message about who they are, where they came from, how they conduct themselves, how they see themselves and wish to be seen by others, their dearly held values, beliefs, truths, and aspirations. Political myths derive their power from the essential functions they perform in enshrining a set of values, setting boundaries between groups, legitimating political aspirations, and inspiring certain kinds of actions. This is not only perfectly legitimate, it is quite inevitable.

Hence, I am not arguing that political myths are necessarily unsupported by facts, though a close examination of the mythologies of any society or community would probably reveal a mixture of truths and fictions. However, I do

¹Abner Cohen, Two-Dimensional Man, op. cit., p.xi.
not see political myths as lies or deceitful fabrications. They are not simply invented to serve cynical purposes (the myth of Aryan superiority being an obvious exception). So, in analysing political myths we should put less emphasis on verification of the dates, characters, conditions and events they purport to narrate, and more on the messages they carry about a group's identity and aspirations. Rather than being deceitful and illegitimate, political myths are intended to be salutary and inspirational.

Summary

In summarizing their general characteristics and functions, we can say that political myths and symbols:

1. are based loosely on historical fact (although factual accuracy is not a prerequisite of credibility);
2. strengthen tradition by linking the present to the past;
3. use the past as a resource in explaining present situations;
4. are polemics which suggest or justify present or future actions;
5. tend to refer to some ideal past and some ideal future;
6. involve, to some extent, "inventing traditions", which are a collage of old and new;
7. function as cognitive maps which allow us to see where we have been, and to chart possible courses of action available to us in the future;
8. offer a sense of possibility by which adherents may envision their hopes realized;
9. affirm group identity and encourage a belief in the righteousness of one's cause;
10. objectify roles and relationships between groups and individuals; and
11. are the currency of political transactions.

Part III of this chapter examines some of the strategies available to subordinated groups seeking a shift in their political relationship with government and society. The focus is on strategies which are based on political myths and symbols. They are strategies which not only employ symbols, but which are used for symbolic
purposes, and are accordingly referred to as "symbolic strategies".

1.3. THE STRATEGIC MANIPULATION OF POLITICAL MYTHS AND SYMBOLS

Subordinated groups' political interactions with their encompassing societies can be described as a dynamic process of posturing and counter-posturing, which is carried out at the symbolic level through language. Political symbols, especially condensation symbols, are expressed in language at a high level of abstraction and set the tone of political interaction. They create the conceptual and emotional parameters of debate, and train attention upon a limited range of possibilities. But most significantly, political symbols are designed to win, mobilize and maintain support for particular political objectives. Edelman informs us that:

The employment of language to sanctify action is exactly what makes politics different from other methods of allocating values. Through language a group can not only achieve an immediate result but also win the acquiescence of those whose lasting support is needed. More than that, it is the talk and the response to it that measures political potency, not the amount of force that is exerted...Talk involves a competitive exchange of symbols, referential and evocative, through which values are shared and assigned and co-existence attained.¹

If it is true that actions speak louder than words, it is only true to the extent that words, or in present terms, symbols, inspire action. Political myths and symbols representing different values or goals invariably generate controversy, and mobilize support and opposition. Controversial goals normally evoke strong emotional responses. In Edelman's terms, they name ideals or threats, so that "for specifiable groupings each term names both a source of anxiety (black

This is an important observation, because if a goal is controversial, a group wishing to bring about change must win support for its goal. The support of putative members of the group is insufficient. It must be supplemented by a measure of public support. That is, it must win a "critical mass" of support which is sufficient to transform a controversial political goal into a realistic possibility. Although it is not possible to predict the exact number of supporters required, it is still possible to assert that some minimal level of public support is needed, if a politically controversial goal is to be realized.

In their attempts to achieve a critical mass of support, a number of non-violent strategies are available to disadvantaged groups through symbolic interaction. They are:

1. community-building
2. symbolic reversal
3. symbolic competition
4. "using the system"
5. creation of appropriate political settings
6. routinization of conflict

What follows is a discussion of each of these strategies.

1.3.1. Community-building

In their quest to achieve a critical mass of support for politically controversial goals, the leaders of subordinated groups must achieve a core of support for their goals within their own constituencies. The first step in achieving that core lies in the creation of a sense of common identity and purpose among members of the putative group. Political symbols/goals are crucial to the development of a sense of common identity which is distinguishable from that of

\[1\] Ibid., pp.160-161.
other groups:

The abstract and remote symbols conventionally cited as defining the issues and goals can be recognised as serving the function of eliciting wider public support for the various groups involved in [a] conflict. Adversary role playing serves to bring valued benefits to the adversaries; and the most valued of them have little to do with the publicized symbolic goals; rather, they take the form of the achievement of an identity which will be cherished and defended. ¹

Essentially, political myths and symbols are aimed at the construction of community. However, this does not refer to community in the sense of a particular collectivity of individuals united by bonds of language, culture and race, residing in a specific geographical area. Rather, this is community as a sense of belonging to and identifying with a particular group, which may or may not share language, culture and territory. For example, we speak of "the gay community" as if it were an homogeneous entity, even though its members may have very different life-styles, cultures, languages, ethnic origins, religions and so on, and do not necessarily live en bloc. What defines membership of the "community" is primarily "gayness", and secondarily, whatever experiences associated with gayness members may share (such as discrimination). Thus, the term "community" is not used here in the sense of a structural model of social organization. Instead, attention is trained upon the mythologies and symbolic constructions which encourage a sense of belonging to a wider collectivity of people. So, rather than saying that political symbols create community as a structural entity, we can more accurately describe them as creating communities of interests - that is, a collectivity of people who share a discrete set of interests which distinguishes them in a significant way from other groups. Thus, followings

¹Edelman, Politics as Symbolic Action, op. cit., p.17.
mobilized around a particular cluster of political symbols can loosely, though not imprecisely, be conceived as "communities of interests", insofar as they have at least one overriding point of commonality which they consider to be important.

As argued above, political symbols and myths are concerned with the demarcation of boundaries. They define a relative community (of interests) and posit significant differences between it and other communities. Consciousness of community inheres in people's ownership of a common body of symbols and myths. As Cohen points out, the symbolic expression of boundary heightens people's awareness of their community, and "this phenomenon is well known to political activists who often justify their apparently...hopeless demonstrations by pointing to the effect they have of "raising consciousness" among participants". ¹

Boundaries, being relational rather than absolute, are notable for their oppositional character. They unite members of a community of interests in their opposition to those outside the boundary - they create an "in group" and an "out group". But it is important to remember that the interests in question are not always material ones. Subordinated groups rarely agitate directly for improved material conditions. More often than not, they explain their material deprivation in terms of inadequate access to certain rights, privileges or opportunities. So, in the case of a minority group singled out for differential and unequal treatment, the rewards sought are usually intangible or symbolic in nature. They are claims to rights, privileges or opportunities, rather than direct appeals for material rewards. ²

¹A.P. Cohen, op. cit., p.50.
²Oberschall makes the point as follows: "Social conflict is seldom a simple mechanical reaction to grievances and frustrations experienced in pursuit of material interests. Interests and dissatisfactions are experienced and interpreted by way of moral ideas about right and wrong, justice and injustice or conceptions of the social order as they are expressed in ideals and highly regarded principles.
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Thus, the creation of communities of interests among subordinated groups relies upon an analysis of the common past and on symbols which stress the injustice of present treatment. Community-building is the first step towards transformation of a minority’s political relationship with state and society, and it is achieved by creating a sense of common identity and by instilling acceptance of a common body of explicatory and inspirational myths and symbols.

1.3.2. Symbolic Reversal

Most subordinated groups, particularly ethnic, linguistic and religious minorities, find themselves victimized by an ignominious identity, which is imposed on them by the society in general. They are stereotyped, labelled and dismissed as a group: parsimonious Jews, inscrutable Orientals, stupid Poles, work-shy Blacks, and so on. Whether there is a factual basis to these attitudes or not is beside the point. Nor is it within the scope of this thesis to inquire into the reasons why groups may appear to display these "typical" characteristics. What matters here is that the myths about them are by and large believed by outsiders to be true, and in many cases, are likewise absorbed by members of the groups in question themselves. Stigma seems to have a self-fulfilling quality—the more people believe the stigma to be true, the more "true" it seems to become. Stigmatized groups, over time, tend to accept the stigma and thereby reinforce it. Thus, if leaders of a disadvantaged minority wish to shift their

°(cont’d) The drive to change existing institutions, whether to reform or revolutionize them, is inspired by unrealized ideals. Measured against the ideals that are enshrined in the sacred books, the constitutions and collective myths, reality falls short. The gap may be wide or narrow; its very existence will justify the effort to close it in the name of legitimate, highly valued and respected principles". See A. Oberschall, Social Conflict and Social Movements, (Prentice-Hall, New Jersey, 1973), p.187.
relationship with the encompassing society, they must find a way of defusing the stigmatic identity.

Thus, an important dimension of symbolic interaction is symbolic reversal. The term refers to the tendency of groups in crisis to reverse or invert the norms of society:

An increasingly common response to the imposition of stigmatic identity appears to be an assertion by those who are stigmatized of the characteristics which "spoil" their identity...A more recent strategy observed among ethnic and other disadvantaged groups has been to "honour" the stigma, to render it as a positive value and thereby to destigmatize it. Perhaps the most powerful and innovative use of this tactic lay in the assertion by black militants in the United States in the 1960s, that "Black is Beautiful!". The impact of this message was all the greater for its contrast with the more defensive rhetorics which had previously prevailed in the politics of civil rights and race relations. The earlier claim had been for equality; the new one was a statement of superiority, and thus constituted a reversal of the normally perceived scheme of things.  

This trend can be observed elsewhere, most notably in the women's movement, which shifted from a struggle for "equal opportunity" to "a much more militant and seemingly chauvinistic assertion of the virtues of an exclusive feminism".  Symbolic reversal can also be witnessed in the gay movement's assertion that "gay is the way" and in the call to "Black Power" in African independence movements. Indeed, Anthony Smith's popular book, The Ethnic Revival, is a veritable compendium of ethnic groups around the world which have begun the process of destigmatizing their identities. Smith notes that even the smallest ethnic communities have become dissatisfied with submissive isolation. They have accordingly adopted aggressive postures, employing a range of

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1 A.P. Cohen, op. cit., pp.59-60.
2 Ibid., p.60.
strategies to ensure that their political demands are met by the state.\textsuperscript{1} One of these strategies, and a crucial one at that, is symbolic reversal, and, according to Anthony Cohen, these kinds of tactical and symbolic reversals have "swépt away the orthodoxies of relations between the powerful and the disadvantaged".\textsuperscript{2}

1.3.3. Symbolic Competition

In conjunction with symbolic reversal, a disadvantaged minority may employ the strategy of symbolic competition. Schwimmer uses this term to refer to a situation in which the apparently disadvantaged group "rejects the symbolic code in which it is disadvantaged and replaces it with its own, in which it is relatively powerful, or to which it has exclusive access". Symbolic competition yields "opposition ideologies" which assert the superiority of the minority, although "by worldly standards it may be categorized as an oppressed and exploited minority". Schwimmer considers this symbolic competition to be "a kind of surrogate for the worldly competition in which the minority is too handicapped to have any chance of success".\textsuperscript{3} Edelman makes a similar point, noting that:

When members of a protesting group perceive the established order as entrenched and generally supported and its own resources for superseding it manifestly inadequate, attacks on the symbols of its own degraded status are predictable.\textsuperscript{4}

Although symbolic competition and symbolic reversal may appear to be identical, there is an important distinction to be made between them. Symbolic

\textsuperscript{2}A.P. Cohen, op. cit., p.60.
\textsuperscript{3}E. Schwimmer, "Symbolic Competition", Anthropologica, XIV (2), p.120.
\textsuperscript{4}Edelman, Politics as Symbolic Action, op. cit., p.28.
reversal is, in a sense, transforming negative images into positive ones. What was once a debilitating stigmatic identity becomes a source of nourishment. Symbolic reversal is more akin to cultural renewal, but stops short of political regeneration. While it disarms the stigma, it does not prescribe specific political solutions, and does not suggest any further action. The latter is the domain of symbolic competition.

Symbolic competition implies the development of counter-positions, not just to tackle the problem of stigmatic identity, but to oppose the prevailing norms of the society at the ideological level. Symbolic competition is a more militant strategy than symbolic reversal, and is more likely to be observed in groups embarking upon a political struggle. Such groups will typically point out the shortcomings, inconsistencies and pretensions of the dominant group's values and practices, replacing them with their own, "superior" values and practices. ¹

1.3.4. The Creation of Political Settings- Staging Conflict

Once the leaders of subordinated groups have managed to forge a collective identity and a community of political interests, they must begin to interact with the dominant society to present their grievances and claims to the public and to politicians. The effective use of political symbolism relies heavily on the creation and manipulation of appropriate political settings. Edelman has advanced the thesis that "mass publics respond to currently conspicuous political symbols: not to "facts", and not to moral codes embedded in the character or

¹Alternatively, the dominant group's values and practices may not be rejected as such, but instead the society's failure to observe its own supposedly treasured principles will be highlighted. Martin Luther King would be a pertinent example here. He did not scorn the symbols and values of the dominant white American society. Rather, he embraced them, but attacked the hypocrisy of the society.
He argues that unless an appropriate political setting has been created, which legitimizes both a set of values and a mode of access to the political process, a group interest cannot be translated into policy, no matter how strongly held or widely supported it may be. Political settings are therefore "unabashedly built up to emphasize a departure from men's daily routines, [giving] a special or heroic quality to the proceedings they are to frame".  

Of course, Edelman is referring to governments interested in promoting acquiescence to their policies. However, the creation of appropriate political settings is equally important for groups seeking policy shifts which are bound to be politically controversial. A suitable setting can enhance the performance of the *dramatis personae*, and can even make up for deficiencies in their substantive arguments. Indeed, it is not unusual for the public activities of many minority groups to be characterized as "amateur dramatics", although a flair for the dramatic in no way detracts from the seriousness of a group's intentions. On the contrary, it merely demonstrates an awareness that mass publics respond to conspicuous political symbols which are presented in dramatic form. In a way, everything is grist to the mill of symbolic politics - settings, costumes, make-up, music, language - and it is powerful use of symbolism if it manages to create and maintain followings.

The creation and manipulation of political settings in the modern era is, of course, accomplished through the use of the media. In the post-war period, the role of the media has been augmented to an unprecedented, perhaps alarming, degree. As most of our awareness of politics is now filtered through

2Ibid., p.96.
the electronic and print media, subordinated groups must learn how to present their cases through the media. This is particularly important for groups hoping to create a critical mass of support for their causes. If they have traditionally been excluded from participation in the means of mass communication, they must find a point of access and make their cases newsworthy. This usually means using highly emotive condensation symbols, in the hope of provoking public controversy.

1.3.5. Using the System

Subordinated groups seeking fundamental policy changes must also learn to use the normal channels of the political process. The willingness to participate in the institutional, legal, parliamentary, and administrative processes is crucial to their accumulation of legitimacy. To demonstrate a willingness and an ability to engage in politics on the dominant society's terms is to demonstrate respect for the latter's highly cherished traditions, and this is likely to win more sympathy from members of the dominant group than more militant direct action. Thus, group leaders must learn to use the mechanisms and institutions of the mainstream political process, including (wherever appropriate) the legal system, the parliamentary process (including advisory bodies and commissions of inquiry), and the bureaucratic/administrative process. However, they will normally use such mechanisms for symbolic purposes— that is, to gain recognition of rights or access to the centres of political decision-making, both of which are symbolic expressions of legitimacy.
1.3.6. Routinization of Conflict

Finally, disadvantaged groups engaged in political interaction over a significant period of time invariably reach a stage in which routinization of conflict is necessary. This is partly because of the need (referred to above) to demonstrate that some progress is being made. It is also due to the discomfort caused by uncertainty:

...inability to foresee limits on the conflict and the consequent anxiety on both sides eventually leads to a common interest, supported politically by concerned groups not directly involved, in establishing routines for conflict resolution. ¹

The term "routinization" (as used here) refers to the establishment of stable and consistent guidelines for conflict resolution, either in the form of consultative bodies set up by government to receive policy advice from the group in question, or in the stronger form of legislative or even constitutional guarantees of the group's rights. Codification of the minority's relationship to government and to the wider society in statutory or constitutional provisions sets stable parameters within which subsequent conflicts which may arise can be contained. Moreover, because the boundaries of the minority-government relationship are set, neither side can easily renege on its commitment to play out later conflicts within reasonable limits.

The development of routine mechanisms for conflict resolution does not mean that the parties then have equal resources. The minority will try to tip the balance of power by maximizing the scope of the legislative and (preferably) constitutional guarantees offered. Thus, minority leaders will attempt to secure very general, loosely-defined guarantees of fundamental rights or privileges, which

¹Edelman, Politics as Symbolic Action, op. cit., p.22.
will allow them maximum latitude in claiming those rights or privileges. For its part, the government will obviously try to limit the obligations it must assume, so that bargaining at this level will normally involve a good deal of symbolic posturing. Since the new minority-government relationship will be codified in legalistic language, the language and symbolism used by each party is of critical significance.

Routinization of conflict has a number of important functions for both minority and government. First of all, setting up stable mechanisms for bilateral bargaining facilitates social interaction between the parties, allowing each to become more familiar with and appreciative of the other's perspective. Secondly, it provides assurances to the constituencies of each of the parties that conflict is being managed within reasonable limits, and that compromises will be reached. Third, while it does not preclude the minority's use of other symbolic strategies, it obviates the need for them, since it is a signal that the minority has carved a legitimate place for itself in the political process. In effect, it has become institutionalized. Institutionalization, though not an end point in itself, yields many symbolic benefits, particularly as it is held to symbolize the shift from exclusion to inclusion in the political process of allocating values.

Commentary

Subordinated groups seeking a shift in their political relationship with state and society employ a number of symbolic strategies, some of which have been identified above. These strategies may be used singly or in concert. They need not be used sequentially, although it is possible to observe a logical progression in the symbolic strategies pursued by many minorities. It is important to note that such strategies are the precursors to real bargaining for practical and/or
material benefits. They are symbolic means of amassing real power. They are intended to prompt the more powerful adversary to bargaining, and thus, their efficacy can be measured by the extent to which they do produce bargaining.

The question inevitably arises as to whether minorities using these symbolic strategies are conscious of them as symbolic strategies per se, or whether they are conscious that they are using strategies at all. The term "strategy" normally refers to an overall design of action to produce a result, which is employed with conscious deliberation. Seen in this way, it is not unreasonable to assume that the leaders of disadvantaged minorities are conscious of strategy. Their task is not only to define "the problem", but to see what is wanted and needed to solve it, and to come up with ways of doing so.

Leaders of subordinated groups know that in order to accomplish their objectives they must politicize and mobilize their constituencies. They know that they must disarm the power of the stigmatic identity foisted upon them by the dominant society, which insinuates itself into the belief structure of members of the minority. They know they must generate a sense of worthiness to compete against the dominant society, and they know they must learn to use the political, legal, and administrative mechanisms of the dominant society if they are to gain legitimacy. They are conscious also of the need to orchestrate the formality and drama of the stage on which their struggle is acted out, and they are conscious of the fact that, over the long term, they must routinize conflict in order to minimize escalation and uncertainty.

1Given my earlier assumptions regarding governments' need to be responsive to public opinion, it is argued that the existence of significant public support for a group's demands amounts to real power, as it gives the minority leverage against the government.

2The Oxford English Dictionary defines "strategy" as "a plan, method or series of manoeuvres or strategems for obtaining a specific goal or result".
However, it is highly unlikely that leaders of disadvantaged minorities pressing claims against the state would characterize their strategies as symbolic reversal, symbolic competition and so on. These are analytical categories, created for the purpose of observing the ways in which minority leaders use political symbols to produce certain results. Thus, we may conclude that consciousness of symbolic strategies as analytic categories is not a prerequisite of their effective use. Nor is it required that leaders be conscious of the fact that they are using symbols to accomplish their strategic or tactical objectives. The fact is, political symbols pervade all political speaking, and most of us use and respond to them unwittingly. That is probably why they are so effective.

1.4. A TYPOLOGY OF SYMBOLIC STRATEGIES

Thus far I have outlined the characteristics, qualities and functions of political myths and symbols, and have suggested a number of strategies available to disadvantaged minorities. These are strategies which either use particular political symbols or yield significant symbolic benefits. The political symbols used by such minorities can now be explicitly correlated with the symbolic strategies outlined. ¹

The characteristics of political myths and symbols discussed above generate

¹Now, with the disciplinary shift from the modest study of "the art of politics" to the rather more ambitious "science of politics", the last thirty years has witnessed the enormous growth of the so-called behaviouralist tradition. This approach to the study of political phenomena, and its enchantment with testing hypotheses by reference to statistics, flow-charts, cross-tabulations and diagrams, has made us somewhat allergic to conceptual propositions unsupported by hard and fast "proofs". However, in spite of the behaviouralist approach, the conceptual schema presented below does not purport to be a definitive rule of thumb. In postulating certain hypotheses, it is intended only to describe probable relationships between symbols and strategies, and harbours no pretensions of being a blue-print for strategic planning.
a typology, which, at a higher level of abstraction, allows us to observe their functions. To begin with, political symbols and myths which are based on historical fact and which are employed for the purpose of strengthening tradition may be regarded as protective symbols. These are symbols used by minorities in crisis, whose major intention is to preserve their cultural, linguistic, religious, social or political identities as they are. By invoking visions of their ancestors, their histories and their traditional values, they seek to anchor the present in the past. This has been the response of many ethnic groups defending their identities against the homogenizing logic of the forces of industrialization, urbanization, and the centralization of political power. They revive their cultural and/or political traditions in an effort to buffer their communities from further encroachments by the modern world. Thus, they use the symbols of their histories in order to reinforce their present sense of identity.

At the same time, there may be a promotional aspect to symbols. Symbols which explain the present and are polemics justifying political action promote "solutions" to a group’s predicament. Whereas protective symbols are past-oriented, promotional symbols are forward-looking, or future-oriented. Examples of promotional symbols are the concepts of "Black Power" or "Gay Liberation".

A second distinction to be made between symbols refers to their reliance either on emotional or rational-legal responses. Emotive symbols are intended to provoke various sentiments and value judgments. "Racial prejudice" and "sexual discrimination" are good examples of emotive symbols. We are supposed to respond at a "gut" level—these are bad things; the symbols of "justice", "fairness", "equality" and "peace among men"—these are good things. They

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1 The term "rational-legal" is of course borrowed from Weber, although it does not refer here to the bureaucratic model of organization.
suggest that something ought to be done: the bad things should be eradicated; the good things achieved and protected.

On the other hand, rational-legal symbols appeal to us as reasonable human beings, and are intended to encourage measured, logical thinking. In the tradition of utilitarian liberalism, we adhere to the principle of "the greatest good of the greatest number" and respect the reasonableness of the rule of "law and order". Rational-legal symbols are intended to appeal to the norms of equality and fairness which govern the legal and political system.

The third distinction to be observed is that between inclusive and exclusive symbols. The latter are symbols which are aimed at the members of a particular minority - the "in" group. These exclusive symbols stress the common history, experience, treatment, status, problems and interests of the "in" group. They foster a sense of identity, and, to a greater or lesser extent, encourage an "us and them" mentality. Exclusive symbols are predicated upon the assumptions, values and ideologies of the in-group.

On the other hand, inclusive symbols are designed to have universal appeal. They include the out-group and use its highly cherished values and principles, with a view to enrolling the support of the out-group. Symbols of "the universal right of peoples to self-determination", "equal opportunity", "freedom of expression" and other rights enshrined in liberal-democratic constitutions are examples of inclusive symbols. Minority leaders are apt to stress the commonality between the minority and the rest of society - after all, everyone wants a chance at the good life, free from unreasonable social, legal, economic and other impediments. Leaders will tend to use symbols which stress "working together" towards the common goal of "social harmony", and will imply that the dominant
group has something to gain by protecting the minority's interests. The use of inclusive symbols demonstrates a willingness on the part of the minority to participate in the political process, as defined and developed by the dominant group.

1.4.1. A Schematic Representation of Symbols and Strategies

The relationship between the types of symbols and symbolic strategies discussed above is represented in schematic form below. Table 1 correlates six types of symbol with six types of symbolic strategy. The symbols are grouped and contrasted along three dimensions: the protective/promotional distinction refers to the purpose of the symbol; the emotional/rational-legal distinction refers to the kind of response solicited by the symbol; and the exclusive/inclusive distinction refers to the target of the symbol.

The schema as presented implies a temporal dimension. One of the central hypotheses of this theoretical approach is that disadvantaged minorities in the process of politicization normally pass through two major stages. In the initial stage, minority leaders must create or develop a sense of community (or community of interests). Without this, it is impossible to mobilize minority members for protracted political interaction. In order to create a sense of community, they must transform the stigmatic identity which impedes the minority's progress towards desired goals. Where the minority is unable to compete with the encompassing society directly, leaders must find alternative modes of competing. They compete at the symbolic level and develop "opposition ideologies". Thus, the symbols used by leaders of emergent political groups tend to be protective, emotive and exclusive.
<table>
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<tr>
<th>Strategy Used</th>
<th>Community Building</th>
<th>Symbolic Reversal</th>
<th>Symbolic Competition</th>
<th>Creation of Settings</th>
<th>Using the System</th>
<th>Routinization of Conflict</th>
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</tbody>
</table>

Stage 1

Stage 2
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However, once the integrity of the community (of interests) has been established, the minority moves to a second stage, in which the major concern is to legitimate and realize its claims and demands. In order to accomplish this, the minority must be willing to interact with the society on the society's terms. Thus, minority leaders create and manipulate political settings in such a way as to magnify the ceremony and importance of their issues. They adapt the structures and political methods of the dominant group to the service of their objectives and, over time, they routinize conflict within acceptable, non-threatening boundaries. Accordingly, the appropriate symbols in Stage 2 are promotional, rational-legal and inclusive.

It is important to stress the point that these relationships are posited as tendencies, rather than fundamental laws. It is always possible to observe groups using strategies in a fashion which does not correspond to the sequence suggested here, after all, pressure groups are anxious to respond appropriately to the circumstances in which they find themselves, and are not at all interested in conforming to the models invented by political scientists. Inevitably, there will be some overlapping of strategies. They will perform various functions at various points. For example, it would not be unusual to find minority leaders in the process of solidifying their communities creating dramatic political settings (meetings, cultural events and so on) to enhance the importance of the message. However, the present focus is on the dramas acted out before the "viewing public", which have the explicit purpose of augmenting the group's importance in the eyes of the rest of the encompassing society.

Furthermore, the schema does not imply that, in moving to the second stage of development, the minority abandons the symbolic strategies used in its
fledgling stage. It is not as if, having inspired a sense of commonality, the latter is then self-regenerative. On the contrary, it must be continually re-created, if the movement is to sustain momentum. However, we would expect to see the more extreme elements of an opposition ideology down-played, as symbolic reversal and symbolic competition fulfil their functions, and as the minority prepares for increased interaction with the dominant group. Minority groups which maintain the oppositional character of their ideologies usually find themselves and their demands ignored or suppressed. Extremist right- and left-wing minorities are examples of groups which fail to make the transition between stages, and invariably fall victim to ridicule and perpetual marginality.  

Finally, it must be emphasized that the strategic manipulation of symbols and myths is essentially an interactive process. Minorities do not present their symbols in some vacuous space. They respond to the symbols of the dominant group. They present symbols and counter-symbols, postures and counter-postures, arguments and counter-arguments. The point is to have their symbols accepted as rightful claims on the society. A group's success at symbolic politics will naturally be affected by the extent to which governments respond with symbols and mythologies which may be more popular than those available to the group. This is an important strategic consideration, since government responses will tend to shape and limit the kinds of symbolic systems a group can employ. Indeed, governments are themselves in the business of symbolic politics, though some

\[1\] Indeed, a group may not pass through a stage so completely as to leave it behind once and for all. Stages may be endlessly repeated. Moreover, the political elite of a subordinated group may begin Stage 2 activities before adequately mobilizing its constituency. This can be problematic, especially if the goals articulated by the elite cannot be realized without the active participation of non-elites. In such a case, leaders will probably have to return to the Stage 1 strategies in an attempt to create a community of interests and to mobilize and inspire group members.
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display more skill than others. Given this reality, subordinated groups must be
careful in their choice of symbolic strategies and tactics where their more
powerful adversaries (governments) already enjoy significant advantages in the
politics of symbolism. Though this thesis is not focussed on the use of symbolic
politics by governments, the dynamic interaction between subordinated groups and
governments at the symbolic level should not be underestimated.

In the end, this thesis is examining the question, posed in various
literatures, of why bargains often fail to reflect accurately the relative bargaining
strengths of the parties to a dispute. My hypothesis suggests that it is because
subordinated groups are able to employ powerful symbols and myths in a
strategic fashion, and can achieve outcomes which belie their relative bargaining
power. As Kratochwil observes:

> Politics is more than the skill of maximizing certain values in a game
> whose rules have been created by fiat. It becomes a creative activity
> of risk-taking and transforming the game one is playing. ¹

Symbolic politics, in the end, is about just that.

1.5. SYMBOLIC POLITICS AND POWER

In the theory of symbolic politics I have articulated above, I argued that
subordinated groups looking to reshape the contours of their political relationship
with the dominant society will tend to conduct politics at the symbolic level. It
was also contended that such groups rarely solicit simple material benefits, but
tend to seek more abstract benefits in the form of rights or securities. These
propositions have important implications for the way in which political scientists

¹Kratochwil, op. cit., p.23.
INTRODUCTION: TOWARDS A THEORY OF SYMBOLIC POLITICS / 60

have customarily viewed the key concept of power.

Political scientists have traditionally understood power as something wielded by sovereign authorities (or governments), involving the capacity to coerce or to collect and distribute material benefits. In the post-war period, interest group theory has expanded this view to include major sectional organized interest groups, but these have been chiefly economic— that is, producer/business and labour groups. Thus, we have customarily operated with a materialist conception of power. This conception couples the ability to make or to influence public policy with a group’s material resource base, plus its ability to affect the resource bases of other groups through its actions. However, this view of power tends to exclude public interest organizations, issue-based groups and social movements. The latter are not necessarily defined by their material interests, and are often diffuse organizations lacking the financial and organizational resources of sectional interest groups. Examples of such groups include the women’s, the U.S. civil rights, the gay rights, linguistic and ethnic, the environmental, and the peace/anti-nuclear movements.

While the demands of such groups may have material implications, they are not in the nature of direct transfers of material resources. Instead, they are demands for rights or securities (the "right" to clean air, waters etc., sex equality rights, collective ethnic civil rights, the "right" to security from the threat of nuclear war or accident, and so on). These relatively new movements seem to be after a new kind of power— the power to redefine political and socio-economic values and goals, and the power to change the nature of the political game. Power accrues to those who are able to sculpt what Breton calls
"the symbolic order of society",¹ and rights constitute a new kind of power since they allow groups to refashion the symbolic order.

The tactical and strategic implications of the new rights-based discourse include far less emphasis on traditional methods of lobbying and advocacy and much more on direct, publicity-seeking actions (occupations, sit-ins and their variants, demonstrations, appeals to international agencies, petitions, blockades, passive resistance, marches, fund- and consciousness-raising celebrity events, and litigation). Thus the new social movements (including public interest and issue-based groups) differ from the traditional sectional economic interest groups in that: (a) they usually seek non-material goods in the form of rights, which set limits on subsequent public policies and which influence the symbolic order of society; and (b) they tend to use symbolic strategies and tactics to accomplish their goals.

In the Canadian context, the passage of the Canadian Charter of Rights and Freedoms in 1982 has given a number of groups (women, the disabled, aboriginal people, ethnic and linguistic groups) rights which translate into the power to make governments do or refrain from doing certain things, so that rights have become the new political currency. The theory of symbolic politics developed here therefore suggests that, at a minimum, we must rethink our traditional notion of what constitutes power, and how subordinated groups acquire it.

¹Raymond Breton, "The Production and Allocation of Symbolic Resources: An Analysis of the Linguistic and Ethnocultural Fields in Canada", Canadian Review of Sociology and Anthropology, 21 (1984): pp.123-144. Breton argues that "the production of the symbolic order and its transformation entail, almost inevitably, an allocation or re-allocation of social status or recognition among various segments of the society" (p.124).
1.6. PLAN OF THE THESIS

Now that a theory of symbolic politics has been developed, the task of the remainder of this thesis is to test its hypotheses by reference to the case of Indian politics in Canada. The Indian peoples of Canada are regarded here as a disadvantaged minority, to the extent that they are largely bereft of economic, legal and political power. However, in the last eighteen years, they have collectively managed to transform the political agenda on native issues from the 1969 White Paper's proposal to terminate "special status", to serious discussions of the feasibility of Indian self-government. It is argued that this transformation has occurred partly as a result of Indian leaders’ use of highly emotive political symbols and symbolic strategies. So essentially, the remainder of this thesis examines the development of the discourse of Indian politics over the last couple of decades, with a view to explaining how and why this shift in thinking has come about.

Chapter Two therefore sets up the historical context from which the notion of "Indian self-government" has emerged. It describes the symbolism of the current terminology of Indian politics and outlines the symbolic functions and purposes of this terminology. The main focus of the chapter, however, is an examination of some of the major problems Indian leaders hope will be solved by self-government. Thus, after a brief demographic profile, the chapter presents an outline of the socio-economic and cultural conditions facing Indian populations. This is followed by a short analysis of the effects of the Indian Act on Indians’ ability to govern themselves. Having established some of the major problems self-government is purported to address, the chapter looks at some of the sociological, economic, political and cultural benefits self-government is likely to
yield. However, it is argued that one significant barrier to the attainment of self-government is likely to be lack of public support. Therefore, the chapter concludes with a brief outline of the public relations task facing Indian leaders, by concentrating on two pre-1979 public opinion polls on native issues.

Chapter 3 examines Indians' use of the symbolic strategy of "community-building". It focusses on attempts to: (1) create an overarching "Indian" identity which transcends tribal-based identities; (2) develop provincial and national Indian organizations which can speak for all Indians; and (3) create a body of overarching political symbols/goals which can incorporate at least some of the interests of the various Indian sub-groups. Chapter 4 examines Indians' attempts to symbolically reverse the stigmatic identity which has thwarted their social and political development, and which has assigned them to perpetual inferiority and marginality vis-a-vis the encompassing society. Chapter 5 traces the development of Indian ideology (an outgrowth of symbolic competition), examining the radicalism of the 1970s in terms of the Red Power movement and the development of three key concepts in the contemporary discourse of Indian politics - sovereignty and nationhood, aboriginal rights, and self-determination.

The remaining chapters are devoted to an examination of the three remaining symbolic strategies. Chapter 6 concentrates on the creation of political settings, especially in the 1980s. It offers an analysis of a number of high-profile Indian political activities, conflicts which have been played out in public for the purpose of provoking controversy and mobilizing public support. The chapter therefore features an analysis of Indian political actions both on the domestic and on the international scene. Chapter 7 discusses the strategies of "using the system" and routinization of conflict. The first part of the chapter
INTRODUCTION: TOWARDS A THEORY OF SYMBOLIC POLITICS / 64 examines Indians' use of the courts and commissions of inquiry to legitimize their political claims in the legal and parliamentary arenas. The second part of the chapter traces Indians' attempts to routinize conflict in the form of setting up stable guidelines for conflict resolution. Specifically, the discussion is centred upon the process of constitutional reform, legislative provisions for self-government, and the federal government's new community-based self-government negotiations policy.

The concluding chapter summarizes and evaluates the arguments and data presented, and speculates as to the future direction of Indian politics in light of the legal and political developments of recent years. It also includes an assessment of Indians' success at conducting politics at the symbolic level, and points out some of the problems of continuing to do so.

Finally, it must be noted that political scientists have paid very little attention to the manner in which Indians as a disadvantaged sub-national minority have conducted politics at the national and international levels. In fact, most scholarly work on Indians tends to come from lawyers, anthropologists, and sociologists, each bringing their own disciplinary lenses to their endeavours. Lawyers, for example, tend to be interested in the legal ramifications of concepts such as aboriginal title and aboriginal rights; anthropologists tend to focus on cultural systems, community dynamics, and the problems of cultures under pressure; sociologists have tended to concentrate on social problems of native communities, and their interactions with the institutions of the dominant society; while the few political scientists who have studied Indian politics have grappled with the question of how to reconcile Indian political demands for special collective rights with the requirements of liberal democracy and the federal system of government. However, no political scientist has yet offered a theory of
Indian politics which enables us to understand how and why Indians have managed to win rights and privileges which are not available to other Canadians. In light of their small numbers, their political marginality, legal uncertainties regarding their status and rights, and the sheer magnitude of their claims upon Canadian society, this is an important question for study. Thus, this thesis seeks to contribute to the literature on the politics of minorities, through a theory of symbolic politics. 

\[1\]

\[1\]A number of explanations for political scientists' apparent lack of interest in native politics is advanced in a paper by R. Gibbins and R. Jhappan, "The State of the Art of Native Studies in Political Science", paper presented to the biennial Canadian Ethnic Studies Association Conference, Calgary, October 20th, 1989.
2. CHAPTER 2: THE SYMBOLISM OF INDIAN SELF-GOVERNMENT

We the Indigenous Peoples of the World, united in this corner of our Mother Earth in a great assembly of men and wisdom declare to all nations:

We glory in our proud past:
when the earth was our nurturing mother,
when the night sky formed our common roof,
when Sun and Moon were our parents,
when all were brothers and sisters,
when our chiefs and elders were great leaders,
when justice ruled the law and its execution.

Then other peoples arrived:
thirsting for blood, for gold, for land and all its wealth,
carrying the cross and the sword, one in each hand,
without knowing or waiting to learn the ways of our worlds,
they considered us to be lower than the animals,
they stole our lands from us and took us from our lands,
they made slaves of the Sons of the Sun.

However, they have never been able to eliminate us,
or to erase our memories of what we were,
because we are the culture of the earth and the sky,
we are of ancient descent and we are millions,
and although our whole universe may be ravaged,
our people will live on for longer than even the kingdom of death.

Now, we come from the four corners of the earth,
we protest before the concert of nations that,
"we are the Indigenous Peoples, we who have a consciousness of culture and peoplehood,
on the edge of each country's borders and marginal to each country's citizenship".

And rising up after centuries of oppression,
evoking the greatness of our ancestors,
in the memory of our indigenous martyrs,
and in homage to the counsel of our wise elders:

We vow to control again our destiny and recover our complete humanity and pride in being Indigenous People. ¹

The purpose of this chapter is to apply some of the hypotheses of the theory of symbolic politics developed in Chapter 1 to the case of "Indian self-government" in Canada. Thus, after setting the context, the chapter goes on to describe the qualities of self-government as a symbolic construction, with special emphasis on its supporting mythologies. Although self-government is widely valued in and of itself, it is usually proposed as a solution to a number of problems, two of which are discussed in this chapter. On the one hand, there is the problem of Indians' historical treatment under the Indian Act, which has resulted in a severe curtailment of their ability to run their day to day affairs without impediment from external powers. On the other hand, there is the problem of the systematic pressure applied to native traditions and cultures, which is reflected today in an alarming chronicle of socio-demographic statistics. After outlining these problems, the chapter offers a short discussion of the political, social and cultural benefits which are likely to be reaped from self-government, leaving discussion of some of the problems associated with the concept to other chapters.

Finally, it is argued that one of the most important (but least discussed) obstacles to the attainment of self-government is lack of public support. Indians face the formidable problem of enlisting support for their various aspirations in the face of a general population at best indifferent, at worst, openly hostile. Thus, the chapter concludes with an assessment of the challenge posed by an often unsympathetic public, and to this end presents the results of two pre-1979 public opinion polls on natives and native issues. Subsequent chapters will examine the means by which Indian leaders have collectively begun to tackle
these problems, as well as their success in doing so.¹

2.1. THE CONTEXT

In the immense and perplexing field of native politics, observers might be forgiven a certain amount of confusion about the meanings and implications of certain native aspirations. "Self-government", the latest buzz-word to join the political vocabulary of Indian politicians, is one of the more poorly understood terms. It is difficult to assess whether the idea of self-government is, in fact, anything more than a utopian mirage dreamed up by Indian leaders to serve purely symbolic political purposes, or whether it is a practical possibility whose realization awaits only political goodwill and the fullness of time. But whatever our speculations as to future outcomes, the notion of self-government is the zenith of Indian political aspirations, and it represents the clearest expression of the discursive shift which has marked the development of Indian politics in recent years.

That the Indians of Canada have survived at all is testimony to their remarkable tenacity. They have suffered cultural, political, economic, legislative, and (in some cases) military assaults, the like of which have crushed the indigenous peoples of other nation-states. They have survived government policies ranging from cultural genocide to assimilation. They have managed to withstand alienation of their lands, the pressures of the wage economy, and systematic discrimination. But survival has been costly. It has meant significant cultural

¹In this thesis, the terms "Indian", "native" and "aboriginal" are used interchangeably. My focus is on status Indians and the ways in which they have conducted politics. However, as the other terms are often used in discourse about Indians (particularly, in recent years, "aboriginal"), I shall use them where appropriate.
change and ultimately, relegation to the peripheries of modern society.

Once discrete self-governing nations, Indian groups are now faced with an extremely uneven balance of power between themselves and the non-native state and society. Comprising less than 2% of the population, Indians are hardly a sizeable minority. Scattered across an enormous continent, they are culturally, linguistically, economically, religiously and socially diversified, and may be regarded as politically marginal. They have traditionally had little legal clout, since (until recently) Canadian courts have been reluctant to deal with the politically sensitive issue of aboriginal rights, and as a consequence have issued only ambiguous judgments about aboriginal title and rights to self-government.

Yet in the last twenty years, Indian leaders have managed to shift government policy from the 1969 White Paper’s proposal to terminate special status, such that in the late 1980s, the federal and some provincial governments are willing to negotiate self-government agreements. Between 1983 and 1987, self-government dominated the agendas of four First Ministers Conferences on Aboriginal Constitutional Matters. It also led to the creation of a Special Parliamentary Committee (the Penner Committee), which recommended constitutional enshrinement of the right to self-government, as well as immediate interim amendments to the Indian Act. These recommendations have been supported by several subsequent committees and reports, most notably the Coolican Report of 1985.  

J. Rick Ponting, describing the native political resurgence as "an Indian

\footnote{See Indian Self-Government in Canada: Report of the Parliamentary Special Committee on Self-Government, (the Penner Report), (Queen’s Printer, Ottawa, 1983); and Living Treaties, Lasting Agreements: Report of the Task Force to Review Comprehensive Claims Policy, (the Coolican Report), (Department of Indian Affairs and Northern Development, Ottawa, December 1985). These reports are discussed in Chapter 7.}
Quiet Revolution", notes that although Indians do not enjoy great amounts of power, prestige and wealth, they will no longer accept marginality. Indians have "moved out of a position of virtual irrelevance to Canadian society...much closer to centre stage, to the point of being involved in renegotiating the very Constitution of Canadian society". They have become a force to be reckoned with, "for they possess the ability to command the attention of the mass media and to embarrass publicly those who would do them injustice". ¹ Ponting notes that in less than twenty years, Indians have experienced changes of a magnitude that would have been utterly inconceivable in the late 1960s:

The legitimacy of the paternalistic and ethnocentric policies and forms of administration that characterized the 200 years surrounding Confederation has been shattered. Once treated as second-class citizens by arrogant Indian agents and junior bureaucrats in government, Indian leaders at the local level now command audiences with cabinet ministers while their national leaders negotiate with prime ministers and premiers and meet with popes and monarchs. Once shunted to the political, economic and geographic periphery of Canadian society, Indians now have aboriginal rights recognized in the Constitution, undertake multimillion-dollar economic development projects on reserves, and lay claim to immensely valuable real estate scattered throughout the country. ²

Now it would be a mistake to conclude that this remarkable contextual shift was produced solely by Indian desires and actions. On the contrary, many factors have contributed to it. In very general terms, we can say that the increasing liberalization of post-war western democracies has resulted in a net expansion of tolerance for minority (especially ethnic) rights. This tolerance has, of course, ebbed and flowed with changing international and domestic environments, but overall it has increased. In addition, the emphasis of Indian

² Ibid., p.53.
policy has varied with changes of government, different political parties, oscillating economic climates, shifting social priorities, the presence or absence of politicians sympathetic to native aspirations, changing interpretations of "the problem", and the proposal of new solutions to it.

Yet this contextual shift is not merely an accident of circumstance. Whether responding to initiatives originating elsewhere or creating initiatives of their own, Indian peoples have availed themselves of the opportunities afforded by shifting political sands. More often than not, they have furthered those opportunities in accordance with their own objectives. So, when the Trudeau government was forced to retract its termination policy in 1971, it is perhaps not surprising that Indian organizations took the ensuing debate into the realm of increased autonomy from the long arm of the Indian Act.

What is surprising is the fact that the recent flurry of debate and negotiation has taken place in the conspicuous absence of a (generally accepted) definition of self-government. Indeed, this is the question which has consistently thwarted Indian efforts to secure constitutional enshrinement of the right to self-government. Non-native politicians and bureaucrats (particularly provincial premiers) have resisted the idea of enshrining the right to self-government, chiefly because they do not know what it means - or, more accurately, they do not like what they suspect it means. Questions have arisen regarding the scope of jurisdiction and the powers of native governments; the source of such governments' authority (that is, whether they are to have powers delegated by Parliament or whether their authority derives from some pre-existing legal right such as "aboriginal sovereignty", which is merely recognised by the Constitution); the level of governments envisaged (local, regional or national); whether
governments are to be public or ethnic; the sources, levels and types of fiscal support required, and a host of other issues.

These questions have not been answered to the satisfaction of non-native politicians. Indian leaders insist that they cannot offer a single coherent model of self-government because conditions vary so widely between different band and tribal groupings. Agreements, they maintain, must be tailored to the unique needs and circumstances of each potential Indian government.

However, while this is a compelling argument, this thesis contends that the absence of a rigorous definition is better understood by conceiving of self-government as a political symbol. In fact, it is argued that the key terms in contemporary Indian political discourse (sovereignty, self-determination, aboriginal rights, aboriginal title, and self-government) can best be understood as expressions of Indian aspirations, whose contents, however, are at present indeterminate. They may have precise meanings in English law (as well as in the few settlements and arrangements already negotiated), but as expressions of general political goals, they are intended to serve a range of functions above and beyond their face values.

It is important to note here that I have separated the expressive from the instrumental dimensions of Indian self-government for analytical purposes only.

Since I am concerned here with the symbolic values and functions of the notion of self-government rather than with how it might look in practice, it is not appropriate to attempt an in-depth analysis of its elements. For good discussions of the main models under consideration, see the series of publications produced by the Institute of Intergovernmental Relations, (Queen’s, 1985), especially David C. Hawkes, "Aboriginal Self-Government: What Does It Mean?"; David A. Boisvert, "Forms of Aboriginal Self-Government"; and C.E.S. Franks, "Public Administration Questions Relating to Aboriginal Self-Government". Also, Evelyn J. Peters has produced a fairly extensive bibliography for the I.I.R. entitled "Aboriginal Self-Government in Canada: Bibliography 1986", which includes sections on native, federal and provincial approaches to self-government and existing self-government agreements.
These two dimensions are, of course, not only intrinsically related, but inseparable. In fact, expressive actions are not aimed at merely symbolic benefits, but ultimately at pragmatic, even material, gains. This will be a recurring theme throughout this thesis, and an assessment of the pragmatic gains from expressive, symbolic actions is offered in the concluding chapter. In the meantime, it is to the symbolic qualities of Indian self-government that I now turn.

2.1.1. The Symbolic Qualities of "Indian Self-Government"

In accordance with the assumptions made in Chapter 1, Indian grievances have been directed primarily at government, which is held responsible for many of the problems facing native peoples. However, because of their relative powerlessness, Indian groups have frequently taken their grievances into the public arena. They have attempted to create a moral climate in which government will be compelled to address those grievances. Bearing in mind Victor Hugo’s maxim that "all the forces in the world are not so powerful as an idea whose time has come", this thesis argues that Canada’s native peoples are in the process of creating an idea whose time has come. To this end, they manipulate a number of political symbols in different ways and for different purposes.

"Indian Self-Government", along with many of the other key terms of Indian political discourse, is a condensation symbol which appeals to a universal attachment to the idea of self-determination. For the last few years, Indian leaders have been talking about "the inherent sovereignty of the First Nations". They do not seem to be using the term "sovereignty" in the legalistic tradition of modern nation-states, but rather to describe their relationship with "the Great
Creator", which is ultimately the source of their authority to govern themselves:

[Indian leaders'] conception of sovereignty and nationhood, with some variations, usually includes ideas of self-government, autonomous institutions, a territorial land base and a resource base so that they can maintain the integrity of their culture and society. They want exclusive legislative rights in their territories. They hold that their right to self-government is an inherent right derived from the Creator, who gave that authority to all the Indian people. They point out that this is a right that pre-dates the Canadian government; thus, the Canadian government was never in a position to create or grant...self-government but merely to acknowledge it. They assert, furthermore, that their inherent and historic right to self-government was explicitly recognized by the Crown in the treaty agreements... Therefore, any power exercised by the Canadian government over [Indians], unless it has been freely delegated by [them], is illegal.  

These are not idle claims. Little Bear, Boldt and Long point out that native claims to nationhood and sovereignty have historical and moral (not to mention legal) justification:

Indian leaders point out that their forefathers never surrendered their nationhood or right to self-government, nor was it taken from them by conquest. They claim that these rights were usurped surreptitiously by successive British and Canadian governments, in contravention of international law. The refusal by the Canadian government, until recently, to grant Indians full rights of Canadian citizenship is interpreted by Indians as clear evidence that Indians held another kind of citizenship.  

James Youngblood Henderson makes the point that for native people, sovereignty (and by extension, self-government) is an emotional, rather than an intellectual concept. It is "a matter of the heart".  Boldt and Long suggest that:


\[2\] Ibid., p.xv.

This probably helps us understand why their conceptions of how sovereignty would function in a tribal context are still embryonic and inchoate. In fact, much of the emotional appeal that sovereignty holds for Indians stems from its vagueness. It allows them to project onto it promise of most of their political, socio-cultural and economic aspirations without a rigorous analysis of the adequacy of their resources and instrumentalities for achieving it. The ambiguity of the concept also averts factionalism within Indian society, as each group is free to infer its preferred meanings and objectives.  

Thus, to pin down the elusive concept of sovereignty (or indeed, self-government) would be to thwart its purposes as an agent of unification, inspiration and mobilization. The symbolic values of concepts such as these are, at this point, marginally more compelling than practical questions. Until they have created a context in which self-government is a possibility, native people cannot be fully engaged in the implementational debate.

At present, the term "Indian self-government" is used in a symbolic fashion for the purpose of enhancing Indian peoples' self-image, as well as their political relationship with the Canadian state. In its symbolic (rather than pragmatic) role, it aims at the creation of an emotional consensus. Simplifying a complex political environment, it is "a persuasive capsule".

As noted above, the Indian peoples of Canada have undergone a cultural and political renaissance over the last twenty years, a renaissance which finds its symbolic roots in Indian tradition. Confronted with the manifest failure of modern society to provide for the socio-economic, cultural and political needs of their communities, Indian leaders in the 1960s and 1970s began to press for a return to traditional values:

In their quest for political and cultural self-determination, Indian leaders in Canada...advance claims to inherent sovereignty in order to establish the legal, moral and political authority that will allow them to nurture and develop their traditional customs, values, institutions and social organization. 1

In fact, historically the traditional tribal customs, values, institutions, and modes of social organization to which Boldt and Long refer were as numerous and as varied as the First Nations themselves. Some tribes were matrilineal, others patrilineal; some were based on egalitarianism, others on hierarchy; some tribes were federated, others wholly independent; some shared resources equally, others had some notion of private ownership (or at least of usufructuary rights); some allowed slavery, others did not; some punished unacceptable behaviour by violence and social outlawry, others used shaming and ridicule; some practised representative politics, others preferred direct citizen participation; and some allowed chiefs great wealth, prestige and power, while others expected humility and self-sacrifice from their leaders. 2

Today, the notion of traditional tribal government stresses the features of communalism, common ownership of property, equality, democracy, consensus decision-making, and non-hierarchical organization. Yet these qualities could not by any means describe the political and social organization of each and every tribe. In fact, these notions about "traditional tribal government" have taken on the visage of political myth. "Traditional tribal government" is a political myth to the extent that a number of features characteristic of some, but not all, aboriginal

1Ibid., p.333.
tribal groups has been brought together to construct a generic model of aboriginal government, which releases the speaker from outlining the idiosyncratic features of each aboriginal political system. The model uses historical referents gleaned from a variety of sources to support contemporary Indian aspirations for self-determination. The point of the exercise is to demonstrate that current arguments for self-government have not materialized out of thin air. They are not new and radical ideas unsupported by historical (or contemporary) reality. Rather, they have credentials in a long and valued tradition which served aboriginal communities well in the past, and which hold the promise of serving them well in the present and in the future.

This composite model of traditional tribal government is, by definition, a general one. When Indian leaders talk about their own specific systems, they talk about traditional Haida government, traditional Micmac government and so on, and they speak to the idiomatic socio-economic and political systems of each. But at the macro level, the notion of traditional tribal government refers to a composite model that is not tribe-specific, and that is intended to speak to the contemporaneous aspirations of Indian communities in the aggregate. As such, the myth of traditional tribal government is not a fabrication, since it is based on real features of real historical communities. Yet it is mythological to the extent that it does not (nor is it intended to) describe the idiosyncratic features of any particular pre-contact aboriginal government.

In a sense, the mythology supporting the call for self-government has been constructed by a process of "bricolage". What results is a model of pre-contact government which purports to describe common organizational elements in a general way. Thus, the myth of "traditional tribal government", in Tudor's
CHAPTER 2: THE SYMBOLISM OF INDIAN SELF-GOVERNMENT / 78
terms, tells the story of a political society that existed in the past, and which
must now be restored. It is a myth which finds its audience among people who
think of themselves as having lost a political society. Moreover, it is a
selective construction of the past which is intended to lend legitimacy to present
claims and aspirations.

Now it is important to point out that few (if any) Indian leaders today
seriously expect to return to the primordial purity of traditional tribal
governments of whatever stripe. They are fully aware that Indian peoples no
longer enjoy access to abundant lands and resources. Even in the event of land
claims settlements, access is likely to remain fairly limited. Indian leaders realize
that they must interact with the contemporary realities of the modern world, and
it is reasonable to expect that many of their transactions will be dictated by
those realities.

So, we can say that when Indian politicians refer to traditional tribal
government, they are using the past as a resource (or model) at the level of
fundamental values and principles. Through this mythology, they link the present
to the past and enable people "to see their present condition as an episode in
an on-going drama". There is an implicit explanation of the present situation.
The myths/symbols of "Indian self-government" and "traditional tribal government"
are good examples of this logic. They hark back to a distant past when things
"worked". Contemporary problems are results of the destruction of traditional
ways; the enemy responsible for this destruction is other-than-self (the government
and the non-Indian society in general); and the solution is therefore to restore
the values, principles, institutions and practices of self-government.

\(^1\)See Tudor quotation in Chapter 1, p.31.
CHAPTER 2: THE SYMBOLISM OF INDIAN SELF-GOVERNMENT / 79

Of course, insofar as restoration of original forms of self-government in the contemporary context is unlikely, to argue for self-government is really to argue for the creation of something new in the future. "Self-government" is, in fact, a future-oriented symbol. It is the kind of symbol which (using Tudor's terms) is intended to establish Indian claims to sovereignty or an extension of territory and powers in the modern era. It strengthens the solidarity of Indian peoples in the face of a major challenge (in this case, the threat of termination of special status and the pressures of assimilation); it encourages the resistance of this oppressed minority; and it supplies compelling arguments for the abolition of undesirable institutions. By selectively constructing the past, "it seeks to confer rightness on a course of action by extending to it the sanctity which enshruds tradition and lore [and] lends enchantment to an otherwise murky contemporary view". ¹

By stressing a common past, the symbol of Indian self-government and its supporting myth, traditional tribal government, provide cultural anchors in a period of rapid change. They affirm a sense of common identity - Indian groups in the aggregate share not only a common past, but potentially a common future. Thus, it is easier for them to act cohesively. Moreover, these myth/symbols transcend ideology. They extend beyond party political loyalties, as conservatives, liberals and socialists alike are able to lend support (at least in principle) to the goal of self-determination. To use the term "self-government" is to name a goal which is a logical possibility. Because it is politically controversial, it is both a source of anxiety (to those who fear its potential consequences) and a promise of

¹See Cohen quotation, Chapter 1, p.33.
salvation (to those who support it).¹

Finally, the Indian peoples of Canada are collectively regarded here as a disadvantaged minority. This is not to underplay the cultural, economic and political differences between them, but simply to distinguish them from non-Indian peoples. They are a "minority" both numerically and in terms of the marginality of their political power; and they are "disadvantaged" to the extent that they have been the targets of pernicious differential and unequal treatment. Indeed, status Indians (and to a lesser extent, Inuit) have the dubious distinction of being the only populations in Canada whose lives are directed by a special Act of Parliament (the Indian Act), administered by a special federal department (the Department of Indian Affairs and Northern Development, hereafter referred to as DIAND, or by its current title, Indian and Northern Affairs Canada). They are disadvantaged also to the extent that the statistics on virtually every measure of socio-economic well-being do not compare favourably with those of the larger population. Indians are more likely than other Canadians to be unemployed, to be sick, to die young, to be imprisoned, to be the victims of alcoholism and violent crime, to depend on welfare, to drop out of high-school, or to live in sub-standard housing.

At this point, it is important to emphasize that the population focus of this study is status or registered Indians. This focus is a result of the fact that to date, the Indian Act has only been applied fully to Indians registered under it— that is, to some 60% of the aboriginal population of Canada. Only registered Indians have protected land bases (reserves), and only they enjoy special rights and benefits under the Act. Moreover, much of the discussion of self-government

¹See Edelman quotation, Chapter 1, p.39.
in recent years has centred upon its feasibility for status Indians with a land base, and it is doubtful whether self-government (as conceived by the federal government) has any real content at present for landless non-status Indians and Metis. This is not to imply that the latter groups do not aspire to self-governance. They certainly do, and it is significant that they have been included in section 35(2) of the Constitution Act (1982) as aboriginal peoples whose "existing aboriginal and treaty rights" (whatever they are) have been "recognized and affirmed". Yet in spite of this, the focus of the landmark Penner Report on Self-Government (1983), as well as the federal government's new community-based self-government negotiations policy, has been limited to status Indians.

For the reasons cited above, this study focusses on status Indians, although non-status Indians, Metis and Inuit individuals and organizations have made significant contributions to the discourse about aboriginal rights and self-government, and these will be acknowledged wherever appropriate. Meanwhile, the following section includes data regarding non-status Indians, principally because, with recent amendments to the Indian Act, many non-status

\footnote{Metis and Inuit organizations have also played out symbolic politics, though the symbols and myths they employ differ in content from those used by Indians. For example, the Inuit arguably enjoy some advantages over southern status Indians in that they have been geographically isolated, in a numerical majority in some parts of the Northwest Territories, and virtually exempted from the Indian Act. The absence of intervening provincial governments has given them a different and more direct relationship with the federal government. Moreover, in part because their cultures and languages have not been subjected to assaults as severe as those endured by southern Indians, and in part because the tribal distinctions affecting Indians are not as prevalent, the Inuit have not had to invest as much time in community-building and the other symbolic strategies discussed in this thesis. They have not had to legitimate their claims before the viewing public, and have been more successful in direct negotiations with the federal government. However, an examination of the symbolic politics of the Inuit and Metis peoples is beyond the scope of this study.}
Indians have been reinstated (or are eligible to apply for reinstatement) as Indians registered under the Act. This means that the status Indian population is growing, while the non-status Indian population is shrinking as more of its number now qualify for benefits under the Act. ¹

2.2. SOCIO-ECONOMIC AND POLITICAL PROBLEMS

The socio-economic and political problems faced by contemporary Indians are the subject of the next three sections. Because these are the main problems which Indian leaders hope will be remedied (at least partially) by self-government, it is important to appreciate their combined effects. The discussion begins with a demographic profile of status (or registered) Indians and non-status Indians. ² This is followed by a review of the major socio-economic statistics pertaining to these populations in a number of areas. Finally, there is a short discussion of the historical effects of Indian policy, with particular emphasis on the Indian Act. These three sections are intended to illustrate the formidable problems of mobilization and integration facing Indian leaders in their quest for self-government, as well as some of the reasons why self-government is being proposed in the first place.

¹In this context, it is not surprising that Metis organizations consider status Indians to be privileged, to the extent that they have a legal status and benefits which flow from it which are not available to the Metis. In any case, while non-status Indians, Metis and Inuit constitute a very important part of the environment in which status Indians operate, their political concerns and interests are quite different from those of status Indians, and thus they are not of primary interest here.
²I have included non-status Indians here, since they complicate the problem of creating a sense of unity among status Indians. This problem is discussed in section 3.2.1. of Chapter 3.
2.2.1. Demographic Profile

It is difficult to present an accurate demographic profile of the Indian population, in part because, as mentioned above, recent changes to the Indian Act will result in an expansion of the status Indian population at the expense of the non-status Indian population. The most significant source of demographic change for the registered Indian population came in 1985 with the passage of Bill C-31, which removed certain discriminatory sections of the Indian Act. The repeal of Section 12 (1)b of the Act means that women (and their children) who lost their status as a result of marriage to non-Indian men can now apply to their bands for reinstatement. In addition, Indians who volunteered or were forced to become enfranchised (thus losing status) may now be registered as Indians under the Act. Re-instatement and first-time registration (which the Department of Indian Affairs and Northern Development expects will amount to at least 75,000 people) will certainly affect the absolute numbers of registered Indians, as well as age-sex ratios and the on/off-reserve distributions. These potential consequences are important to groups seeking self-government, especially if expanded numbers mean an extra burden on resources which are already stretched. These caveats aside, the purpose of this section is to illustrate the enormous diversity of Indian populations, not only in terms of absolute numbers, but in terms of geographic distribution, cultural/linguistic differences and band/settlement sizes. These factors are important constraints on Indian leaders seeking to unite and mobilize such scattered and differentiated populations for political action.

It is also in part due to the objections of most native organizations that they are "defined" by DIAND, rather than by their own traditional methods of determining membership of their various tribal groups.
Statistics Canada and Indian and Northern Affairs Canada (INAC)\(^1\) show that aboriginal ancestry was reported by almost half a million Canadians in the 1981 Census. At roughly 2.3% of the population of Canada, native peoples can be divided into four main groups - status Indians, non-status Indians, Inuit and Metis. Between 1971 and 1981, the growth rate of these four groups, taken collectively, was higher than that of the reference population, and this trend is expected to continue into the twenty-first century. However, this study focusses on Indians only and so the statistics given pertain only to them.

**Status Indians**

"Status Indians" are those Indians who are registered under the Indian Act and thus qualify for certain special rights.\(^2\) The 1981 Census placed the Status Indian population at 292,705, though the count from DIAND’s Indian Register estimated the number to be 335,475. INAC’s most recent projections suggest that the registered Indian population will reach over 456,000 persons by 1996 (or 1.7% of the total population of Canada). At present, Status Indians

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\(^1\)Indian and Northern Affairs Canada (INAC) is the new title of the Department of Indian and Northern Affairs. However, as most of the literature refers to the latter, I shall retain it except where the new term is more appropriate.

\(^2\)Among other things, the federal government has, by s.91(24) of the B.N.A. Act, responsibility for "Indians and lands reserved for the Indians" and has a so-called "special trust relationship" with them. Status Indians have the right to live on reserves and to benefit from certain government programs and services. Most Indian organizations claim that the Treaties provided for many more benefits and services than the federal government has offered, and further, that the Treaties were to be understood as expressions of peace and friendship, rather than as deeds of sale to Indian lands and rights to self-government (see Chapter 4 for a discussion of these views). However, it must be noted that only about half the Indians of Canada signed treaties with the Crown. The Indians of Quebec, the Maritimes, parts of the Northwest Territories and most of British Columbia are accordingly non-treaty Indians, which creates a further source of division among Indian groups.
account for more than 60% of the aboriginal population of Canada.¹ Some 40% of the Status Indian population live in Ontario and B.C., another 40% live in the Prairie provinces, and 10% live in Quebec. However, status Indians account for only 4% of the populations of the Atlantic provinces and the Territories.²

Almost 30% of Status Indians live in major urban areas of 100,000 or more. The on/off-reserve proportions are significant in terms of groups seeking self-government. If there is a net in-migration to reserves following reinstatements and first-time registrations, land and resource bases may be severely strained. On the other hand, there is a potential danger if the rate of out-migration continues as it has (that is, up 17% since 1965). As Siggner points out, the size, composition and growth-rate of on-reserve populations must be a central concern to First Nations seeking self-government. For many bands, programmes and services "could be handicapped by ineconomies of scale and the shallowness of the local pool of resources".³

Indian bands across the country vary widely in size. According to INAC sources, in 1982 there were 2,252 Indian reserves in Canada, divided among 577 bands. At that time, only 8 bands (3 of them in Ontario) had populations of

¹These figures are taken from a briefing package presented to the participants of the 1987 First Ministers' Conference on Aboriginal Constitutional Matters, entitled "Basic Information on Aboriginal Peoples". This package, available from DIAND, will hereafter be referred to as "FMC Brief".
²As a proportion of total provincial/territorial populations, however, the distribution is quite different. Status Indians account for some 17% of each of the populations of the Northwest Territories and the Yukon. In the Prairies, Status Indians constitute about 5% of the total provincial populations, while in the separate provinces of central and eastern Canada, Indians account for 1% or less of the total provincial populations. See Andrew Siggner, "The Socio-Demographic Conditions of Registered Indians", in J.R. Ponting, Ed., Arduous Journey: Canadian Indians and Decolonization, (McClelland and Stewart, Toronto, 1986), p.58.
³Siggner, op. cit., pp.59-60.
over 3000 people. However, the majority of bands (64%) consist of fewer than 500 persons. Moreover, the average size of bands varies considerably from province to province. Alberta has the largest average size (1000 in 1981, expected to increase to 1400 by 1996). Quebec ranks second, with averages of 860 in 1981 (estimated to reach 1100 in 1996). In British Columbia, 54% of the Indian population lived in bands of under 500 persons in 1981. B.C. has by far the largest number of reserves and settlements at 1610, compared with 185 in Ontario, which has the second largest number. By way of illustration, Table 2 (overleaf) shows the regional distribution of the registered Indian population and Indian lands, as well as the on/off-reserve distribution.

Canadian Indians are not only geographically scattered. They are also culturally heterogeneous. There are ten major linguistic groups, comprising some 58 dialects, who live within six recognized cultural regions (although the correlation between these regions and linguistic groups is not exact). The 1981 Census reported that of the ten linguistic families, the Algonkian languages are the most commonly spoken. Yet the use of native languages in the home has declined steadily over the last hundred years. For example, Siggner notes that for every 100 status Indians having Ojibway as their mother tongue, only 71 were using it as a home language. On the other hand, for every Status Indian having English as their mother tongue, 119 were using it at home. Meanwhile, a few Indian languages are virtually extinct. For example, in the 1981 Census, only 5 people claimed Kutenaian as their mother tongue, only 125 claimed

\[ \text{Much of the foregoing information is taken from J. Perrault et. al., "Population Projections of Registered Indians, 1982 to 1996", (DIAND, Ottawa, 1985), pp.53-55.} \]
Table 2 - Regional Distribution of the Registered Indian Population and Indian Lands

<table>
<thead>
<tr>
<th></th>
<th>Atlantic</th>
<th>Quebec</th>
<th>Ontario</th>
<th>Manitoba</th>
<th>Sask.</th>
<th>Alberta</th>
<th>B.C.</th>
<th>N.W.T.</th>
<th>Yukon</th>
<th>Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Indian Population (1984)</td>
<td>13,590</td>
<td>34,335</td>
<td>77,313</td>
<td>52,049</td>
<td>54,188</td>
<td>43,436</td>
<td>61,730</td>
<td>8,530</td>
<td>3,638</td>
<td>348,809</td>
</tr>
<tr>
<td>% of Total Indian Population (1984)</td>
<td>3.9</td>
<td>9.8</td>
<td>22.2</td>
<td>14.9</td>
<td>15.5</td>
<td>12.5</td>
<td>17.7</td>
<td>2.5</td>
<td>1.0</td>
<td>100.0</td>
</tr>
<tr>
<td>% of Total Provincial/Territory Population (1984)</td>
<td>0.6</td>
<td>0.5</td>
<td>0.9</td>
<td>4.9</td>
<td>5.4</td>
<td>1.9</td>
<td>2.2</td>
<td>17.2</td>
<td>16.5</td>
<td>14.0</td>
</tr>
<tr>
<td>% Off-Reserve (1984)</td>
<td>28.2</td>
<td>14.4</td>
<td>31.9</td>
<td>26.7</td>
<td>34.0</td>
<td>24.7</td>
<td>35.9</td>
<td>7.2</td>
<td>24.5</td>
<td>28.7</td>
</tr>
<tr>
<td>Number of Indian Bands (1985)</td>
<td>31</td>
<td>39</td>
<td>126</td>
<td>60</td>
<td>68</td>
<td>41</td>
<td>196</td>
<td>14</td>
<td>17</td>
<td>592</td>
</tr>
<tr>
<td>% of Indian Bands (1985)</td>
<td>5.2</td>
<td>6.6</td>
<td>21.3</td>
<td>10.1</td>
<td>11.5</td>
<td>6.9</td>
<td>33.1</td>
<td>2.4</td>
<td>2.9</td>
<td>100.0</td>
</tr>
<tr>
<td>Number of Reserves and Settlements (1985)</td>
<td>67</td>
<td>33</td>
<td>185</td>
<td>103</td>
<td>142</td>
<td>90</td>
<td>1610</td>
<td>29</td>
<td>25</td>
<td>2,284</td>
</tr>
<tr>
<td>% of Reserves and Settlements (1985)</td>
<td>2.9</td>
<td>1.4</td>
<td>8.1</td>
<td>4.5</td>
<td>6.2</td>
<td>3.9</td>
<td>70.5</td>
<td>1.3</td>
<td>1.1</td>
<td>99.9</td>
</tr>
<tr>
<td>Approximate Total Area of Reserves (x 1000 hectares)</td>
<td>30</td>
<td>75</td>
<td>699</td>
<td>218</td>
<td>615</td>
<td>657</td>
<td>338</td>
<td>14</td>
<td>3</td>
<td>2,649</td>
</tr>
<tr>
<td>Average Area of Reserve or Settlement (x 1000 hectares)</td>
<td>0.4</td>
<td>2.3</td>
<td>3.8</td>
<td>2.1</td>
<td>4.3</td>
<td>7.3</td>
<td>0.2</td>
<td>0.5</td>
<td>0.1</td>
<td>1.1</td>
</tr>
</tbody>
</table>

Tlingit and only 335 claimed Haida. These statistics are cause for alarm, especially for groups attempting to rejuvenate their tribal identities.

Non-Status Indians

Non-status Indians are generally considered to be persons of aboriginal ancestry, who, for one reason or another, are not registered as Indians under the Indian Act. In the 1981 Census, 75,110 persons identified themselves as non-status Indians (that is approximately 15% of the aboriginal population, 0.3% of the total Canadian population). The largest concentrations of non-status Indians are in Ontario (35%), B.C. (25%), the Prairies (25%) and Quebec (8%). Fully 70% of non-status Indians reported urban residence. A native language was reported as the mother tongue of 9.5% of the non-status Indian population, while 79.5% claimed English and 6.6% claimed French.

It must be noted that the non-status Indian organizations (such as the Native Council of Canada) are particularly offended by the Indian Act's definition of "Indian". They argue that self-identification must be the criterion of Indian, and hence, aboriginal status. The importance of this question cannot be overestimated. Non-status Indians, as noted, do not at present come within the purview of the Indian Act, and hence cannot claim any special relationship with the federal government. They have no reserves and cannot claim the special rights and benefits to which status Indians are entitled. Whether or not this situation is ultimately to their advantage (given the effects on status Indians of

1Siggner, op. cit., p.72.
substantial control by the Department of Indian Affairs and Northern Development) is a question beyond the scope of the present endeavour. However, it is not a situation with which non-status Indians are satisfied. Moreover, the non-status population is in a state of constant flux, especially in the light of the recent changes to the Indian Act. The consequences of reinstatement and first-time registration might mean a shrinking of the non-status Indian population, and, as Ponting and Gibbins point out, "if aboriginal status and rights come to be associated with land-based communities, the remainder of this population could become even more marginalized".  

General Comments

The foregoing statistics illustrate the enormous range and diversity of Indian populations, both geographically and culturally. Passing references have been made to the problems of band size, geographic location, land bases and the on/off reserve locations of the different sectors of the Indian population, problems which are of particular importance to communities seeking self-government. The decline in the use of native languages has also been noted. This is but one manifestation of the impact of European cultures and political systems on aboriginal people. This impact is further reflected in the socio-economic conditions of Indian communities. As self-government is proposed as a potential solution to many of these problems, some discussion of them is warranted here.

\[1\] Ibid., p.63.
2.2.2. Socio-Economic Conditions

Though there have been significant improvements in various areas in recent years, the fact remains that for most socio-economic measures, Indians do not compare favourably with the rest of the Canadian population. In 1980, DIAND published a collection of statistics on the social and economic conditions of registered Indians entitled "Indian Conditions: A Survey". The Penner Committee's report quoted some of the results of the survey as evidence of "the extent of the social disintegration and deprivation arising from the history of relations between Canada and Indian peoples". What follows is a discussion of some of the salient results of recent socio-economic studies.

Education

Education is an area of unusually radical and positive change for the Indian population, as more bands, tribal councils and communities assume responsibility for its provision. As Siggner notes, Indian control over education undoubtedly increases sensitivity towards the needs of Indian children: the curriculum is more relevant to their daily lives; they are taught by native teachers and elders; and they are more likely to receive instruction in their native languages. Thus, it is not surprising to find that the overall retention rate from Grade 2-12 has risen from 18% in 1975 to 31% in 1985. Yet compared to the general population, we find that only 26% of status Indians over 15 had completed highschool in 1981, whereas 52% of the reference population had done so. At the post-secondary level, in 1971 barely 3% of the Indian out-of-school population had at least some post-secondary education. By 1981, this figure had increased to 19%, though it still compared unfavourably with the general

2 Siggner, op. cit., p.76.
population, of which 36% had at least some post-secondary education. ¹

**Housing**

Although some improvements in housing can be observed, conditions (particularly on reserves) are far below the national average. For example, nearly 19% of reserve homes have two or more families living in them, and these conditions affect 40% of all status Indian families. ² The 1981 Census revealed that native people were far less likely to own homes than other Canadians, while their residences were far more likely to require major repairs. A 1985 study by DIAND found that 47% of reserve housing failed to meet basic standards. Fully 38% of reserve housing lacks some or all basic amenities (running water, indoor toilet, bath/shower, adequate heating). The study concluded that some $840 million was needed to correct the problem. ³

**Income**

The average income of native people is one-half to two-thirds of the national average ($8,600 versus $13,100 in 1980). Non-status Indians had the highest average incomes in 1980 at $9,900, followed by the Metis ($9,500), off-reserve status Indians ($8,800), and finally, on-reserve status Indians brought up the rear with an average income of $7,100. The differences can be accounted for in part by the lower rate of full-time, full-year work among native people, and in part by the fact that in many rural areas, native peoples' incomes are supplemented by hunting, trapping, fishing and other traditional economic pursuits. Nonetheless, in 1981, 78% of status Indians lived in families in which the

¹Ibid., p.76. There appears to be a dramatic difference between the educational achievements of the on- and off-reserve populations. For example, off-reserve students have twice the rate of highschool completion as on-reserve students.
²Penner, p.15.
³Siggner, p.71.
average income per person was less than $5000. Only 5% of non-native Canadians lived in comparable situations. Meanwhile, native people are twice as likely to depend on government transfers (such as welfare) as their major source of income than other Canadians. In 1981, 51% of all status Indians over 15 either had no income, or identified government transfers as their major source thereof. This compared to 28% for non-native Canadians. ¹

**Employment**

Employment patterns for the aboriginal populations are indicative of their disadvantaged position vis-a-vis other Canadians. For example, in terms of labour force activity, the overall participation rate for status Indians in 1981 was 46%, compared with 65% for the reference population. The unemployment rate for status Indians over 15 was two-and-a-half times that of the general population. Once again, the picture was brighter for off-reserve status Indians, non-status Indians, Inuit and Metis. Native people are twice as likely as other Canadians to be seasonally employed, the great majority of occupations being of the general labour or service industries varieties. The FMC Brief notes that factors that may have influenced the employment opportunities (and thus the earning capacities) of the native population are educational levels, proximity to places of employment, access to employment information, discrimination, health and availability of transportation. These factors have undoubtedly had a disproportionately large impact on aboriginal populations. ²

¹FMC Brief, p.11.

²Indian participation in the wage labour force is a contentious issue. On the one hand, Indians point to their low rates of participation in the wage labour force and their higher than average unemployment rates as evidence of racism and discrimination- that is, as evidence of their active exclusion from non-native society. On the other hand, they do not seem to value wage employment or the work ethic very highly (for various cultural and political reasons), so that to a large extent, their low participation rates are self-imposed. In any case, the fact
Child Welfare

The Penner Report notes that the proportion of Indian children in care has risen steadily to over five times the national rate. A recent study revealed, for example, that while in 1955 approximately 1% of children in the care of child welfare authorities in B.C. were of Indian ancestry, by 1964 this figure had risen to 34.2%. \(^1\) Figures like these probably say less about the pressures of a relatively low standard of living than about the socio-cultural biases of provincial ministries of Human Resources. Nonetheless, they are indicative of a problem of immense importance to the integrity and well-being of aboriginal communities.

Prisoners

Native people (especially males) are heavily over-represented in federal and provincial penitentiaries. In federal prisons they are 10% of the inmate populations. In Manitoba, Saskatchewan and the North, they are more than 40% of the prison population. Meanwhile, the proportion of Indian juveniles who are considered delinquent is three times the national rate. \(^2\)

Death Rates

Despite improvements in the last few years, the death rate among Indian people is 2 to 4 times the rate for non-Indians. In 1981, Indian male life expectancy from birth had reached 62 years, compared; however, with 72 years for non-Indian males. Indian women similarly can expect to die ten years earlier than non-Indian women. As for the most common causes of death, accidents, poisoning and violence (often alcohol-related) account for over 33% of Indian death.

\(^3\) (cont’d) that Indians have not been fully integrated into the wage labour force has made it that much easier for them to resist assimilation.

\(^1\) The Penner Report, p.15.

\(^2\) Penner Report, p.15.
deaths (248 per 100,000, or four times the national rate). The overall rate of violent deaths among native people is more than three times the Canadian average. Indian deaths due to suicide (most prevalent among 15 to 24 year-olds) are almost three times the national rate, and the infant mortality rate is 60% higher than the overall rate for Canada. Finally, native people can be expected to use hospitals about two or two-and-a-half times as frequently as other Canadians. ¹

Conclusion

The statistics cited above lead to the inescapable conclusion that Indians are effectively at the bottom of the socio-economic ladder in Canada. It would appear that status Indians living on reserves are in the worst position. Non-status Indians and status Indians living off their reserves appear to fare better than on-reserve Indians in the areas of education, employment, housing and income. Nonetheless, we might expect reserve Indians to enjoy one important advantage over the other groups, and that is their ability to maintain the cultural integrity of their communities.

However, while Indian reserves and settlements to some extent buffer their inhabitants from the powerful forces of the non-native world, they are, paradoxically, the vehicles by which the Department of Indian Affairs maintains control of those populations. The Indian Act's systematic subjugation of Indians is, according to many Indian leaders (not to mention academics), largely responsible for the seriousness of many if not most of the socio-economic problems just discussed. As the Act is the instrument through which the objectives of Indian policy have been implemented, it is important to understand

¹The Penner Report, pp.15-16.
its contribution to the demise of traditional forms of Indian government.

2.2.3. Indian Policy and the Indian Act

As noted above, the Indian peoples of Canada constitute a disadvantaged minority to the extent that they have been singled out for differential and unequal treatment. For Indians (and to a lesser extent, Inuit), this differential and unequal treatment has found its clearest expression in the Indian Act. This unique piece of legislation is the instrument through which the policy objectives of successive governments have been carried out. The Act controls not only Indians' ability to govern themselves, but also their access to lands and resources, services from various levels of government, and economic, social and political opportunities which are available to other Canadians as a matter of course.

Historically, the overriding aims of Indian policy have been to "civilize" and "protect" the Indians. Lord Glenelg, British Colonial Secretary in 1838, put it succinctly - the government's goal was "to protect and cherish this helpless Race...[and] raise them in the Scale of Humanity". With minor variations on this theme, the intention has always been to assimilate and acculturate native peoples. Under the guise of offering protection, successive policies and legislative enactments have concentrated the Indian population into (mostly remote) reserves, which had the effect, paradoxically, of impeding assimilation. The cumulative effects of past policies and acts have without question curtailed Indians' ability to conduct their own affairs in their own ways. While limitations of time and space prohibit detailed examination of the history of Indian legislation and policy, some

of the more salient aspects are presented below.  

A Conspiracy of Legislation

Chief Joe Matthias, in an unpublished paper, examines an array of federal and provincial laws which have effectively prevented Indians from protecting their rights. He refers to the body of law and the attitudes responsible for it as "a conspiracy of legislation", the major elements of which are as follows:

1. section 99 of the Indian Act of 1880 allowed for Indians to become "enfranchised" (i.e. to enjoy the full rights of Canadian citizenship) by obtaining university degrees or by becoming lawyers, as long as they relinquished all claims to lands and any rights accruing to them as Indians;

2. in 1884, the Indian Advancement Act transformed tribal regulations into municipal laws and tried to introduce a limited system of band government, controlled by the federal government;

3. section 3 of the British Columbia Land Ordinance Act of 1870 allowed any male person over the age of 18 to simply occupy 320 acres of land, but provided that "such right of pre-emption shall not be held to extend to any of the Aborigines of this Continent";

4. from 1880 to 1951, section 3 of the Indian Act outlawed (on pain of imprisonment for 2-6 months) participation in Potlatches, Tamawana dances and other Indian festivals (because they were traditionally the main forums for the conduct of politics);

5. section 70 of the Indian Act of 1876 prohibited Indians from acquiring or pre-empting lands in Manitoba or the Northwest Territories;

6. in 1884 (one year before the Riel Rebellion), an amendment made it an offence for anyone to incite Indians, non-treaty Indians and Metis to riot;

For a thorough discussion of historical policies, see Kahn-Tineta Miller, The Historical Development of the Indian Act, (DIAND, Ottawa, 1978), and Ponting and Gibbins, Out of Irrelevance, op. cit.
7. in 1889, a series of amendments led to increased government control of education, morality, local government and land - for example, the government could override a band's reluctance ("through spite or pique") to lease reserve land;

8. in 1916, after the McKenna-McBride Commission's attempt to resolve the question of reserves in B.C., the federal and provincial governments passed legislation depriving certain bands of reserve lands without having acquired a surrender, and in spite of the fact that the Indian Act required such a surrender;

9. in 1920, Arthur Meighen's Conservative government passed a law to empower the government to order enfranchisement of qualified Indians, whether they liked it or not;

10. section 141 of the Indian Act of 1927 made it illegal for any person to receive money from any (registered) Indian for any claims-related activity;

11. every federal Elections Act up to 1952 specifically disqualified Indians from voting in federal elections - they were not actually given the franchise (without forfeiting Indian status) until 1960;

12. every provincial and every municipal Elections Act up to 1949 prohibited Indians from voting in those elections;

13. the government's policy of taking Indian children from their homes and placing them in residential schools was supplemented by a prohibition against Indian participation in the provincial school system;

14. section 70 of the Indian Act (from 1880 to the present day) gives the Governor in Council the power to decide how monies are spent and to determine whether monies are spent in the best interests of Indian people.

Joe Matthias concludes that, far from "sleeping on their rights" as charged, Indians have been prevented from protecting their rights:

This legislation had the effect of denying our people access to either legal or political forums and therefore prevented us from expressing our views or asserting our rights...More importantly, when all of the legislation is taken together, it speaks of a very clear intention to deprive us of our lands, destroy our cultures and to deny us the...
right to make decisions about our own well-being.¹

The Indian Act is a formula for discontent and it is little wonder that it has become the target of scorn and blame for many of the current problems facing Indians. The Act has undoubtedly ensured the fragmentation of Indian communities, and has subjugated them to the role of clients of the bureaucratic state. The present Indian Act condenses a long history of sometimes contradictory policies into one document, which, although amended somewhat since 1876, remains essentially intact. The Act is so broad in scope that sociologists call it "a total institution". Dr. Munro, former Assistant Deputy Minister of the Indian Affairs Branch, offered a succinct (and oft-quoted) overview:

The Indian Act is a Lands Act. It is a Municipal Act, an Education Act and a Societies Act. It is primarily social legislation, but it has a very broad scope: there are provisions about liquor, agriculture and mining as well as Indian lands, band membership and so forth. It has elements that are embodied in perhaps two dozen different acts of any of the provinces and overrides some federal legislation in some respects. It has the force of the Criminal Code and the impact of a constitution on those people and communities that come within its purview. ²

One of the most important effects of policy is the Indian Act’s definition of who constitutes an Indian. By creating sub-categories of aboriginal people and by assigning particular rights, restrictions and obligations only to registered Indians, the Act encourages fragmentation and in-fighting. Indeed, Ponting argues that "the contemporary conflicts among status Indians, non-status Indians and Indian women married to non-Indian men are today’s legacy of this definitional

Another crucial aspect of Indian policy concerns access to lands and resources. While the Royal Proclamation (1763) to some extent protected Indians from "unscrupulous whites" in the land conveyance process, the B.N.A. Act (1867) and the Indian Act (1876) gave the federal government responsibility for "Indians and lands reserved for the Indians". Protection of Indian land meant that Indians were excluded from taxes, liens, mortgages and debt collections. But the federal government has an unimpressive track record in upholding its trust responsibilities for Indian lands, as evidenced by a long list of so-called "specific claims" against the government. Moreover, in 1911 the Indian Act was amended to allow for the expropriation of reserve lands for public works, so that "in the clash between non-Indian settlement and the protection of Indian interests, public policy clearly came down on the side of the former".  

Ownership and control of the land is obviously essential to economic prospects, and the question was discussed at some length in the Penner Committee's Report. An important consequence of the federal government's holding the lands "in trust" for Indians is that the lands cannot be mortgaged or used as collateral to raise outside investment capital. An additional (and related) problem concerns band councils. The latter are creatures of the Indian Act, intended to be a form of local government to replace traditional tribal organizations. But in effect, even DIAND acknowledges that "band governments are more like administrative arms of the Department...than they are governments

1 Ponting, Arduous Journey, op. cit., p.21.
2 Ibid., p.28.
accountable to band members".¹ The legal capacities of bands and band councils are all but clear, so that questions abound as to whether a band council can sign contracts, bring law suits, sue or be sued. As a consequence of this uncertainty, few businesses or individuals are willing to enter into transactions (financial or otherwise) with bands. ²

Band councils do have some by-law making powers, although these are very limited and can be overridden by federal (and some provincial) laws and regulations. In all cases, by-laws require the consent of the Minister of Indian Affairs. All in all, under the current Act, "the band council can regulate little, except weeds and dogs on the reserves, without the blessing first of the Minister and his administrative arm". ³

It must be pointed out that the Department implemented a policy of devolution in the 1960s, a policy which began to transfer responsibility for managing and delivering programs and services to individual bands. Services such as social assistance, child-care, education and providing and operating community infrastructure were among the first to be transferred. As a consequence, the funds administered by bands has risen from $34.9 million (or 10% of the Department’s total budget) in 1971, to $526.6 million (or 50% of the total budget) in 1982-3. Yet the policy of devolution has transferred only service delivery to the band level, while control over programs, policies and budgets remains with the Department. This situation was highlighted by the Federation of Saskatchewan Indian Nations in a brief to the Penner Committee:

²See the Penner Report, p.18.
³Brief to the Penner Committee by the Quesnel Community Law Centre, Special 20: 168-9 (see Penner, p.19).
We found that the Department has too much control. The bands are told what to do and what not to do. Program direction stems from the Department instead of the band. The system is outdated and it is costly. The organization does not relate to the aspirations of Indian leaders and band membership. The organization is program- rather than people-oriented. The system promotes dependency on the Department instead of self-reliance. ¹

Conclusion

From the foregoing discussion it is clear that the economic, social, cultural and political consequences of the federal government’s substantial control over Indians and their lands have severely undermined Indians’ ability to direct their own lives. Government policies (as expressed in the Indian Act) have, without a doubt, been a major cause of the unsatisfactory socio-economic and political conditions in which Indians find themselves. Thus, Indian organizations call for self-government partly so that they may have an opportunity to reverse some (or all) of the pernicious effects of a hundred years of government control. We now turn to a discussion of the benefits self-government is likely to yield.

2.3. THE EXPECTED BENEFITS OF SELF-GOVERNMENT

Whereas the last two sections explored some of the main problems self-government is intended to address, our task now is to assess the kinds of benefits self-government may be expected to yield. This involves some discussion of the kinds of powers First Nation governments (to use Penner’s term) might possess, for these will undoubtedly fashion the means by which they will attempt to tackle the legacy of colonialism. However, the discussion must be general in nature and scope, since self-government is not at present widely practised, and as we can expect a wide variety of models to emerge over the coming decades.

As shown above, Indian communities vary enormously in their economic circumstances, the size of their populations, on/off-reserve distributions, socio-cultural conditions, the availability of a land base and so on. Given these (and other) differences between Indian populations, we can expect that some First Nation governments will be ready and willing to take on a wider range of responsibilities sooner than others. Thus, the following discussion assumes optimal conditions in which First Nation governments are able to entertain a fairly broad range of powers.

The Hawthorn Report (1966) had presented a view of self-government based on the municipal model, where local native governments would deliver services like education, health and welfare and would be funded by the same transfer payments which accrue to municipal governments. However, the Penner Report of 1983 (which is discussed more fully in Chapter 7) presented a much broader view of self-government, emphasizing "the importance of Indian control in areas central to the cultures of First Nations...[because] in some cases only Indian control of legislation and policy would ensure the survival and development of Indian communities". The Report suggested that "full legislation and policy-making powers on matters affecting Indian people, and full control over the territory and resources within the boundaries of Indian lands should be among the powers of Indian First Nation governments". Thus, the Committee recommended that:

...Indian First Nation governments exercise powers over a wide range of subject matters. The exact scope of jurisdiction should be decided [in] negotiations...A First Nation government should have authority to legislate in such areas as social and cultural development, including education and family relations, land and resource use, revenue-raising,

1The Penner Report, p.27.
economic and commercial development, and justice and law enforcement, among others. First Nation governments may also wish to make arrangements with the federal and/or provincial governments to continue existing programs or services. ¹

Meanwhile, the Coolican Report of 1985 expanded Penner's view of self-government so that it would include ownership and control of land, hunting, fishing, and trapping rights, participation in wildlife management, and rights to participate in and benefit from general economic development. ²

While such a broad range of powers might not be appropriate for all Indian First Nation governments, they do represent many groups' ultimate aspirations. Ponting has summarized Indian aspirations as follows:

1. Greater self-determination and social justice. Protection of and control over their own destiny, rather than subordination to external political and bureaucratic authorities.

2. Economic development to end dependency, poverty and unemployment. Economic justice in the sense of a fair distribution of wealth between the aboriginal and non-aboriginal populations.

3. Protection and retention of aboriginal cultures.

4. Social vitality and development that will overcome such existing social problems as ill-health, the housing crisis, irrelevant and demeaning education and alienation (including its manifest symptoms such as interpersonal violence, suicide and the abuse of drugs, alcohol and other substances). ³

It is not unreasonable to expect that economic development will be a central concern of Indian First Nation governments, and one can assume that control of a land and resource base will yield at least some benefits, even if

¹The Penner Report, p.64.
only in the form of rents for resource extraction. However, not all First Nation
governments will have control of valuable renewable or non-renewable resources,
so economic development programs will obviously be shaped by the specific
circumstances of each group. In any case, presumably such governments will be
able to get mortgages or to attract investment from other sources once they
become legal entities.

Indian self-government can also be expected to yield political benefits, as
the relationships between First Nation and other governments will have a
different legal/constitutional basis. Thus, we can expect that First Nation
governments will have greater bargaining power vis-a-vis other levels of
government, which they obviously do not have as administrative arms of the
Department of Indian Affairs. Moreover, we can expect First Nation governments
to enjoy much greater control over decision-making and priority-setting. This alone
can be considered a significant political benefit.

Significant gains can also be expected in the areas of social and cultural
regeneration. Indeed, this is the focus of Ponting's paper, "The Impact of
Self-Government in Indian Communities". As this paper provides perhaps the
most comprehensive discussion of the socio-cultural benefits of self-government to
date, it is worth recording Ponting's conclusions in his own words:

1. There are sound sociological and psychological reasons to expect that even
for those Indian self-governments that are only mildly successful, the net
sociological impact of self-government on individuals will be profoundly
positive; and that their communities will experience fundamental gains in

Ponting mentions a number of potential pitfalls which may come to be
associated with self-government. Though they are not my present focus, they will
be discussed later in this thesis. For now, I am interested only in the positive
benefits which might be available to First Nations through self-government - after
all, the positive benefits are what attract aboriginal peoples to the idea in the
first place.
social vitality that will be reflected in positive changes in the lives of individuals.

2. Assuming that self-government will have as one of its highest priorities the breaking of the welfare dependency syndrome, and assuming at least a modest degree of success at that task, we can predict a strengthening of the family unit under self-government.

3. One of the largest and most tangible impacts of self-government will be seen in the schools. For example, in Alberta and the James Bay area, band-controlled schools using Indian teachers and Indian elders as resource persons have generated increased interest in school, decreased truancy and drop-out rates, and improved self-esteem.

4. The impact of self-government on boundary-maintenance will be positive, because as more needs are met within the local community, exposure to non-Indians decreases and a resultant decline in the rates of marrying out (and indeed, out-migration) can be expected.

5. Self-government is likely to be positive in terms of cultural strengthening or revival and the lesser incidence of Indian children being placed for adoption in non-Indian homes.

6. Given the central role of the land and its living creatures in most Indian cultures, any expansion of the land base of an Indian community will likely enhance the integrity of that community's Indian culture.

7. Presumably many Indian governments will restore some features of community decision-making from their political heritage - policy decisions and programs issuing from traditional decision-making structures and processes are likely to carry far more legitimacy than decisions and programs formulated in the distant provincial or national capital.

8. One of the more important challenges facing Indian self-governments will be to adapt old methods of conflict resolution to contemporary times and to devise new such institutions - a large measure of success in these endeavours will be pivotal for most of the other potential benefits of self-government to be realized.

9. A significant amount of the leadership and organizational potential of Indian communities has been rendered at least temporarily unavailable due to alienation, incarceration or escapist behaviour (i.e. substance abuse) - self-government will permit the spontaneous reclaiming of some of that
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potential. ¹

Ponting expects that the greatest contribution of Indian self-government to the communities which exercise it will be in the socio-psychological and symbolic domains. This is a crucial point, and Ponting’s analysis is worth quoting at length:

One of the most profound impacts of an Indian self-government...is that through its accomplishments and its symbolic products it will instill in aboriginal citizens a sense of pride and positive identity; it will help restore the sense of dignity that derives from and contributes to people taking on greater responsibility for their collective and individual destiny...Just as other Canadian governments devote considerable resources to symbol-building, so too will Indian self-governments. The need is great, and on the psycho-cultural plane the gains to be attained from symbolic politics are important. The symbolic-psychological gains from Indian self-government derive from diverse sources: the reformed school curriculum and the use of Indian teachers; displays of the majesty and power of the Indian state; displays of the physical symbols of the Indian state, such as flags and monuments; ceremonies showing respect for Indian elites (e.g. important instances of international recognition such as by the United Nations, participation in First Ministers’ Conferences, audiences with world leaders such as the Pope and the Queen, status before world tribunals). Another source of symbolic-psychological gain under aboriginal self-government is the collective control Indians will be able to exercise over the development...of their own community. ²

Thus, the gains promised by self-government are largely symbolic in nature, and, in keeping with the general arguments of this thesis, it is clear that these sorts of symbolic-psychological benefits are precisely what attract Indian leaders and communities to the idea of political self-determination. This is not to suggest that the prospect of real economic gains is an unimportant consideration. On the contrary, some Indian groups are seeking self-government primarily for expanded economic opportunities and the promise of ending welfare

¹Ibid., pp.361-365.
²Ibid., pp.363-64.
dependency. However, when Indian leaders talk about their expectations of self-government, they talk less about economic issues and more about redefining their relationship with the Canadian society. They typically refer to their need to break the paternalistic syndrome created by the Indian Act, the need to assume responsibility for controlling their own lives and making their own decisions, and the need to reclaim their cultural and political heritage. Self-government, in the end, is about restoring a sense of pride, dignity, positive identity and control to aboriginal communities.

In discussing the potential symbolic and economic benefits of future self-government arrangements, I am not suggesting that no pragmatic gains have resulted from the conduct of symbolic politics to date. In fact, there have been gains, and they include: (some) devolution of administrative control from the Department to many bands; the shifting of control over social services such as health care, education, and child welfare services to a growing number of Indian bands; and federal and provincial funding of national and regional Indian organizations.

The latter gain is of particular significance as it has facilitated the development of Indian political elites at the local, provincial, and national levels. Curiously, these elites are able to command substantial salaries (along with travel and other benefits) at the expense of their political adversaries (governments). But inevitably, this pragmatic gain has given rise to a number of problems, chief among which is the charge that such elites are apt to lose their commitment to change, developing instead personal vested interests in the status quo. In effect, the politics of special status have conferred substantial material and status benefits upon Indian political elites, but those benefits are not without
their costs. There is a danger, not only that some members of that elite have
or will become less sincere in their efforts to serve their constituencies, but that
the strings attached to the government purse will fetter Indian organizations’
political activities. Governments are not above threatening to withdraw their
financial support for interest groups which go too far in their opposition. Thus,
while the practice of symbolic politics has already resulted in direct and
substantial benefits (especially to Indian organizations and political elites), these
benefits have not been costless.

Moreover, it must be noted that the expected symbolic and psychological
benefits of self-government will, in the end, be contingent upon First Nations’
success in delivering real economic and social benefits at the community level.
The mere fact of self-government (as decision-making and/or legislative authority)
is not in itself a sufficient guarantor of the well-being of Indian communities. If
Indian control of Indian communities does not produce real improvements in the
economic and social vitality of those communities, it is unlikely to produce
positive symbolic and psychological benefits. While the formidable problems
associated with socio-economic rejuvenation are beyond the scope of this study, it
is clear nonetheless that self-government is attractive to Indian leaders as it
offers a potential (and largely untested) solution to the problems of paternalism
and dependency. However, convincing Canadian politicians (as well as the general
public) that self-government is the answer is another matter. The next section
focuses on the problem of public opinion.
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2.4. THE PROBLEM OF PUBLIC OPINION

The theoretical approach presented in Chapter 1 featured some discussion of the impact of public opinion on public policy. Firstly, it was assumed that subordinated groups will tend to go public with their grievances in the hope that public support will induce government action. Secondly, it was assumed that public opinion can affect both governments’ and pressure groups’ actions. Although it is difficult to measure the contribution of public opinion to policy, Ponting and Gibbins maintain that "the public’s values and perceptions act as a nebulous but nonetheless very real source of constraint on Indians and non-Indians who are presently engaged in the renegotiation of Indian policy". 1 With these assumptions in mind, this section examines Canadians’ general attitudes towards native peoples and native issues prior to 1980, through a presentation of the major findings of two surveys conducted by Ponting and Gibbins in 1976 and 1979. My purposes are two-fold: first, to discover whether public opinion prior to 1980 could be considered a help or a hindrance to Indian political aspirations; second, to assess the public relations task facing Indian politicians in the 1980s. The final chapter presents an update of the shifts in public opinion which have taken place since 1979, by reference to the latest national survey on attitudes towards natives and native issues, released in early 1987. That discussion will assess the optimal public opinion profile from Indians’ point of view.

Perceptions of Native Peoples before 1976

Prior to 1976 no major national surveys on attitudes towards natives and native issues had been undertaken. However, the prevailing perceptions of native

peoples historically featured images of Indians as uncivilised, pagan savages who were culturally and intellectually inferior, ineducable, work-shy and generally hopeless. The objectives of the Christian churches and schools were to impart the proper religious beliefs and to acculturate aboriginal people, though it was believed that these were probably rather ambitious aims. These attitudes have changed to an extent over the last hundred years. Textbooks, novels and films no longer portray Indians as primitive, unskilled, half-dressed, teepee-dwelling murderers. However, contemporary images are not much more positive, as several studies have shown. ¹

The 1976 National Survey

Ponting and Gibbins’ 1976 survey measured public awareness and opinions of natives and native issues in Canada. The sample consisted of 1,832 persons, randomly selected from the ten provinces. The most striking results of the survey demonstrated widespread ignorance about Indians and their issues. For example, a full two-thirds of the respondents were not aware of any significant difference between status and non-status Indians, while fewer than half of them could offer a reasonably accurate definition of Metis. Only 25% had a rough grasp of the term "Inuit", and less than 1 in 100 had any idea of the meaning

¹For example, a number of studies in the 1960s and 1970s concluded that the prevailing perception of natives was overwhelmingly negative. For example, respondents to Mackie’s 1968-70 study on public perceptions of Indians, Hutterites and Ukrainians in Edmonton felt Indians were characterized by poverty, lack of education, oppression by others, lack of ambition and cleanliness, and excessive drinking. Similarly, the federal government’s 1977 survey of majority attitudes towards ethnic groups showed that Indians fell at the bottom of the ethnic prestige hierarchy. Finally, the Native Council of Canada conducted a pilot study in 1976, wherein respondents attacked the federal government for giving away too much money to Indians. Natives themselves were criticized for laziness, lack of initiative and alcohol abuse. See Ponting and Gibbins, Out of Irrelevance, op. cit., pp.68-69. The authors include discussions of a few other studies, which produced results similar to those cited.
of "Dene", "even though the Dene Declaration had been unveiled with considerable media coverage the summer before".  

With such a high level of ignorance about the basic terminology, we might view the respondents' opinions about policy issues with some suspicion.

Nevertheless, when asked what they thought were the major obstacles to improving the overall situation of Canadian Indians, the respondents cited (in decreasing order of frequency) lack of education, discrimination, the need for better understanding on the part of whites, internal problems within the Indian community, government resistance, government assistance and government interference.  

On the question of land claims, the data showed that the vast majority of Canadians had very little conception of the geographical extent of land claims, and, in spite of the great differences between types of claims (especially between comprehensive and specific claims), fully 30% believed that all claims are based on the same grievance. Yet the data indicated that the Canadian public as a whole supported the validity of land claims, without however, knowing what land claims really entailed.  

The major findings of the 1976 survey are summarized below:

1. Indian issues were not a high priority with the Canadian public, nor was that public well-informed about Indian affairs.

2. On balance the Canadian public appeared to be more sympathetic than resistant to Indian aspirations. Of equal importance, there was no evidence of any polarization of the public into supportive and hostile camps; the public seemed more characterized by indifference and moderation.

3. While pejorative stereotyping of Indians was not uncommon (particularly on

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1 Ibid., p.74.
2 Ibid., p.78.
3 Ibid., pp.80-81.
4. There was no evidence of an attitudinal backlash against Indian protest.

5. Compared to Anglophones, Francophones displayed relatively low levels of knowledge about Indians, relatively low levels of awareness of Indian protest, but relatively high levels of sympathy for Indian aspirations.

6. Apart from the linguistic differences noted above, respondents’ social characteristics (such as age, gender, education, federal political partisanship etc.) bore little relationship to their attitudes towards Indians and Indian issues. However, marked regional variations were observed throughout the study. ¹

Ponting and Gibbins concluded that public opinion had, at that time, at least as much potential to be exploited by Indian organizations to pressure the government as it had for those seeking to thwart Indian aspirations. Finally, they argued that public opinion would become even more important in the 1980s, especially in the event of increased conflict between land claims and major energy development projects deemed critical to the overall interests of Canadian society. In the face of a potentially hostile public, they point out, politicians will use public opinion as "an excuse for inaction or as a rationale for the rejection of Indian demands". ²

It must be noted that the 1976 survey was conducted in a context in which Indians had rebelled against Trudeau’s termination proposal and had been engaged in widespread protest. Even so, public opinion remained largely uninformed, though fairly sympathetic towards natives and native issues.

¹Ibid., p.92.
²Ibid., p.93.
The numerous important events which had taken place between 1976 and 1979 led Ponting to hypothesize that attitudinal change during the period would be negative in direction, though small in magnitude. Yet he noted that many events had received prominent media coverage and simultaneously contributed to the legitimacy of natives’ claims and aspirations. The most significant of these was Justice Berger’s report on the Mackenzie Valley gas pipeline, which called for a ten year moratorium on construction of the pipeline:

Sociologically, the hearings might best be described as a morality play in which natives were cast in a very positive role and industry was often cast in the role of a near-devil. Highly significant also for their legitimating effect were the Pepin-Robarts Task Force on National Unity and the Hartt-Fahlgren Royal Commission on the (Ontario) Northern Environment. A Supreme Court of Canada ruling re-affirming hunting rights and favourable pronouncements by various highly placed church leaders and by Quebec Premier Rene Levesque also added their weight....Numerous actions by Indians themselves during the period also had a definite potential for causing Canadians to take on a sympathetic orientation towards Indians [including] lengthy protest marches in opposition to sex discrimination in the Indian Act, and Indians’ vociferous criticism of DIAND as paternalistic, corrupt and inept. Indian-generated publicity about the victimization of Indians by mercury and fluoride industrial pollution is also quite relevant. ¹

However, on the other hand, Ponting makes the point that Indians may have made enemies as well as friends:

...many instances of Indians pressing land claims may have led non-Indians to view Indians as obstructionists, while other claims may well have been perceived as threatening by some landowners and users. The unilateral pressing of Indian claims of (limited) sovereignty and the rhetoric of self-government and nationhood were just beginning during this period and may have been perceived as "pushy", "uppity" or threatening. The era...also witnessed attempts by Indians to

embarrass Canada internationally, Indian threats and predictions of violence, use of tactics of civil disobedience, and well-publicized instances of political in-fighting and fiscal mismanagement by Indians. Taken together, these constituted what might be called a public relations nightmare insofar as Indians are concerned about what non-Indians think of them.  

There can be no doubt that with the increased politicization of Indian affairs at the national level (not to mention increased media interest), Indians made both political allies and foes. However, the results contradicted Ponting's initial hypothesis. For a number of questions, he found that there were actually higher levels of support for natives in 1979 than in 1976. Although there was some decline in support in Ontario and among Francophones, nevertheless sympathy for Indians was found to be most pronounced among French Quebecers, New Democrats, Liberals, Catholics, low-income earners and women.

Ponting concluded that although various subsectors of the population exhibited slight declines in their support for Indians on some attitude items, those declines were often not statistically significant, or were offset by increases in support in other sectors of the population or on other attitude items. On the whole, he noted, the average score on the composite index of sympathy for Indians was virtually identical in the two surveys, and was definitely on the positive side. Ponting suggested that one reason for this may be that Canadians

\[1\text{bid., pp.139-140.}\]
\[2\text{On the positive side, Ponting includes some labour and environmentalist groups, the New Democratic Party, the Roman Catholic and Protestant churches, and the Parti Quebecois. On the negative side, he lists some women's rights groups (who were annoyed by the resistance of male-dominated Indian organizations to removal of the sexual discrimination clauses of the Indian Act), a number of sportsmen and wildlife organizations (over hunting and fishing issues), and low-income earners (who may resent Indians' special rights and privileges). See Ponting, op. cit. at note 1, pp.143-144.}\]
\[3\text{Ibid., p.155. Ponting's article includes tables showing the distribution of support between Anglophones and Francophones, and by province and region. He also includes tables showing the comparative phraseology of the two surveys.}\]
did not yet appreciate the full implications of Indian demands and claims, or if they did, they did not perceive them as being fundamentally in conflict with their own interests. Therefore, Ponting concluded:

Indians are...in a position to utilize the conflict alliances which they have forged and press for policy changes more to their liking. Indeed, that may be precisely what we observed in November 1981, when Indians succeeded in restoring to the Constitutional Act at least some degree of recognition, if not protection, for their aboriginal rights.  

However, Ponting also argued that keeping native issues on the government's policy agenda would be as difficult as getting them on that agenda in the first place. Thus, the task of issue-maintenance would be a major challenge to Canadian Indian leaders in the 1980s.

2.5. CONCLUSION

This chapter has contended that the key terms of contemporary Indian politics (self-government, self-determination, aboriginal rights, traditional tribal government and so on) are largely symbolic in nature and function, and are geared towards creating a climate of acceptance for a new relationship between Indian people and Canadian society. The chapter examined some of the socio-economic and political problems Indians hope to address through self-government, as well as some of the potential benefits to be expected in the event that First Nations achieve self-government.

The chapter also noted that the relationship between Indians and the state has already undergone something of a transformation, to the extent that the basis of Indian/non-Indian dialogue now includes a general recognition of native

1 Ibid., p.156.
2 Ibid.
peoples' right to determine their own futures. Canadian Indians have special claims on the Canadian state and society which set them apart from other interest groups. However, these claims are by no means undisputed. Because of their historically disadvantaged position vis-a-vis the dominant society, and because of the politically controversial nature of their claims, it is argued that one of the major tasks facing Indian leaders is that of creating a level of public (and partisan) support for their aspirations which cannot be ignored by government. There can be no doubt as to their success in this endeavour to date. Indian leaders have been fairly successful at increasing their political visibility in the last twenty years, and they have certainly enjoyed a significant measure of success in inspiring their own populations to a sense of possibility. Chapter 3 begins the task of tracing the manner in which Indian leaders have gone about this endeavour.
3. CHAPTER 3: COMMUNITY-BUILDING

The purpose of this chapter is to trace the process of community-building among Indians in Canada, at the supra-local, supra-tribal level. Given the significant cultural (and other) differences between Indian groups, their geographic dispersion and traditional isolation from each other, their varying types and levels of contact with the colonizing Europeans, and not least, the differential treatment they have received in law and in policy, the attempt to unify such disparate groups has taken place largely at the symbolic level. Thus, this chapter focusses on the symbols which have been used to create a common "Indian" identity that transcends the many cleavages, as well as symbols which have been used to foster a sense of common political interests, which Indian leaders hope will augment their bargaining strength vis-a-vis the Canadian government and society.

Four main questions shape the analysis. First, what are the obstacles which have confronted Indian leaders in their attempts to form unified organizations pursuing commonly held objectives? Second, have Canada's Indians managed to create a Pan-Indian consciousness, and if so, how has it been manifested? Third, how have the cultural aspects of the Indian resurgence contributed to Indians' perceptions of themselves and to the formulation of specifically political goals? Fourth, what kinds of political goals (and hence, political symbols) have Indians used to create a community of political interests, and which have been the most successful at accomplishing this objective?

The chapter is divided into two main parts. The first part deals with the cultural aspects of modern Pan-Indianism in the Canadian context. It offers a definition of Pan-Indianism before going on to discuss socio-cultural Pan-Indian activities and events which have fostered the creation of a supra-tribal "Indian"
identity. Although these activities have not been construed for explicitly political purposes, they have contributed to Indians' growing awareness of their common historical and contemporary experiences vis-a-vis the Canadian state. In addition, they have formed the breeding grounds of a new kind of cultural synthesis wherein selected cultural emblems of a number of Indian tribes have been adopted as the symbols of Indianness. The second part of the chapter focusses on Indian attempts to build unified political associations which transcend tribal, local, linguistic and religious barriers, and which seek to break down the distinctions between status and non-status, treaty and non-treaty Indians. The emphasis here is on the kinds of political goals used to appeal to Indians in general, with a view to explaining why Indians have experienced seemingly insurmountable obstacles to the expression of common interests. Thus, Part 2 includes a discussion of the origins and integrative functions of a number of provincial and national organizations which have attempted to coordinate and represent the interests of Indians in general.

3.1. CULTURAL PAN-INDIANISM

Two main variants of Pan-Indianism can be identified. At one level, Pan-Indianism refers to perceptions and actions among Indians which are intended to express a composite identity. The latter is accomplished by stressing common histories, cultural traits, religions and experiences. As such, Pan-Indianism is the articulation of a kind of cultural nationalism which minimizes differences and maximizes similarities between Indian groups:

Pan-Indianism is assuming a form in which an increasing number of Indians are participating in customs and institutions that are describable only as Indian. These customs and institutions are being
synthesized from elements derived from diverse Indian cultures and to some extent from white [North American] culture. ¹

At the cultural level, therefore, Pan-Indianism refers to the creation of a common identity based on ethnic and racial criteria. As such, it is an alchemic process wherein certain cultural characteristics are distilled from a wide variety of general ones. These characteristics are subsequently reworked within the modern context to become symbols of Indianness, rather than tribe-specific traits and traditions. Pan-Indianism thus manifests and promotes consciousness of kind, which results from "an awareness that members of a group share a common cultural pattern in which the traditions, folklore, values and religion or beliefs usually derive from a common ancestral background". ²

At another level, Pan-Indianism refers to a political consciousness, whereby Indian groups come together (usually through organizations) to develop and pursue common political goals. Indians in Canada have pursued both cultural and political Pan-Indianism, and although theoretically it is possible to have one without the other, it is difficult to divorce the two in the Canadian case.

It is difficult to trace the history of Pan-Indianism in the Canadian context, in part due to the paucity of in-depth study by scholars. However, a critical feature of Pan-Indianism is that it is a response to colonial domination and restriction. While it is true that in the pre-colonial period some Indian tribes met with others from time to time, such meetings were usually for the purposes of trade, warfare or the forging of peaceful alliances. The Iroquois Six Nations Confederacy is a good example of this. However, while tribes certainly exchanged

²Ibid., p.1.
goods and technologies, they retained their distinctive cultures and did not attempt to create overarching "Indian" identities. The need to do that is a direct result of colonialism, since in the absence of a dominant colonial power tribal identities are easily maintained. However, the consolidation of political, economic, social, and cultural power in the hands of the new white settler society meant that tribes (or bands) were confined to reserves, stripped of their traditional means of subsistence, educated in English or French by white missionaries, ruled by a colonial administration, and forbidden to practice many of their traditional customs and rituals. In these circumstances, significant cultural modification was inevitable.

However, since previously isolated communities become conscious of culture per se only when they are exposed to competing cultural systems, paradoxically, the dilution or loss of discrete tribal identities created the conditions for a cultural synthesis. In the first instance, one would expect some degree of cultural synthesis between Indian and European idioms. In the Canadian context, this was manifested in acculturation and in the more dramatic form of religious movements which incorporated elements of European and tribal religions. ¹

However, these movements cannot accurately be classified as Pan-Indian in nature. Pan-Indianism refers specifically to the synthesis of various Indian cultural idioms, and is in fact a fairly recent phenomenon. The creation of a composite Indian identity, as I have argued, has been a response to the dilution of distinctive tribal identities in the wake of colonial settlement. However, it was

¹Patterson gives examples of these early forms of synthesis, and includes John Slocum of the Shaker religion on the West Coast, Handsome Lake and the Iroquois Longhouse religion, and Wowoka of the Ghost Dance on the Plains. He characterizes these hybrid religions as "messianic and millennial movements". See E. Palmer Patterson, The Canadian Indian: A History Since 1500. (Collier-MacMillan, Don Mills, Ontario, 1972), pp.18-19.
made possible by a number of forces peculiar to the modern era. First, modern means of transportation and communication have increased mobility and opportunities for the sharing of perspectives. They have made it possible for Indians from diverse tribes and scattered communities to hold and attend large-scale events (such as powwows, which are discussed later). Second, a number of government programs and policies have contributed to the development of Pan-Indianism. For example, the residential school system has meant that many young Indians from different tribes met at school, and often maintained contacts in later life. ¹ Similarly, inter-tribal contacts are made among Indians who leave the reserves (some 30% of the Indian population) and who look to the urban Indian Friendship Centres for the support and companionship of other Indians. Migration back and forth from the reserves is thus especially important for the development of political consciousness, and for the mobility of symbols which express Indianness.

Other forces contributing to the development of cultural Pan-Indianism include large-scale cultural events organized by Indians themselves (such as the Banff Indian Days and the Treaty Day celebrations), as well as events organized by non-Indians. Examples of the latter include high-profile events like the Montreal and Vancouver World Expositions, the Calgary Winter Olympics (1988), the annual Calgary Stampede, and other events in which Indians from diverse

¹From all accounts, Indian experiences of residential school have been uniformly negative. Children were taken from their communities, often without their parents’ consent, they were punished for speaking their native languages and forced to accept non-Indian norms. Many Indians who survived the residential school system have reported a loss of their tribal identities and severe difficulties in adjusting to life on the reserves. These negative experiences in themselves were enough to foster a sense of identity with others who had experienced similar adversities in the school system. See Nagler, op. cit., pp. 24-27 for a discussion of residential schools.
tribes participate. These and other forces have contributed to the development of an overarching Indian identity which to some extent transcends tribal identities. That is, Indians have become conscious of themselves as members of a wider ethnic group, in contradistinction to other ethnic groups. It is this awareness of a common ethnicity which defines and fuels Pan-Indianism.

To support this sense of identity as Indians, many groups (particularly but not only Plains tribes) have adopted selected symbols of identity, so that:

...a potpourri of totem-poles, birch-bark canoes, feather headdresses, war and rain-dances, tom-toms, teepees, bows and arrows, tomahawks and buckskin clothing, has amalgamated their culturally various features into an "Indian" culture in which elements of the Eastern Woodlands, the Prairies and the West Coast are merged". ¹

What is especially interesting about this potpourri is that it comprises the cultural symbols which whites had associated with Indians. Though Indians have complained that Hollywood films have created a myth that all Indians wore feather headdresses, wielded tomahawks, and performed quaint rain-dances etc., these are precisely the symbols which have come to express the Pan-Indian identity.

3.1.1. Powwows and Potlatches

It is generally agreed that the Prairie powwow is one of the most important and powerful vehicles of Pan-Indianism. ² Generally, powwows are secular dancing celebrations held in the summer months by Indian communities in

¹Patterson, op. cit., p.20.
many parts of the United States and Canada, and are particularly associated with Prairie or Plains Indians. The annual summer powwow is a modern phenomenon. Although there is some history of periodic gatherings of Plains Indian bands, the present form of powwow was really imported from the United States in the 1950s. Powwows are large organized events. They are usually attended by hundreds if not thousands of people, and typically feature singing, dancing, eating, discussions, ritual healings, trading, canoe races, various competitions and entertainment. 

In his study of powwows in western Canada, Noel Dyck notes that powwows serve the following functions: (1) they facilitate the maintenance of kinship ties; (2) they are a mechanism for the redistribution of wealth (much like the Potlatches of the coastal tribes); (3) they are a means of escaping the control of the bureaucrats of Indian Affairs; (4) they offer an indigenous prestige system; and (5) they provide opportunities to celebrate Indianness in an uncontroversial fashion.

Powwow decreases the geographic, linguistic and socio-cultural distinctions between tribes. For example, Mortimore noted that Indians from as far as 800 miles away attended the Blackfoot Indian Days in 1967. Some belonged to tribes that were traditional enemies of the Blackfoot (like the Plains Cree), while others were members of distant tribes.

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1 Noel Dyck, "Powwow and the Expression of Community in Western Canada", *Ethnos*, Vol.44 I, 1979, p.78. Actually, as Corrigan points out, there are three basic types of powwow. The first is the private powwow held usually on a reserve and intended only for members of the band or bands hosting the affair. The second type of powwow is a public show to demonstrate Indian dancing to a largely non-Indian audience. These shows are put on for events like annual festivals, the opening of a new highway, or mega-events like Expo '86 and the Olympic Games. The third type is the annual summer powwow, which attracts Indians from all over the region. This is the type discussed here. For a detailed description of the summer powwow, see Samuel W. Corrigan, "The Plains Indian Powwow: Cultural Integration in Manitoba and Saskatchewan", *Anthropologica*, N.S. Vol. XII, No. 2, 1970.

2 Corrigan, op. cit., pp.256-257.

3 Dyck, op. cit., pp.91-92.
which would never have met in the pre-colonial period. ¹ Meanwhile, two surveys of powwows in 1968 showed that there were visitors at one powwow from 24 bands and 6 tribal groups, and at another from 11 different bands and 7 tribal groups. ²

However, these functions may not be as significant as the fact that powwow is an important symbolic means of asserting an Indian identity in contradistinction to that of whites, for as Dyck notes, powwow is:

...a mechanism for achieving social and cultural integration among Indian people. The predominant use of English instead of native languages and the rapid diffusion of powwow songs and dances across North America have led to powwow being depicted as the cultural vehicle for the achievement of Pan-Indianism...the inherent capacity of powwow as a medium for drawing symbolic distinctions between Indians and non-Indians suggests that it may serve as an instrument for redefining social boundaries between Indians and whites. ³

However, it is important to note that powwow is peculiar to Plains Indians. Without a doubt, its reach extends beyond the Prairies, as it is known and has influenced Indians in other parts of the country (for example, Indians in the B.C. Interior). But powwow is by no means the only vehicle of cultural Pan-Indianism in Canada. Other groups have fostered both the continuity of their own indigenous institutions, as well as a sense of inter-tribal community through, for example, the Sun Dance, the Treaty Day Celebrations, and the Potlatch.

In fact, Coastal Indians represent a unique case in the sense that they have not so much attempted to synthesize their various cultures, as to maintain the integrity of their particular cultural institutions. The Potlatch, for many years

²Corrigan, op. cit., p.271.
³Dyck, op. cit., p.89.
suppressed by the Churches and the government, has made something of a
comeback, although it is not quite the grand affair it once was. Nonetheless,
coastal Indians have used the opportunities offered by the modern Potlatch for
inter-tribal contact. ¹ Although it no longer serves exactly the same purposes as
it did in aboriginal times, the Potlatch has become a symbol of Indianness and
of Indian resistance. The fact that coastal Indians continued to hold Potlatches
even while they were outlawed may account in part for their identification with
Indian resistance, but they certainly became symbols of white determination to
destroy Indians. Yet unlike the modern Plains powwow, the West Coast Potlatch
really is the descendant of a truly aboriginal institution, and its modern
practitioners have taken pains to preserve discrete tribal identities through it. The
symbols of Pan-Indianism from the Plains (the feather headdresses and so on)
have been conspicuously absent among the Coastal tribes, although they have to
some extent been taken up by the Interior Indians. However, the modern
Potlatch has served as a vehicle for cultural Pan-Indianism among the Coastal
tribes to a limited extent, and it is not altogether uncommon to find the symbols
of one group adopted by others.

Apart from fulfilling ordinary functions of cultural celebration and providing
opportunities for Indians to meet, powwows, Potlatches and Treaty-Day
celebrations often have important political functions. They provide opportunities for

¹For a detailed treatment of the suppression of the Potlatch, see Forrest
LaViolette, The Struggle for Survival: Indian Cultures and the Protestant Ethic in
British Columbia, (University of Toronto Press, Toronto, 1973), especially chapters
2 & 3. The Potlatch was an extensive system of debt creation and payment (p.
51), as well as: (1) a fair at which various products were exchanged; (2) an
opportunity for arranging marriages; (3) an occasion for adjusting questions of
property, rank and names; (4) an opportunity to give publicity to trivial affairs;
(5) an assurance or benefit society, with rules by which its members were
governed and its property distributed to those entitled; (6) an opportunity for
dancing, feasting, displays of hospitality and wealth, and various festivities (p.65).
Indian leaders from many bands to meet informally and consider issues relevant to the Indians in general. Leading Indian political figures will typically attend several powwows a year, and use the opportunity to discuss common political concerns and strategies. In B.C., Indians have occasionally adopted the term powwow as a title for their large inter-tribal assemblies, particularly where the latter are intended to attract non-Indians. For example, a "powwow" held at B.C. Place Stadium in Vancouver in April 1987 (attended by the author) featured speeches by the President of the Assembly of First Nations (Georges Erasmus), George Watts (political spokesman of the Nuu'chah'nulth Tribal Council, and one of the most outspoken and well-known Indian leaders in B.C.), and Thomas Berger, among others. They each used the opportunity to deliver rhetorical, inspirational speeches to the assembled Indians and their non-Indian supporters.

While it is impossible to measure the exact contribution of activities like powwows and potlatches to the development of political goals, there can be no doubt that they have created a context in which common grievances can be explored. In addition, they have certainly provided informal opportunities for Indians to develop a network of contacts and support without the requirements of formal organization. The opportunity to hold political discussions in an ostensibly innocuous environment was particularly important in the days when political organization was prohibited (or actively discouraged) by government. However, it is important not to overestimate the extent and importance of cultural Pan-Indianism. Indians in general may be more aware of their collective identities as Indians above and beyond their tribal identities, but that does not mean that they have identical political interests. The following section discusses the problems of Indian political organizations which have attempted to create a set of common
political symbols and goals.

3.2. THE QUEST FOR POLITICAL UNITY

3.2.1. Obstacles to Unity

The development of Indian organizations in Canada has been impeded by the formidable and inevitable problems associated with diverse, generally impoverished, often poorly educated, legally divided, and sometimes politically apathetic Indian communities. These problems stem from a number of causes. In the first instance, Indian political organization has been hampered by legislation and by the policies of the Department of Indian Affairs and Northern Development. For example, the 1927 amendment to the Indian Act made it illegal for anyone to accept funds from any Indian for claims-related purposes. Since the advancement of claims would be the predominant raison d'être for Indian organizations, and since they would need legal assistance to do so, the statutory prohibition effectively prevented political organization. In addition, it was not unusual for aspiring Indian leaders to be harassed by officials of the Indian Affairs Branch. Indian organizers have typically been branded as trouble-makers, have had their welfare payments suspended, or have even ended up in jail. ¹

However, it is probably fair to say that many of the obstacles to political unity are internal to the Indian communities and organizations themselves. For example, a significant impediment to the development of unified umbrella organizations is the fact that, until fairly recently, Indian organizations have

¹Harold Cardinal has also referred to the opposition of the churches (particularly the Catholic Church), which have traditionally exercised great influence over Indian communities. See Harold Cardinal, The Unjust Society: The Tragedy of Canada's Indians, (M.G. Hurtig, Edmonton, 1969), pp.102-3.
tended to be reactive rather than proactive, responding to initiatives taken by
government rather than creating initiatives of their own:

Unfortunately for their effectiveness, Indian organizations have tended
to be crisis-oriented; that is, when a crisis arises they come into
existence or are galvanized into new life and when the crisis is
resolved or simply passes away, whether resolved or not resolved to
suit the Indian, the organizations decline and/or disappear. Factors
such as the geographical dispersion of the Indians, lack of nationally
accepted leaders and constituents, poverty, and lack of mass support
have all contributed to this pattern.¹

This crisis-oriented or reactive pattern to Indian organizations has had serious
implications for their ability to develop long-term goals and to articulate Indian
interests on an on-going basis. It has meant that they have responded to
government initiatives but have not necessarily set the political agenda. Thus,
over the years Indian organizations have not taken the lead role in setting the
terms of discourse.

However, it must be noted that since the 1970s Indian political
organizations have taken a much more proactive approach to the pursuit of their
long-term objectives. Particularly at the band and tribal levels, a number of
Indian organizations across the country have taken the initiative in assuming
control of administrative and social services, as well as in pressing for land
claims settlements. In addition, the national organizations (the National Indian
Brotherhood followed by the Assembly of First Nations) have developed a series
of initiatives, including proposals for amendments to the Indian Act and various
aspects of Indian policy, together with proposals for constitutional provisions

relating to aboriginal and treaty rights. ¹ Though these initiatives are discussed more fully later, suffice it to say here that in recent years Indian organizations have taken the lead role in setting the terms of discourse, and this is both a cause and an effect of their increased power.

Another significant obstacle to the development of Indian organizations has been a preoccupation with local interests. For example, Boldt notes a reluctance on the part of local band councils to delegate significant powers to provincial Indian organizations, which in turn are reluctant to delegate significant powers to national organizations:

The most frequently articulated rationalization for this attitude is that centralized political organization would create a "brown" bureaucracy in place of the present white bureaucracy and a leadership out of touch with the people. This conflicts with traditional Indian values. Furthermore, some of the more prosperous bands find it difficult to identify with the wider goals of national and provincial organizations. Part of this difficulty lies in the fact that a political union..., to be attractive to deprived sectors, must include an equalization scheme that will even out the diversity of economic conditions and resource capacities. Some "have" bands...tend to be influenced more by what they perceive they will have to surrender by such a scheme than by what they might potentially gain from a united political front. ²

The result of attitudes such as these is that generally, where representative regional, provincial and national Indian organizations have been formed, they have been kept on a short leash. Rather than having the authority to speak for or represent Indian communities collectively, provincial and national

¹Of course, the latter arose as a response to the Liberal government’s constitutional reform agenda in the late 1970s, but Indian organizations nevertheless took a proactive approach in demanding that aboriginal rights be recognized in the constitution of Canada.
organizations often fall into the role of providing services to Indians. Alternatively, they take on the role of lobbying government, but they are not authorized to reach any concrete agreements with the latter which may affect local Indian interests in different ways. In effect, they are paper tigers. They are in the unenviable position of having to balance competing demands from different tribal, band or regional groups, each with its own set of problems and interests, while at the same time having to articulate a coherent set of goals and demands to present to government. To compound these problems, inter-tribal or inter-personal rivalries often combine with ideological differences to further immobilize the provincial or national organizations. In these circumstances, it is very difficult for them to reach unified positions on salient issues.

As if these impediments were not enough, Indians have found it difficult to maintain unified organizations because of the very real differences in socio-economic and political interests between the various categories of Indians. These differences result in part from the Indian Act's definition of who is an Indian, a definitional approach which has resulted in differential treatment for each category. At least four important cleavages come into play. First, there is the schism caused by the Indian Act, which extends certain rights and benefits to Indians who are registered as such, but withholds them from those who are not so registered. Thus status Indians' interests are centred, to a large extent, around reserve lands, protection of the benefits associated with reserve residency, and the administration of the bands by the Indian Affairs Branch. On the other hand, non-status Indians do not enjoy special rights or programs under the Act, they do not have reserve bases, and so they obviously have different interests. Consequently, they have little or no incentive to join organizations whose major
focus is on issues of concern to status Indians. They may wish to win similar special rights in the long run, but their immediate interests differ from those of registered Indians.

For their part, status Indians are often reluctant to join forces with non-status Indians for fear that they will dilute or jeopardize their own position. This fear stems from a real concern that if non-status Indians are granted status, the current land bases and resources of the reserve-based status Indian population will be severely strained. Thus, from the perspective of status Indians, Pan-Indianism is potentially problematic. If non-status Indians come within its orbit and are encouraged to think they are entitled to the benefits extended to status Indians by the *Indian Act*, the resulting competition for scarce resources could be detrimental to status Indians' material interests. While the *Indian Act* is frequently indicted for creating artificial distinctions between Indians, from the status Indian point of view, Pan-Indianism is not necessarily aimed at inclusion of the non-status population. While at first blush, non-status Indians can be included as part of the aboriginal population to be united under the banner of Pan-Indianism, their inclusion brings mixed results.

A second potential schism concerns differences within the status Indian population itself, which can be divided into treaty and non-treaty Indians:

For non-treaty Indians the crucial concern is that the federal and provincial governments acknowledge that the Indian's aboriginal claims to the land have not yet been extinguished by any agreement or treaty. For treaty Indians, the main concern is that the spirit of the treaties is carried out. These splits make it very difficult for any Indian organization to speak for all Indians. The differences in the relationships of these several groups to the federal government and to contiguous white society present formidable barriers to easy union.  

1Boldt, op. cit., pp.86-87.
Thus, treaty Indians have invested a great deal of time, effort and resources to the pursuit of compensation for treaty violations, making so-called "specific claims" regarding the cut-off lands, and other similar issues. Meanwhile, non-treaty Indians (approximately half the Indian population and comprising most of the Indians of B.C., the Maritimes, the Territories, and most of Quebec) have a real stake in the outcome of the legal and political debate on aboriginal title.

A third cleavage, of particular significance today, is that between on-reserve and off-reserve registered Indians. As Chapter 2 showed, the off-reserve population stands at about 30% of the status Indian population. Although many Indians return to their reserves periodically, many have made permanent homes in urban centres. The problems of urbanized Indians are extremely complex. Because urban Indians are, for the most part, treated as ordinary provincial citizens (with the exception that education and some other services for status Indians are funded by the Department of Indian Affairs), they may not share the day to day concerns of reserve Indians, and so it is not surprising that they would form their own urban organizations. 1

Finally, ideological differences have often foiled native attempts at political unity. The assimilation debate has been especially divisive in the post-war period. Whereas previously most Indian leaders, if not assimilation-oriented, had been at the very least committed to lobbying for reforms within the existing political

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1For an in-depth discussion of the problems of urban Indians, see the Hawthorn Report, or Edgar J. Dosman, Indians: the Urban Dilemma, (McClelland and Stewart, Toronto, 1972). In fact, the reserve/off-reserve distinction is somewhat akin to the differences between native groups which are close to urban areas and those whose traditional territories are fairly removed from white centres. It is perhaps not surprising that the more isolated groups such as the Inuit and the Dene have made greater progress in their quest for self-determination than those closer to urban centres. The latter have encountered many political and public administrative problems that do not affect the more isolated communities to the same extent.
order, by the 1970s things had changed significantly. The new emerging Indian ideology (see Chapter 5) was anything but assimilationist. It represented a regeneration of traditional Indian values and an explicit commitment to maintaining distinctive cultural identities and communities. This new ideology pitted political separatists at one end of the spectrum against those (usually older leaders) who clung to the belief that the only real hope for change lay in incremental reforms of the Indian Act which would be palatable to the Canadian government and society. These fundamental differences in approach then, have constituted yet another impediment to organizational unity.

Now that some of the more important obstacles to the achievement of Indian political unity have been outlined, the following section traces Indian attempts to form provincial and national organizations from the late nineteenth century to the present. In view of the impediments to unity discussed above, one of the main challenges facing Indian organizations has been that of articulating broad political goals which can incorporate at least some of the interests of each of the sub-groups of Indians. Thus, the discussion concentrates not so much on events and organizational dynamics, but on the development of broad goals and symbols which transcend group-specific interests.

3.3. INDIAN ORGANIZATIONS AND THE QUEST FOR UNITY

Pan-Indianism in Canada has not been well represented at the organizational level, largely due to the factors discussed above. The prime difficulty has been to develop a core of unifying political symbols which speak to the needs of the status and non-status, treaty and non-treaty, on- and off-reserve populations. Tribal groups have never had identical needs or interests, either in
the pre-contact period or since their subordination to the colonial administration. The only hope of achieving political unity in the form of representative provincial and national organizations lay in creating a sense of a community of interests, even if that sense did not accurately reflect reality.

3.3.1. Organized Protest Before 1930

Not surprisingly, the land question was the focus of early Indian political activity, and has remained a central issue in Indian politics up to the present. The land has always been at the core of aboriginal peoples' definitions of themselves and their relationships to one another, to the world around them, and to the Great Creator. However, the question of how Indians conceive of land ownership and tenure has given rise to serious conceptual clashes and legal problems with the dominant non-native society. Traditional Indian systems of land ownership and tenure not only vary between tribal groups, but differ considerably from the western Roman-law based principle of fee simple ownership. Generally, Indian tribal groups tended to operate with a different (but no less valid) system of ownership, which did not, however, allow for the alienability or sale of land. Though anthropological evidence "indicates that tribes occupied definite territories and defended them as their own", ¹ ownership tended to be tribe- or clan-based, and rights of use and occupancy were allocated to clans or individuals according to each tribe's particular traditions. Nevertheless, Indian systems of ownership were neither understood nor recognized by European colonizers, who brought their concepts of fee simple ownership and alienability with them to North America. ²

²While Indians saw themselves as caretakers of the land and stewards of its resources, the English common law developed in Canada did not recognize or
As English colonial expansion on the North American continent progressed from the late seventeenth century onwards, the British Crown pursued two policies regarding land. The official policy, represented by the Royal Proclamation of 1763, was that the Crown was to treat with the Indians in order to obtain legal rights to dispose of the land. On the other hand, the unofficial policy, usually employed by provincial authorities, was merely to appropriate Indian lands as the needs of settlers and developers dictated. As a result of these contradictory policies, treaties were only signed with about half the Indians of Canada, and their legacy is today reflected in the "comprehensive" land claims

(cont'd) validate Indian systems of ownership in their own terms. Rather, the nature of the Indian interest in traditional lands has been characterized as usufructuary (as a right of use and occupation), and the Royal Proclamation of 1763 set the principle that that interest could only be alienated by surrender to the Crown. However, the nature of the Indian interest in traditional lands is a complex matter, and the secondary literature is replete with statements to the effect that "most tribes had no concept of private or collective ownership. They believed all land belonged to the Creator, who had made the land for all life forms to use in harmony". See M. Boldt and J.A. Long, "Tribal Traditions and European-Western Ideologies", in The Quest for Justice, edited by M. Boldt and J.A. Long, (University of Toronto Press, 1985), pp.333. This question has arisen in all the Canadian aboriginal rights cases adjudicated to date, and is key to the success of land claims actions before the courts (see Chapter 7).

The Proclamation was designed to protect Indians from unscrupulous whites in the land transaction process. Often described as an "Indian Charter of Rights", the Proclamation was never repealed and thus still carries the force of law. According to A.G. Harper ("Canada's Indian Administration: the Treaty System", in America Indigena, Vol.7, No.2, p.129), the Proclamation laid the foundations of the four great principles which became embedded in the treaty system: "that the Indians possess occupancy rights to all land which they have not formally surrendered; that no land claimed by Indians may be granted to whites until formally surrendered; that the government assumes the responsibility of evicting all persons unlawfully occupying Indian lands; and that surrenders of Indian land may be made only to the Crown, and for a consideration". For a comprehensive analysis of the legalities of Indian title, the reader might begin with Kenneth Lysyk, "The Indian Title Question in Canada: An Appraisal in the Light of Calder", Canadian Bar Review, Vol.51, 1973, pp.450-480. See also J.Y. Henderson, "The Doctrine of Aboriginal Rights in Western Legal Tradition", W.B. Henderson, "Canadian Legal and Judicial Philosophies on the Doctrine of Aboriginal Rights", and Brian Slattery, "The Hidden Constitution: Aboriginal Rights in Canada", in Boldt and Long, The Quest for Justice, op. cit.
which have arisen as a consequence of the absence of treaties with the other half.

In the seventeenth and eighteenth centuries, before white settlement had seriously encroached on lands upon which Indians still practiced traditional economic pursuits, these policies were of little consequence. However, by the nineteenth century, land pressures were being felt, and Indians began to protest in earnest across the country. However, the most visible and organized of the protests were centred in British Columbia. This is partly because B.C. was settled much later than the eastern provinces, and partly because B.C. Indians had had far less contact with whites (apart from missionaries and traders). Unlike a number of eastern tribes, B.C. Indians had not been co-opted into the service of the imperial powers in their various battles to win control of North America. Moreover, B.C. Indian tribes tended to be more settled than the nomadic Plains Indians, and had developed sophisticated systems of land tenure. Finally, with the exception of the Douglas treaties (which only affected a small portion of Vancouver Island) and Treaty 8 (which covered some Indians in a small sector in the northeast), B.C. Indians had not signed treaties, and had not willingly ceded their land rights. Thus, white encroachment on Indian lands in B.C. met with stiffer opposition than elsewhere, and B.C. Indians were the first to organize to pursue political goals.

During the nineteenth century, B.C. Indians gained some experience in protesting against the B.C. government's policies. For example, they had protested the laws which prohibited Potlatches, the curtailment of their harvesting rights, and the acreage formulas used to determine reserve allotments. Protests were

1See Forest LaViolette's chapter, "The Land Title Question", in The Struggle for Survival: Indian Cultures and the Protestant Ethic in B.C., (University of Toronto
either local, taking the form of lobbying the provincial government, or later international, taking the form of petitions to the King. ¹

However, it was not until after the turn of the century that supra-tribal organizations were formed. The first was the "Indian Tribes of the Province of British Columbia" (ITPBC), which brought together the Nisga’a land committee and a few other coastal groups. The ITPBC’s main purpose was to present Indian grievances to the two levels of government, grievances which largely concerned reserve allotments and the non-recognition of aboriginal title. ²

However, the centrepiece of the ITPBC’s political campaign was the Nisga’a petition, which was first submitted to the Dominion government in 1913. Briefly, the petition claimed title to Nisga’a traditional lands on the basis of the Royal Proclamation of 1763, which had recognized Indian title, and which had required that Indian lands be ceded, sold or otherwise released only to the Crown after negotiations. As the Nisga’a had not ceded title in any of those ways, they claimed continuing title. The Royal Proclamation was to be a recurring theme and a potent political symbol for Indians pressing land claims. The Nisga’a petition was the most complete statement of the Indian position on Indian title. While its failure signalled the death knell of the ITPBC, the petition

¹Ibid., pp.21-22. For example, LaViolette notes that in 1906, Chief Joe Capilano led a delegation to present a petition to Edward VII in London. The petition pointed out that Indian title had never been properly extinguished; that whites had settled on Indian lands without their permission; that all appeals to the Canadian government had been in vain; that Indians did not have the vote; and that Indians were not consulted by the Indian Agents on matters of concern to them (p.127). Similarly, in 1909, when the B.C. government attempted to dispossess the Skeena Indians of some land, a petition from some twenty tribes was presented to the King. Like previous petitions, this one was referred back to the Government of Canada.
²E. Brian Titley, A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada, (University of British Columbia Press, Vancouver, 1986), pp.139-142.
lived on as the centrepiece of the ITPBC's successor organization, the Allied Tribes of British Columbia (ATBC).  

However, the ATBC was to suffer the same fate as its predecessor. Like the ITPBC, its main purpose was to pursue the land claim. It began from a position of seemingly greater strength, as it represented, not just coastal tribes, but also a number of Interior tribes. Led by Andrew Paull (a Squamish Indian) and Peter Kelly (a Haida), the ATBC geared its political campaign towards demands for the recognition of aboriginal title, compensation for Indian lands which had already been alienated, and reserves of 160 acres per capita. However, a number of tribes refused to enter into discussion of such items as the reserve allotment formulas, fearing that applications for reserve lands might be prejudicial to their aboriginal title claims. Thus, different approaches to the land title question to some extent hampered the ATBC's ability to speak with one voice.

The Allied Tribes' biggest coup was the securing of a Parliamentary hearing before a Joint Committee of the House of Commons and Senate in 1927. The hearings were an important symbolic victory for the ATBC as they signified "a far more acceptable recognition of their identity as a nation". For the first time, they presented their claim to aboriginal title as a legal right. However, in the end the Joint Committee rejected the claim, along with the ATBC's other demands. As a result of this defeat, the organization disintegrated, falling

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2 Titley, op. cit., p.144.
3 LaViolette, op. cit., p.128.
4 Ibid., p.143.
victim to its own preoccupation with a single issue. This has been a recurring theme in Indian politics, since organizations mobilized around a single issue have tended to fold in the face of defeat.

On the other hand, the efforts of the Allied Tribes (and particularly of the Nisga’a) had some important implications for future Indian political organization. Of primary significance was the formulation of a legal claim to aboriginal title, based on the Royal Proclamation’s recognition of Indian rights. The latter has remained a dominant symbol of Indians’ sovereign status (particularly for non-treaty Indians). In addition, the efforts of the ATBC had to some extent loosened B.C. Indians’ predominantly tribal approach to protest, opening up the possibility of a provincial organization which could accomplish more than individual tribes or bands acting alone. The ATBC moved B.C. Indians up the political learning curve, to the extent that, through the petitions, the hearings and the trips to Victoria, Ottawa and London, they became more familiar with the Canadian legal and political process. Finally, Indian leaders’ increasing literacy, together with the adoption of English, enhanced communication between clan- or village-based tribal organizations, and encouraged a sense of possibility that collective action could bring greater rewards.

3.3.2. Provincial and National Indian Organizations After 1931

The single-issue syndrome was to some extent overcome by the Native Brotherhood of British Columbia (NBBC). Formed in 1931, the NBBC later amalgamated with the Pacific Coast Native Fishermen’s Association, and represented a significant movement towards Indian political unity in British Columbia. Originally representing the concerns of coastal fishermen, the NBBC
quickly expanded its agenda to focus on education and welfare needs and increasing restrictions on Indian hunting, trapping and fishing rights. ¹ Indeed, the Brotherhood's own newspaper, The Native Voice, claimed in February 1960 that the NBBC was recognized as "the most progressive Indian organization in Canada". The article claimed NBBC successes in the areas of revisions to the Indian Act; the granting of old age pensions to Indians; the granting of pensions to blind Indians; improved medical services; housing and education; pressure for the federal franchise (granted in 1960); the provincial vote; the granting of social welfare assistance to Indians; extension of the right to drink in licensed premises; revision of the B.C. School Act to include Indian children in provincial public schools; and the inclusion of Indians in the Hospital Insurance Scheme. ²

The organization was probably blowing its own trumpet a little too loudly, exaggerating its contribution to these accomplishments to encourage its membership and to impress outsiders. ³ However, it must be noted that most of the triumphs claimed by the NBBC were only relevant to registered Indians (though non-registered also benefitted from them as a matter of course). Moreover, the organization's close association with the fishing industry, together with the fact that it was predominantly Protestant (which alienated Southern Catholics), only exacerbated inter-tribal rivalries, and ultimately weakened the NBBC. ⁴ Nonetheless, according to Philip Drucker, the NBBC showed both Indians and whites that Indians could unite and become a force to be reckoned with. Through the NBBC, the Indians gained strength in negotiations, as well as

¹Patterson, op. cit., p.171.
³Ibid., p.224.
⁴Ibid., pp.220-221.
self-confidence and self-respect. ¹

The first attempt to organize Indians nationally came in 1943 with the formation of the Brotherhood of Canadian Indians, which later became known as the North American Indian Brotherhood (NAIB). Whereas earlier Indian organizations had focussed largely on land-related issues, the NAIB seized upon a symbol of central importance to all registered Indians in Canada - the Indian Act. The NAIB's preoccupation with the problems of enfranchisement and the shortcomings of Indian administration was due in part to the shifting post-Second World War political climate. Many Indians had participated in the war, despite the fact that they did not enjoy full rights of citizenship. After 1945, the new international concern with human rights abuses had given Indians an opportunity to highlight injustices at home, and to agitate for better treatment:

The six years of struggle had brought about the emergence of a self-awareness for many Indians...several newly-formed Indian associations were agitating for better education, pensions and relief, as well as representation in Parliament and the [Indian Affairs] department. They demanded full rights of citizenship. War had brought many Indian abuses to light...many Indians felt that since they could serve and sacrifice for Canada in war, Canada could surely give them full citizenship and the freedoms therein. ²

¹Philip Drucker, quoted in Patterson, "Andrew Paull and the Canadian Indian Resurgence", op. cit., p.223.
²R.G. Haycock, The Image of the Indian, (Waterloo Lutheran University, 1971), p.47. Among the provincial organizations formed after the war were the Union of Saskatchewan Indians (which later became the Federation of Saskatchewan Indians), the Indian Association of Alberta (IAA), and the Manitoba Indian Brotherhood (MIB). As Frideres notes, all of these organizations were formed in the context of inter-tribal rivalries. For example, the IAA has been hampered by the traditional enmity between the Cree and the Blackfoot, and the MIB has only managed to draw significant support from the area of the St. Regis reserve near Winnipeg. Frideres also notes the fact that Indians in eastern Canada have not built strong provincial organizations. He attributes this to the independence and aggressiveness of the Iroquois of the Six Nations Reserve. See J.S. Frideres, Canada's Indians: Contemporary Conflicts, (Prentice Hall, Scarborough, Ontario, 1974), pp.112-113.
With this new agenda, the NAIB attempted to represent Indian demands for improved social services and reserve-related benefits (such as tax exemption) to the federal government. However, the organization was plagued by at least two major problems. In the first place, it was not only predominantly Catholic (in contrast to the NBBC), but it was unquestionably a non-treaty organization. Although Paull attempted to include treaty-based organizations (such as the IAA and the Saskatchewan Indian Association), his efforts were largely in vain. 

Secondly, the NAIB's preoccupation with the loss of rights and status associated with enfranchisement proved to be a thorn in the side of the movement to unify Indians. On the one hand, Andrew Paull (and others) lobbied against enfranchisement on the grounds that "you would be merely selling your birthright for the doubtful privilege of putting a cross on a ballot every four years". On the other hand, organizations like the NBBC (which Paull had left to form the NAIB) supported enfranchisement as a means of ensuring equality before the law. Thus, the question of enfranchisement joined the formidable list of cleavages under which Indian organizations laboured. It undoubtedly symbolized the government's historical commitment to assimilation, yet Indians were divided on the question (that is, until 1960, when the federal franchise was extended to status Indians without the loss of status). As a result of these (and other) cleavages, the NAIB dissolved after 1950.

In fact, the extension of the franchise was symbolically important for

1 Patterson, "Andrew Paull and the Canadian Indian Resurgence", op. cit., pp.226-249.
2 Ibid., pp.274-275.
3 For example, Frideres notes that the NAIB and the NBBC engaged in a great deal of "under the table" conflict, which enabled the government to ignore the often contradictory requests which were submitted by the two groups to various hearings. See Frideres, op. cit., pp.111-112.
native people. Their exclusion from the right to vote in federal elections prior to 1960 had symbolized their exclusion from Canadian society and from the mainstream political process. It signified the fact that native people did not enjoy full citizenship as Canadians, and the previous terms of enfranchisement had meant that they had had to choose one identity or the other—they could not be both Indian and Canadian. Thus, the extension of the franchise was important, not because native people would have any significant electoral clout on a national scale, but because it signalled their inclusion—at least their symbolic inclusion—as full citizens of Canada. While it is difficult to assess the precise impact of this development at the practical level, there was nevertheless a discernable difference between pre- and post-1960 political activities.

Following Paull’s abortive attempt to forge national Indian unity through the NAIB, the next major attempt to do so came in 1961. Bill Wuttunee (a Saskatchewan Cree who had been trained as a lawyer), and several others founded the National Indian Council (NIC) in Regina. The NIC declared that its aims were "to promote unity among Indian people, to create a better understanding of Indian and non-Indian relationship [sic]". The NIC, whose

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1To my knowledge, there have been no studies of voting behaviour among native people. This is probably due to the size and dispersion of native communities, factors which make surveys logistically difficult and expensive. In any case, it is difficult to estimate participation rates. The main problem, however, is that because native communities tend to be small, even high participation rates would not amount to significant electoral clout, as only a few of the larger reserve populations could form voting blocs large enough to influence outcomes in particular ridings. But since native people constitute only 2.3% of the population, their impact on federal electoral outcomes (even assuming a unified "native vote") must be marginal. These factors partially explain why native organizations have not concentrated on the electoral arena, and have not relied on parliamentary representation as their best point of access to mainstream politics. However, as native organizations become more institutionalized, we may well see an increase in native participation in electoral and parliamentary politics.

2Patterson, The Canadian Indian, op. cit., p.177.
membership comprised mainly urban, middle-class, non-status Indians, nursed hopes of becoming a national organization which would represent status and non-status, treaty and non-treaty Indians. However, the organization undertook relatively few political activities, focussing instead on sponsoring cultural events to promote Pan-Indianism. But the organization was not equal to the task of overcoming the significant cleavages between Indian groups. It was later succeeded by the National Indian Brotherhood (NIB) for status Indians, and the Native Council of Canada (NCC) for non-status Indians and Metis.

Harold Cardinal heralded the creation of the NIB as a symbol of:

...the beginning of the end of the struggle by the Indians of Canada to achieve unity. Its founding marked a significant milestone, for in spite of the differences among Indians throughout the country and despite their centuries of isolation from each other, the Indians of Canada finally have succeeded in developing an organization through which they can talk with each other and through which they can negotiate from strength with the federal government.

Cardinal’s claim is perhaps rather too grand. With the formation of the NIB, "the Indians of Canada" had not achieved unity. Rather, the Prairie provincial organizations (the MIB, the FSI and the IAA) had formed a national organization for status Indians, which, however, did not encapsulate any particularly long-term or overarching political vision. Instead, as Ponting and

1For example, Ponting and Gibbins list NIC activities as including "travelling exhibitions of Indian art, Indian Princess Pageants, the planning of the Indian Pavilion at the Expo '67 World's Fair, exchange visits between Indian students in eastern and western Canada, and Indian dances and singalongs which awakened interest in Indian cultural expression". They note that political lobbying, while not entirely absent, "appears to have been subordinated to these cultural activities". See J.R. Ponting and R. Gibbins, Out of Irrelevance: A Socio-Political Introduction to Indian Affairs in Canada, (Butterworth's, Toronto, 1980), p.198.

Gibbins have noted, the NIB's objectives were proffered in very vague, general terms. The NIB would assist the provincial and territorial organizations, it would make representations to the government, it would disseminate information, and it would undertake research on Indian problems. Thus the NIB did not really develop a set of concrete end goals which might unite Indians in a community of political interests. Although its stated goal was to achieve constitutional recognition of treaty and aboriginal rights, the NIB's major focus was on internal development of the Indian community, international issues, and organization of the NIB itself.

3.3.3. The Contemporary Era - 1969 to 1989

As shown above, Indian efforts to create a community of political interests to transcend local, regional, tribal or legally distinctive interests have been largely fruitless. In fact, Indian organizations have only succeeded in reaching consensus in opposition to a number of high-profile government initiatives. The first of these was the White Paper of 1969. The second was the process of constitutional reform. However, both initiatives had significant long term effects on Indian political organizations, particularly as they forced Indians to formulate clear political goals.

The White Paper and its ramifications have been the subjects of a good deal of study and analysis, but what is of interest here is its effect on Indian political unity. Briefly, the White Paper proposed to terminate Indians' special status and to phase out the Indian Affairs Branch over five years. Indians were

1 Ponting and Gibbins, op. cit., p.199.
2 Ibid., pp.199-213. Ponting and Gibbins discuss the development of the NIB under the leaderships of Walter Dieter, George Manuel and Noel Starblanket.
therefore to join the ranks of ordinary Canadian citizens, receiving their services from provincial governments like everyone else. Using rhetoric which sounded, at first hearing, utterly laudable, the White Paper talked about "the simple reality that the separate legal status of Indians and the policies which have flowed from it have kept the Indians apart from and behind other Canadians". The White Paper suggested that: (1) the legislative and constitutional bases of discrimination be removed; (2) there be a public recognition of the unique contribution of Indian culture to Canadian life; (3) services be rendered through the same channels and government agencies for all Canadians (i.e. through provincial governments); (4) those Indians who were furthest behind be helped the most; (5) lawful obligations be recognized; and (6) control of Indian lands be transferred to the Indian people.  

Framed according to Prime Minister Trudeau's concept of "the Just Society", the policy was a product of the political climate of the time, dominated as it was by the question of how national unity could be maintained in the face of Quebec's demands for greater autonomy.

Fuelled by the civil rights movement in the United States and the anti-colonial independence movements of the Third World, in the late 1960s Canadians reacted strongly against the paternalism of the Department of Indian Affairs and the Indian Act. The latter had become "a symbol of discrimination, a piece of racist legislation [and]...a public embarrassment", although it was poorly understood by the public and by the press. Indeed, in the public mind,

\footnote{See Noel Dyck, "Representation and Leadership of a Provincial Indian Association", in Adrian Tanner, Ed., The Politics of Indianness, (Institute for Social and Economic Research, Memorial University of Newfoundland, St, John's, 1983), p. 217.}

the treaties had become a symbol of Canada’s once honourable dealings with the Indians, which, however, had been dishonoured over time:

The rhetoric of the period was largely negative toward the Act but positive toward the treaties, mainly because the more articulate Indian spokesmen came from the prairies where treaty rights, including the highly valued hunting and trapping rights, were the central issue in Indian politics. Thus, although only half of Canada’s legal status Indians had treaties with the Crown, symbolically Indian rights were seen to reside in established treaties or in those that had been promised them. Legally, the bulk of their rights derived from the Act...but this fact was not fully comprehended by the press and the public.  

That the treaties had become dominant symbols in the public mind was merely an indication that the provincial and national Indian organizations had not yet managed to create all-inclusive, overarching political goals. For non-treaty Indians, the appropriate symbols were aboriginal rights and aboriginal title, concepts which might have had content for treaty Indians also, whereas treaty issues held no significant interest for non-treaty Indians.

As Weaver points out, when the White Paper was formulated, "Indians were essentially a politically unorganized minority". Although there were provincial organizations, they had not perceived a commonality in their political interests large enough to overcome tribal rivalries and other impediments to unity. Meanwhile, the NIB had not yet been created, so that there was no national organization to co-ordinate the positions of the provincial associations. Indeed, during the consultation process prior to the release of the White Paper, band and tribal groups had presented individual briefs to the small team of departmental officials (as well as the Minister) who had been dispatched on a

1 Ibid., p.14.
2 Ibid., p.41.
country-wide tour to receive submissions. Thus, Indian organizations in general had no coherent set of proposals on amendments to the Indian Act.

However, when the White Paper was released in June 1969, the Indian response was remarkably swift, articulate and unanimous:

The new Indian policy achieved literally overnight what the consultation meetings and parliamentary enquiries of previous years had indicated to be impossible - consensus among Indian associations. In rejecting the White Paper, Indian associations discovered unity, they spoke out and were listened to.¹

Seeing the White Paper as an attempt to divest them of their treaty and aboriginal rights, and worse, as the grossest manifestation of the government’s "hidden agenda" of assimilation, a number of leaders launched scathing attacks on the policy and offered numerous counter-proposals. The most important of these included the so-called "Red Paper", entitled "Citizens Plus", which was produced by the IAA, the MIB’s "Brown Paper" ("Wahbung"), and the Union of British Columbia Indian Chiefs’ "A Declaration of Indian Rights".² Moreover, Cardinal’s book, The Unjust Society, was a stinging critique of Trudeau’s Indian policy, and the early 1970s saw the release of a number of books by Indians which are generally representative of the Indian reaction to assimilation.³ In these and other treatises:

...Cardinal and other spokesmen established a set of exclusive political

²See "Citizens Plus", (Indian Chiefs of Alberta, Edmonton, 1970); "Wahbung: Our Tomorrows", (MIB, Winnipeg, 1971); and "A Declaration of Indian Rights" (Union of British Columbia Indian Chiefs, Victoria, 1970).
³See, for example, Waubageshig, The Only Good Indian, (New Press, Toronto, 1970); Howard Adams, Prison of Grass, (General Publishing, Toronto, 1975); and James Burke, Paper Tomahawks: From Red Tape to Red Power, (Queenston Publishing House, Winnipeg, 1976). These books will be discussed in Chapter Four.
themes: Indians as victims of government mismanagement and deceit, Indians as "citizens minus" who needed and deserved to be treated as "citizens plus", and Indians as people with legitimate treaty and aboriginal rights. Their success in disseminating this set of messages to the Canadian public can be measured in part by the speed with which the government retreated from its White Paper position. Shrewd manipulation of these themes and continued propagation of the new Indian ideology as a rational approach to solving the problems of Indian people contributed directly to the other major gains realized by Indian associations in the post-White Paper period.  

Moreover, the White Paper, and Indians' well-coordinated response to it, had an enormous impact on the legitimacy of Indian organizations:

The White Paper unequivocally identified Indian associations as the representatives of the Indian people...[They] received firm, albeit miscalculated, government recognition as the legitimate spokesmen of Canada's Indians. At the same time, in forcing the withdrawal of the White Paper, Indian associations received support from Indians to an extent that previously had been unimaginable. Capitalizing on this dual support, the associations demanded and received the financial resources that had been held out as a carrot for compliance in the White Paper.

Following the great symbolic success in defeating the White Paper, the 1970s were characterized by increasing militancy on the part of Indians. The major events of the 1970s included the Supreme Court of Canada's decision on the Nishga land claim, which led Trudeau to reverse his previous policy and acknowledge the legitimacy of Indians' claims to aboriginal rights. The combined pressures of the NIB's demand for recognition of land claims, favourable public opinion, the Supreme Court's decision in Calder, and the House of Commons Standing Committee on Indian Affairs, led to a major policy reversal in 1973. The Minister of Indian Affairs, Jean Chretien, announced a new policy on comprehensive claims settlement in the non-treaty areas of Canada. This was

1 Noel Dyck, op. cit., p.221.

2 Ibid., p.222.
undoubtedly a major victory for Indian organizations, which were afforded even
greater legitimacy by the federal government’s grants of $17 million (1970-76) to
Indian and Inuit organizations to fund research into their land claims. ¹

Thus, in the 1970s Indian organizations rode the crest of a wave which
had been created by the federal government in its attempt to do away with
special status. United in their opposition to that initiative, Indian organizations
were at last able to begin the task of creating a sense among Indians that they
did share similar interests. The new political symbols and goals centred around
special economic, social and political rights, based on treaty and aboriginal title
claims. The latter claims were of interest to treaty and non-treaty Indians,
although they still had no real content for non-status Indians. Nevertheless, as
political goals they were much more inclusive than the previous narrow focus on
reserves and Indian administration.

The mid-1970s featured some important developments for Indians. First,
the Crees and Inuit of the James Bay region of Quebec had taken the Quebec
government to court over its proposed hydro-electric mega-project, and had
succeeded in forcing a land claim settlement. This was the first of the modern
treaties, and although it has fallen victim to a number of implementational
difficulties, the James Bay and Northern Quebec Agreement of 1975 symbolized a
new commitment to the settlement of land claims through negotiations. Second,
the Dene of the Northwest Territories produced a landmark declaration of
sovereignty in 1975, which claimed political autonomy for the Dene within the
framework of Canadian federalism. ² Similarly, in 1976 the Inuit proposed an

¹Weaver, op cit., pp.198-199.
²See the Dene Declaration, reprinted in Mel Watkins, Dene Nation: the Colony
Within, (University of Toronto Press, 1977), p.3.
Inuit-controlled territory north of the tree-line, which they called "Nunuvut". Finally, in 1977, the Federation of Saskatchewan Indians began to use the term "Indian government", and Sanders notes that it passed into common use among Indians nationally within a short period of time. ¹

However, once again developments in the dominant society were responsible for a new focus in Indian political activity. The late 1970s and early 1980s were dominated by the debate over patriation of the Canadian constitution, and native organizations were uniform in their demand to be included as legitimate actors in the constitutional negotiation process. While they differed in terms of the ultimate outcomes they wished to see, they were united to the extent that they all felt the terms of the new constitution would make or break them:

The constitution became the dominant political issue for Indians, Metis and Inuit in the years 1978 to 1982. They pursued a complex and expensive strategy which many politicians dismissed as naive and quixotic. They sought recognition as political actors within the Canadian state and piggybacked the campaign on a legal issue not of their making. In the effort to block or transform patriation, they sought to change their roles within Canadian federalism. ²

Constitutional reform rejuvenated concepts of Indian sovereignty. Indians had always known that they had a special constitutional status, although federal and provincial governments preferred to think of it as an anachronism which needed to be phased out. Nonetheless, Indians had argued strongly, especially after the White Paper, that federal jurisdiction had to continue in order to preserve their special status. The treaties were held as constitutional documents symbolizing that status, and they had to be enshrined in the constitution. Indeed,

²Ibid., p.301.
Ponting and Gibbins note that, rather than seeking to negotiate concessions from the federal government on sovereignty, the NIB under Noel Starblanket had begun to assert and enforce sovereignty in certain domains (such as fishing and taxation). 1 It was in this context that, "the NIB identified constitutional reform as an Indian issue, transcending treaty and non-treaty divisions within the organization". 2

After initial resistance by the various governments, the NIB, the NCC and the Inuit Committee on National Issues (ICNI) were invited to the First Ministers meeting in Ottawa in 1978 as observers. The next two years featured intensive lobbying by the aboriginal organizations, the most exotic being the trips to London, which, while expensive and in the end unsuccessful, gained much public support abroad as well as in Canada. During these years, the three national organizations managed to develop a common position on constitutional provisions which would entrench treaty and aboriginal rights, recognize self-government, and require aboriginal consent on constitutional amendments affecting their rights. However, the consensus was short-lived. The NIB ultimately rejected the notion of a common front with the NCC, and eventually was itself fractured by the unilateral actions of some of its affiliates. 3

In January 1981, negotiations between the three federal parties and the three native organizations produced the following clause:

34 (1) the aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
(2) in this Act, "aboriginal peoples of Canada" includes the Indian,

1 Ponting and Gibbins, op. cit., p.213.
2 Sanders, op. cit., p.303.
3 For example, the Indian Association of Alberta and the Union of British Columbia Indian Chiefs brought their own legal actions before the British courts, which were, however, thrown out.
Inuit and Metis peoples of Canada.

But hostile reactions from some NIB/AFN affiliates showed the lack of real consensus even within organizations. Unanimity was to prove elusive, until federal-provincial politicking resulted in the addition of the qualifying term "existing" to the rights recognized and affirmed by the constitution. The three national organizations were at last fully united - against the whole constitutional package. Only the Metis Association of Alberta supported the new wording. Sanders concludes that:

The aggressiveness of the national organizations’ stance seemed a cover for internal divisions and a lack of Indian politicization. If so, a process of political negotiation was never a real possibility, since a truly accommodative response from governments would have exposed the political weaknesses of the organizations. But almost predictably, the governments broke their promises of aboriginal involvement. The process became not reasoned negotiation, but public bargaining over symbolic provisions. In that process the aboriginal organizations could be real players. In the end, they achieved increased recognition in the new constitution without delivering any political agreement...no Indian political questions have been settled with the new constitution. ¹

However, the constitutional negotiations must be seen as a symbolic victory for native organizations. Not only had their agitation (plus the support of the New Democratic Party, womens’ groups and others) ensured that their rights (though undefined) would at least receive constitutional recognition, but it had also won them a seat in the constitutional arena. Indians enjoyed thinking of themselves as having won an equal place at the First Ministers’ table, much as their ancestors had considered themselves to be equal nations dealing directly with the British Crown. However, the most important effect of the constitutional reform process is that it rejuvenated ideas of Indian sovereignty, and led directly

¹Sanders, op. cit., p.324.
to the articulation of the goal of self-government. If the federal and provincial
governments could negotiate a redistribution of power between themselves, Indian
organizations felt that some of it could be redistributed in their direction. Indeed,
the four section 37 conferences on aboriginal matters held since 1983 have
almost exclusively featured discussions of self-government in particular and
aboriginal rights in general.

Yet although self-government has become a political symbol which can
perhaps unite Indian organizations, the s.37 conferences up to 1987 failed to
produce agreement over the meaning of aboriginal rights and self-government and
the methods by which these concepts might become operational. While the
aboriginal organizations like to blame the provinces for the lack of real progress
(and they certainly have a point), they must themselves take partial
responsibility to the extent that they have failed to reach inter-group consensus
on a number of important questions. For example, while there is unanimous
agreement that aboriginal peoples have a right to self-government, the view that
this right must be first enshrined in the constitution of Canada is by no means
uniformly held. Similarly, the various models proposed have confused and
irritated the federal and provincial governments as they are often vague and leave many
important problems unaddressed. It remains to be seen whether the symbolism of
self-government will be enough to maintain political unity over time.

3.3.4. Conclusion

This chapter has outlined some of the main vehicles of Pan-Indianism
which have been used to create a sense of community among native peoples in
Canada. The symbolic strategy of community-building has been somewhat
successful in the socio-cultural realm, as Indians have been able to build an overarching "Indian" identity, alongside the separate traditional tribal identities. In part this has meant stressing their common histories and experiences as casualties of white colonialism. This Pan-Indian consciousness has been manifested through the widespread adoption of certain material and other symbols among Indians of specific regions (like the Plains symbols) as well as in the various types of Indian gatherings throughout the country (eg. powwows, potlatches etc.).

However, in the political sphere, attempts to create a community of political interests have been less successful. This is partly because each sub-set of the Indian population has its own interests, which are largely a result of their differential statuses under Canadian laws and historical policies. In addition, there have been many obstacles to the internal political unification of Indians, obstacles which have severely tested the organizational and diplomatic skills of Indian leaders.

The discussion has shown that the early goals espoused by political organizations (such as land rights, Indian control of education, treaty rights and so forth) were pertinent only to specific sectors of the Indian population, and thus could not provide a general focus for political action which would enable all Indian groups to devise common strategies. Indeed, in the mid-1960s the Hawthorn Report declared that:

The simple absence of an exciting goal to political activity has denied Indians the possession of dynamic incentives to participation in a unified political organization which have been available to the indigenous inhabitants of the former empires in Africa and Asia.¹

Self-government is potentially such a goal. It has been universally adopted as the ultimate political aspiration for all native peoples in Canada, though there are many views of what it ought to entail. As a political symbol, it has the potential to unite the diverse Indian population behind a particular ideal. However, thus far it has not provided dynamic incentives to participation in a unified political organization, as evidenced by the constitutional negotiations, and the fact that status and non-status Indians are represented by different organizations. Furthermore, now that the constitutional momentum has subsided, it remains to be seen whether Indian organizations will be able to take a more proactive role and consolidate the considerable gains they have made (for one reason or another) at the constitutional level. This means keeping their aspirations alive in the eyes of the general public, the politicians and bureaucrats, and ultimately, the aboriginal communities.

Paradoxically, the goals which unite Indians at the symbolic level are precisely those goals which prevent national organizations from developing unified substantive positions, particularly in negotiations. The sub-sectors of this diversified population still have different, sometimes competing, interests, and even if they share the same political goals in principle, they have different approaches to their realization. It may well be that the role of national aboriginal organizations is only to lobby at the symbolic level of general principles, since self-government arrangements concluded at the local level will each have their idiosyncratic contents. In terms of creating a political agenda which encompasses all Indian peoples' aspirations, the national organizations have been effective. But given the marked differences in political interests between groups, we are perhaps asking too much if we expect Indian organizations to think and act in concert, for as
Weaver has argued:

The task of unifying Indian demands at the national level, by necessity, involves Indian leaders in creating symbolic and ideological issues (e.g. Indian government, Canadian constitutional amendments) as a way of seeking government and societal affirmation of [their] unique status in Canada. ¹

Whereas this chapter has focussed on the issues which have animated the quest for cultural and political unification of native peoples over the last eighty years or so, it has not provided detailed analysis of the development of Indian political goals at the conceptual level. Chapters 4 and 5 examine the process by which Indians have come to the political goals they hold today, by analysing the processes of symbolic reversal and symbolic competition. These symbolic strategies are really the two sides of the same coin, for they are concerned with the development of a positive Indian identity, and of an Indian opposition ideology.

¹Sally Weaver, "Political Representivity and Indigenous Minorities in Canada and Australia", in Noel Dyck, Ed., Indigenous Peoples and the Nation-State, (Institute of Social and Economic Research, Memorial University of Newfoundland, St. John's, 1985), p.126.
4. CHAPTER 4: SYMBOLIC REVERSAL

This chapter explores the strategy of symbolic reversal in the case of Indians in Canada. Symbolic reversal has meant reclaiming and redefining the ignominious identity which has been foisted upon native peoples by the dominant society. Indians in particular have devoted significant time and energy to reversing the stigmatic identity under which they have laboured, attempting to render it a positive rather than a debilitating force. This chapter examines the means by which symbolic reversal has been effected.

The discussion addresses three central questions. First, what are the sources and nature of negative stereotypes associated with Indians? Second, what are the primary means by which those stereotypes have been transmitted? Third, how have Indians responded to negative stereotypes since the 1960s?

The chapter consists of two parts. The first part defines the concept of symbolic reversal and outlines the effects of socio-cultural and political isolation on Indians' self-image, with a view to illuminating the nature of the stigmatic identity. The second part examines the various ways in which Indians have responded to their ascribed status, and attempted to gain a new self-respect from the traditions and accomplishments of their forebears. Throughout the discussion, examples of negative and positive symbols are offered, and the chapter ends with an analysis of three specific targets of symbolic reversal - the treaties, the reserves and welfare. The analysis relies primarily on the writings of Indians (though these are few in number) and where appropriate a number of secondary sources. It must be emphasized that this chapter focusses on a period of emergent radicalism among aboriginal people in Canada in the 1960s and 1970s, and that the various analyses of native/non-native relations presented here do not
necessarily represent contemporary analyses.

4.1. COMBATTING NEGATIVE STEREOTYPES

It is commonplace nowadays to point out that colonized peoples throughout the world have laboured under debilitating stigmatic identities attributed to them by their colonizers. One result of this negative stereotyping is that separatist or independence movements have been compelled to spend a great deal of time and energy trying to re-establish their self-esteem. The first step for such movements is to establish consciousness of kind, the main cohesive factor of most ethnic or minority groups. The second step is the challenge of redefining identity in contemporary terms.

Negative stereotyping of the indigenous peoples of North America resulted from a complex web of forces and processes associated with colonization. For native peoples, the process of cultural change began soon after the first Europeans set foot upon North American shores. While the fur trade restructured many aboriginal economies, missionaries brought Christianity and formal education, which tended to erode the social, moral and spiritual bases of indigenous societies. Over the years, white settlement systematically chipped away at traditional tribal territories, destroyed game and hunting grounds, and severely curtailed the original inhabitants' ability to pursue their traditional lifeways. Diseases like smallpox and tuberculosis decimated many native communities, and eventually they were all confined to reserves and administered by government agents. Their time-honoured customs, rituals, and forms of government were inhibited, sometimes outlawed, and all but destroyed. The combined effects of these forces over time inevitably resulted in the draining of moral, psychological
and physical vitality:

Unable to feed, clothe and shelter his family adequately; unable to secure any but the meanest and lowest paying jobs; unfamiliar with a strange language and unacquainted with alien customs, the Indian became discouraged and dispirited. Men and women turned to alcohol and families disintegrated. Children were...consigned to residential schools where they were far from their parents...their homes. Fathers, mothers and children became...alienated. The malaise spread from family to community. Induced by a sense of shame and incompetence, many Indian men and women rejected their language, history and culture. These unfortunates and others [who became enfranchised] sold their heritage and severed their connections with their families, friends, and homes [and] found themselves in a no-man’s land: at home, rejection; outside, non-acceptance. 

Canada's native peoples have experienced numerous barriers to integration with the dominant society. For registered Indians, one of the main barriers has been their isolation on the reserves. But native peoples as a group have been actively excluded by whites and stigmatized as "morally unworthy persons". Yet, while denied access to mainstream society, native peoples have also been denied the freedom to choose their aboriginal way of life. Conflicting forces have produced mixed results. On the one hand, native cultures have been assaulted by a number of non-native values and practices. As J.A. Price has observed, individualism, the work ethic and wage employment militate against "the co-operative, communalistic pooling of socio-economic arrangements [characteristic] of tribal kinship economies". Modern universal state laws regulating compulsory

1Basil Johnston, "Bread Before Books or Books Before Bread", in Waubageshig, Ed., The Only Good Indian, (New Press, Toronto, 1970), pp.131-132. Of course, statements such as this must be understood in the context of the emergent radicalism I referred to above, and Johnston would not necessarily offer this kind of analysis today.


schooling, polygyny, marriage and so on have disrupted traditional cultural patterns, while formal denominational education has tended to displace native religious values and to destroy aboriginal languages. In the end, "the customs that survive are usually those innocuous ones that escape the conforming crush of law, such as religious practices, music and tastes in food...[which] become the hallmarks of ethnic difference, remnants of once truly different cultures". ¹

On the other hand, paradoxically, physical and social isolation have actually tended to support cultural continuity. Material aspects of native cultures have been more susceptible to visible change than have social and ideological dimensions, so that a sense of identity has persisted despite the numerous forces against it. In fact, "white society's contempt toward Indian culture has probably helped to preserve it by giving the Indian no option of being Indian or not being Indian - he could not escape his Indianness". ²

Yet until the 1960s, the sense of identity which persisted was generally not a positive one. While a minority of whites at various times have viewed natives as romantic, primitive, honourable yet hapless victims of the white man's greed, the overall image has eschewed the "noble savage" theme in favour of a more cynical view:

Historically, the white man has viewed the Indian as lazy, cruel, rude and dirty, and himself as industrious, humane, wise and civilized and thereby possessing an obvious right to rule over the "barbarians". It was almost in the nature of a "Christian" duty that he took upon himself the administration of the Indian's affairs. Thus, from first contact, white racism has sought to justify second class citizenship for Indians by stereotyping them as inferior. Since the arrival of the first settlers, the Indian stereotype has changed only from one negative representation to another; from that of the crafty, brutal savage to

¹Ibid.
that of the dirty, lazy bum - never a fit people for acceptance by white society. ¹

Indeed, the nineteenth century historian, Francis Parkman, referred to Indians as "tenants of the wilderness". As hunters, he claimed, they lacked the persistence, reason and foresight of settled peoples. Indians were mentally lethargic; they had highly developed sensory perceptions, but they were like animals; they were virtually insensitive to pain; they had limited powers of reason and analysis; they were recklessly generous but morbidly suspicious; they were haughty, yet willing to beg; they were self-restrained but given to rage; they were loving but capable of revolting cruelties; like badly-disciplined children, they were lying, treacherous, deceitful, capricious, jealous, refractory and violent; fixed and rigid in their attachment to custom, their minds were closed to change. Indian women were "dusky mistresses" or "shrivelled hags" who produced "mongrel offspring" with white traders. Natives lived in "swarms". ²

Not surprisingly, as Indians lost their lands and their traditional economies, they became increasingly dependent on white institutions and financial aid, and increasingly peripheral to white society. Over time, as whites lost direct contact with Indians (which some had had through the fur trade, for example) prejudices became more rigid and more vocalized. The justification for bad treatment of the Indians was effected through the dehumanization of the victims. If Indians were seen as innately sub-human and degenerate, it followed that they merited their inferior status and conditions.

While many whites have come to recognize the white society's

¹Ibid., p.130.
responsibility for many of the conditions facing Indians, negative stereotypes have been remarkably persistent. Today’s stereotypes are largely drawn from images of Skid Row. There is an assumption that most (if not all) native people are alcoholics who spurn the opportunities extended to them in favour of welfare. Indians are still regarded as intellectually sluggish, work-shy, generally untrustworthy and prone to violence. Lacking an appreciation of Western concepts of time and commitment to formal schedules, they are widely regarded as unsuitable for wage employment. According to modern stereotypes, native children are unkempt, educationally retarded, often abused, and malnourished (as a result of their parents’ propensity to dispose of their welfare unwisely). Indians’ lack of attachment to material goods and monetary wealth is usually regarded as a character deficiency. The list of putative failings is almost endless. 

However, the most sinister effects of stigmatic identity throughout the colonized world concern the internalization of negative stereotypes by the colonized:

Because they are unable to resist [white supremacist images], they become conditioned to accept inferiority as a natural way of life. They soon recognize that all the positions of authority - such as teacher, priest, judge, Indian agent - are held by whites. These people make all the rules and decisions that determine the fate of Metis and Indian people. An aggressive and sophisticated white supremacist society intimidates colonized people, it makes them self-conscious and withdrawn...Consequently, the children internalize inferior images as a part of their true selves, often with strong feelings of shame. This partly explains why many native people attempt to hide from their Indianness.

1Stereotypes, by definition, are based upon inductive logic, extrapolating general characteristics from a limited number of cases. That native stereotypes tend to be inaccurate in all but a small percentage of cases seems to have little bearing upon the conviction with which negative images are held.
As beliefs about native inferiority are reflected in every white institution with which native people come into contact, and as they tend to be reflected in Indians' personal interactions with individual whites, not surprisingly, many Indians have lacked self-confidence. Negative stereotypes have a self-fulfilling quality, so that all too often Indians seem to become the kind of individuals they are believed to be - "Tell a person long enough and often enough that he is inferior, and likely he will eventually accept the false image you thrust upon him".  

4.1.1. Reclaiming the Stereotypes

In spite of all the forces described above, negative stereotypes were not wholly successful in eliminating native cultural identities. The post-war period, it has been noted, was characterized by a resurgence of ethnic pride in many areas of the world, crystallizing in many cases, in the demand for political independence. Undoubtedly, Canadian Indian leaders like Harold Cardinal were deeply influenced by these trends:

Oppressed peoples' awareness grows more quickly in the times in which we live...[With television] we can and we have watched black riots in the United States, and we can and we have pondered their lessons. Today's communications systems bring us...an awareness of the struggles other peoples in other lands face, some worse than ours, some not as hopeless. Our people have seen the methods used by other groups in similar situations, and we have measured their successes - and failures. We are learning from others about the forces that can be assembled in a democratic society to protect oppressed minorities. These things...are our classrooms now and our textbooks. And we are learning our lessons well.

In addition, in the post-war period Canadian society (like other western

2Ibid., p.108.
societies) became much more sensitive to the ideals of human rights and social justice. This meant that Canadians in general were more willing to re-evaluate the past and to take responsibility for the socially disadvantaged. This factor also had a large impact on Indian regeneration. Whereas Indians had been discontented with their position in Canadian society for many years, that discontent could probably not have been expressed in the form of a political movement in the absence of "a supportive ethos" within the society as a whole.¹ As the 1950s came to a close, the Bill of Rights (coinciding with the extension of the federal franchise to Indians) represented an explicit commitment to the protection of human rights, and was part of a growing body of evidence that a supportive ethos did indeed exist.

The latter developments were accompanied by a range of political symbols which came to animate political discourse in western societies. The freshly-discovered values of equality, liberty and social responsibility enabled Indians to tap into a symbolic reservoir which spoke to Canadians' sense of what their society was about. It accordingly gave Indians licence to claim the rights and privileges of citizenship which accompanied these highly emotive principles:

By giving assent and support to the humanistic liberal values of the Enlightenment, the dominant classes of Canadian society gave implicit encouragement and ideological justification to political initiatives by Canadian Indians, aimed at correcting existing injustices. The presumed undeniable right of every person to equality, fraternity and liberty, and the adjudged immorality of a society that doesn't live by these principles, constitutes a clear invitation to those, in this case Indians, who are barred from equal opportunity to seek for [sic] alternative economical, political and social arrangements. ²

¹Boldt, op. cit., p.35.
²Ibid., p.36.
By the mid-1960s, Indian resistance to the marginal social and political status ascribed by the dominant society appeared to be in full swing. A number of Indian leaders recognized the importance of attacking the symbols of their negative status. For example, Chief Nadjiwon (President of the Union of Ontario Indians) declared that: "We have always had a special status. No other people live in outdoor zoos. Before, it was a negative special status, and what we want now is to make it positive". Moreover, Harold Cardinal, one of the chief architects of the Indian resurgence, realized that what was needed was complete reconstruction of native institutions:

Before we can take our place in a larger society, we must regain our own confidence and self-respect. To do this we must be allowed to rebuild our own social institutions, torn down by their white counterparts. We must rebuild our structures of social and political leadership, demoralized and undermined for a hundred years by the Department of Indian Affairs; we must restore our family unit, shaken and shattered by the residential school system; we must rebuild communications between the younger and older generations of our people. We must recognize that the negative images of Indianness are false; the Canadian government must recognize that assimilation... will never work. Both Indian and non-Indian must realize that there is a valid, lasting Indian identity. (emphasis added)

While the dilution of many aspects of Indian cultures has been well-documented, Cardinal was right in asserting that there was a valid, lasting Indian identity. Indian people in Canada are not like other ethnic minorities which wish to assimilate or integrate with white Canadian society. They were not migrants who chose to move to another society and leave their own cultures behind. Yet in spite of overwhelming pressures to do so, they have not wholly lost identification with the past, although acculturation has meant that many

1Quoted in The Globe and Mail, June 5th, 1969.
2Cardinal, op. cit., p.25.
have lost intensive identification with their tribal heritages. Thus, the job of the emerging native leadership from the 1960s onwards was to re-establish symbolic connections with the aboriginal past which would stress the positive accomplishments of their forebears, and so begin the process of reversing negative stereotypes. These leaders would rewrite native history (which had been written by non-natives with their own ethnocentric biases) in order "to provide a past consistent with contemporary aspirations to greatness".  

4.1.2. Resurrecting the Aboriginal Past

Throughout the 1960s, Indian leaders challenged the images presented in white history books. However, they encountered a major problem. The cultural, linguistic, economic and social diversity of the band and tribal groupings across the country did not yield a common history or a common founding mythology. Apart from being the original inhabitants of the territory now called Canada, the only thing Indians really had in common was their post-contact experiences with the colonizers:

All Indian tribes in Canada share a common history of exploitation and subordination under white colonialism. It is for this reason an effective, unifying symbol for a society marked by cultural and linguistic diversity...By emphasizing the shared historical experience of exploitation...and by affirming the positive common elements in a pan-Indian culture, in effect developing a mythology around "Indianness", Indian nationalists are actively seeking to develop a sense of national community and to motivate all Canadian Indians to establish contact with their heritage.  

Thus, asserting the dignity and validity of their collective pasts, Indian leaders censured the white invaders' behaviours and policies. They questioned the

1Boldt, op. cit., p.34.
2Boldt, op. cit., pp.33-34.
values of a society which was supposedly founded upon principles of justice and equality, yet which failed to apply these principles to Canada’s original inhabitants. Throughout the 1960s and 1970s, Indians from various parts of the country met at conferences and seminars which provided opportunities for sharing knowledge and experiences and for creating common analyses of Indian history. In his study of urban native voluntary associations, Dosman stressed the importance of formal and informal meetings in the process of cultural renewal and myth-making:

Verbal catharsis may well be the first step in the political regeneration of many Indian people. The violent denunciation of Indian Affairs, and a merciless and cruel indictment of white society, pricked the bubble that held the native people numb and repressed... The miserable history of the Conquest was recounted with crude righteousness...With the psychological breakthrough, myths could be verbalized. The historical legends about a happier past, free from sickness and violence, full of cultural achievement, prior to the coming of the whites, could be given expression. The historical validity... is irrelevant. The function of "myth-making" was to bolster the confidence necessary to act. ¹

The mythology of the idyllic aboriginal past was a major feature of the process of the symbolic rewriting of native history. ² Symbolic reversal meant taking on the myths whites had created about the pre-contact period, and reinterpreting practices previously held as inferior. Given the bleak picture confronting native people in the present, it is perhaps not surprising that they should look to the past for inspiration, and there "find vigour, strength and

²Again, I must point out that I am not using the term "mythology" to denote a fictional contrivance, but rather as a narrative emphasizing selective features of a prior reality.
respect in the accomplishments of their forefathers". Thus, Indian leaders launched a counter-attack against the criticisms levelled at their ancestors' way of life and attempted to reclaim their traditional values.

George Manuel, head of the NIB in the 1970s, was one of the leaders of the counter-attack. In his book, *The Fourth World: An Indian Reality* (co-written by Michael Posluns), Manuel refuted a number of stereotypical images. For example, the charge that aboriginal societies were technologically primitive was refuted on the grounds that while Europeans were highly skilled at making steel products such as knives, axes, etc., these technologies had not managed to produce food in abundance as had the aboriginal societies with their inferior technologies. Manuel and Posluns also note that at the time of Columbus, the average European was five feet tall, and that due to inadequate diet, one out of ten Europeans was hunchbacked, crippled, lame, deaf, blind or retarded. Meanwhile, North American Indians were cultivating six hundred different types of corn, all kinds of beans, potatoes, peanuts and a host of other foodstuffs. Indian societies had mastered the techniques of animal husbandry, and had developed sophisticated pharmaceutical skills through the use of medicinal herbs. Goods were equally distributed, so that poverty based on class or other attributed statuses was unknown. Indians thus lived in harmony with their environment and with each other:

...we had evolved a society where the order that existed was organic rather than mechanical. Take, for instance, the economy on this continent at the arrival of Columbus. It seems that the whole of North America and South America had total unemployment at that

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1 Johnstone, op. cit., p.133.
time. We didn’t have “jobs”, we lived a way of life that sustained us... We knew how to live off the land without destroying it. We also knew how to survive spiritually, in harmony with our fellow men and the land and the forests and the waters that surrounded us.  

Moreover, Indians have frequently pointed out that early European explorers and settlements could not have survived without the good will and assistance of the East Coast Indian nations. It is said that East Coast Indians actually saved the lives of many a ship’s crew by administering a cedar bark concoction to cure scurvy. Similarly, Indians’ expertise in fishing, hunting and trapping not only saved explorers’ lives, but was the cornerstone of the lucrative fur trade for at least two hundred years.

Along with increased pride in native historical accomplishments, another potent example of symbolic reversal has been the revitalization of native heroes. Indian leaders who had hitherto appeared in white history books or films as uncivilized barbarians were interpreted in a new light, and viewed as the forerunners of native resistance. The great American Indian leaders immortalized by Hollywood, such as Crazy Horse, Sitting Bull, Geronimo, Cochise, and Chief Joseph, as well as Canadian native leaders like Louis Riel, came to be seen as revolutionary freedom-fighters who struggled against impossible odds to protect their people from the onslaught of white civilization.

The values of the aboriginal way of life were resurrected in order to combat the white representation of native societies as savage, uncivilized and disorganized. The new interpretation presented a view of aboriginal societies which stressed the values of equality, personal autonomy, non-hierarchical organization,

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1 Wilfred Pelletier, "For Every North American Indian that Begins to Disappear I Also Begin to Disappear", in J.S. Frideres, Ed., Canada’s Indians: Contemporary Conflicts, Prentice-Hall, Scarborough, Ontario, 1974), p.102.
non-violent means of maintaining social order, institutionalized sharing, and democracy based on consensual decision-making:

Before the Europeans arrived, Indian society was governed without police, without kings and governors, without judges and without a ruling class. Disputes were settled by the [clan or tribal] council, among the people concerned. Indian government was neither extensive nor complicated, and positions were created only to ensure effective administration for a given period of time. There were no poor and needy...and likewise no wealthy and privileged....sharing was a natural characteristic of their way of life. Each member recognized his or her responsibility for contributing to the tribe's welfare when required, and individual profit-making was unknown. Everyone was equal in rights and benefits.  

In fact, however, these features were not characteristic of all Indian tribes. As mentioned above, the B.C. coastal tribes had developed highly-stratified, complex societies which were based on hierarchical structures of political and economic power. Some tribes (like the Haida) were even known to keep slaves, so that this assertion of equal rights and benefits enjoyed by all is questionable. Indeed, assertions such as this are good examples of the selective construction of the past. They extract some features of some pre-contact Indian societies and extrapolate from there that they are common to all Indian societies. These features then become highly cherished principles of "traditional Indian society", and any other features which do not conform to those principles are screened out. It is a process of bricolage, the construction of the composite ideal-type pre-contact Indian society.

The process of symbolic reversal has meant taking on other criticisms of Indian societies, identifying and defusing white images. Regarding the charge that Indians were fierce savages whose primary occupation was war, it has been

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1Howard Adams, op. cit., p.18.
argued that war only became a preoccupation in the United States, after the arrival of the Europeans, who either used Indians in their imperial struggles, or who conducted wars against the Indians themselves. Manuel for example, contends that:

The Prairie people, against whom the longest and cruellest wars were fought, and who have become the imaginary stereotype for the white myth of the Indian, rarely made the concerted effort that is an essential ingredient for warfare. The peoples of the northwest coast had produced the most highly sophisticated of Indian cultures. Because of the very complexity of their economic resources, they had created highly elaborate ceremonies and rituals that substituted giving for killing. When the charge of being too "war-like" could not be applied to these people, they were condemned for the fact that they had succeeded in institutionalizing warfare, through the Potlatch, and reducing violence. They were now guilty of being both too warlike and insufficiently violent. ¹

Indians have also claimed that the federal system of government enshrined in the American Constitution was to some extent inspired by the Iroquois Six Nations Confederacy. ² Again, the historical veracity of the assertion is irrelevant in the construction of a mythology. The Iroquois undoubtedly had a form of inter-tribal government which could be described as federal in nature, and the latter did pre-date the American constitution. However, whether the American Founding Fathers were aware of it is quite another matter. The point of the exercise from the Indian point of view was not only to refute the charge that Indian societies were unorganized, but to claim a superior organization which white society emulated. The implication is that Indians had as much to contribute to non-Indians as the latter had contributed to them. The claim is all

¹ Manuel and Posluns, op. cit., p.58.
² See, for example, David Ahenakew, "Aboriginal Title and Aboriginal Rights", in M. Boldt and J.A. Long, The Quest for Justice, (University of Toronto Press, 1985), pp.28-29.
the more powerful as it plays on the founding mythology of white North American society itself.

In the process of symbolic reversal then, the values of Indian societies were contrasted with those of the colonizers. Indian leaders like Manuel and Cardinal created a founding mythology which strengthened pre-contact traditions and endowed them with greater value and prestige. However, the fact that they had not survived was due to the clash of cultural values. Thus, "concepts of honour, tradition, law, and order", Manuel claimed, "could not prevail against the more purely economic motives of an acquisitive society religiously committed to possessive individualism". ¹ This characterization of white North American society is all the more striking in its use of contemporary terminology ("acquisitive society", "possessive individualism"). These terms only came into use in the 1950s and 1960s, and were used largely by non-Indian intellectuals in their critique of industrialized societies. Thus, members of the Indian intelligentsia were able to piggy-back on concerns whites were beginning to have about the nature of modern society. They used the symbols of the industrial age to claim the superiority of their indigenous value systems.

Symbolic reversal has not been limited to the accomplishments of North American Indians in the pre-contact period. Numerous developments have led to a partial reversal of negative images, particularly in the realm of arts and culture. The increasing international recognition of the beauty and sophistication of Indian and Inuit arts and crafts has brought fame (though modest fortunes) to a number of native artists, as well as a fresh appreciation of native cultural achievements. During the last twenty years, a number of literary works has

¹Manuel and Posluns, op. cit., p.18.
been published in English and native languages, some of which have won international recognition. Ancient songs, dances and dramas have been revised, and are regularly presented on television and radio, as well as at national theatres and various arts festivals. These developments have contributed significantly to improving the public image of native peoples.

4.1.3. Reclaiming Education

However, the strategy of symbolic reversal is more a response to negative self-images than it is a response to negative public images. Indian leaders have been especially concerned with reversing the contemporary symbols of stigmatic identity which have disempowered many native people on the psychological plane. The symbols associated with formal education are particularly important. Education is seen, not only as the primary vehicle of acculturation to non-native norms, but also as the most effective means of instilling negative self-images:

Basically, the system aims to make an Indian a little brown white man. There is a unilateral concept of "integration"; the Indian leaves his community, loses his culture and language and "white man's" values are imposed on him. The total element within the education system is based on non-Indian values and total disrespect for the Indian. So a student is made to feel ashamed of his Indianness. ¹

Marlene Castellano, a Mohawk Indian, makes the point that Indian children are subject to persistent assaults on their self-esteem. The educational system, she argues, "holds out dubious rewards on the condition that they give up their birthright of being Indian". It is not just the distorted view of Indian/Canadian that handicaps Indian children, but "the fact that the verbal

¹Andrew Nicholas, "New Brunswick Indians- Conservative Militants", in Waubageshig, op. cit., p.46.
symbols and theoretical constructions which the Indian child is asked to
manipulate bear little or no relation to the social environment with which he is
most familiar”. ¹ A good example of this is provided by Wilfred Pelletier, who
recounts the clash of values and ways of thinking during his stay at residential
school:

One of the difficult things I had to cope with at school was
something called "time". The teacher would talk about wasting "time".
I didn’t know what that meant, and I didn’t know how you could
waste "time". And then she would say you could make it up. She’d
read us a story and then she’d say we’ve lost all that "time", so
now we have to hurry and make it up...there were all kinds of
things about time that bewildered me...In our community we ate when
we were hungry and slept when we felt tired. We did not do things
on any kind of schedule, yet...the things that were necessary always
got done. ²

Indeed, in the mid-1960s, the Hawthorn Report had concurred with many
of the sentiments expressed by Indians. The Report summarized its findings on
education as follows:

The atmosphere of the school, the routines, the rewards, and the
expectations provide a critically different experience for the Indian child
than for the non-Indian. Discontinuity of socialization, repeated failure,
discrimination and lack of significance of the educational process in the
life of the Indian child result in diminishing motivation, increased
negativism. ³

In the wake of the White Paper’s proposal to terminate special Indian
status and to phase out the Department of Indian Affairs and Northern
Development, leaders like Cardinal argued that "for the Indian child education

¹Marlene Castellano, "Vocation or Identity: the Dilemma of Indian Youth", in
Waubageshig, op. cit, p.53.
²Pelletier, op. cit., p.104.
³H.B. Hawthorn et. al., A Survey of the Contemporary Indians of Canada:
Economic, Political, Educational Needs and Policies, (Queen’s Printer, Ottawa,
1966), p.130.
must help in the discovery of a positive self-image and must arm him with the
skills that will help him survive in man's new wilderness - modern society". ¹
Thus education became a pivotal political issue for Indian organizations in
resisting the assimilationist policies of the government. As early as 1963, the
Union of Ontario Indians and the Indian Eskimo Association had begun to press
for legislation to improve the Indian image in school books. But in the 1970s,
organizations made more radical and explicit demands for a curriculum which
would include native history, native skills, native lore and native rights. In 1972,
the National Indian Brotherhood produced a landmark policy statement entitled
"Indian Control of Indian Education", which demanded that Indians determine the
languages of instruction, have the power to hire and fire teachers, and be
empowered to arrange the school year to accommodate the social and economic
life of each community. ² Thus, Indians began to see control of educational
institutions as a key to the cultural and spiritual rejuvenation of their
communities. Deirdre Jordan has made an insightful observation on this theme in
her study of native education in Canada, Norway and Australia:

> The real problem of the indigenous people is one of reconstructing an
> ethnic identity. They cannot return to the past, but they must
> establish whether there are aspects of the lifestyle from the past that
> can still be credibly integrated into their contemporary "theorizing"
> about identity in order to give coherence to the group. The schools
> have been seen to destroy identity; in contemporary society, indigenous
> people see educational institutions as the sites for constructing or
> reconstructing their identity. Thus, indigenous peoples' claims to control
> education are claims to control the construction of their identity. ³

¹Cardinal, op. cit., p.60.
²N.I.B., "Indian Control of Indian Education: Policy Paper Presented to the
Minister of Indian Affairs and Northern Development", (Ottawa, 1973), passim.
³Deirdre F. Jordan, "Education and the Reclaiming of Identity: Rights and
Claims of Canadian Indians, Norwegian Sami, and Australian Aborigines", in J.R.
Jordan further notes that as a result of the government's acceptance of the NIB proposal, Indian bands across the country have become much more involved in the content and administration of Indian education. Although there were Indian school committees before the 1970s, they tended to have an advisory role rather than a strong voice in the shape of Indian education. But following the NIB proposal, by 1980 450 out of 573 bands were administering all or part of their programs, and there were 137 band-operated, on-reserve schools. Moreover, there were three full-fledged Indian and Inuit school boards - the Nisga'a school board in British Columbia, and the Cree and Kativik school boards in Northern Quebec. ¹ In addition, a number of off-reserve schools have been set up (usually called "Cultural Survival Schools") in a number of urban centres. These schools normally cater to Indian students who have dropped out of the regular school system. ²

Indian control of Indian education has thus become a cornerstone of Indian aspirations to self-government. Every proposal for socio-political autonomy presented to the federal government in recent years has featured specific provisions for education, and the subject warranted a special chapter in the Penner Committee's Report of 1983. Indian control of Indian education will continue to be a pivotal force in the on-going process of revitalizing a positive Indian identity.

¹Ibid., p.270.
²Ibid., p.273.
4.1.4. Three Targets of Symbolic Reversal

Along with the assertion of a positive self-image through the educational process and through the creation of an ideal-type model of pre-contact Indian society, the strategy of symbolic reversal has involved inverting specific contemporary symbols of the unequal status of Indians. Three symbols of particular importance have been the treaties, the reserve system and welfare. The process of symbolic inversion of each of these items is discussed below.

4.1.4.1. The Treaties

Successive governments have viewed the eleven numbered treaties (and a few named ones, all signed between 1850 and 1929) as deeds of sale which signalled the extinguishment of aboriginal title and aboriginal rights. All lands (whether ceded by treaty or not) were regarded as Crown lands, and Indians were allowed to live on some of those lands (on reserves set aside for their use) by the grace of the Crown. Thus, as far as government officials were concerned, the treaties ceded Indian ownership of the lands and extinguished any subsequent claims. The promises made by the Crown negotiators in the treaty-making process were of an incidental or token nature. Moreover, the treaties were seen "as a means of providing transitional protection of an indigenous people who were faced with eventual assimilation or extinction". ¹

In contrast, according to Cardinal and others, the treaties were "the beginning of a contractual relationship whereby the representatives of the queen would have lasting responsibilities to the Indian people in return for valuable

¹Ponting, op. cit., p.31. Also, see p.20 of this book for a map of treaty areas.
lands that were ceded to them". ¹ In other words, the treaties were bilateral agreements by which Indians consented to allow white settlement on their lands as long as they retained the rights to hunt, fish and trap on the lands, and in exchange for certain monetary and other considerations from the government. ²

During the 1960s, Indian leaders began to reframe the treaties, claiming that far from being deeds of sale, they had actually been understood by the Indians who signed them to be pacts of peace and friendship, and had not involved the surrender of aboriginal title or aboriginal rights. Renewed interest in the treaties led to interviews with elders who had actually been present at the treaty-making process. Through their testimony, Cardinal claims:

...we discovered a position not previously understood either by our own people or by the government people. We did not, by treaty, surrender our sovereignty; we did not, by treaty, surrender our water, our timber, our mineral resources; we did not surrender our way of life. The only thing that we agreed to do was to live in peace with the white man, and to share with him the available land so that he could come into this country and bring his livestock, and support his families. ³

Leaders like Cardinal began to reject the legalistic and literal interpretations of the treaties, on the grounds that when they were negotiated, most Indian peoples either did not speak English, or were overwhelmed by the elaborate English spoken by the Crown's representatives. Allegations of trickery and bad faith on the part of the Crown negotiators were made, particularly when it was discovered that the Commissioners' oral assurances to the Indians

¹Cardinal, op. cit., p.29.
²For example, the treaties variously provided for twine, nets, cloth, traps, blankets, livestock, seed, agricultural implements, per capita payments etc.
did not appear in the printed documents. In addition, even if they had been correctly recorded, the Indians simply had no understanding of the intricate legalities of the written documents. Rather, their entire understanding of the treaties was framed in terms of symbolism:

"...as long as the Sun shines, the Grass grows, and the Rivers flow". These words have a symbolic meaning to Indian people, because the water, the grass, and the sun are all basic elements of life. In the Indian religion they have a special role to play in human life. In naming these elements, our people were saying that they would not give up any elements basic to their religious practices. Our people were calling upon the sun, the water and the grass as witnesses to the fact that they were not surrendering, by those treaties, either their sovereignty or their relationship with the Great Spirit. The Indian looks at the treaty and sees that as long as the sun goes on shining, the water running, and the grass growing, the relationship will keep its validity. The white man looks at the treaty and sees that the five dollar payments are to go on forever.

A further argument advanced was that since Indians in aboriginal times had no concept equivalent to that of fee simple ownership, the Indians who signed the treaties could not have meant to transfer ownership of the lands through the treaties. Furthermore, although the treaties themselves make no mention of religion, Cardinal and others claimed that religion was a major concern for the Indians in the treaty-making process:

If we are told that we gave up all the timber by the treaties, we say that cannot be accurate, because if we had given up the forests, we would have sacrificed a material basic to our religious practices... Our elders would never have agreed to give away the forests...As far as our elders were concerned, the treaty-making process was three things. First, it was a reaffirmation of the religious aspect of their nationhood. Second, it was a reaffirmation of their belief that they would have to accommodate the white man's presence. Finally, it was a formal attempt by them to establish the relationship ...in which

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1 See Cardinal, The Unjust Society, op. cit., p.41.
both parties would share not only the wealth and resources of the country, but also the responsibility for utilizing those resources for the benefit of future generations. 

While it is sometimes difficult to follow the logic of these arguments, and while one may doubt the veracity of some of Cardinal's assertions, the arguments are illustrative of a kind of symbolic reversal, wherein the treaties themselves, as well as the circumstances in which they were negotiated, are reinterpreted in such a way as to reverse government claims of what they really signified.

Yet some of the arguments presented in recent years do carry common-sensical force. For example, David Courchene, head of the Manitoba Indian Brotherhood for many years, pointed out that the Indian of a hundred years ago had little conception of what kind of development would take place. The country was large, and the number of white immigrants small. To believe that whites would completely dominate a country as large as Canada "was beyond the realm of understanding of those who for centuries had freely roamed this massive land". 

Thus, it was in this context that the Indians could accept promises by the Crown that if they would live in peace, they would be allowed to pursue their traditional way of life on the considerable stretches of Crown land which were then unoccupied by white settlements.

In addition to reversing the interpretation of the Indians' intentions during the treaty-making process, Indian leaders were careful to reinterpret the promises

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1Ibid., p.149.
2David Courchene, "Problems and Possible Solutions", in D.B. Sealey, Ed., Indians Without Tipis, (William Clare Ltd., Winnipeg, 1973), p.177. Indeed, it was almost as difficult for whites to conceive of the kind of development which was to ensue over the next century, although they may have been more attuned to its direction.
made to the Indians through the treaties. Anxious to discredit literal interpretations, some argued that the treaties should be renegotiated to take account of modern needs and conditions. In fact, if interpreted in the light of modern-day needs and the Indians' alleged understanding of them at signing, many of the general provisions of the treaties could involve a significant increase in the provision of free government services in a number of areas. For example, Waubageshig argued that provisions in some of the treaties for teachers, machinery, and livestock symbolized the government's commitment to education and economic development.¹ Further, in response to the implication of the White Paper that responsibility for the provision of services to Indians would be transferred to the provinces, he argued that the federal government was bound by section 91(24) of the B.N.A. Act (1867). In exchange for lands ceded, the treaties ensured the following:

1. the right to have reserves set aside for the sole use and benefit of Indians forever, as well as assistance in the social, economic and cultural development of the reserves;
2. the provision of full medical services on or off reserve at federal expense;²
3. the provision of education of all types and levels to all Indians at the expense of the federal government;
4. the right to hunt, fish, and trap free of government interference and regulation, and subject only to the proviso that it should not

¹Waubageshig, op. cit., p.13.
²For example, Treaty Six (1876) provides that "a medicine chest shall be kept at the house of each Indian agent for the use and benefit of the Indians at the direction of such agent". In 1935, this clause was interpreted by the Exchequer Court of Britain (Draper v. the King) to mean that all drugs or medical supplies required by Indians should be supplied to them free of charge. See R. St. John Macdonald, Native Rights in Canada, (Indian Eskimo Association, Toronto, 1970), p.177.
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interfere with the enjoyment of private property.¹

In essence, the treaties became symbols of Indian sovereignty and
nationhood. The fact that the colonial power sought these bilateral agreements
came to be seen as an acknowledgement that the Indian nations were and
should be regarded as sovereign powers. Indeed, this view was endorsed by the
Coolican Report of 1985, which stated that through the treaties, the government
had "formally recognized the existence of Indian social and political communities
and their interest in the land. It [had] also implicitly recognized the social,
economic and political rights of the Indian peoples". ² Thus the treaties, which
for years had been regarded as the means by which the white colonizers had
usurped Indian lands and government, became symbolic affirmations of the
independent sovereign status of the Indian nations. They represented "an Indian
Magna Carta", ³ and Indians' treaty rights represented "a sacred and honourable
agreement between ourselves and the Canadian government that cannot be
unilaterally abrogated by the government". ⁴ Thus Cardinal concludes:

In spite of their admissions and omissions, the treaties are doubly
significant and important because they represent or imply principles
that are intrinsically part of the concept of justice and respect for
other men's property. They have a symbolic importance to Indians
that cannot be ignored. ⁵

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¹Waubageshig, op. cit., p.11.
²Living Treaties, Lasting Agreements: Report of the Task Force to Review
³Cardinal, The Unjust Society, op. cit., p.28.
⁴Ibid., p.30.
⁵Ibid., p.34.
4.1.4.2. Reserves

Like the treaties, the reserves were held by successive governments to be transitional arrangements for the protection of Indians in the short-term. They were also one of the essential means by which Indians could be assimilated. The reserves had originally been conceived as agricultural communities, wherein Indians could learn to appreciate the benefits of settlement and relinquish their nomadic habits. Moreover, "settlement allowed other instruments of assimilation such as churches, schools and limited local government to be brought into effect more readily". In short, the reserves were effective instruments of social control, as the type, level and pace of their development could be shaped by the government through its agents.

In the 1970s, Indians worked actively to reverse this view of the purpose and functions of the reserves. While their many shortcomings were acknowledged (and they were even referred to as "ghettos"), the reserves were recognized as the spiritual homes of the Indians, their last refuge from an unwelcoming white world. Though many Indians had left the reserves, most returned, either periodically or for good, as they were normally rejected by the white society. Thus the reserves, in their splendid isolation, were increasingly held as a bulwark against assimilation, even though they had been intended to promote it. They became the centres of cultural rejuvenation and spiritual nourishment:

Reviled by racists, misunderstood by well-meaning social workers, or rejected by insensitive employers, Indians still possessed one spiritual anchor that kept them from drifting in a sea of anomie - the land. Like a magnet, the reserves drew them back to their heritage, their value system - everything that militated against the success of the

1Ponting, op. cit., p.28.
federal government's integrationist aims.¹

So, once seen as a form of open-air prison, the idea of the reserve underwent a process of symbolic reversal so that it became essential to Indian cultural survival and renewal. The reserves were to be protected, both as physical entities and as symbols of Indians' special status and their original ownership of the land. Instead of being pressured to join mainstream society, Indians argued that they should be encouraged to live on reserves and to develop their communities. Reserve lands, while held in trust, were not owned by the Crown. They belonged to the Indians and were to be held forever in trust so that they could never be sold, mortgaged or taxed. ² The concept of the reserve has thus been reinterpreted. It has become crucial to the affirmation and rejuvenation of Indian identity. The reserve is now the symbol of the boundary (both physical and psychological) between Indians and the encompassing society. It signifies separateness and independence, and is to be the basis of new self-governing communities.

4.1.4.3. Welfare

Welfare dependency among native people has long been a source of consternation within the non-native population in general. It is a powerful symbol of native inferiority. According to the stereotype, Indians are scroungers, and are too lazy or too drunk to earn a living for themselves. They prefer to live off the generosity of the tax-paying non-Indian public. Little attention is paid to the causes of welfare dependency among Indians. Rather, "government handouts" are

regarded as the subsidy of choice. According to this view, Indians are responsible for their poverty - they choose it. They are a drain on society, and exist at the tax-payer's pleasure. While welfare dependency carries a certain stigma for everyone, its association with native people is doubly stigmatic for them.

Indians themselves have many criticisms of the welfare system and their dependence on it. Foremost among their criticisms has been the charge that the Indian Act and the Indian Affairs Branch have denied Indians the opportunity to develop their reserves and to earn income by pursuing their traditional economies. In addition, some leaders have accused the government of short-sightedness at best, complicity at worst:

The federal government has hopelessly imprisoned itself in an inward-flowing spiral that narrows its scope and range of alternatives. It has looked at the naked symptoms of poverty and has responded by allotting approximately 25% of its total budget to welfare, in contrast to about 10% to economic development. When a little bit of welfare doesn't work, it pours in more massive doses... As this negative emphasis grows, more and more of the government's budget for Indians must be siphoned off to meet spiralling welfare costs, at the same time draining the needed financial and human resources for a positive economic development program.  

Welfare, like the treaties and the reserves, has been reversed at the symbolic level. In his insightful study of the Micmac of Nova Scotia, Tord Larsen has analysed the Micmacs' efforts to "recontextualize familiar things", and to reframe the Indian-white relationship as one of delayed exchange:

...Indians try to establish an overarching metaphor for the relationship between Indians and whites - Indian:white = victim:thief. In other words, the fact that whites were the colonizers and Indians were the original inhabitants of the continent will have the same consequences as compensation paid by a thief to his victim. Welfare, says the ideological entrepreneur, is partial compensation for stolen land. The

1Cardinal, The Unjust Society, op. cit., p.66.
dominant society holds that welfare payments are "handouts" and there is a stigma attached to receiving welfare. The competing codification...is to equate welfare with compensation and turn it into a symbol for the debtor-creditor relationship between Indian and white. ¹

Thus reframed, "welfare becomes a symbol of everything whites owe Indians; welfare becomes estate, something which accrues to Indians by virtue of their status and ethnic membership". ² Seen in this way, welfare is not only destigmatized, but it becomes a good thing, the Indians' just deserts. Finally, welfare in this view also has potential as a unifying symbol - the land was stolen from all Indians, and welfare is compensation to all Indians. It is their right and their due.

4.1.5. Conclusion

This chapter has illustrated the means by which Indians have responded to their ascribed stigmatic identity in a number of socio-cultural and political areas. The effects of colonialism have been substantial, creating not only negative images of the Indian in the public eye, but fostering images of inferiority and unworthiness among Indians themselves. Physical, political, legal and social barriers to integration with the dominant society, plus active exclusion by whites, have all contributed to the doctrine of Indian inferiority.

However, in the 1960s and 1970s, Indians began the process of symbolic reversal, the object of which was to encourage a positive sense of Indian identity. The attack against negative stereotypes was launched on several symbolic fronts. Looking to the past, Indians began to learn about, revive and

²Ibid., p.126.
respect their cultural heritage. They began the process of myth-making, seeking solace and inspiration from the accomplishments of their ancestors, creating myths about "the happy aboriginal past", and revalorizing native heroes. The renewed interest in native cultures had some positive spin-off effects, as native arts, crafts and cultures came to be appreciated by whites, and Indians' public image improved as a result.

However, the point of symbolic reversal is not so much to improve a minority's public image, as it is to foster a positive self-identity. Seeing formal education as one of the primary means through which they have been indoctrinated to accept white superiority, Indians have made significant efforts to reclaim the educational process and instill in their children a positive sense of Indianness. This reclamation involves instructing children in their native languages, stressing aboriginal history, positive cultural traits and achievements, designing curricula which relate more directly to their daily lives, and challenging the erroneous images of Indians presented in school books and films.

Indians have also reframed specific symbols of their unequal status in Canadian society so that they have become status-conferring. Thus, the treaties, the reserves and welfare respectively have become symbols of Indians' sovereign status as nations (in the sense of cultural units), Indian cultural survival, the creditor-debtor relationship between Indians and whites. Symbols like these are protective (of an enduring Indian identity and of the cultural heritages passed on by Indian ancestors), emotive (in that they prompt emotional responses in terms of highly cherished values), and exclusive (in that they are geared towards the in-group and stress common elements of historical and present experience, treatment, status and values).
The process of symbolic reversal and the assertion of a positive Indian identity led to phrases such as "Red is Beautiful", obviously echoing the sentiments of American Blacks. Symbolic reversal undoubtedly had significant political implications, as it imparted the self-confidence necessary to engage in active politics. If stigmatized minorities do not collectively overturn the symbols of their degradation, they cannot hope to pursue grand political goals.

However, symbolic reversal in and of itself is not enough. While it revitalizes the minority internally, it does not provide an explicit ideological analysis of the relationship between the minority and the dominant society, nor does it provide a sufficient basis for the formulation of political goals. To say "it is good to be Indian" does not suggest specific political objectives or means of achieving the same. In fact, Indians have taken a further step in this direction by engaging in symbolic competition with white society. In the 1970s, they developed an opposition ideology (most colourfully captured by the term "Red Power"), which has provided the basis for the formulation of specific political goals, and it is to this ideology of opposition that I now turn.
5. CHAPTER 5: SYMBOLIC COMPETITION AND OPPOSITION IDEOLOGY

This chapter discusses the strategy of symbolic competition among Indians in Canada. The increasingly positive self-image of native peoples has been reinforced by the development of "opposition ideologies", by which they compete on the symbolic level with the dominant society. Three questions shape the discussion: (1) how has symbolic competition been expressed by Indians in Canada?; (2) have Indians developed an ideology of opposition, and if so, what are its main features?; and (3) what, if any, impact has Red Power philosophy and militance had on the subsequent development of Indian political discourse into the 1990s?

The chapter is divided into three parts. The first part looks at the notion of symbolic competition and shows how Indians have attempted to assert their superiority to white society at the conceptual and ideological levels. The second part focusses on the Red Power movement and its organizational representatives, as well as the militant rhetoric which supported Red Power opposition ideology. The discussion here is based on statements made by various Indian (and some Metis) leaders and organizations in the 1970s, since it was during this period that many of the political ideas prominent today were developed. The final part of the chapter outlines the development of three of the key concepts which animate contemporary Indian politics, and which are used to support current demands for self-government - sovereignty/nationhood, aboriginal title/aboriginal rights and self-determination.
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5.1. SYMBOLIC COMPETITION

At the outset, it must be noted that the term "symbolic competition" was first applied to the case of Canadian Indians by E.G. Schwimmer. As Schwimmer has provided an insightful and explicit treatment of symbolic competition among Indians, his work forms the basis of this section.

It is not unreasonable to say that the relationship of many sub-national ethnic minorities to the dominant society is one of direct or indirect opposition. Such opposition is not unusual among groups which find themselves in poverty within affluent economies, and which are denied full access to the socio-political spoils of modern democratic societies. Often the objects of racism and discrimination, such minorities are likely to experience a sense of injustice and of moral separateness from their encompassing societies. Whether their opposition takes direct or indirect forms depends on a number of factors, including: their ability to mobilize for political action; their economic resources; the presence of articulate leaders; the level of support they enjoy from sympathetic sectors within the dominant society; their ability to pursue institutionalized forms of lobbying and bargaining; their legal and constitutional position; and their assessment of the chances of accomplishing their objectives through the normal channels of the political process.

Until recently, Canada's Indians tended to score negatively on each of these indices. Their opposition was normally expressed in indirect forms, usually social deviance or withdrawal. However, the 1970s in particular witnessed a shift to more direct, more militant forms of opposition. Indians began not only to reverse negative stereotypes (discussed in Chapter 4), but to engage in symbolic competition, the object of which was to assert, not mere equality, but superiority
The distinction between direct and indirect forms of competition with the dominant society is critical to an understanding of Indian politics in Canada. Direct forms of competition can be seen in attempts to press claims against society through overt political lobbying. This can take the form of direct action against, for example, resource extractive projects, appeals for public sympathy through the media, legal claims against discrimination or for special economic, legal and political rights, lobbying of politicians, or bargaining for statutory or constitutional rights (see Chapters 6 and 7).

However, in the case of subordinated groups, such direct forms of competition cannot be co-ordinated or legitimized over the long term unless they have first developed an overarching political polemic, or in grander terms, a political ideology. In the case of Indians, the latter includes an analysis of the Indian-white relationship, and a set of conceptual referents upon which claims for special rights are based. The language employed in such an ideology is largely symbolic. It sets up a world view which challenges that of the dominant society. Thus, the development of an ideology of opposition can be referred to as symbolic competition. The latter is the conclusion of the first stage of minority politicization, a prerequisite to direct competition with the dominant society, in which the minority is able to advance its political claims.

Symbolic competition is likely to occur in situations where a minority is unable to engage in "real" competition. If the minority is excluded from the normal activities of the dominant society, such as wage employment, the professions, politics and other status-conferring activities, it is likely to compete on the symbolic level, claiming the moral superiority of its beliefs, value systems
Symbolic competition is effected through the adoption of unifying symbols which distinguish the minority culture from that of the encompassing society:

This separate culture is distinctive in ideological areas such as religion and the creative arts, and the symbolic aspects of social and political organization. Essential to the ideologies of such separate cultures appears to be a proposition that they incorporate the immemorial traditions of their race. As such, they have little logic or cohesion, but they become extremely cogent and even profound if we recognize that the ideologies have sprung up in opposition to the dominant white culture with incongruent values. ¹

The claim to a separate culture is particularly important to groups which have been forced to acculturate, especially if acculturation has been incomplete, and if the minority is not fully accepted by the dominant group. It can offer minority group members both an explanation for why they have not fared well in their interactions with the dominant society, and a justification for maintaining their distinctive, culturally-determined traits.

A second essential feature of symbolic competition in the case of Canada's Indians is the tactic of measuring the actions of the dominant society against its own highly cherished ideals. Indians typically invoke such concepts as equality, tolerance, democracy, justice and liberty, decrying their conspicuous absence in the treatment of indigenous peoples. For example, Harold Cardinal rejects the notion that Indian policy has ever been inspired by any such ideals, proposing instead that:

The history of Canada's Indians is a shameful chronicle of the white man's disinterest, his deliberate trampling of Indian rights and his repeated betrayal of our trust. Generations of Indians have grown up behind a buckskin curtain of indifference, ignorance, and all too often,

It is not that Indians do not themselves subscribe to the ideals of justice, equality, tolerance and so on. On the contrary, they exalt them, but add that only Indians truly uphold these ideals. For example, in his study of the Blood Indians of Alberta, Schwimmer notes the Indian argument that a society which allows all men freedom and equality is superior to one which is hierarchically ordered and in which some are the servants of others. Hierarchy is not an ideal of the dominant society, yet it has not been able to avoid it. In contrast, Blood society is not organized hierarchically, and thus the Bloods claim a superior form of organization. ² This sort of claim is not unique to the Blood Indians. The process of symbolic competition has led other groups to assert that only Indian societies are truly democratic and egalitarian, based as they are on sharing, communal ownership, consensus, and individual liberty. ³

Schwimmer makes the point that the dominant society employs a social status scale on which the most highly valued qualities "are precisely those that are not attributed to minorities such as Indians". ⁴ Clearly, Indians cannot win in such circumstances, so their only recourse is to invert the scaling criteria so that their values, methods, cultural traits and organizational forms receive a high score, and those of the dominant society receive a low score. Schwimmer offers a number of examples from his study of the Bloods which show that virtually

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²Schwimmer, op. cit., p.141.
⁴Schwimmer, op. cit., p.122.
any quality or trait associated with "the essence of Indianness" can be tendered as evidence of Indian superiority. For instance, Indians claim that their language is more profound and more beautiful than English; only Indians really know about dancing; strength, endurance, good health, strong teeth, manual dexterity, proficiency with horses, and fishing, ranching and heavy labour skills are held as signs of Indian superiority; and Indians have superior memories (so that they have no need of literacy).¹ These kinds of assertions carry implicit messages about the relative inferiority of whites, particularly urban, educated whites.

Indians have also reversed the scaling criteria by rejoicing in cultural characteristics which whites criticize. For example, with regard to the Indian temporal orientation, Indians point out that while whites are future-oriented, Indians are oriented towards the present - "the essence of life is found in being and not in becoming something we are not today".² Thus, Indians are superior because they do not worry incessantly about the future like the frantic, ulcer-ridden white man, but rather are present in the moment and relate to what is so now.³

¹Ibid., pp.128-132.
³Schwimmer points out that symbolic competition, with its emphasis on oppositions between Indian and white values, can often lead to the suppression of any similarities which may exist. That is, Indians will even spurn their own traditional values if they are too much like white values. For example, he notes that: "The Blood Indians had a gift exchange system whereby a young man who borrowed horses from an older relative...was expected to pay compensation. Nowadays, however, there is a strong ideological emphasis that an Indian should instantly give what he owns to any other Indian who asks for it, without expecting a return gift. Anyone who jibs at this is accused of acting "just like a white man". It would seem that at one time wealth was a status symbol among the Blood Indians, but that today strong emphasis is placed on a different criterion of status... generosity and willingness to share...The whiteman, who would be at the top of the scale if the wealth criterion was accepted, is placed at the bottom of the scale by the "generosity" criterion". See Schwimmer, p.132.
Just as whites typically judge Indians in terms of white values, in symbolic competition, Indians turn the tables to judge whites in terms of Indian values. They stereotype the majority, invoking symbols of white society which are implicitly or explicitly contrasted with Indian values. The symbols of white world are those which accompany urbanization and industrialization—money, environmental pollution, nuclear waste, urban congestion, technology, skyscrapers, unemployment, bureaucracy, and so on. It is interesting to note that these symbols refer to forces which have come to be viewed by whites themselves as problematic. In contrast, Indian culture is represented by symbols of the simple life—hunting, fishing, trapping, gathering, living in the countryside, living according to the seasonal cycle, and so on.

Stereotyping of the majority is accompanied by a range of "white jokes" which make fun of the white man’s ways. They are apt to play on what Indians see as absurd aspects of white values and practices. A well-known example is that of the old Indian who muses, "I don't understand the white man. He waters his lawn so the grass will grow faster so he can cut it down again". ¹

Indians often turn the tables on whites by declaring there is no "Indian problem". Instead, there is a "white problem". Whites are not only morally bankrupt, responsible as they are for the deplorable situation facing native peoples, but to their cost, they do not understand or appreciate Indian values and lifeways. Solutions to this "white problem" have been nothing if not

inventive. For example, in February 1971, The Indian News proposed to set up a Department of White Affairs, which would be "run strictly by Indians selected on the basis of their political affiliations and their incompetence in the business world. White people will be looked on as White savages unless they adopt the Indian religion and the Indian way of life...They may keep the cities".  

Similarly, in the 1970s, Indians began to express their resentment of the activities of anthropologists, archaeologists and other social scientists, who seemed always to be poking about in their affairs as if they were some extinct breed of exotic creature. At a symposium on "The Contemporary Struggles of Native Peoples" at the American Anthropological Association (Toronto, 1972), Mike Mitchell of the St. Regis Reserve announced that a group of Indians had applied for a grant to open up the gravesites of the early pioneers in Toronto:

> We are going to tell you people what your people were like, the habits, everything. We hope when we are finished we are going to be able to tell you why the white man likes to fight so much over things that don't belong to him in the first place, why he is so greedy, why he likes to make war on people different from him.  

Table 3 (overleaf) shows a simple contrast of putative "white" and "Indian" values. Presented by Thomas Thompson (a former leader of the Western Indian Association), the contrast carries an implicit assertion that the Indian values are superior to the white values. In effect, by contrasting Indian and white values in this way:

> [Indians] are holding a mirror to white society to show up its flaws, and thus by implication are saying "We are better than that". They claim that the majority is guilty of racism, historical injustices, legal injustices, environmental pollution and so forth. They claim an ancestry

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1 Price, op. cit., p.224.
Table 3 — A Contrast of Indian and White Values

<table>
<thead>
<tr>
<th>Indian Values</th>
<th>White Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Emphasis</td>
<td>Individual Emphasis</td>
</tr>
<tr>
<td>Cooperation (Group Concern)</td>
<td>Competition (Self-concern)</td>
</tr>
<tr>
<td>Present Oriented</td>
<td>Future Oriented</td>
</tr>
<tr>
<td>Non-awareness of Time</td>
<td>Awareness of Time</td>
</tr>
<tr>
<td>Age</td>
<td>Youth</td>
</tr>
<tr>
<td>Harmony with Nature</td>
<td>Conquest of Nature</td>
</tr>
<tr>
<td>Giving</td>
<td>Saving</td>
</tr>
<tr>
<td>Practical</td>
<td>Theoretical</td>
</tr>
<tr>
<td>Patience</td>
<td>Impatience</td>
</tr>
<tr>
<td>Extended Family</td>
<td>Immediate Family</td>
</tr>
<tr>
<td>Non-materialistic</td>
<td>Materialistic</td>
</tr>
<tr>
<td>Modest</td>
<td>Overstates (over-confident)</td>
</tr>
<tr>
<td>Silent</td>
<td>Noisy</td>
</tr>
<tr>
<td>Low Self-value</td>
<td>Strong Self-value</td>
</tr>
<tr>
<td>Respects Other Religions</td>
<td>Converts Others to Own Religion</td>
</tr>
<tr>
<td>Religion a Way of Life</td>
<td>Religion a Segment of Life</td>
</tr>
<tr>
<td>Land, Water, Forests and Other Resources Belong to All, and are Used Reasonably</td>
<td>Land, Water, Forests and Other Resources Belong to Public Domain, and are Used in a Greedy Manner</td>
</tr>
<tr>
<td>Equality</td>
<td>Wealth</td>
</tr>
<tr>
<td>Face-to-Face Government</td>
<td>Representative Democracy</td>
</tr>
</tbody>
</table>

without these vices, which of course is true because they did not live in industrial states. Racism, historical injustices etc. were not moral issues in the band, tribe and chiefdom societies.

5.1.1. The Ideology of Withdrawal and the Revival of Tribalism

One of Schwimmer's central arguments is that symbolic competition is used as "a charter for an ideology of withdrawal", a conclusion derived from his study of the Sun Dance on the Blood Indian Reserve in Alberta. One of the most potent examples of withdrawal is the action of Chief Robert Smallboy and 150 of his followers, who, in 1968, left the Erminskine Reserve for the mountains near Red Deer, Alberta. Their intention was to return to the traditional life of hunting and fishing. Although the group has encountered many obstacles in its attempt to break free of white influences, the experiment was widely heralded as a symbol of Indian independence and of the Indian right to self-determination. Indeed, in the 1970s several similar camps were established in the west, attracting small but dedicated followings. These camps are still held as important symbols, not for their success in accomplishing their original objectives, but for the intentions which inspired them.

However, outright withdrawal along these lines has been very limited. There has certainly been a resurgence of tribalism since the 1960s, wherein a selection of traditional tribal customs has been revived, the forces of acculturation challenged, and tribal identities exalted. A number of studies has documented this

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1Ibid., p.218.
2Schwimmer, op., cit., p.143.
3See J.S. Frideres, Native People in Canada: Contemporary Conflicts, (Prentice-Hall, Scarborough, 1983), p.251. Frideres refers to Smallboy's philosophy as a "prophet religion".
process of tribal rejuvenation.\(^1\) For example, in his 1970 study of the St. Regis Mohawks, Frisch noted the renewed popularity of the Long House and all the socio-cultural and religious trappings it entailed. He also documented several important political events - various skirmishes over duty-free passage over the Canada/U.S. border, and a school boycott - which were framed in distinctly tribal terms. These were questions of collective tribal rights, particularly the rights which flowed from the Mohawks' special status as both American and Canadian citizens. Frisch concluded that "the pressures of acculturation, rather than weakening the feeling of tribalism, have served to reinforce and renew Mohawk tribalism".\(^2\)

However, the assertion of positive tribal identities, while an important manifestation of Indian symbolic competition, does not necessarily equal withdrawal. Indeed, Tord Larsen has disputed Schwimmer’s prediction of withdrawal by arguing that the object of symbolic competition is "ethnic incorporation", or "the mobilization of ethnic sentiment for joint political action".\(^3\) His study of the Micmac of Nova Scotia suggests that the point of symbolic competition is to beef up the indigenous culture so that it may interact with the dominant society from a stronger position. Larsen studies the process of ethnic incorporation through the language and symbols employed in the discourse about Indian/white relations:

\(^1\)See D. Landy, "Tuscarora Tribalism and National Identity", *Ethnohistory*, 5, 1958, p.251. "Tribalism" refers to "the self-identity of a group or society with a common territory, common traditions, and common values and interests".


[Here] we are able to see the Indian *bricoleur* in action; Indians employ elements in their universe...the elements of their aboriginal culture, the history of Indian/white relations, the ways in which they see themselves as different from whites - in order to construct a statement which is intended to make whites see things differently. In so doing, Indians give new import to old facts, juxtapose ideas that have not been related previously and endow forgotten events with new significance. The Indians' purpose is to effect an upheaval in Indian-white relations, to turn the conventional wisdom upside down and to clear a new place for Indians in Canadian society. The means at their disposal are those of every artist, prophet and entrepreneur: techniques of symbolism by means of which they manage to transform, recontextualize and reinterpret known facts and events. ¹

Thus, rather than a charter for withdrawal, Indians’ ideological statements, Larsen contends, "are essentially claims against Canadian society". ² The evidence seems to confirm Larsen’s interpretation over Schwimmer’s since, as mentioned above, there have been few attempts at outright withdrawal among Indians. As a psychological response of individuals to the pressures of white society, withdrawal has no doubt been characteristic of many individual Indians. However, in its political dimensions, symbolic competition has not been used as a charter for withdrawal. On the contrary, it has been essential to the development of Indian political ideology and explicit political goals.

### 5.1.2. The Development of Opposition Ideology

The forging of an ideology of opposition is a significant aspect of symbolic competition, although it is not always automatic. For present purposes, ideology is defined simply as a world view, or the ideas and objectives that influence a whole group or national culture, shaping its social and political procedures. A political ideology includes explicit ideas about the legitimate exercise of power, the

¹Ibid., pp.39-40.
²Ibid., p.42.
appropriate locus of decision-making authority at various levels, the fundamental principles by which a community or society should be guided, the form of government and its role in regulating behaviours, and notions about collective and individual rights and obligations.

In generating their ideology of opposition, Indians are faced with a modern, capitalist, liberal, representative democracy, which has clearly failed them. The main political resource available to Indians in their dealings with Canadian society is their ideology, since Indian politicians depend upon their ability to remind governments and the public of unfulfilled moral and legal responsibilities. Thus, Indians must make use of their own difficult circumstances, and turn their defeats into a source of victory.

The importance of a distinctively Indian ideology should not be underestimated. Lurie has characterized the contemporary native movement as an "articulatory movement". It is not a civil rights struggle for acceptance as an equal ethnic group, nor is it merely a revitalization movement aimed at internal reforms. Indians are neither immigrants nor status-climbing ethnic groups equivalent to others. Moreover, as collectives (rather than individuals) they do not want to be socially or politically integrated. Indians are special and they have special claims against the state.

These special claims are based first and foremost on the distinction that Indians are indigenous peoples, not members of an ethnic minority equivalent to others. They are prior claims based on a prior reality, rather than on European legal concepts imported to North America. Assertions of a special political status

are pressed from an ideological context which is, in the last analysis, a counterpoint to the dominant liberal-democratic ideology. As Noel Dyck points out, "appeals to special status and rights challenge the nation-state's authority by denying fundamental tenets about the presumed equality of citizenship and rights within a society". In this important sense then, Indian ideology is oppositional insofar as it questions the legitimacy of the criteria by which rights and benefits are distributed in society.

However, claims to special rights based on indigenous status are not, in and of themselves, enough to prompt governments to extend those special rights (whatever their content). Thus, Indian ideology has incorporated an explicit analysis of Indian-white relations which purports to impose moral imperatives on the government to redress past wrongs. Indian ideology has thus employed a series of charged political symbols, which have come to be seen as elements of Indian nationalism.

5.1.3. Indian Nationalism

Indian opposition ideology has been referred to as an ideology of "cultural nationalism". The cultural component is certainly an important one, and is certainly an essential precursor to larger, specifically political demands. This requirement has not been lost on Indian leaders and writers. Lloyd Caibaiosai, for example, has argued that the need for an Indian consciousness is paramount:

If we want to find a solution to the Indian Man's problems, we should not look immediately to a political unity, but towards a National Indian Consciousness...In order for the Indian Man to

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absolutely know himself he must necessarily see himself first as culturally separate from the white man. That is, to be conscious of this separation and use the strength it proposes.  

Indian opposition ideology is more than cultural nationalism. It is ultimately a form of political nationalism. Yet it must be distinguished from other forms of nationalism which aim for complete independence from an existing nation-state. Certainly, a few groups (like the Iroquois) have consistently rejected Canadian citizenship altogether, while others (like the Haida) have periodically rattled separatist sabres at the government. However, few Indians in Canada nurse real aspirations to full-fledged nation-statehood. As Boldt has pointed out, nationalism can actually refer to a range of autonomous political conditions, and if full independence is one extreme on a continuum, Canada’s Indians are "autonomists".

Indian nationalism developed as more and more Indians (particularly young Indians) left the forced isolation of the reserves and moved to urban centres. There they came into contact with more whites than ever before, and it was in the cities that they encountered white racism stripped of the guise of the paternalistic concern for their welfare of the church and Indian Affairs officials on the reserves. Indians normally left the reserves in search of employment or other opportunities they believed were to be found in the cities, but were normally disappointed in their expectations. Thus, it is not surprising that the nascent Indian political ideology included a polemic against white racism, assimilation, and paternalism. Nor is it surprising that the opposition ideology

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should have taken a radical turn in the 1970s, particularly after the assimilationist White Paper. While the older Indian leaders were struggling with day to day problems of trying to negotiate their way through the bureaucratic maze, some young Indians began to formulate a more explicit political ideology.

5.2. RED POWER

Indian opposition ideology unquestionably found its most militant and dramatic expression in the Red Power movement. The term "Red Power" obviously echoes "Black Power", and to be sure, Canadian Indians were heavily influenced by the militant wing of the Black civil rights movement in the United States. Like the champions of that movement, Red Power advocates not only developed a vehement anti-white rhetoric, but orchestrated a series of acts of civil disobedience, some of them culminating in violence.

The Red Power movement presents particular difficulties for social scientists seeking to measure its membership, level of adherence, and impact. As in all movements, no one formal organization can claim exclusive representivity. Indeed, one is well-advised to treat organizations' claims with scepticism, for a movement, by definition, comprises a diffusely organized or heterogeneous group of people who favour certain broad common goals. Within movements, we characteristically find different articulations of end goals, different views of the appropriate means by which they should be pursued, and varying degrees of militance. In addition, many individuals who share the movement's goals may not be formally associated with an organization, making calculations of the number of adherents difficult. These problems notwithstanding, this section analyses the Red Power movement, not because it boasted a large number of active supporters,
but because it had a significant effect on the development of Indian political discourse and tactics, many elements of which came into more widespread use in the 1980s.

If militance is defined as "the regular social use of physical force or the threat of such force, not just individual acts...but enthusiastic activism", ¹ Canadian Indians in the 1970s and 1980s have certainly become more militant in the pursuit of their objectives than ever before. Whereas resistance before the 1970s was usually passive, after 1969 Indians were increasingly willing to engage in open confrontations, taking symbolic stands over a variety of issues. However, Indians characteristically use threats rather than overt acts of violence.²

The protests of choice for Red Power advocates were usually media dramas, demonstrations, occupations, marches, blockades, petitions, public meetings, and rallies at which leaders would deliver eloquent speeches about the injustices served upon indigenous peoples throughout the world by white imperialists. Red Power advocates were not interested in arguing about particular issues with non-Indians. Rather, they were creating an ideology centred on Indian pride. They were engaged in a propaganda campaign.

The exact origins of the term "Red Power" are unknown, but young Indians began using it in the late 1960s. The term itself possesses an oppositional quality - its antithesis is presumably "White Power". Yet despite

¹ Price, op. cit., p.226.
² Price notes that Indians do not assassinate public figures for political reasons; they do not kidnap; they tend not to sabotage or destroy property; they do not bomb public places; they are not terrorists; they do not commit "impersonal, politically symbolic, violent acts against the general public"; they rarely use economic boycotts or strikes; and they do not organize riots. See Price, op. cit., p.227.
uncertain pedigree, Red Power quickly became associated with radical, militant young Indians, who were frustrated with their second class status in Canadian society, and who were disillusioned by the efforts of the older leaders to win minor concessions from the Department of Indian Affairs.

Four important features of Red Power are: (1) an angry rhetoric about the past and present treatment of native peoples; (2) a demand to return to traditional tribal philosophies and values; (3) a demand for social and political separation; and (4) a preference for collective action in symbolic, physical confrontations, especially in public places, or at sites of particular significance to Indians.

5.2.1. Red Power Organizations

One of the chief organizational representatives of Red Power in the 1970s was the Native Alliance for Red Power (NARP), an organization founded in Vancouver in 1967. In his account of the origins and activities of the NARP, Henry Jack notes that the organization began as an informal discussion group, and its initial activities included demonstrations against anyone deemed to hold racist views against Indians. Among other things, the NARP created the "Beothuk Patrol", a so-called Indian police force, whose task was supposedly to "police the police" to prevent brutality against Indians. The organization also produced a newsletter, which became one of the main organs through which Red

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1Henry Jack, "The Native Alliance for Red Power", in Waubageshig, op. cit., p.164. Jack describes the NARP's membership as follows: "We were a green bunch with only one thing in mind: to do something about our appalling conditions instead of just sitting on our asses and doing nothing. We started out as a relatively young group made up of ex-convicts, ...run-aways from the schools, young drop-outs from school, some academics (those who had suckholed their way through school) and unemployed as well as young workers who lived in the city". 
Power ideas were disseminated, and it competed with the Native Brotherhood of
British Columbia's Native Voice. The NARP's eight-point programme was
published in the January-February edition of the Newsletter, and is reproduced
below:

1. We will not be free until we are able to determine our own
destiny. Therefore, we want power to determine the destiny of
our reservations and communities. Gaining power...over our lives
will entail the abolishment of the "Indian Act", and the
destruction of the colonial office (Indian Affairs Branch).

2. This racist government has robbed, cheated and brutalized us,
and is responsible for the deaths of untold numbers of our
people. We feel under no obligation to support this government
in the form of taxation. Therefore, we want an end to the
collection of money from us in the form of taxes.

3. The history of Canada was written by the oppressors, the
invaders of this land. Their lies are perpetrated in the
educational system of today. By failing to expose the true
history of this decadent Canadian society, the schools facilitate
our continued oppression. Therefore, we want an education that
teaches us our true history and exposes the racist values of this
society.

4. In this country, Indian and Metis represent three percent of the
population, yet we constitute approximately 60 percent of the
inmates in prisons and jails. Therefore, we want an immediate
end to the unjust arrests and harassment of our people by the
racist police.

5. When brought before the courts of this country, the redman
cannot hope to get a fair hearing from white judges, jurors and
court officials. Therefore, we want natives to be tried by a jury
of people chosen from native communities or people of their
racial heritage. Also, we want freedom for those of our brothers
and sisters now being unjustly held in the prisons of this
country.

6. The treaties pertaining to fishing, hunting, trapping and property
rights and special privileges have been broken by this
government. In some cases, our people did not engage in treaties
with the government and have not been compensated for their
loss of land. Therefore, for those of our people we want fair
compensation. Also, we want the government to honour the
statutes, as laid down in these treaties, as being supreme and
not to be infringed upon by any legislation whatsoever.

7. The large industrial companies and corporations that have raped
the natural resources of this country are responsible, along with
their government, for the extermination of the resources upon
which we depend for food, clothing and shelter. Therefore, we
want an immediate end to this exploitation, and compensation from these thieves. We want the government to give foreign aid to the areas comprising the Indian Nation, so that we can start desperately needed programs concerning housing, agricultural and industrial cooperatives. We want to develop our remaining resources in the interests of the redman, not in the interests of the white corporate elite.

8. The white power structure has used every possible method to destroy our spirit, and the will to resist. They have divided us into status- and non-status, American and Canadian, Metis and Indian. We are fully aware of their "divide and rule" tactic, and its effect on our people.

RED POWER IS THE SPIRIT TO RESIST.
RED POWER IS PRIDE IN WHAT WE ARE.
RED POWER IS LOVE FOR OUR PEOPLE.
RED POWER IS OUR COMING TOGETHER TO FIGHT FOR LIBERATION.
RED POWER IS NOW!

For the most part, the N.A.R.P. was not enthusiastically received by older, more established leaders, particularly those who had achieved their leadership of the band councils at the pleasure of Indian Affairs. Indeed, young Red Power advocates were often brutal in their condemnation of the established leadership, whom they saw as "red apples" (red on the outside, white on the inside), co-opted by the system. Howard Adams, for example, criticized "collaborators" who lived and acted like whites, and who would only deliver radical speeches in "fancy hotel ballrooms and safe campuses". These "Uncle Tomahawks" only fulfilled the function of de-railing the development of real radicalism among grass-roots Indians. Adams also attacked the Department-sponsored Indian organizations as tyrannical, seeing them as the instruments of governmental control of the Indian people:

It is understandable why colonized persons will be subservient to an authoritarian native organization. They are the neo-colonial oppressors...the new red oppressor is more absolute, exploitative, manipulative and brutal...So far, governments have found that co-opting native organizations and their leaders is the most effective method of
integrating them, yet keeping them in their same "caste" position. 1

The N.A.R.P. was not the only Red Power organization in Canada. Other associations were formed, especially in the larger cities. Many of them were associated with the radical American Indian Movement (A.I.M.), which had been founded in Minneapolis in 1968. For example, in 1971, a few young Ojibwas formed "Wenjack", the Toronto chapter of A.I.M.. According to Price’s account, Wenjack members, like the NARP, patrolled downtown Toronto streets to prevent police harassment of Indians; travelled to reserves to try to solve problems through law suits, political pressure or direct action; appealed for funds and other support from church groups, university students and other radical groups, and "pressed the established, government-financed Indian organizations to move faster and more militantly for Indian ideals". 2 By 1975, a number of informal militant groups had joined forces, boasting a formal organization, complete with office. They established connexion with other "warriors" societies, which collectively claimed to have 45,000 members throughout North America. A presentation by Wenjack at York University in 1975 described the group’s origins in symbolic terms:

We named ourselves Wenjack after...Charlie Wenjack, a young boy who ran away from residential school in the winter, and tried to walk the 640 miles back to his home. We feel there is more than a little of Charlie in all of us, escaping the smothering prisons of an alien culture...to attempt the long walk home, and perhaps - like Charlie - to die trying...It was like a rebirth for many of us, standing up and saying "NO" to the conditions that kept us down for so long. 3

2 Price, op. cit., p.244.
3 Quoted in Price, op. cit., p.244.
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Young Red Power advocates quickly came to see themselves as the vanguard of the Indian movement. Their experience of the cities and of the residential school system meant that they had had more exposure to the white society than their elders had had. Such experiences led many of them to believe that direct action was the only way to deal with the white society. They saw themselves (and most other Indians) as rebels in a valiant struggle against oppression, even if their rebellion did not always take conscious forms. Thus, behaviours normally interpreted as expressions of social malaise and withdrawal were reinterpreted as acts of resistance:

To me, renegade means [a] person...who rejects or opposes the restraints, the coercion, the harrassment or any other form of oppression (...physical or mental) designed to conformity or convention through legislation or common practice. Most Indians today are renegades. The very fact that there is a high Indian drop-out rate in the school system, that many fill the ranks of the unemployed, that many are in prisons,...that many never maintain a 9a.m. to 5p.m. job, only reinforces my argument that most Indians are, indeed, renegades. ¹

It must be remembered that the 1970s represented a decade of political unrest in many parts of the world, so it is perhaps not surprising that Indian sentiment in Canada should erupt in a series of direct confrontations. The events which lent Red Power its most extensive and controversial publicity followed the Wounded Knee incident and the Alcatraz occupation in the United States. Direct action became the watchword. In 1974, Red Power militants participated in a number of blockades, the occupation of Anicinabe Park in Kenora, Ontario for 39 days, the Native Peoples' Caravan, and a confrontation with the RCMP on

¹Henry Jack, op. cit., p.163.
These and other events were important signals, not because of the incidents themselves or the outcomes, but because they were held by Indians as symbols of the Indian/white conflict, and afforded opportunities to highlight the plight of the Indians. They were undoubtedly inspirational to Indians across the country. Action seemed to express the mood of the times, and offered hope that the government would be pressured into more than talk.

However, more than the demonstrations, occupations, sit-ins, fish-ins and so on, Red Power contributed an analysis of Indian/white relations which went beyond previous analyses. By rejecting negotiation in favour of collective action, Red Power took the Indian movement into uncharted territory, constantly testing the limits of acceptable action. It also spearheaded the development of a direct, open, avowedly revolutionary opposition ideology, through the use of acidic rhetoric. This is not to say that all (or even many) Indians subscribed to the Red Power philosophy. Nor is it to suggest that Red Power advocates succeeded in developing a set of reasoned concepts and cogent positions. However, it is to suggest that Red Power signalled the birth of a new militance among Indians, and although they did not enjoy widespread support among established organizations in the 1960s and 1970s, much of the Red Power rhetoric and tactical repertoire was to resurface in the 1980s among established organizations at both the national and local levels.

\[1\] See Price, pp.233-238, for detailed accounts of these events.
5.2.2. Radical Rhetoric

The rhetoric of Red Power was, at times, explosive. Advocates characteristically used inflammatory terms, controversial statements and loaded vocabulary to describe indigenous people's relationship with the dominant society. For example, for many years the reserve system had been criticized on the grounds that it was set up deliberately to keep Indians from participating in mainstream society. Red Power took the critique a step further, comparing Canada with South African apartheid. The comparison was undoubtedly designed to provoke feelings of shame and guilt. As Canadians appear to be proud of their racially accommodative mosaic, they are understandably uncomfortable when the charge of racism and white supremacy is laid at their feet. This theme was to reappear in the mid-1980s (see Chapter 6).

In fact, the charge of white supremacy has been used, in Schwimmer's terms, as a charter for withdrawal. Since Indians were rejected by the white society, it was argued that they would have to accept the reality of their ascribed outsider status:

You cannot come to any conclusion but that it is a white supremacy society. And this would be true of all Western civilization. They are very definitely white supremacist. So that rules out the possibility of us becoming integrated or assimilated...Therefore, we have to accept that we are outside of it. ¹

Furthermore, terminology borrowed from the Black civil rights struggle (e.g. "segregation", "ghetto"), was incorporated into an anti-colonialist analysis:

For centuries, Canadian ruling authorities have forced segregation upon Indians and Metis. It was their way of hiding Canada's racial problems...[Although] thousands of fair-skinned Metis have integrated

¹Howard Adams, quoted by Edgar Dosman, op. cit., p.155.
into the mainstream and become part of the status quo...for the masses of natives, whose appearance is clearly Indian, their destiny is almost certain to be the ghetto...pseudo-integration relies upon the whims of patronage and paternalism. Since Canada is a white supremacy society, the white ideal will continue to attract Indians and Metis to integration. However, in the colonial process, the native people are conditioned to a servile and oppressed status, which is part of the culture of the ghetto. 1

The term "cultural genocide" was frequently used to describe the aim of Indian policy, particularly as represented by the White Paper of 1969. Cardinal wrote that it was "a strange government and a strange mentality that would have the gall to ask the Indian to help implement its plan to perpetuate cultural genocide on the Indians of Canada". It was "like asking the doomed man on the gallows if he would mind pulling the lever that trips the trap". 2 Similarly, Joseph Logan, one of the hereditary chiefs of the Six Nations near Brantford, said that "for us, integration into Canadian life, as Ottawa wants, would mean creeping genocide. We don't want our traditional way of life wiped out. We happen to like it". 3 Even David Courchene, who would hardly have described himself as a Red Power advocate, could not resist using radical rhetoric:

It is unconscionable not only in legal terms, but in moral terms that white society has, wittingly or unwittingly, emasculated my people. You have not only denied us our traditional pursuits but you have also denied us our right to our identity and our pride in ourselves...This deprivation of involvement...and the resulting effects of psychological depression and frustration can only be classified as the most subtle cultural genocide practised by any people in the history of our times. 4

1Adams, op. cit., p.203.
The use of emotive terms such as "genocide" was clearly designed to be provocative, particularly as it has come to be associated with the fate of the Jews in Nazi Germany.

In a similar vein, James Burke, whose book, *Paper Tomahawks*, devoted several chapters to incidents of racism in Manitoba, argued that a subtle kind of warfare was being waged against Indians:

Canada's Indians had been bilked out of their land and were now even being denied access to the white man's spoils...Physical genocide had failed, cultural extermination was only partially successful, so the dominant society saw the need to conduct an insidious brand of psychological warfare against Canada's native people.  

In fact, the language of warfare was an almost constant feature of Indian oppositional rhetoric. Red Power advocates were apt to speak of indigenous peoples' engagement in "cold war confrontations", which were fought with political and economic weapons.  Howard Adams spoke of native peoples' "liberation struggle", though he recognized that it could not be a struggle which relied upon the use of physical force:  

This is not the time for a call to violence. In the Quebec crisis of 1970, the government showed itself completely willing to use violence and jail against people who attempt liberation through violent means, and they would crush a native people's liberation struggle with even greater brutality than they did in 1885. A call to arms by native people at this stage would be a call to martyrdom. However...there may come a time when guerilla violence will be necessary and appropriate, and we must not hesitate to use it.  

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3 Adams, op. cit., p.214.
This talk of "cold war confrontations" and "guerilla violence" was obviously not consistent with the day to day reality and organizational wherewithal of Indian communities across the country. The national and provincial organizations (set up in the wake of the White Paper and largely funded by the provincial and federal governments), not to mention local organizations, were hardly in a position to conduct any sort of sustained "warfare" beyond rhetorical attacks on government policy, or a few well-placed blockades, occupations, or the like. It is doubtful whether the "liberation struggle" of which Adams and others spoke could have attracted much of a following amongst the scattered and impoverished Indian populations of Canada, for most of whom the struggle for day to day survival was a full-time occupation. Even if Red Power advocates could have undertaken a systematic campaign of guerilla violence, it is not at all clear that they would have enjoyed much support from other Indian organizations which had so recently secured a measure of legitimacy following the White Paper protests. Clearly, the radical rhetoric of Red Power advocates was far ahead of Indian organizations' ability or willingness to act it out. It was a polemic in the process of creation, rather than a well-thought-out plan of action. Red Power offered no specific targets, no concrete, achievable objectives, and no particular methodology. It relied upon provocative language, rather than clear goals and plans through which such goals might be realized.

Nevertheless, throughout the 1970s, opinion was divided as to the possibility and/or desirability of the use of violence as a political tactic. Established leaders like George Manuel pointed out that "change cannot come about without conflict, but conflict does not have to go the road of violence".  

\[1\] Quoted in Waubageshig, op. cit., p.3.
No one doubted the explosiveness of Indian feelings, but many leaders feared a negative public backlash if Indians did resort to violence. Indeed, Leonard Dick declared that militant leaders who advocated violence and scare tactics did not represent the general population of Indians, and would only succeed in generating "unjustifiably bad publicity". He took the position, with many others, that "violence and disruptive behaviour do not improve the situation; rather, they make the general population more aloof and unwilling to accept the Indians as they are...when the Canadian public sees so much violence and disorganization among our people, how can they expect to trust us with our own affairs?". 

Yet while they did not openly advocate violence, many Indian leaders made predictions of violence, if things did not change quickly for the Indians. In December, 1969 Cardinal predicted widespread outbreaks of civil disobedience by the mid-1970s, which would largely be a response to the White Paper, as the latter would only allow equality of treaty Indians with the non-Indian poor of Canada. Meanwhile, Adams said that because of the racism endemic to the school system, Indians would be forced to boycott schools, re-educate their children, and seek confrontations to radicalize their populations. Indians had to begin "a cultural, psychological and spiritual decolonization, a move towards liberation that might involve violence". These kinds of predictions seemed to carry thinly-disguised implicit threats:

Violence in our communities, both on and off the reservation, is occurring at this very moment...If this does not stop...then there is going to be a very angry young Indian population which will say, "What the hell! I have nothing to lose!" And we may have political

2Quoted in The Vancouver Sun, December 29th, 1969.
3The Vancouver Sun, December 29th, 1969.
Undoubtedly there was a very angry young Indian population, many of whom felt that violence was inevitable, even necessary, if they were to have any impact on white society. Caibaiosai, for example, delivered an impassioned criticism of those who counselled Indians to limit themselves to peaceful methods:

The unity I desire would want to produce a large WHY? when...some paleface talks about pacifism and non-violence so convincingly to Indians. Because non-violence means you do nothing to change this pitiful society, just what you have always been doing, e.g. suffer, starve, and just maybe by some beautiful miracle the minds of white men will be changed and...they would want to change the world for their past victims. But why, WHY must anyone wait until these people change...their famous bloody minds, before the Indian Man can live with the simple dignity any man ought to know? Why? Because they are the people who will suffer if the world changes. 

However, the anger of young Indians, such as it was, was only infrequently translated into acts of political violence, though at the rhetorical level, threats and predictions of violence escalated. Heather Robertson points out that as the ideology of Red Power represented, as much as anything, a defence against European standards, it was perhaps inevitable that its advocates should despise whites: "because antagonism and withdrawal from Canadian society are built into the contemporary Indian's self-image, to be an Indian, he has to hate the white man". Yet while established leaders had been critical of white society, specifically in terms of its treatment of aboriginal peoples, Red Power adherents took a more radical approach, condemning white society altogether. For example, the first issue of the N.A.R.P. newsletter in June, 1968, presented a

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1 Jack, op. cit., p.167.
2 Caibaiosai, op. cit., p.154.
How many times have you heard a white man say, "those stupid Indians they just don't want to become a part of our society, they ain't got enough brains or enough desire to make it in our world"? [Our] answer to this is: "You're right, whitey. We don't want to become a part of your society". Let's take a closer look at this great white society.

Remember how it started here in North America? By systematically destroying our ancestors, they committed every form of cruelty known to mankind: robbery, rape, mass murder of men, women and children. They infected us with their diseases, made treaties and then broke them at their will, yes, they used every treacherous trick they could think of to destroy our very existence. That's how this great society was founded....

And what about their society today? What are its high ideals and values like?..A society that is full of ugliness, where the greatest thing a man can do is accumulate as much wealth and status as he can...There are great gaps between the rich and the poor, some people have so much money they can never spend it, while others have nothing. They spend millions of dollars building rockets and missiles to go to the moon when thousands of people need money to buy food and clothes right here on earth....Wheat is rotting in granaries because they say it can't be sold at a big enough profit...all this is happening in the great white society while one third of the world starves to death.

White society is a great war machine: they take their armies across the sea and steal and plunder the countries of other people. They drop napalm bombs on defenceless poor people, send in their preachers and teachers to destroy their culture. Big companies suck the natural resources from them and leave them starving.

They do all this in the name of freedom and democracy....and when they say "you Indians don't fit in", we say you're god damn right, whitey, and we don't want any part of it...in the words of the great native folksinger Buffy St. Marie, "you can choke on your blue white and scarlet hypocrisy!".

Statements such as these are examples of symbolic competition writ large. Red Power's answer to the white man's "blue, white and scarlet hypocrisy" was to assert the superiority of aboriginal lifeways, history and culture. LaViolette has argued that in order for any ethnic group to survive, it must be able to assert control over its fate. The struggle for survival, he argues, is essentially a
struggle for identity, which means that the group must view its past positively and maintain strong links with traditional customs and beliefs. In fact, this was an essential element of Red Power ideology, perhaps the essential ingredient, for it made Indianness a positive attribute. As such, the traditionalist resurgence made a significant contribution to the development of a powerful, positive self-identity, which was manifested in larger political demands:

[Red Power advocates] demand a return to basic Indian philosophy, establishment of ancient methods of government by open council instead of elected officials, a revival of Indian religions and replacement of white laws with Indian customs; in short, a complete return to the ways of the old people.

Indeed, Red Power groups prided themselves on the non-hierarchical structures of their organizations, which they claimed were modelled after the ancient tribal councils. They also prided themselves on the fact that they refused to accept money from the federal or provincial governments, as they felt it would suck them into the vortex of dependency and compromise. As one Wenjack spokesman put it:

We saw that Ontario had over twenty different Indian organizations all fighting for the same piece of government pie. We saw conscientious, principled men who wanted to go directly to the heart of the problem but were restricted by an imposed structure which is inherent with the money and its source. We decided that we were going to form a group of people without any restrictions or strings attached. We would not subscribe to a structured hierarchy, people would find their level by their actions and not only their words. We became a movement, and we later realized that we instinctively adopted the traditional form of government that our forefathers used.

1Forrest LaViolette, The Struggle for Survival, op. cit., p.3.
2Vine Deloria, Native Americans Today, p.504.
3Quoted in Price, op. cit., p.245.
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In fact, young Red Power militants normally spurned the accomplishments of the Indian leaders of the 1940s and 1950s, looking instead to the nineteenth century military leaders, particularly those of the Plains, "where the movies have told them the significant heroics were carried out". 1 In addition, Red Power advocates exalted tribal religions, demanding that Indians should seek "cultural creativity from the medicine people, rather than from the educational system and the religion of the white man". 2 They attributed great importance to "the ways of the drum", which became one of the key cultural symbols of the movement:

The drum is the power of the earth and we are communicating our return to the ancient heritage of our people...We are invited to powwows many times a year where we drum and communicate our position by our actions...We always listen to our older people who advise us on our lives and goals and who instruct us on the legends and ways of our people. We've established and supported wilderness camps where this instruction takes place. 3

Thus, the revival of interest among young Indians in their tribal origins, languages, customs, religious traditions and ancient forms of government - elements which distinguished them as Indians from the dominant culture - became the cornerstones of the growing movement for Red Power.

Now it is obvious that all social and political movements organized around generalized goals experience internal tensions arising from diversity of opinion. In a sense, one of the essential functions of a political movement is the generation, development, and crystallization of an ideology or political analysis. Within the Red Power movement, various currents of thought competed for supremacy, yet managed to co-exist (sometimes uneasily) and enrich the pool of ideas upon which

1Ibid., p.212.
2Cardinal, quoted in The Vancouver Sun, Dec. 29th, 1969.
3Wenjack statement, quoted in Price, op. cit., p.245.
the movement could draw.

One of the more important ideological currents within the Red Power movement was the so-called leftist interpretation of Indian/white relations, the rhetoric of which had a distinctly Marxist flavour. Howard Adams was one of the most outspoken proponents of this view. Using the class terminology normally associated with Marxist ideology, Adams criticized "cultural nationalism", on the grounds that it was "a move backward to further oppression" if it was not accompanied by political consciousness. ¹ For him, "radical nationalism" was to be activated through a deepening of social and political consciousness, involving "a progressive political ideology which would advance the social awareness of the oppressed native people about their colonized situation". This ideology would also direct the cultural revolution:

Beginning at the neighbourhood level, nationalism helps to unite the social actions of native people through mass participation, and therefore grows naturally from the struggles of the people, not from indoctrination through a ruling class ideology. Radical nationalism is created by the people, who, by participating in the struggle...make the nation a reality to everyone...Nationalism [must be] taken up with full understanding and enthusiasm by the masses,... [and] it has to adjust continuously. ²

According to this interpretation, the native struggle was ultimately but one element of the class struggle, and the native ethic was strongly opposed to "the capitalistic profit ethic". Presumably this meant natives had to reject the trappings of representative democracy, for this analysis eschewed party politics and parliamentary elections, which served only "to perpetuate the capitalist system":

¹Adams, op. cit., p.196.
²Ibid., pp.193-194.
We need to liberate ourselves from the courts, ballot boxes, school system, church and all other agencies that command us to stay in "our colonized place". This oppression of the native people is so deeply rooted in the capitalist system that it cannot be completely eliminated without eliminating capitalism itself.  

However, the neo-Marxist analysis of the nature of the struggle, while accepted by many Red Power advocates, did not go unchallenged. Its proponents were accused of being "armchair Marxists" - according to Dosman, Adams himself, a university professor, was not supported by native people, but rather by university intellectuals - "his prose is too flowery and intellectual for the native people".  

Curiously, many of the criticisms levelled at Indian organizations by the left echoed the criticisms hurled by the right. For example, just as Adams et al. warned against "cultural nationalism", assimilationists (like Wuttunee) and integrationists (like Dick) criticized Red Power on the grounds that it promoted "a buckskin and feather culture". Similarly, while Adams et. al. criticized the "red bourgeoisie" for depending on government largesse, Wuttunee criticized Indian leaders who did not hesitate to ask for the white man's money while maintaining their "anti-white bombardment". Of course, Wuttunee, Dick et. al. were coming from an entirely different perspective. They believed that Indians had been "mollycoddled and babied for too long", and that they had to stop depending on special status for their survival. Nonetheless, it is interesting that the established native organizations came under assault from both separatists and

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1Ibid., p.203.
2Edgar Dosman, op. cit., p.162.
4Adams, op. cit., p.206.
5Wuttunee, op.cit., p.10.
6Dick, op. cit., p.(i).
assimilationists, though the criticisms were based on different reasoning.

5.2.3. The Impact of Red Power

While it is difficult to assess the extent to which Red Power ideology affected Indians across Canada, several studies conducted in the 1970s suggested a substantial degree of adherence to its general principles. Certainly, the rate of militant actions, many of them organized by N.A.R.P. and A.I.M., increased significantly. In 1975, Frideres conducted a content analysis of newspaper reports of collective actions by Indians in Canada. He sampled nine major newspapers in three-year sequences from 1950 to 1974 for: (1) number of incidents; (2) whether the incidents were "facilitative" (conferences, legal, civil libertarian etc.) or "obstructive" (occupations, blockades, marches, etc.); and (3) whether the incidents were provincial or national in focus. His data indicated an increase over the period of over 400% in the number of collective actions reported. There were also generally correlated increases in the proportion of these actions which were "obstructive" (from 10% to 40%) and of national focus (from 10% to 47%). Meanwhile, regional differences were predictable - the most peaceful Indian/white relations were in Quebec, while there was moderate conflict in Ontario and B.C., and high conflict on the Prairies. ¹

Similarly, Boldt's 1973 survey of the attitudes of 69 Canadian Indian leaders investigated the extent of their adherence to militant Red Power ideology. Boldt identified four types of leader:

(1) Nationalists, who were committed to complete political independence, and who wished to create a geographically-defined nation-state(s) exclusively for natives;

¹J.S. Frideres, Native People in Canada: Contemporary Conflicts, pp.258-259.
(2) **Autonomists**, who wished to establish a native federation within the existing structure of Canada, and who were interested in controlling the processes and institutions that controlled their lives (e.g. education, police, etc.);
(3) **Adapted Departmentalists**, who wanted to adjust the current system so as to increase native input;
(4) **Integrationists**, who wished to abolish all separate political structures which grant special status (e.g. D.I.A.N.D.), and whose major aim was to assimilate. ¹

Boldt found that over half the leaders interviewed were either nationalists or autonomists, and there was a high level of latent nationalism. However, the leaders tended to be ambivalent about the idea of independence. While the majority held independence as an ideal, few claimed that they actively pursued it as an immediate goal. Nonetheless, 56% of the leaders said they would approve of and participate in extra-legal activities for Indian causes. According to Boldt, the typical nationalist leader: was oriented toward Indian history, traditions and culture (an orientation which Boldt refers to as "romanticism"); was either young or old (i.e. not middle-aged); was likely to be male; was not well-educated; was probably educated in Catholic schools; was dark-skinned; tended to have a low income; derived his influence from a mass-based organization; and was probably a registered Indian. ²

As for adherence to Red Power ideas amongst the native population in general, Frideres concluded that no more than 3-5% of the Indians of that time could be considered Red Power advocates. But this did not mean that militant organizations were not important. He pointed out that only a small percentage of any given population can be expected to take part in riots, demonstrations, urban guerilla warfare and the like. But this small percentage requires moral, economic,

¹Quoted in Frideres, op. cit., pp.248-249.
²Menno Boldt, in Frideres, "Indian Leaders in Canada", p.194.
and physical support from the wider reference community, support which Indians in the 1970s seemed increasingly willing to extend to Red Power activists. Boldt concluded that:

Indian leaders have a basic ideological commitment to a separate social existence for the Canadian Indian. Ideas on how this separate existence might be accomplished vary from person to person and have changed over time. But, common to all separatist notions are the ideas that white prejudice and duplicity are so extensive and whites so unrepenting, that only separation and autonomy can improve the status of the Indian. The long standing special status of Indians in Canadian law, a documentary affirmation of their rejection by white society, has today become a concept on which Indians stake their rights to a separate nationality and to autonomy.

In fact, the Red Power ideology, for all its anger and its vitriolic condemnation of white society, facilitated the beginning of more reasoned, rational, even legalistic arguments for native autonomy. In the late 1970s and early 1980s, native leaders began to develop a number of key conceptual elements of their new ideology of opposition, concepts which had been around for some time, but which had not been fully developed. The three main elements of Indian ideology most often heard today are sovereignty/nationhood, aboriginal rights, and self-determination. The final section of this chapter is devoted to a discussion of these three conceptual underpinnings of native discourse in the contemporary era, for they are the legacy of Red Power.

1Frideres, Native People in Canada, op. cit., p.249.
2Boldt, op. cit., p.347.
5.3. CONTEMPORARY INDIAN IDEOLOGY

5.3.1. Sovereignty and Nationhood

We do not want to be Canadians, we are not in search for a nation to belong to. We are a Nation. We must strengthen and formalize, and play the world’s game with what we have, from where we are as a truly separate people...We have been unconscious captives and will be, unless we realize...that we have always been separate. ¹

It is very difficult to define sovereignty as Indians understand it. Certainly, western legal concepts do not enlighten us, for they were traditionally concerned with the authority of sovereigns, who ruled by divine right. Even the social contract theorists (like Locke and Rousseau) concerned themselves with the conditions under which sovereignty could be claimed by and within nation-states. For Indians, however, the idea of sovereignty precedes nation-states, rulers, governments and politics:

Ideally, sovereignty is the unrestricted right of groups of people to organize themselves in political, social and cultural patterns that meet their needs. It is the right of a people to freely define ways in which to use land, resources and manpower for their own good. Above all, sovereignty is the right of a people to exist without external exploitation or interference. ²

In mainstream political discourse, it is generally agreed that sovereign peoples must have the power to: control a defined territory; select their own form of government; make and enforce laws; determine membership/citizenship; regulate domestic and international trade; impose and collect taxes; appropriate

¹Caibaiosai, op. cit., p.149.
monies; regulate domestic relations; regulate property; establish a medium of exchange; make war and peace; and form alliances with other sovereign peoples via treaties, contracts and agreements.¹ These powers do not necessarily have to be exercised. What matters is the ability to exercise them.

Indians correctly point out that before colonization, discrete Indian societies held and exercised sovereign powers. They argue, as we have seen, that the British Crown recognized the inherent sovereignty of Indian nations through the Royal Proclamation of 1763, and through the treaties. The latter were bilateral agreements which recognized (and to some extent limited), but did not erase Indian sovereignty:

Prior to colonial settlement in North America, the Indian...people had uncontested dominion over their tribal territories and all the people therein. They could govern, make laws, wage war, and had their own political, social, cultural, educational, economic and property systems. Each tribe had absolute control over the resources and products of its land. In other words, the tribes had political sovereignty. To Indian people, their title to tribal lands was explicit in this political sovereignty. The actions of the colonial powers in entering into treaties with Indian peoples were an acknowledgement of sovereignty and a recognition of Indian rights to the land.²

Meanwhile, for the vast areas of Canada where treaties were never

¹Ibid.
signed, Indians also correctly argue that they have never ceded either title to their lands, or the right to self-government. Thus, they have come to claim continuing sovereignty.

The claim to sovereignty and nationhood has taken different forms. For example, Fred Plain, speaking for the Nishnawbe-Aski Nation, outlines their claim in legalistic terms:

The criteria for recognition as a nation are as follows: that the people have a permanent population; that they have a defined territory; that they have a government; that they have the ability to enter into relations with other states. We can assure Canada and the international community that...we can define ourselves as a nation. We have a population that is permanent,...We have a defined territory,...We have a democratic government given to us by the Creator. The Royal Proclamation of 1763 refers to our sovereignty; and the government of Canada approached us as a nation to enter into a treaty with them. 1

The assertion of uninterrupted sovereignty, to some Indians, includes an argument first, that as sovereign nations they should not have their rights cited in the constitution of another country (Canada), and second, that it is not appropriate for the federal or provincial governments to delegate powers to Indian governments as if they are subordinate. Thus, adherents to this position do not seek to have powers granted or delegated to them by other governments in Canada, but rather to have the Canadian Government pass legislation that merely recognizes Indian governments, and which would enable Canadian governments to engage in relations with them.

Yet, in asserting their continuing nationhood, Indians are usually careful to make a distinction between western concepts of nationhood (or nation-statehood)

and the Indian concept. The latter does not necessarily imply a desire to secede from Canada, but rather refers to the socio-cultural cement that binds Indian communities together. Indeed, it is sometimes difficult to distinguish the Indian concept of nationhood from the simple idea of the tribe or of an ethnic group:

Many of our own young people, and some academics, misunderstand [our position] by giving nation a political interpretation. As a result, a needless amount of hostility is generated. Indians across the country: the Dene...the Inuit...the coastal Indians, the Six Nations Indians, or any other North American tribes: use the term Indian Nation. It is unfortunate that in Canada the term should be misunderstood because of the friction between the English- and the French-Canadians...The nationhood that our elders talk about would be similar to the nationhood of the Jews...Indian people look upon themselves as the chosen people of the Great Spirit because the first father of their nation had a special covenant with the Great Spirit. Out of that covenant came the responsibilities of the elders: the laws and rules that they should follow, as well as their obligation to the land and to all things in the land. ¹

Of course, not all Indians have subscribed to this view. The most dramatic declarations of sovereignty have come from the Six Nations. Indeed, the Iroquois have a long tradition of asserting their nationhood in dramatic form. For example, in March, 1959, the Six Nations reserve near Brantford, Ontario, declared itself independent of Canada. The residents threw out the elected body forced upon them by the federal government, reinstated the hereditary chiefs, and ceded from Canada. Declarations of independence were sent to the Queen, Prime Minister Diefenbaker, the United Nations, and the President of the United States. Though the Canadian government dispatched the Mounties to dissolve the new “nation” by force, the Iroquois position was steadfast, and indeed, was to resurface again and again. ² Ten years later, the Iroquois reacted to the White

¹Cardinal, The Rebirth of Canada’s Indians, op. cit., p.141.
Paper by again declaring that the Six Nations reserve was a sovereign state, and would not be governed by the Ontario or federal governments. Their proclamation was signed by Chiefs representing five thousand Mohawks, Senecas, Onandagas, Cayugas, Oneidas and Tuscaroras, and was sent to Ottawa and the United Nations. 1

Similarly, Andrew Rickard, President of the Grand Council Treaty 9 proclaimed 200,000 square miles north of the 50th parallel a sovereign Indian nation of 20,000 people. Rickard’s declared aim was to win cultural, spiritual, social and economic independence, with a view to escaping the "cultural genocide" of the white man. This must have been a purely symbolic act, as several months later Rickard said Treaty 9 was not asking to be an independent sovereign nation, but wanted only to control social and economic programs. 2

Perhaps the most notorious assertion of sovereignty/nationhood is the Dene Declaration of 1975, some of which is reproduced below:

We the Dene of the N.W.T. insist on the right to be regarded by ourselves and the world as a nation.
Our struggle is for the recognition of the Dene Nation by the Government and people of Canada and the peoples and governments of the world.
As once Europe was the exclusive homeland of the European peoples, Africa the exclusive homeland of the African peoples, the New World, North and South America, was the exclusive homeland of Aboriginal peoples of the New World, the Amerindian and the Inuit.
The New World like other parts of the world has suffered the experience of colonialism and imperialism. Other peoples have occupied the land- often with force - and foreign governments have imposed themselves on our people. Ancient civilizations and ways of life have been destroyed.
Colonialism and imperialism are now dead or dying. Recent years have witnessed the birth of new nations or rebirth of old nations out of the ashes of colonialism...

The African and Asian peoples...have fought for and won the right to self-determination, the right to recognition as distinct peoples and the recognition of themselves as nations.
But in the New World the Native peoples have not fared so well...
Nowhere in the New World have the Native peoples won the right to self-determination....
While the Native People of Canada are a minority in their homeland, the Native people of the N.W.T., the Dene and the Inuit, are a majority of the population of the N.W.T.
The Dene find themselves as part of a country. That country is Canada. But the Government of Canada is not the government of the Dene. The Government of the N.W.T. is not the government of the Dene. These governments were not the choice of the Dene, they were imposed upon the Dene.
Our plea to the world is to help us in our struggle to find a place in the world community where we can exercise our right to self-determination as a distinct people and as a nation.
What we seek then is independence and self-determination within the country of Canada. This is what we mean when we call for a just land settlement for the Dene Nation.  

The tradition of asserting sovereignty/nationhood continued in 1984 when, at the First Ministers Conference on Aboriginal Constitutional Matters, Chief Billy Two Rivers of the Kahnawake Mohawk Council declared that:

The Haudenosaunee Six Nations Confederacy have no desire to separate from Canada, since the Confederacy have never been part of Canada... [The] new constitution will have no jurisdictional authority within our territories or over our people. Our people are citizens of our nation and do not seek citizenship within the nation of Canada.  

With declarations such as these, it is not surprising that Indian concepts of sovereignty are both confusing and threatening to federal and provincial governments. They are threatening insofar as the assertion of aboriginal sovereignty denies the sovereignty of the Canadian state, and to the extent that the national and international jurisprudence on the subject tends to support

1Reprinted in full in Mel Watkins, The Dene Nation: the Colony Within, op. cit., p.3.
2F.M.C., Ottawa, March 8-9, 1984, unofficial verbatim transcript, pp.256-257.
Indians' claims that they have not ceded sovereignty or the right to self-government.

Indian notions of sovereignty are also confusing because, on the one hand, Indians claim that it derives from the Creator, yet on the other hand, they make a political-legal case based on the claim that the idea of sovereignty was always a part of their culture. Certainly, in the pre-contact period, tribes tended to respect each other's "right to self-determination and to sufficient lands and resources to maintain the lives of their peoples". ¹ However, while the Western-European concept of sovereignty was based on a state's authority over a specified piece of territory, Indians traditionally based their concept of nationhood on their social community. Yet, as part of their political-legal justification for sovereignty, and in order to convince the Canadian and other governments that their claim is legitimate:

...contemporary Indian leaders are reconstructing and reinterpreting their tribal history and traditional culture to conform to the essential political and legal paradigms and symbols contained in the European-Western concept of sovereign statehood. They are creating the fiction that [pre-contact] Indian societies...had hierarchically structured governments that exercised authority through a ruling entity and that were in possession of lands clearly defined by political and territorial boundaries. To rationalize their claim to sovereignty, some Indian leaders are resorting to unsupportable and selective assumptions about the traditional exercise of authority by tribal groups, assumptions that contradict the images Indians hold of their traditional aboriginal reality when they are not specifically making a political-legal case for tribal sovereignty. ²

Boldt and Long do not consider this fiction to be a cynical attempt at deception

so much as a misguided interpretation of aboriginality. In the end, they maintain, Indians in Canada are opting for sovereignty because they see it as the most promising (internationally legitimate) doctrine by which they can protect their communities from external influences and powers. They want sovereignty, "not to justify internal authority within their communities, but to exclude the sovereign authority of the Canadian government".  

Thus, the Indian concept of sovereignty is an element of contemporary Indian opposition ideology through which Indians engage in symbolic competition at the level of high politics. By asserting uninterrupted sovereignty, Indians are delivering a message to the Canadian government which says: "We were sovereign nations before you came. Nothing that has been said or done in the last 200 years has extinguished our sovereignty. Therefore, you have no right to exercise authority over us".

5.3.2. Aboriginal Rights and Aboriginal Title

Like sovereignty, the term "aboriginal rights" is open to many interpretations. Courts and governments have generally leaned towards a narrow interpretation, while native peoples take a very broad view of what aboriginal rights are or should be. Again, as with the notion of sovereignty, aboriginal societies did not really have notions of "rights" as such:

[The unwritten laws of tribal society], concerned with behaviour, were a negative code in effect, that said that there are certain things that people should not do and if they do those things they will be punished. It was difficult for our people to conceive of a society that wrote laws that governed the way things should operate.  

1Ibid., p.341.
2Cardinal, The Rebirth of Canada’s Indians, op. cit., p.93.
Thus, the concept of aboriginal rights *per se* is a consequence of Indian/white relations, since obviously there would be no need for such a concept in the absence of colonialism.

The term aboriginal rights did not come into popular use on the Prairies until the mid-1960s, although it was a familiar term in B.C., the N.W.T. and Ontario. Even so, it was used in a fairly limited fashion. For example, the National Indian Brotherhood’s position paper on aboriginal rights (published in 1971 and later presented to the House Standing Committee on Indian Affairs) dealt solely with territorial rights, and was silent on local government or the constitutional protection of other native rights. However, in the 1970s and 1980s, the Indian concept of aboriginal rights was expanded to include almost every kind of right imaginable.

For native people, the concept of aboriginal rights is more than a legal issue. It has moral, emotional, and symbolic value, and as a consequence, they are loath to engage in semantic definitions. Moreover, since the status of aboriginal rights in Canadian common law and under the new constitution is uncertain, native leaders understandably wish to make the broadest possible claims as to their meaning and political implications.

But although there is some variation in views of what aboriginal rights do or should entail, several common themes run through discussions. First, aboriginal rights, it is argued, stem from aboriginal title, which is ostensibly a claim to a sort of ownership of traditional tribal territories based on historical use and occupancy:

The First Nations assert that the right of their people to govern their

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1Ibid., p.137.
lands and resources [an aboriginal right] is a right that flows from their aboriginal title. Their people's right to live on their own land, and to have use and occupancy of it, equally flows from their aboriginal title. Their right to permit settlement by others while at the same time retaining certain rights for themselves, as well as all residual rights, also flows from aboriginal title. 

A second important theme is the idea that aboriginal rights derive from native peoples' sacred covenant with the Great Spirit, and as such it cannot be alienated by any human action, through law, politics or force. Moreover, Indians tend to talk as much about responsibilities as rights:

What are aboriginal rights? They are the law of the Creator. That is why we are here; he put us in this land. He did not put the white people here; he put us here with our families, and by that I mean the bears, the deer and the other animals. We are the aboriginal people and we have the right to look after all life on this earth...It is our responsibility. Each generation must fulfill its responsibility under the law of the Creator. 

Their sacred relationship with the Creator imposes lasting responsibilities upon native peoples to protect the land and its bounties for future generations:

Our aboriginal responsibility is to preserve the land for our children. Everything on and in the land belongs to our children. It doesn't belong to us. We have no right to sell it, or give it up, or make a settlement. If we do that we will "settle" our great grandchildren right out of their aboriginal rights. We will spend the money that they give us and our children won't get a thing...Aboriginal rights are higher than politics or legal jargon. They are part of the natural law, which is higher than all politics, and we must adhere to it or else we are all going to disappear.

Statements such as these are good examples of symbolic competition, at once criticizing Western values, and the white man's preoccupation with money,
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jargon and the supremacy of man-made law. On the other hand, it offers a
view of native people as deeply spiritual, their major preoccupation being the
care of the environment for future generations. Aboriginal rights are spiritual,
and it would be inconceivable to expect native peoples to wantonly abandon their
sacred rights and responsibilities. It is difficult for whites to argue with such a
view.

As noted, the concept of aboriginal rights moved from a narrow basis in
the 1960s, to encompass far broader claims, particularly with the increasing
number of land claims, and with the Supreme Court's failure to define aboriginal
rights in the famous Calder case in 1973. This left native leaders free to
expand their understanding of aboriginal rights, so that by the early 1980s, the
concept seemed to cover all the rights normally attributed to nation-states. In
addition, aboriginal rights had become "human rights". For example, at the 1983
First Ministers Conference on Aboriginal Matters, John Amagoalik (co-chairperson
of the Inuit Committee on National Issues) said:

Our position is that aboriginal rights, aboriginal title to the land,
waters and sea ice flows from aboriginal rights and all rights to
practise our customs and traditions, to retain and develop our
languages and cultures, and the rights to self-government, all these
things flow from the fact that we have aboriginal rights....In our
view, aboriginal rights can also be seen as human rights, because
these are the things that we need to continue to survive as distinct
peoples in Canada. ¹

From his analysis of the available documentation, Michael Asch reports
virtual unanimity among native leaders about the meaning of aboriginal rights.
At the same conference, Clem Chartier spoke on behalf of the Metis National

¹Quoted in Michael Asch, Home and Native Land: Aboriginal Rights and the
Canadian Constitution, (Methuen, Toronto, 1984), p.27.
Council, outlining the Metis view thus:

What we feel is that aboriginal title or aboriginal right is the right to collective ownership of land, water, resources, both renewable and non-renewable. It is a right to self-government, a right to govern yourselves with your own institutions, whichever way you want your institutions to run; the right to language, to culture: the right to basically practise your own religion and customs: the right to hunt, trap and fish and gather are certainly part of that, but it is not all of it. ¹

Thus, to native leaders, aboriginal rights have come to encompass a broad range of proprietary, usufructuary, economic, civic, social, cultural and political rights. For example, the NIB identified twenty-four areas of jurisdiction Indian governments exercising aboriginal rights could claim: "band constitutions; citizenship; land; air; water; forestry; minerals; oil and gas; migratory birds; wildlife; fisheries; conservation; environment; economic development; education; social development; health and welfare; marriage; cultural development; communications; revenues; justice; Indian law enforcement; and local and private matters". ² Other rights would include the right to choose an aboriginal or non-aboriginal way of life; the right to an adequate land base; and the right to compensation for past injustices.

In broader terms, the Assembly of First Nations’ 1983 draft proposal to amend the constitution of Canada included specific provisions that would guarantee autonomous cultural and economic status for aboriginal peoples, protect Indian lands, and entrench a number of political rights, including:

1. The right of the First Nations to their own self-identity, including the right to determine their own citizenship and form of government.

¹Ibid., p.28.
²Quoted in Ponting, Arduous Journey, op. cit., p.229
2. The right to determine their own institutions.
3. The right of their governments to make laws and to govern their members and the affairs of their people.
4. The right to exemption from any direct or indirect taxation levied by other governments.
5. The right to move freely within their traditional lands regardless of territorial, provincial or international boundaries.

As native definitions of aboriginal rights became broader, governments became increasingly uncomfortable with Indian claims to rights which, if observed, would threaten the structure of the Canadian political system - hence the assertion of the word "existing" to s.35 of the Constitution Act, 1982, which declares that: "the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed". However, as "existing" aboriginal rights have not yet been defined by the courts or by the process of negotiation, their inclusion in the Act represents a significant symbolic victory for the native organizations which participated in the constitutional process.

It is important to recognize that aboriginal rights are not mere flights of fancy on the part of ambitious native politicians. Some are in fact recognized (though not defined) by the Supreme Court of Canada, as well as internationally. Some aboriginal rights have also been formally recognized in land claims agreements, such as the James Bay and Northern Quebec Agreement (1975), where the federal government and the Province of Quebec paid a significant sum of money to extinguish them. Thus, the notion of aboriginal rights has been one of the more successful elements of Indian opposition ideology, as it has been incorporated into the discourse of aboriginal/Canadian relations.

5.3.3. Self-Determination

If aboriginal rights inure to native peoples as a result of their original sovereignty, the two concepts culminate in the assertion of the right to self-government, or, in broader terms, self-determination. A great deal of confusion has been generated by the fact that native leaders tend to use the three terms interchangeably. This is largely because they are, in fact, deeply interdependent. Because they have not surrendered sovereignty, the argument runs, native peoples retain a large number of aboriginal rights, one of which is the right to self-determination.

To support their assertion of the right to self-determination, native leaders cite international accords which recognize the rights of colonized peoples - the Charter of the United Nations (chapter XI), Article 26 of the Covenant of the League of Nations, and Resolution 1514 (XV) of the U.N. General Assembly, passed unanimously in 1961. Article 2 of the latter declares that: "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue this economic, social and cultural development".

As an element of Indian opposition ideology, the principle of self-determination challenges the premises of the modern nation-state of Canada, with its two-tiered division of federal and provincial powers. Although the system is designed to accommodate a measure of local and regional autonomy, it does not allow for the autonomy of local communities defined by their ethnicity. However, native leaders point out that the system has managed to accommodate Quebec's special needs, even to the extent of the Bilingualism and Biculturalism policy, and therefore, there is no reason why it should not allow for native
self-determination within the framework of Confederation.

5.3.4. Conclusion

This chapter has shown that Canada’s Indians have indeed engaged in symbolic competition with the dominant society. As well as taking positive steps to reverse negative stereotypes, they have also reclaimed treasured elements of their various cultural heritages, using them to assert their relative superiority to whites. Indians have also created an ideology of opposition, by which they hoped to unite their populations, and to propel themselves from a subordinate status as wards of the Canadian government to self-governing communities. The most militant expressions of Indian opposition ideology have been generated by Red Power advocates, who spearheaded a number of symbolically important political actions, and created a powerful anti-white rhetoric which commanded the attention of politicians and the public.

From the evidence presented above, it can be argued that Red Power ideology, though incomplete and in many senses immature, contributed something of substance to the discourse of Indian politics in Canada. In particular, Red Power stimulated a subordinated and often resigned minority to a sense of possibility, as evidenced by a distinct increase in the number and types of protest actions over the last twenty years. It contributed to the tribal resurgence and to Indian pride. Red Power also made the established leadership more attractive to governments, which preferred to negotiate with more moderate organizations. To this extent, Red Power’s use of threats of violence helped to provide incentives for governments to take Indian organizations and their claims seriously.
However, perhaps Red Power's most important contribution was that of provoking vigorous debate within the Indian population in general, especially among the established leaders. Red Power forced them to re-evaluate and clarify concepts, goals and methodologies. With its demand for a separate existence for Canada's native peoples, Red Power expanded the parameters of Indian political objectives. Whereas before Red Power (and the White Paper), most organizations had pressed for modifications to the existing system, equal treatment under the law, settlement of treaty and land problems, and a stronger voice in the administration of their affairs, in the late 1970s the call was increasingly for full-fledged self-government. Although the exact forms self-government might take are still to be determined, the militant activism of the 1970s at least opened up the debate as to its feasibility.

Having said that, I do not wish to overestimate the importance of the Red Power organizations or ideology. Nevertheless, within any social or political movement, those at the extreme ends of the political spectrum tend to fulfil the function of forcing others to clarify and streamline their own positions. In the end, some elements of the extreme positions are incorporated into the more moderate discourse, so that they actually shift the terms of discourse in one direction or another. Red Power did precisely that. However, it appears that Red Power was a phenomenon of the 1970s. Indeed, one seldom hears even the phrase today. Yet the legacy of Red Power has been substantial and lives on into the 1990s in the more developed concepts of aboriginal rights, sovereignty and self-determination. Red Power was one horn of a dialectical process which produced the more rational and legalistic approach to self-government we witness today.
However, symbolic competition and the opposition ideology which often accompanies it involve certain dangers. As this chapter has shown, the symbols used to compete with whites were protective (of aboriginal culture, traditions and values), emotive (that is, designed to appeal to deep-seated emotions rather than to reason), and exclusive (promoting in-group confidence and pride rather than appealing to the non-native public). Yet it was important that native leaders did not fall into the trap of simply stereotyping and criticizing whites and their society. The militant rhetoric of the 1970s was developed within a particular national and international context in which Western societies came under a barrage of criticism from many quarters. But, with the general neo-conservative resurgence of the 1980s, Indian strategies had to change, and change they did, especially with the opportunities offered by the process of constitutional reform. The latter became the major focus of native organizations in the early part of this decade, and Indian strategies displayed a much greater sensitivity to the importance of winning public sympathy. This is the subject of Chapter 6.
6. CHAPTER 6: POLITICAL SETTINGS AND MEDIA MANOEUVRES

Previous chapters have discussed the strategies of community-building, symbolic reversal and symbolic competition pursued by Indian leaders and organizations in the last few decades. In a general sense, the purpose of these strategies has been to create a community of interests among diverse Indian groups, to articulate a political polemic, and to develop a distinctively Indian political ideology. These strategies, featured primarily (but not exclusively) in the 1960s and 1970s, were largely overtaken in the 1980s by strategies which have centred on playing out specific conflicts in various forums.

The following two chapters focus on the three remaining symbolic strategies outlined in Chapter 1: the manipulation of political settings; "using the system"; and routinization of conflict. These strategies represent the second stage of minority politicization wherein the minority attempts to present its political claims to the public and to political decision-makers. Generally, they aim at creating points of access to the centres of political decision-making. They are concerned with shaping the field in which minority-government conflicts are played out. In the present case, because Indians have traditionally been excluded from the normal channels of interest representation, they have pursued their political objectives on a number of fronts simultaneously, using a range of sometimes extraordinary tactics.

Indians' main political goals in the 1980s and early 1990s are well-represented in demands for the settlement of specific and comprehensive land claims, and for the right to self-government. However, as these goals are politically controversial, and as they do not elicit automatic support from governments, Indian leaders have attempted to garner public support for them in
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a variety of ways. They have used: acts of civil disobedience; international
pressure; and the administrative, legislative and constitutional processes.

One would expect a rough correspondence between the strategies and the
chosen arenas. For example, acts of civil disobedience and various manoeuvres on
the international scene are generally played out before the media. As such, they
offer ample opportunities to create and manipulate settings so as to enhance the
dramatic effect of Indian political activities. Similarly, Indians’ use of the courts,
the legal system, commissions of enquiry and the like are associated with
attempts to use the dominant society’s structures, institutions and methods for
Indian purposes - they are "working the system". Finally, Indians’ attempts to
negotiate through the Parliamentary and constitutional processes can be viewed as
attempts to routinize conflict.

The symbolic strategies and the various forums in which they are pursued
are interrelated in complex ways, though they are separated here for analytical
purposes. While discussion of Indian attempts to "use the system" and to
routinize conflict will be left to Chapter 7, this chapter focusses on Indians’
attempts to create and manipulate political settings. The first part of the chapter
is centred on acts of civil disobedience, while the latter part deals with Indians’
attempts to pressure governments via manoeuvres in a number of international
arenas.

6.1. PROTEST ACTIVITIES

If Indian militancy was sparked in the 1960s, the 1980s have witnessed
an increasing sophistication on the part of Indians in their use of the media.
Indians have become much more adept at creating and manipulating political
settings to enhance the dramatic effect of their political actions. Many specific Indian-government conflicts have been deliberately played out before the viewing public. In particular, protest actions (such as sit-ins, blockades, demonstrations, and even hunger-strikes), as well as activities in the international arena have received ample media coverage. Normally, such activities are motivated by three objectives: first, to increase Indians’ political visibility, that is, to bring native issues to the public’s attention; second, to win the support of the public, the media, and influential individuals and organizations; and third, to embarrass the federal and/or provincial governments into taking actions they are not legally obliged to take. The actions discussed in this section are examples of Indian attempts to create appropriate political settings, insofar as they are designed to attract media attention in order to achieve one or more of the objectives enumerated above. These actions are undertaken to create conspicuous political symbols and are aimed at legitimizing a set of values and a mode of access to the political process.

6.1.1. Civil Disobedience

Protest activities (or acts of civil disobedience) have been undertaken with varying degrees of success by many minorities for various purposes. Indians in Canada have tended to fall back on acts of civil disobedience as tactics of the last rather than the first resort. When other channels of protest have failed, Indians will embark upon direct action as a last ditch attempt: to stop or delay a resource extraction project on lands over which Indians claim aboriginal title (such as reserve lands or traditional territories); to protest an aspect of government policy; or to assert claims of Indian sovereignty and/or jurisdiction in
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given political, social or economic areas.

The protest activities undertaken by Indians can generally be classified according to the degree of political militancy they express. The lower end of the scale includes fairly innocuous means of sending signals to politicians, such as lobbying ministers and holding public rallies. In the middle range we might include more direct signals involving physical actions such as sit-ins, demonstrations and blockades. Finally, at the high end of the scale of militancy, Indians have occasionally resorted to threats or predictions of violence, armed confrontations, and the creation of so-called "peace-keeping forces". The latter are direct challenges to the authority of the state, and are the most dangerous forms of protest for Indians, since they are the actions which are most likely to (a) provoke physical retaliation by government, and (b) provoke an attitudinal backlash among members of the public who would otherwise have supported them.

In general, the use of mid-range to highly militant actions can be expected to vary with: the success or failure of lower level actions; the immediacy of the situation (for example, in a logging dispute the arrival of fallers bearing chain-saws is likely to provoke a sit-in or a road- or sea-blockade); Indians' assessment of the chances of success; the need to stall for time while other avenues (such as the courts) are explored; the desire to provoke a reaction from the government (this can mean provoking the government to take action to resolve the situation, or provoking the government into taking repressive measures, which can then be publicized and used against it); and the desire to gain maximum publicity for the group's grievances.

Indians have generally tried to keep their protest activities at the lower
end of the scale of militancy, since escalation can mean losing control of a given protest situation. However, as the following discussion shows, Indians have not been averse to using highly militant tactics in a number of conflicts.

Although Indians used sit-ins, demonstrations and blockades in the 1960s and 1970s, in the past decade these tactics have been used to much greater effect, and have received significant media coverage. In particular, the B.C. cases have enjoyed high-profile national attention, and the tactical successes of the Haidas have been equalled only by those of the Lubicon Indians of Alberta. Although there are many examples, this section discusses only those cases which have succeeded in capturing and sustaining national attention over a prolonged period.

It must be noted at the outset that the B.C. cases have been especially visible for a number of important reasons. First and foremost, B.C. Indians are in a unique position. With the exception of the fourteen small treaties signed between Governor Douglas and a number of coastal groups in the 1850s (and Treaty 8 which covers part of northeastern B.C.), most B.C. bands have never signed treaties. Thus they are in a position to claim (like the Indians of the Maritimes, most of Quebec and the Northwest Territories) that they have not ceded title to their traditional territories, and that they enjoy unextinguished aboriginal rights.\(^1\) Therefore, conflicts which begin over questions of land use can quickly escalate into land ownership claims when Indians object to a particular use (such as logging or mining). The ownership claims obviously have

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\(^1\) The status of this claim under Canadian law has not yet been settled. Some discussion of the nature of the controversy is discussed below, as well as in the following chapter. For an historical discussion of the treaty processes in each of the provinces and territories, see J.S. Frideres, Native People in Canada: Contemporary Conflicts, 2nd edition, (Prentice-Hall, Scarborough, Ontario, 1983), chapter 3.
implications of much greater economic and political magnitude. Whereas Indians in other parts of the country tend to make specific claims involving disputes over treaty provisions and reserve entitlements, B.C. Indians are in a position to make so-called "comprehensive" claims to land ownership. ¹

A second factor explaining the prominence of the B.C. cases is the fact that a number of coastal tribes have traditionally had sophisticated political organizations, and have been renowned for their militancy at both the provincial and national levels. This organization and militancy, combined with the B.C. government's steadfast refusal to recognize aboriginal rights, has made for a series of heady confrontations. In fact, although the major B.C. Indian conflicts of the 1980s have had as their immediate focus private resource companies, the Indians have always been careful to point out that their grievances were actually against the province, since it is the provincial government which grants licences to the resource companies. ²

A third related factor is that to date, over 20 comprehensive land claims have been submitted to the Department of Indian Affairs regional Office of Native Claims in B.C., which together account for over 70% of provincial lands. It is interesting to note that only five of these claims were submitted before

¹Basically, "comprehensive" claims are those claims made by non-treaty Indians who have not formally ceded their aboriginal title or aboriginal rights over their traditional tribal territories by treaty or other means, where these rights have not been explicitly extinguished by acts of Parliament or of provincial legislatures. Accordingly, they are based on claims of continuing aboriginal rights and aboriginal title, and often involve substantial tracts of land. "Specific" claims, on the other hand, are usually less grand, and involve claims that the government has been negligent in its trust responsibilities towards Indians (see the Guerin case discussed in Chapter 7), that treaty provisions have not been honoured, or that reserve lands have been improperly expropriated by the federal or provincial governments. See "In All Fairness: A Native Claims Policy" (DIAND, Ottawa, 1981), and "Outstanding Business" (DIAND, Ottawa, 1983).

²Paul Tennant makes this point in an unpublished manuscript entitled "Protest Blockades", (University of British Columbia, 1989), p.5.
1983. Of the remainder, the majority had been in preparation for some some years prior to 1983, but it is fair to say that in some cases (most notably the Nuu'chah'nulth case), the submission of a land claim was to some extent precipitated by pressing land use conflicts. Indeed, two bands have attempted to have their claims to aboriginal rights settled in court as a direct result of resource development projects purported to threaten the integrity of their traditional lands (though these attempts will be discussed later). Obviously, with such vast areas of the province under claims, land-related disputes in B.C. are bound to attract the attention of the media, the public and public officials.

The first of the major B.C. Indian conflicts in the 1980s involved a little island across the water from Tofino on Vancouver Island. Virtually unknown even to the citizens of B.C. before 1983, by 1985 Meares Island was famous, not only across Canada, but also in many other parts of the world. As it was the first protracted struggle (which set the parameters for later similar conflicts), the Meares case deserves detailed treatment here.

The conflict over Meares Island began as one of land use and resource management. Comprising some 22,000 acres of mountains and prehistoric rainforest (which covers 95% of the island), Meares Island is considered to be a unique ecosystem which has remained virtually untouched since the last ice age. Some 40% of the island was claimed by the MacMillan Bloedel forest corporation as part of its Tree Farm Licence (TFL) 44, while B.C. Forest Products had provincial authorization to log most of the remainder. When MacMillan Bloedel announced its intention to commence logging on Meares in 1980, the stage was set for one of the most dramatic Indian-government conflicts in recent memory.

Shortly after MacMillan Bloedel’s announcement, the Clayoquot and
Ahousat Indian bands (which had small reserve settlements on Meares Island) and a newly-formed society of concerned Tofino residents, the Friends of Clayoquot Sound (FOCS), lobbied the Forest Minister (at that time, Tom Waterland) to stop the logging plans. In terms of the scale of militancy, this was a low level action, and in the short term at least, it was successful. The minister created the Meares Island Integrated Planning Team, which consisted of industry representatives, Indians, local residents and representatives of various government departments. The Planning Team was to consider a number of options and make its recommendations to the Cabinet.

The Planning Team met for three years before presenting three options to the B.C. Cabinet's Environmental Land Use Committee (ELUC). However, in November 1983, ELUC ignored the Planning Team's recommendations, opting instead to allow the companies to log 90% of the island, and deferring logging on the remaining 10% for twenty years. The government's disregard for the Planning Team's efforts, together with its denial of a request by some its participants for an enquiry into the ELUC decision, led the FOCS to conclude that "the public planning process had been a farce, no more than a phony exercise in public relations". From this point onwards, attempts to resolve the

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1The options were: (1) total preservation; (2) preservation of 50% of the island with a 25 year deferral on the remainder; and (3) preservation of 50% of the island, with logging allowed on the other 50%. See "Meares Island Planning Options: Report of the Meares Island Planning Team", June 30th, 1983, p.ii. It must be noted that none of these options was acceptable to the industry representatives on the team (MacMillan Bloedel, B.C. Forest Products, and the International Woodworkers of America). The report was the product of the remaining participants (the Nuu'chah' nulth Tribal Council, the Village of Tofino and the Alberni/Clayoquot Regional District, the Department of Fisheries and Oceans, the Marine Resources Branch, the Ministry of Forests, and Parks Canada). In fact, MacMillan Bloedel withdrew from the Team after two and a half years, and presented its own plans for logging the island to ELUC.

2"Meares Island: Protecting a Natural Paradise", (Friends of Clayoquot Sound/Western Canada Wilderness Committee publication, Vancouver, 1985), p.54.
dispute through normal channels of the political process were abandoned for more
direct, more militant action.

At first, the local residents of Tofino and a number of environmental
groups took the lead in the struggle to save the island. But the Indians were to
play an increasingly significant role, eventually directing the campaign with the
assistance of their environmentalist allies. Each of the parties had its own way
of defining the nature of the dispute, as well as its own agenda. While the
non-native groups saw the issue in terms of "the most basic conflict in Canadian
society -- the clash between monetary and non-monetary values", the Indians
increasingly framed the dispute as one concerning land ownership and Indian
stewardship of the resources. In fact, in 1980 the thirteen bands of the
Nuu’chah’nulth Tribal Council (including the Ahousat and the Clayoquot bands)
had filed a land claim with the Office of Native Claims for their traditional
territories (including Meares Island) in the west-central region of Vancouver
Island. So, while the Indians sought, received and relied upon the support of the
non-native groups, there was a marked difference in how the parties defined the
dispute. To the non-natives it was a question of environmental protection,
conservation, inadequate forest management practices, and corporate profiteering,
while to the Indians it was all of this, plus a question of aboriginal property
rights and spirituality.

The propaganda war which followed ELUC’s decision was waged by the
two sides to the dispute (Indians and environmentalists versus industry and
government) before a confused public which was expected to align itself with one
side or the other. MacMillan Bloedel embarked upon an expensive public relations

1Tbid., p.6.
campaign, and produced a slide/tape show entitled "Understanding Meares". The message of MacMillan Bloedel's campaign was that the island had to be logged in order to save hundreds of jobs and to prevent a downturn in the provincial economy. For their part, Tofino residents held an Easter Festival and Boat Parade in April 1984 to draw public attention to the issue.

However, the Indians' actions were much more dramatic and, for the media, much better copy. On April 24th 1984, the Clayoquot Band Council declared Meares Island a Tribal Park open to non-destructive uses by all, and sent a copy of the declaration to the government. A Tribal Park sign was carved by Nuu'chah'nulth artist, Godfrey Stevens, and was erected at C'is-a-qis Bay, the site at which logging was to commence. While the Indians did not have the legal authority to create a Tribal Park on provincial lands (and as they certainly did not expect the sign to deter the loggers by itself), the action must be interpreted as a symbolic gesture, an assertion of Indian jurisdiction over the disputed territory. On the scale of militancy, this was a middle-range action. It was not direct confrontation, but it was designed to draw attention to the conflict and to provoke some kind of response from the government.

Similarly, other physical symbols of importance to the Nuu'chah'nulth were offered to the viewing public. One notable media event was the erection of a 27-foot cedar Welcome Figure ("Haa-hoo-ilth-quin") on the steps of the B.C. legislature in Victoria. The figure, carved by Nuu'chah'nulth artist, Joe David, portrays the beauty and harmony between human beings and nature, and was erected at a rally of some twelve hundred Meares supporters, with evening news

\[1\text{Ibid., p.54. MacMillan Bloedel argued this even though Meares represented less than .15% of TFL 44, and despite the fact that between 1980 and 1984, MacMillan Bloedel could not even keep up the minimum requirements of its Annual Allowable Cut in the TFL which included Meares.}\]
teams and newspaper reporters in conspicuous attendance. Indians in traditional
dress, along with Indian singers, dancers and drummers added to the spectacle,
while leaders delivered their speeches to the cameras. The Indians had gone
public, and were learning how to create and use conspicuous political symbols.

As 1984 pressed on, the Indians began to consider court action. The
Nuu’chah’nulth Tribal Council (NTC) and the Clayoquot Council embarked upon a
fund-raising campaign to collect money for the legal fees required to try to
obtain an injunction against MacMillan Bloedel, and to gain legal recognition of
the Tribal Park. Money was collected from the bands, from public rallies and
speaking events, and from various organizations. However, the court case would
not be heard before the date of commencement of the logging operations.

In October of 1984, Indians and FOCS members set up a camp at
C’is-a-qis Bay, built a cabin and carved cedar canoes. Even as MacMillan Bloedel
helicopters surveyed the scene, the protesters debated their tactics. However, the
media’s attention was not fully caught until it was discovered that a number of
trees on Meares Island had been "spiked":

Ever since a CBC television crew filmed a "spiker" climbing up a
Sitka spruce on a ladder of spikes and then hammering each spike
into the trunk as he descended, the story has swollen into a national,
indeed international, cause celebre. Though there was bitter
disagreement about "spiking" as a tactic, its perfect news imagery
catapulted this David and Goliath conflict into the front pages of
newspapers and into lead items on evening news reports. ¹

Although the Indians and the FOCS disclaimed any knowledge of the
spiking, they did not denounce it. Without wishing to impute motivations to the
"persons unknown" who were responsible for the spiking, one can be reasonably

¹Des Kennedy, "To the Land: the Meaning of Meares Island", Canadian Forum,
June/July 1985, p.15.
certain that it was done for two reasons: first, spikes render the trees worthless as they can destroy chain-saws and endanger the lives of fallers; second, and more significantly, as an act of civil disobedience, spiking was bound to attract media attention and to stimulate public debate over the issue. The fact that the CBC crew was allowed to film an unidentified spiker in the act would appear to be testimony to this interpretation. It was a provocative act and the imagery was certainly compelling.

Apart from the spiking, the protesters' tactics were largely non-violent. They promised to "occupy the woods and hug the trees", and to sit passively in the fallers' way. When a 17-man logging crew finally arrived on the island on November 21st 1984, it was met by a flotilla of small boats which blocked the entrance to Heelboom Bay. Chief Moses Martin "welcomed the loggers to [the Indians'] garden and asked the loggers to please leave the chain-saws in the boat". The loggers, realizing they were caught in a struggle which was too big for them (and conscious of the watchful eyes of the T.V. cameras), withdrew. So the issue proceeded to the courts.

While Indians' use of the court system will be discussed more fully in Chapter 7, it must be pointed out here that the legal route in the Meares conflict was not the instrument of choice for the Indians. They had hoped for political intervention, particularly as this was to be a test-case, and as the legal outcome could not be predicted. Nonetheless, after MacMillan Bloedel filed a writ against the protesters (asking for an injunction as well as damages), the Clayoquot and Ahousat bands commenced declaratory proceedings, not against MacMillan Bloedel, but against the Attorney General of B.C. The Indians'

1Ibid., p.17.
2"Meares Island: Protecting a Natural Paradise", op. cit., p.57.
statement of claim attacked "the applicability to Meares Island of provincial laws which may purport to infringe upon or interfere with aboriginal title".  

It is significant that the Indians did not simply ask for an injunction against the logging company. Instead, as they characterized the conflict as one over land ownership, they asked for a declaration that their aboriginal title had never been lawfully extinguished. They sought a declaration that "any authorization purporting to allow logging or to in any other manner interfere with said aboriginal title on Meares Island is ultra vires and of no force or effect". This was the first time that Indians had attempted to halt resource extractive activities through the courts on the basis of an aboriginal title claim.

In the meantime, while the case was under consideration, in December 1984, unidentified "saboteurs" wrecked MacMillan Bloedel's survey markings, destroying logging road survey tapes. In addition, MacMillan Bloedel had identified spiked trees with spray-painted bullseyes, and had marked clear trees with a blue check. The protesters sprayed all the trees to confuse the fallers, and one protester declared that "the whole woods is looking like psychedelic art".

In January 1985, Mr Justice Gibbs of the Supreme Court of British Columbia granted MacMillan Bloedel a temporary injunction against the blockade. He denied the Indian claim to aboriginal title (taking the position of Judson, Martland and Ritchie in the Calder case), and rejected the Indians' and environmentalists' request to have logging delayed until the matter was settled in full court.

2Ibid., p.6.
3C.J. Hinke, quoted in The Vancouver Sun, December 11, 1984, p. A17.
4Gibbs J. was keenly aware of the implications of granting an injunction against MacMillan Bloedel. For example, on p.15 of his reasons for judgment, he states
The Indians' response to Gibbs' decision was short and sharp. Indian bands and tribal groups in B.C. and the Yukon rallied to the NTC's side. At a news conference in Vancouver, James Gosnell of the Nisga'a Tribal Council predicted a "bloodbath" if logging was not halted:

"We are not promoting violence, we never have. I don't know what will happen - there could be a bloodbath. But we won't be responsible for it. We will hold the white man responsible."

Thus the protest threatened to escalate to the higher end of the militancy scale if the Indians' demands were not met. George Watts, chairman of the NTC, announced that there would be five hundred to a thousand people on the island chaining themselves to the trees. He promised that the Indians would not give up:

"(cont'd) that "there is evidence before me of the potential consequences of granting an interim injunction in the second action. They are enormous and not confined to Meares Island....the potential consequences may be taken into account in tipping the balance against the applicants". Again, at pp.39-40, he states that "the prayer for relief requests a declaration that laws and authorizations of the provincial crown are ultra vires, and here the potential consequences of granting an interlocutory injunction are extremely serious in terms of the economic and business affairs of the province...What tips the balance in MacMillan Bloedel's favour is the interference with the conduct of business operations, [and] the potentially disastrous consequences which I have referred to earlier....". Gibbs' reasoning here shows his sensitivity to the economic and political consequences of a recognition of aboriginal title. I would not go so far as to say that these political considerations prevented him from judging the case before him on its merits, but his remarks indicate that for him, business interests supercede the interests of the Indians. A second interesting aspect of the case was Justice Gibbs' observation that the Indians had "slept on their rights". He noted that Moses Martin had sworn that the bands had been opposing logging on Meares since 1981, yet Martin had waited three years to seek a declaration of his rights "at a time when MacMillan Bloedel's plans were on the eve of being implemented" (p.40). Two observations are warranted here. First, the delay in seeking a declaration of rights indicates, I think, that the Indians did not wish to use the courts, except as a last resort. Second, an alternative explanation may be that the Indians wished to publicize the issue as much as possible before going to court, in the hope that publicity might improve their chances.

Yes, we are going to defy the law. We have decided that our survival is a hell of a lot more important than Justice Gibbs’ decision. We are going to be there to protect the trees.  

The Indians’ sabre-rattling did not have the desired effect, at least not on MacMillan Bloedel. With their freshly printed injunction, MacMillan Bloedel employees once again landed at C’is-a-qis Bay, only to be met, once again, by protesters. After a round of bargaining, a “gentleman’s agreement” was reached between the protesters and MacMillan Bloedel. No logging was to take place until an appeal against Gibbs’ decision was heard in the B.C. Court of Appeal.

A week or so after the Gibbs decision, the Meares conflict took an interesting turn. Two journalism students researching a story on MacMillan Bloedel claimed to have seen the results of a secret Goldfarb poll scribbled on the back of a MacMillan Bloedel document. The poll, conducted between December 10th-16th 1984, showed that 78% of B.C. residents thought that land claims should be settled before Meares was logged. The Indians delighted in the poll. Moses Martin told The Vancouver Sun that “deep down we all felt it would come to this: we knew any legal decision would favour MacMillan Bloedel, but we hoped the people would support us”.

In the second round of court proceedings, the Indians won a major legal

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1 Ibid.
2 See The Vancouver Sun, January 31st 1985, p.A1. The poll showed that: 77% of the respondents were aware of the Meares situation; 59% had seen an item about the conflict on television; and 41% had learned of it from print. Apparently, MacMillan Bloedel had had the survey conducted in secret, and had suppressed the results. Hal Holden, Vice-President of the company was quoted in the article cited above as follows: “If we were to release the full results there would be a serious risk of perpetuating misunderstandings, and that is neither in the public interest nor ours”. One wonders what misunderstandings could have been perpetuated had the public been made aware of public opinion!
3 The Vancouver Sun, February 1st, 1985, p.A18. Martin noted that moral and financial support had been coming from various sources (including a cheque for $10,000 from a Toronto Anglican church).
and moral victory. In March 1985, the B.C. Court of Appeal ruled that logging on Meares should be suspended while the Indians began a Supreme Court action on the substantive nature of their aboriginal title claim. Justice Alan McFarlane wrote in the decision that "justice to the Indians in these unusual circumstances means giving a decision on the merits of their claim before destroying the forests involved in that claim".  

1 The Court found that the earlier decision had not settled the aboriginal title issue, and that it could not in fact be settled without a hearing in full court. This decision was unprecedented. The court was undoubtedly influenced by the recent Guerin decision (1984), which had taken a very broad view of aboriginal rights, and which had become a new precedent-setting case (see Chapter 7). The B.C. Court of Appeal ruling was particularly important as it signalled the possibility that other bands could seek injunctions against resource projects pending the hearing of their wider claims to aboriginal title and aboriginal rights.

Justice Seaton, sensitive to the wider issues involved in the case, made a perceptive comment:

Meares Island has become the front line in the dispute over Indian title...[It] is important to MacMillan Bloedel not because of its trees, but because it is where the line has been drawn. It has become a symbol.  

2 George Watts, after hearing the 3-2 B.C. Court of Appeal decision, cried on the steps of the courthouse, saying "I feel like David after he defeated Goliath".  

3 He agreed with Justice Seaton that Meares was an important symbol as it represented everything the Indians believed in, and he summed up the victory by

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1 Quoted in Kennedy, op. cit., p.11.
claiming that "we have always been the underdog, and here we took on one of the biggest corporations in the world and we moved the system".  

The Meares Island conflict was significant in a number of ways. First, as George Watts put it, "Meares Island is unique because it's the first time in the history of this country that Indian people and non-Indian people have gotten together to preserve something". The Indians had sought, won and relied upon the support of non-Indian environmentalist and citizens' groups. The support of the non-native residents of Tofino (who would no doubt have benefitted from the logging jobs) added credibility to the native protests. This was not just another little band of Indians and/or hippie environmentalists determined to thwart the engines of progress. If whites who stood to benefit from logging the island opposed it, valuing Meares instead for its aesthetic and ecological qualities, there had to be something to the Indians' concerns.

Kennedy argued that "the defenders of Meares Island have been successful because they have managed to tap a deep reservoir of public revulsion and anger at what logging is doing to Supernatural British Columbia". But it was more than that. It is doubtful that there would have been such a high level of public support for the cause had it simply been a quarrel between environmentalists and MacMillan Bloedel over destructive logging practices and ecological conservation. There have certainly been disputes of that kind which

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1 Quoted in The Vancouver Sun, March 28th, 1985, pp.A1-A2. To date, the Meares Island aboriginal title case has not been heard in the Supreme Court. In September 1985, Chief Justice Alan McEachern ruled that the Meares case would be heard in conjunction with the Gitskan case, of which more will be said in Chapter 7. However, McEachern later agreed to hear the Meares case separately, pending completion of the Gitskan case. (See The Vancouver Sun, February 10th, 1986, p.B10.) The anti-logging injunctions have since been renewed and logging has been suspended since 1985.

2 Quoted in Kennedy, op. cit., p.17.

3 Kennedy, op. cit., p.13.
have not elicited wide public support for the defenders of the trees. While the non-native activists in the Meares struggle like to think it was they who "saved the island", there can be no doubt that the Indians ultimately succeeded, since they alone had the legal standing to bring a case before the courts, using an aboriginal title claim to halt the logging. It is unlikely that ecological arguments alone would have stood up in court.

Moreover, the Indians had taken the initiative in using the tactics of civil disobedience. These tactics had been successful in that they stopped the logging in the immediate sense, and insofar as they forced the issue into the courts where the Indians could make their aboriginal title claim. What is significant about the Meares case is not the fact that environmentalists used tactics of civil disobedience, but that they were used by Indians. As evidenced by the results of MacMillan Bloedel's Goldfarb poll discussed above, public support fell in behind the settlement of Indian land claims prior to the commencement of logging. The poll, taken at the height of the controversy (when Indians were manning the blockades), suggests that logging Meares was not so much the issue as the recognition of a legitimate Indian claim to an aboriginal interest in the land.

Finally, the tactics succeeded because the Indians carried out conspicuous political acts (both legal and illegal) before the cameras - they made a good story out of it. In the immediate confrontations, the presence of the cameras no doubt inhibited the actions of both the MacMillan Bloedel employees and the RCMP. However, at a broader and more important level, the publicity surrounding the key events in the conflict increased the Indians' political visibility greatly, and highlighted their wider claims to aboriginal rights.

In the end, Meares Island was good political theatre. In an article entitled
"Meares Script Has Everything", Marjorie Nichols put this rather well, and her observations are worth quoting at length:

The island has grabbed national attention, not because of the issues involved, but because it is photogenic, provokes emotion, incorporates most of the cliches about B.C. that Easterners like to believe, and has a cast of characters straight off a movie lot. There are the high-powered forest industry moguls of MacMillan Bloedel...who dash around the province in private planes and sleek boats with their slick public relations experts in tow. There are two kinds of Indians: those who play their traditional role, camping out in the wilderness and living off the land; and those who are leaders - tough, articulate, educated, well-tutored in the art of television and dressed like your average banker. Then we have the environmentalists, who look like long-lost survivors from the tumultuous days when demonstrating ...in favour of the environment was all the rage. Finally, we have...[the] sober black-robed judges of B.C.'s superior courts; Bill Bennett, beleaguered Premier of B.C., and David Crombie, the ambitious federal Minister of Indian Affairs. And Agatha Christie herself couldn't have dreamed up a more exciting plot. ¹

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If the cast of characters was remarkable, so too was the stage on which the drama unfolded, and so too was the role of the audience:

The confrontation among forest companies, Indians, environmentalists, and governments is a fight for public attention and sympathy. To the winner of the public relations battle will go the spoils...The winner is going to be that party that can win the hearts and minds of the most Canadian television viewers. ²

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Clearly, the Indians won the public relations battle. They did it by creating exciting political settings and conspicuous condensation symbols which emphasized the seriousness and importance of the battle. They took their protests to the steps of the legislature - they were obviously "outside looking in", attempting to communicate their concerns to the powerful insiders who did not

²Ibid.
bother to come out to listen. When peaceful protests failed, they took their struggle to the mist-enveloped island where, framed against great cedars and giant Douglas firs, they risked imprisonment and physical injury to silence the chain-saws. Finally, they would appeal to the "black-robed justices" for a recognition of their legitimate interests in the land. While the non-native protesters pitted ecological against monetary values, flora and fauna against the "moonscapes" of clear-cutting, and aesthetics against corporate greed, the Indians' "last stand" held out an opportunity to set history straight, to right wrongs, and to settle, finally, the problem of outstanding claims. In doing all of this, the Indians won the support of a good proportion of the public, of many members of the forest unions, of the Canadian Labour Congress, of politicians like Bob Skelley (then leader of the provincial New Democratic Party), and of concerned citizens across the country. Finally, the Meares issue united Indian organizations across the province to an unprecedented degree. It was a symbol of hope, and a singular source of inspiration.

The Meares struggle undoubtedly affected other Indian groups, which were encouraged by the apparent success of the tactics of civil disobedience. After Meares, in some cases concessions were offered Indians long before the issues became publicly controversial. For example, in November 1985, the Fountain Indian Band successfully blocked silver and gold exploration on Cairn Peak (east of Lillooet, B.C.). The Indians managed to force a cat operator not only to cease

1Even the logging companies began to pressure the intransigent provincial government to deal with the land claims issue, since they preferred to know what their chances were of logging parts of their TFLs without harrassment from the Indians - see The Vancouver Sun, April 19th, 1985, p.B7.
2For example, in May 1985, the Union of British Columbia Indian Chiefs voted unanimously to provide moral and financial support to the Nuu'chah'nulth Tribal Council, from which it had become estranged. See The Globe and Mail, May 16th, 1985, p.8.
road construction, but to dig a series of trenches across the road to block access. Band Chief, Roger Adolph, stated triumphantly that "the only way to stop them is with Indian power". And stop them they did.

Similarly, in December 1985, the Canadian National Railway gave the Gitwangak band of north-eastern B.C. an 11-hectare industrial park, as well as cash compensation (for CNR's use of Gitwangak land since 1910) to end a blockade of railway property. Michelle Good, Gitwangak band manager, spoke of the use of the blockade as follows:

We were constantly being urged to go through proper channels (instead of the blockade). But for months and months and months our lawyers write letters and nothing happens. Then a bunch of people build a gate and this happens. So what does that say?  

Although these and other similar incidents did not grab the national headlines (partly because they did not escalate into aboriginal title claims), they illustrate the shift in tactics among Indians since the 1960s. As noted above, the tactics of civil disobedience were used by Indians in the 1960s and 1970s, but they were used by young militants who were usually associated with Red Power or the American Indian Movement. But in the 1980s, such tactics became common currency among more mainstream Indian groups. Meares Island had offered a particularly successful example of the power of direct confrontation, an example others were quick to follow.

Whereas many of the important features of modern Indian confrontational strategies could be observed in the Meares case, the Haidas' struggle over South Moresby took the Indian-government conflict to a new level. That struggle became

1Quoted in The Vancouver Sun, November 2nd, 1985.
2Quoted in The Vancouver Sun, December 4th, 1985.
one of most protracted, controversial and, to the provincial government, one of
the most politically costly, of the Indian protests of the 1980s.

Renowned as one of Canada’s better-organized and most cohesive tribal
groups, the Haidas had benefitted from their geographic isolation on the Queen
Charlotte Islands. That isolation had, among other things, allowed the Haidas’
fierce sense of identity and dominion over the territory to persist where that of
others had been somewhat diluted. When Western Forest Products proposed to log
South Moresby (part of Tree Farm Licence 24) in 1985, another Meares-like
conflict was in the making.

As in the Meares case, the provincial government had set up a Planning
Team in 1979 to look into logging South Moresby, but had not acted on its
report. Again, as in the Meares case, an "Islands Protection Society" (IPS)
and a "National Committee to Save South Moresby" (NCSSM) were formed.
The Haidas and their support groups were only too aware of the Meares
parallel, and the enrolment of high-profile Canadians in the cause was clearly

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1 Whether the Haidas are in fact as well-organized and as cohesive as their
reputation suggests is questionable. It is worth noting that they have not been
sufficiently organized to research and submit a land claim to the federal
government. Indeed, it can be argued that the Lyell Island conflict was itself
responsible for a new sense of unity among the Haida people, and that the
nature of their reputation is testimony to the effectiveness of their publicity
campaign.

2 In fact, the Haidas had won their first anti-logging skirmish in 1973, when the
provincial government set aside 29,000 hectares of Graham Island as Naikoon
Provincial Park. Furthermore, in 1974, a group of Burnaby Island residents had
stopped logging on that island; and in 1980, Anthony Island, which was
renowned for its many totems, was declared a "World Cultural Site" by
UNESCO. See The Vancouver Province, July 12th, 1987, and The Vancouver
Sun, October 9th, 1985.

3 The IPS comprised local non-native residents and environmentalists, while the
NCSSM was made up of over twenty famous Canadians, including Farley Mowat,
Jim Fulton M.P., Robert Bateman and other artists, naturalists and writers. See
"Western Canada Wilderness Committee Newsletter", June, 1985.
meant to draw attention to the issue on a national level.¹ Throughout 1985, Miles Richardson (President of the Council of the Haida Nation) reiterated the Haidas' intention to take whatever steps (legal or illegal) the situation warrantee:

The mining and logging is still going on and pushing our backs to the wall, so we said we'll negotiate first, but then we have a strong court route open to us and our hard-line position is to take direct action to stop them. ²

It is interesting that the Haida did not choose the "strong court route" from the outset. Civil disobedience would bring greater rewards in terms of publicity and public support, especially since the Meares struggle was so fresh in the public memory. When the B.C. government decided to allow logging to proceed (even as its own Wilderness Committee was meeting to decide the fate of some sixteen wilderness areas), the Haida stopped the logging with a road blockade on Lyell Island. ³ Ten days later, the B.C. Supreme Court ordered the Indians to refrain from interfering with the logging, whereupon Richardson, surrounded by Haida elders clad in red and black traditional blankets outside the court, issued a challenge to the premier:

I challenge Bill Bennett and his government to a public debate on the native land claims in this province. I challenge him to quit hiding

¹For example, Thorn Henley of the IPS told The Vancouver Province on May 9th, 1985: "This is just what happened at Meares Island where the government ignored the whole planning process to give the forest company even more than it wanted. But here it won't be just a handful of eco-nuts and Indians being arrested. It will be people like Bill Reid and Robert Bateman putting their bodies on the line".
²Quoted in The Vancouver Province, May 9th, 1985.
³The Globe and Mail, October 31st, 1985, p.A5. The Haida were supported by a new coalition of twelve conservation groups and four trade unions, including the B.C. Outdoor Recreation Council, which claimed a membership of 100,000.
The significance of the challenge should not be underestimated. Richardson was deliberately trying to flush the government out of its background position. Whereas the Meares conflict had, for the most part, pitted a small band of Indians against a corporation, the Haida strategy was to strip the provincial government of its preferred image as impartial mediator of Indian-industry disputes, and to identify it as the cause of those disputes. The Haida were on the attack.

Unlike the Indians in the Meares dispute, who had negotiated a temporary truce with MacMillan Bloedel after their first loss in court, the Haida chose more militant direct action, and deliberately escalated the conflict. In mid-November 1985, the Haida defied a court injunction and stepped up their blockades. Over the ensuing weeks, British Columbians witnessed the arrests of some 77 Haida protesters who, with linked arms and faces painted red and black, did not resist arrest. One of the most heavily publicized incidents occurred when three Haida elders (ages 80, 67 and 65) "offered themselves up for arrest to the RCMP". It was good copy. In fact, the arrests were all but deliberately staged. They did not come as a surprise, either to the Indians or to the television crews, who were informed of them beforehand by the RCMP.

The blockades produced some interesting results. Chief among them was a flurry of activity among federal and provincial politicians and officials who tried to pressure the B.C. government to take action. For example, Ed Broadbent (leader of the federal New Democratic Party) asked Prime Minister Mulroney to

1Quoted in The Vancouver Sun, November 9th, 1985, p.A14.
pressure Premier Bennett to negotiate with the Haida, ¹ while Superintendent Currie of the RCMP said he "would welcome government intervention". ² Meanwhile, Indian Affairs Minister David Crombie offered to set up a special process to deal with the Haida claim to South Moresby, sidestepping the official federal policy of negotiating only one land claim per province at a time. ³ Later, Crombie and federal Environment Minister Tom McMillan called on the B.C. government and the logging companies to meet with the Haida about Lyell Island. However, their offer to mediate the dispute was rejected by B.C.'s Attorney General, Brian Smith, on the grounds that the dispute was before the courts. ⁴

Again, as in the Meares dispute, at the height of the South Moresby protests (while Haidas were being arrested daily), a public opinion poll was published which suggested that the Indians were winning over public support. The poll, commissioned by The Vancouver Sun in November 1985, involved interviews with 500 people in the Lower Mainland and 250 people elsewhere in the province. The poll showed that 65% of British Columbians wanted Premier Bennett to negotiate land claims. On average, only 20% of those interviewed disagreed with this view, while 15% professed no opinion. Moreover, a substantial proportion did not agree that Lyell Island should be logged (44% in the Lower Mainland, 38% outside the Lower Mainland). Significantly, on average 50% of the respondents felt that the Haida were justified in their actions on Lyell Island. This suggests a fairly high degree of tolerance for the Haidas’ use of civil

²Ibid.
⁴The Vancouver Sun, December 7th, 1985, p.A2.
disobedience in their protest activities.¹

While the Indians and their allies hailed the poll results as a clear indication that public opinion was on their side, the Attorney General tried to downplay the results as follows:

For the moment, you take a sample of public opinion and I guess people are concerned about the Haida and Lyell Island and they look at the faces of these very attractive, normally peaceful people standing up there, battling for their habitat. They feel sympathy towards them. Their hearts can go out to them. But whether your heart may go out to them, you also have to examine your head and where it's going to lead you.²

Clearly, the Haida were winning the public relations battle by presenting themselves as sympathetic figures with which the public could identify - they were the underdogs fighting nobly against an unfeeling government - and the government knew it.

Meanwhile, the Indians received more publicity when Svend Robinson M.P. (NDP-Burnaby) was cited for contempt of court for continuing to participate in the blockades. In fact, the sentencing of Robinson and nine Haidas was to have taken place in Prince Rupert, but the venue was moved to Vancouver at the Haidas' request. Obviously, sentencing in Vancouver would give the Indians easier access to the media. Indeed, B.C. Supreme Court Chief Justice, Alan McEachern, said he was "painfully aware" that the proceedings were being used for political purposes.³

At the trial, the Haida took an interesting tack. They were not represented by counsel, and they did not attempt to use any legal arguments in

¹See The Vancouver Sun, November 30th, 1985, p.A15.
²Quoted in The Vancouver Sun, November 30th, 1985, p.A15.
³Quoted in The Vancouver Sun, December 7th, 1985, p.A2.
their defence. Instead, each of the Haida (wearing ceremonial red and black blankets) spoke in emotional terms of the need to protect their lands. For example, one Haida, Michael Nicoll, played on the distinction between law and justice:

I'm not in contempt of court and won't apologise for what I've done. I'm not pleased to be caught between your sense of law and my sense of justice, but I cannot betray justice for law. ¹

The tactic was symbolically important. By refusing to use legal defences and by drawing a distinction between law and justice, the Haida were calling into question the legitimacy of the legal process. They were challenging the highly cherished symbols of the dominant society (the law and the courts) and were implying that the courts could not be relied upon to administer justice.

Unfortunately for the Haida, the public protests did not hit the right pressure-points. Premier Bennett's response was to kick the ball back into the federal court. He sent formal questions to Ottawa, asking that the Government of Canada clarify its position on land claims. Bennett's letter asked whether Ottawa believed that all economic activity should stop in areas under claim; whether Ottawa was willing to pay any compensation to third parties involved; and whether Ottawa believed aboriginal title still existed. ² It was a clever way of deflecting criticism from the provincial government, since Ottawa was in no position to answer the questions definitively.

The Haida stepped up the pressure, calling for the assistance of their international supporters. For example, a number of American environmental groups warned B.C. forest companies that they would whip up international

¹Ibid.
protests and boycotts of Canadian forest products unless the logging was stopped. This was no idle threat, since similar protests and boycotts had crippled the Canadian seal-hunt several years earlier. In addition, a new organization, the "South Moresby Preservation Group" (claiming two million members world-wide), instigated protests from the United States. In December 1985, a number of U.S. Congressmen (members of two house of Representatives committees) sent protest letters to Premier Bennett demanding that he remove the loggers from Lyell Island. Finally, environmental groups representing 150,000 Canadians asked the United Nations Economic and Social Council (UNESCO) to declare South Moresby a "World Heritage Site in Danger". Whether honoured or not, the request would embarrass Canada in general and B.C. in particular for neglect of "the Canadian Galapagos".

On the domestic front, the Haida and their allies created other kinds of political settings with a view to raising the national profile of the South Moresby cause. Instead of the confrontational settings of the blockades, they began to use more peaceful means of protest and "public education". For example, a "Save South Moresby Caravan" train crossed the country from St. John's to Vancouver in March 1986, stopping at various points along the way to hold drumming sessions and rallies. The Caravan, comprised of Haidas, naturalists and students, was supported by all three federal political parties, and it was reported that Pierre Trudeau had sent a message of praise for the cause.

A more controversial (though no less successful) tactic was the call for an Indian boycott of Expo'86 in Vancouver, a boycott which would have threatened

1The Vancouver Sun, January 11th, 1986, p.A2.
2The Vancouver Province, December 4th, 1985.
4The Vancouver Sun, March 12th, 1986, p.B3.
the Folklife Festival. Patrick Alfred, chief of the Nimpkish (Kwakuitl) band, called upon the 370,000 member Assembly of First Nations (AFN) to join the call in support of the Lyell Island protest. Alfred said: "I can't see how any native Indian can participate in Expo until the B.C. government stops acting like the British Empire in the Queen Charlotte Islands". ¹ However, in the event the AFN did not support the boycott, on the grounds that Expo would be a good opportunity to highlight the struggle for land claims and self-government. ² But in the end, the boycott itself did not matter. What did matter was the fact that the four-month debate over the boycott was reported in the media and achieved the ultimate aim of stimulating public debate in any case.

Taken together, the various tactics worked. In July 1987, Prime Minister Mulroney and the new Premier of B.C., Bill Vander Zalm, signed a pact to create a national park reserve on South Moresby. ³ The Haida celebrated their victory by inviting Vander Zalm and Mulroney to an elaborate potlatch attended by a thousand Haida. As a gesture of peace, hereditary Haida chiefs in traditional headdresses presented the guests with red wool blankets and towels. The event was as much a demonstration of the power and generosity of the Haida as a celebration of the islands' preservation.

Thus, whereas the Indians in the Meares conflict had taken on a large corporation and won through the courts (at least insofar as they won an interlocutory injunction pending hearing of their land claim), in the South

¹Quoted in *The Vancouver Province*, December 4th, 1985.
²*The Vancouver Sun*, March 20th, 1986.
³The deal sets aside 140,000 hectares of land for the park. Ottawa is to pay B.C. $106 million over eight years, of which $23 million is to be paid as compensation to the forest companies, and the two governments are each to contribute $12 million to enhance silviculture in the area. See *The Vancouver Province*, July 12th, 1987, p.A1.
Moresby case the Haida had taken on the provincial government and won. They had done it by using similar strategies: they had created dramatic political settings (the blockades, the court demonstrations); they had used the condensation symbols of their cultural heritage; they had called upon the symbolism of "aboriginal rights", the right to enjoy their traditional territories undisturbed; and they had enrolled influential non-native players from the national and international stages to their drama. Although the Haida did not seek a hearing of their land claim in court, there would have been little point in doing so, given that the Meares case had not been heard. Nonetheless, by orchestrating the high drama of South Moresby, they had succeeded in increasing their political visibility, winning a large measure of public support for the cause, and playing the federal and provincial governments off against one another. They had succeeded in extracting a major concession from the provincial government, which the latter had been determined not to make.

However, where the South Moresby case differed from the Meares case was in the Haidas' willingness to escalate the conflict by using tactics which are properly situated at the high end of the scale of militancy. They had defied the courts and challenged legalistic concepts of justice and fairness. In fact, they had taken on the "warrior role".  

The successes of the Haida and the Nuu’chah’nulth spurred other groups on to try the same tactics. However, success has so far eluded the Lytton and Mount Currie bands of the Stein Valley. The Stein, the largest unlogged

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1Mary Lee Stearn, a Political Anthropologist at Simon Fraser University, described the process as follows: "The young people have discovered a new role for themselves. It's equivalent to the warrior role, and it's winning the esteem of the elders. It's almost a rite of passage they're going through". Quoted in The Vancouver Sun, November 30th, 1985.
watershed in southwestern B.C., has been the source of another major controversy over the last few years. Like the Nuu’chah’nulth, the Lytton and Mount Currie bands want Victoria to address their aboriginal claim before allowing a logging road to be built from the Fraser Canyon into the valley. ¹

The Stein issue has been widely covered in the press, particularly as it has attracted the attention of the well-known scientist, David Suzuki, who has devoted at least two shows of his CBC television series, "The Nature of Things", to the Stein. Once again, the conflict is being played out as a public relations war. On one hand, Fletcher Challenge (the New Zealand-based company which holds the logging rights to the valley) has set up a "citizens group" called "Share the Stein". ² On the other hand, the Indians and their supporters have embarked upon a publicity campaign stressing the spiritual value of the Stein, with its ancient pictographs and petroglyphs, burial places and various sites traditionally used by the Indians for "rites of passage" activities. The Indians have enjoyed some success in their campaign. For example, as a result of their protests, the International Woodworkers of America, the B.C. Federation of Labour and the Pulp and Paper Workers of Canada have all declared their opposition to the building of the logging road until the land claim is settled. ³

However, thus far the publicity over the Stein valley has produced few tangible results, other than a one year moratorium on logging. This is partly because the timber interests, still smarting from their losses at Meares and

¹As in the Meares and South Moresby cases, the Stein issue is widely perceived as a dispute over logging. However, the Lillooet Tribal Council (of which the Lytton and Mount Currie bands are members) has not ruled out logging the Stein. The LTC claims that the Indians merely want a say in the type and rate of development to be pursued. See The Vancouver Sun, December 6th, 1985.
²See The Vancouver Province, November 25th, 1988.
³The Vancouver Sun, November 21st, 1987.
South Moresby, have "dug in" on the Stein issue. It is also partly due to the fact that the road has not yet been built. This means the Indians have not yet had any real opportunity to use the tactics of civil disobedience which were so successful in calling attention to the other cases. Although the provincial government has given the green light to the forest company, it is not possible to predict at this time whether the conflict will escalate in the manner of Meares and South Moresby.

However, the Sekani Indians of McLeod Lake in northeastern B.C. have successfully used roadblocks in pursuit of their grievance regarding unfulfilled treaty obligations. The band claims that a logging area 90 kms north of Prince George falls within Treaty 8 lands, a treaty of 1899 which gave the band 12,500 hectares. Band Chief, Harry Chingee, had contacted the Council of the Haida Nation in 1987 for advice on how to head off logging on disputed Indian land. ¹ Shortly afterwards, the band erected a blockade on the road to Carp Lake, with the object of forcing the B.C. government to go to court over the claim to the Treaty 8 reserve entitlement. However, the government avoided court by building a new road around the blockade. ² The McLeod band's response was both innovative and unprecedented. In September 1988, fallers from the band started logging crown lands in the Bear Lake area. Chingee announced that "we want them to freeze the area and if they won't, we'll log it." ³ A band council meeting issued a "licence" to the band's development corporation and set up a stumpage fee - all quite illegally, of course. It worked. The issue was forced into the courts.

¹The Vancouver Sun, June 27th, 1987.
²The Vancouver Sun, December 17th, 1988.
³Quoted in The Vancouver Sun, September 14th, 1988, p.B7.
In December 1988, the McLeod Lake band won an unprecedented injunction against the forest companies. B.C. Supreme Court Justice, Beverley McLachlin (as she then was) held that the 325 Sekanis have "a fair case to be tried", and recommended that at least 16,188 of the 22,260 hectares claimed should be permanently set aside as reserve land. The decision is notable as it is the first time a judge has frozen land pending settlement of an outstanding treaty claim, and it will probably open doors for eight other northern bands with Treaty 8 claims.

The McLeod Lake dispute did not receive nearly as much media/public attention as Meares and South Moresby (or even the Stein), in part because the Sekanis managed to force the issue into court so quickly with their colourful tactics. It could be argued that the fact that the issue did get into court so quickly reflects the provincial government's unwillingness to allow any further Indian-government conflicts to get beyond its control. As B.C. Indian groups have apparently mastered the art of fighting media battles, the government understandably prefers to conduct the battle behind the closed doors of the courtrooms, rather than in full public view.

Whereas the conflicts discussed so far have featured the successes of B.C. Indians, the Lubicon Indians can boast a similar victory in their battle for a reserve entitlement under Treaty 8 in northern Alberta. Although the Lubicons had been seeking a reserve for some forty-eight years (claiming to have been overlooked during the Treaty 8 process), their case did not hit the national headlines until 1987.

2 In fact, the Alberta government had offered the Lubicons a deal in 1985 which had proved unacceptable to the band, largely because of the discrepancy between the band's calculation of its membership and the government's. The Lubicons
Two actions by the Lubicons in late 1987/early 1988 brought their grievance to centre stage. The first was the band's success in persuading twenty European museums not to send their Canadian artifact collections to the Calgary Olympics. 1 The Indians said they would ask the courts to declare them the owners of the remaining artifacts on display at the Olympic Arts Festival. They were supported by Indian leaders from Quebec and Newfoundland, who announced similar court challenges to support the Lubicons. 2 This was clearly a publicity-seeking move. Whether successful in the courts or not, the announcements in themselves made the headlines. The second action was the Lubicons' announcement of a boycott of the Winter Olympics. In fact, the band later claimed that the boycott had worked, not because people stayed away from the Olympics, but because it had raised international awareness of the Lubicons' struggle. 3

The actions led to a series of meetings with federal officials, including the DIAND Minister of the time, Bill McKnight, and External Affairs Minister, Joe Clark. In fact, Clark took the potential negative effects of the publicity so seriously that he sent briefs to Canadian embassies around the world which claimed that the band was not impoverished, and that it was receiving services like other Canadians. 4 Clearly, the federal government felt that its international

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1 Ibid.
2 The Vancouver Sun, January 15th, 1988.
4 The Vancouver Sun, January 22nd, 1988. The brief did not mention the report of Dave Fulton, the federal mediator, who found that oil and gas development in the area had hurt Lubicon hunting and trapping activities, and that the Lubicons
reputation was in real danger of being tarnished by the Lubicon campaign.

The Lubicons called upon the support of Indian organizations across the country in a series of dramatic symbolic actions. In January 1988, the Indian Association of Alberta offered to set up and coordinate a "resident army" of Indians and non-Indians from Alberta, Saskatchewan and Quebec. The Lubicon Chief, Bernard Ominayak, declared that his people were prepared to use guns in defence of their land claim, to stop the federal government from imposing a settlement. He claimed that his people would "arrest" provincial fish and wildlife officers, who would be "tried" for "trespassing" on 10,000 square kilometres of Lubicon traditional hunting and trapping territory. ¹

This kind of sabre-rattling is not, of course, unique to the Lubicons. As a tactic it is deliberately provocative, recalling images of the 1960s incidents at Wounded Knee and Anicinabe Park. In fact, Brian Malone, Ottawa's chief negotiator in the claim, responded to the threats by saying that "it's madness - they're trying to provoke an international incident where somebody innocent could get shot". ² These highly militant tactics were undoubtedly designed to provoke a dramatic response from the provincial government. However, they were really just threats. The Indians stopped short of actually trying to put them into practice, though this did not undermine their utility.

The federal and provincial governments were anxious not to let the Lubicon affair escalate, and Alberta made several offers over the ensuing months. However, the Lubicons were equally determined not to lose their thunder. In

⁰(cont’d) had been short-changed on federal housing and other services.
¹The Vancouver Sun, January 23rd, 1988.
²Quoted in The Calgary Herald, January 23rd, 1988, pp.A1-A2. While I think it is stretching the imagination to say that the Lubicons craved the death of one of their number, Malone's point is well-taken - certainly a martyr or two would not have gone amiss.
June 1988, Ominayak and one of the band's advisors, Fred Lennarson, travelled to Sweden to meet with the twenty-three Lubicon support groups which had been formed in eleven European countries, plus Canada and the United States. The groups would assist the band by raising money and by sending representatives to support the Lubicons' assertion of jurisdiction. The Indians would set up check-points on all roads into their claimed traditional territories, and anyone wishing to work there would need special permits and would have to abide by Lubicon environmental and wildlife regulations.

The purpose of these tactics was not lost on the two governments. Bill McKnight noted that the Lubicon claim was difficult to settle because the band believed it could get more than its "fair share" by appealing to the public. Yet while the campaign had succeeded in increasing the Lubicons' visibility and in winning public and international support, it had not produced the deal the Lubicons wanted. In fact, the band did not manage to force an acceptable settlement until it used what is becoming a tactical tradition among Indians with outstanding land claims. In October 1988, the Lubicon lawyer, James O'Reilly, announced before the Alberta Court of Appeal that the Lubicons would no longer recognise the authority of Canada's justice system. The Lubicons were abandoning all legal actions regarding their claim. In effect, the Lubicons had declared sovereignty. Barricades were set up on October 15th, though they were dismantled five days later by the RCMP and twenty-two protesters were arrested. The Lubicons had succeeded in forcing a settlement, however. A week

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2 Ibid.
3 He said: "It would appear to me that they feel they have more of an opportunity in a public forum and an international forum to achieve their goals". Quoted in The Calgary Herald, June 8th, 1988, p.B4.
after the barricades fell, Ominayak and Alberta Premier, Don Getty, agreed on a reserve of 246 square kilometres, a formula which equalled the Lubicons’ original demands. Like the Nuu’chah’nulth and the Haida before them, the Lubicons had manipulated political settings, created confrontational situations, taken deliberately provocative symbolic actions, and had ultimately won the dispute on their own terms.

6.1.2. Policy Protests

The protest activities pursued by Indians in the 1980s over land and treaty claims have to some extent overshadowed more general protests over aspects of government policy. These general protests are not as "photogenic" as blockades and arrests, perhaps because the consequences are neither as immediate nor as far-reaching as those associated with land-related disputes. In addition, in the case of general policy protests there is no front line, nowhere to set up a blockade, so that the tactics available to Indian protesters are more limited. However, national attention has been trained upon a number of recent policy protests, two of which are discussed below.

The South African Affair

While Indians have in the past referred to Canada’s Indian policy as a
policy of "apartheid", the comparison was rejuvenated with a bizarre twist in 1987. At the height of the furor among the Commonwealth nations over sanctions against South Africa, Chief Louis Stevenson of the Pegius band in Manitoba made a curious entrance to the international stage. He invited the South African Ambassador to Canada, Glenn Babb, to visit the Pegius reserve. The invitation was tendered after Babb criticized Ottawa for condemning apartheid while mistreating its own natives. ¹

The entire affair provoked national debate. Within native (and indeed, non-native) communities, opinion tended to polarize around two basic positions. Many Indian leaders cringed at the association of an Indian with a representative of the white South African regime, arguing that he should not be given a forum in which to defend South Africa. Alternatively, others upheld the appropriateness of the analogy, and welcomed the opportunity to embarrass the Canadian government. ²

Undoubtedly, Stevenson and Babb had their separate agendas. Each intended to make the worst possible use of the comparison. For Babb, it was designed to turn international criticism away from South Africa by casting doubt on Canada's credibility as leader in the call for sanctions against the Botha regime. However, it was a two-way street, as Babb "had given Stevenson exactly what he had been seeking - a stage from which to address an

¹Babb had argued that speeches by Pierre Trudeau and Brian Mulroney regarding self-government "would not have been out of place in the vocabulary of a Verwoerdian apologist for apartheid." Quoted in the Ottawa Letter, Vol. XVIII, No. 5, February 2nd, 1987.
international audience". Stevenson took full advantage of the opportunity to embarrass the government. At a demonstration on the front steps of the Manitoba legislature, Stevenson told a crowd of three hundred Manitoba Indians before the TV cameras that:

The Prime Minister is telling the rest of the world that everything is fine at home and Indian concerns are being dealt with. Well, everything is not fine at home. We have our own system of apartheid right here. [Mulroney] grandstands against oppression on the international stage, while ignoring the Third World conditions on reserves at home. We feel betrayed when Canada tells us there is no assistance to solve our distressing situation, yet is prepared to pour millions of dollars into other countries and give royal treatment to refugees.

Yet the Indians were doing a fair bit of "grandstanding" themselves, especially when four Indian leaders went on a "fact-finding tour" of South Africa in August. They managed to upstage Joe Clark (External Affairs Minister), who was going to have talks with officials in Pretoria after touring black African capitals. The Indian delegation, led by Gerald Wuttunee (a former Red Pheasant band chief from Saskatchewan) claimed to have gone to South Africa because Indians could not get a fair hearing for their grievances at home. "It's a sad thing to have to go to another country to tell what is going on back in Canada", Wuttunee told members of the international press in Pretoria, "[the] Prime Minister of Canada, Brian Mulroney, and Joe Clark - instead of going around trying to straighten out the world's problems, they should be cleaning up their own back yard".

The Indians' claim that they had to go to another country to have their

3Quoted in The Vancouver Sun, August 14th, 1987, p.A8.
grievances heard (especially to South Africa) was, at best, suspect, since Indians have shown remarkable skill at airing their grievances in the Canadian press. Thus, the entire South African affair stands as a plain example of Indian political opportunism of the first order. Stevenson and others had capitalized on an opportunity presented by a foreign policy issue which in itself was commanding international attention. As the Mulroney government had appointed itself leader of the international lobby against South Africa's domestic policies, the opportunity to question Canada's own human rights record at home was apparently irresistible.

The Education Funding Protests

A more recent and more specific policy protest involved the federal government's announcement of cuts to native post-secondary education funding. That announcement galvanized Indian students and political organizations across the country into a series of protests. The affair was especially notable since it featured the use of a new weapon of civil disobedience in Indians' political arsenal - the hunger strike.

The controversy began in March 1989, when the new Indian Affairs Minister, Pierre Cadieux, announced that as of April 1st the federal government would put a "cap" on the native post-secondary education funding program, which currently provides tuition and living allowances for some 15,000 native students attending universities and colleges. The new policy would adjust the rate of assistance, as well as the eligibility criteria and the number of years of education financed.

The Indian response was immediate, well-organized and elaborate. Student
groups and Indian organizations orchestrated a series of protests across the country. From New Brunswick to Thunder Bay to Vancouver, protesters chanted and beat drums on the steps of provincial legislatures and courthouses, while in Ottawa, "natives in buckskin jackets and ceremonial headdresses gathered on Parliament Hill to urge Ottawa to recognize their claim that a free post-secondary education is a treaty right". Indeed, education as a treaty right was to be the cornerstone of the Indians' argument against the cap on spending. As part of its publicity campaign on the issue, the Assembly of First Nations wrote a letter to Brian Mulroney, which was published as an advertisement on a full page of The Globe and Mail. The letter read in part:

The citizens of the First Nations have no wish to be a burden on the Canadian economy. On the contrary, we are striving for self-government (to which you say your government is committed) and self-reliance.... To achieve those ends we need to have our young people and even our adults educated and trained so that we may not only control our own lives but operate our own economies to the benefit of Canada as a whole...

As you are aware, the Treaties were intended to, among other things, assist in creating an economy which would replace the traditional economy as required. In modern times education is a necessity. Furthermore, as recently as four years ago, in the Simon case which concerned hunting, the Supreme Court of Canada ruled that the treaty right...is not limited to the methods used at the time the treaty was made "but must be interpreted in a flexible way that is sensitive to the evolution of changes in normal practices".... What applies to Treaties about hunting applies also to Treaties about education.

Thus, education was linked to self-government and to the treaties, both powerful condensation symbols for native people, and the implication was that if the government was not committed to funding native post-secondary education, it could not be committed to native self-government. The link between education and

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the treaties was perhaps unfortunate, however, as only about half of Canada's registered Indians are covered by treaties. Thus, it is not inconceivable that the government could then argue that if education is a treaty right, the Government of Canada is not obliged to provide any assistance to non-treaty Indians, even though they come under the jurisdiction of the Indian Act.

Nonetheless, as well as relying upon historical and legal arguments, Indians also stepped up protests in conspicuous political settings. In April, 1989, about a thousand Indians participated in a "Caravan of Solidarity", which marched for forty-five hours from northwestern Ontario to Ottawa. They marched in support of a number of native students who had been on hunger-strike for a couple of weeks. The hunger-strike was undoubtedly designed to call public attention to the issue, and to embarrass the government into withdrawing the new policy. The use of the hunger-strike was an unusual departure from normal Indian means of protest. Its shock-value was significant, particularly as hunger-strikes are normally associated with nineteenth century Suffragettes, IRA prisoners, and more recently, the Chinese students at Tienanmen Square - that is, it is used in extreme circumstances by groups which feel they are being denied fundamental human rights.

The funding issue was indeed framed as a question of human rights. Christopher McCormick, national spokesman for the Native Council of Canada, accused the government of a conspiracy to perpetuate native ignorance and poverty:

Pierre Cadieux's game plan seems to rely on hiding the truth from the Canadian public so that he can implement what is at base a racist policy of apartheid education and opportunity...The basic right to decent education to overcome centuries of...oppression is being cruelly denied. The policy flies in the face of common sense and morality,
not to speak of treaty rights and rights under international law. This policy is out to steal money for nuclear subs from the future hopes of Indian people for decent education and self-reliance.  

It is difficult to tell whether the campaign has been successful in this instance, since at the time of writing (June 1989), the government has not announced any intention to retract the new policy. At the same time, the Indians must be cautious in their use of provocative language, since there may not be the same level of public tolerance for free post-secondary education for natives as there is for land claims settlements. There is a possibility of a public opinion backlash - legal claims to land ownership are one thing, free education is another, especially since other Canadians do not enjoy the same privilege. Nevertheless, the education funding case is a good example of Indians' use of civil disobedience tactics to protest an aspect of policy.

6.1.3. Assertions of Jurisdiction

In addition to general policy protests, in the 1980s Indians have taken to protesting specific aspects of government policies through flagrant violations of law to the point of challenging the jurisdiction of the federal or provincial levels of government. Often contravening federal or provincial laws, Indians on the east and west coasts have fished during closures, and Indians in various parts of the country have hunted out of season or have taken animals and birds in contravention of the Migratory Birds Convention Act. Every summer, television

\[^{1}\text{Quoted in "The New Weekly Magazine", Vol. 3, No.16, April 26th, 1989, p.4. Indeed, in a CBC radio interview, Chief Billy Diamond (former leader of the Grand Council of the Crees of Quebec) spoke of the government's motivation for capping education spending in even more cynical terms - "Smart Indians cause trouble", he observed - Chief Billy Diamond, interviewed by Fanny Kiefer on "Almanac", CBC radio, May 4th, 1989.}\]
viewers in B.C. and on the east coast witness a succession of arrests of Indians for violating the native food fishery regulations of the Fisheries Act. In many cases, charges against the Indians are dropped or their sentences suspended. For example, in November 1987, the federal government stayed charges against nine James Bay Crees, who had been accused of hunting geese out of season. Though the Indians claimed that their aboriginal hunting rights were guaranteed by a treaty of 1905 and insisted that the government amend the Migratory Birds Convention Act, the government did not concede hunting rights as a matter of aboriginal or treaty rights.

Such actions are normally taken to assert native hunting, fishing and trapping rights as fundamental aboriginal or treaty rights. They are symbolic assertions of jurisdiction -- in almost every case the media are given advance notice of the Indians' intention to defy federal or provincial laws, and incidents regularly crop up on the evening news.

However, Indian assertions of jurisdiction are not always concerned with hunting and fishing rights. They often take the dramatic form of declarations of sovereignty, as in the Lubicon case discussed above. The Haidas of British Columbia have taken a number of unusual steps in recent years to assert their jurisdiction over their traditional territories. For example, in 1986 Miles Richardson (President of the Council of the Haida Nation), the internationally acclaimed Haida artist, Gary Edenshaw, and more than a dozen other Haidas notified the Prime Minister and the United Nations that they were renouncing

1The instances are too numerous to recount here. For a thorough discussion of fishing rights cases in B.C., see Pamela Bush, "See You in Court", op. cit., chapter 5.

their Canadian citizenship. The Council of the Haida Nation produced its own constitution, which began with a declaration that "the Haida Nation is the rightful heir to Haada Gwaii" (the Haida name for the Queen Charlotte Islands). The "constitution" purports to establish a democratic system of elected leadership, and affirms the continuance of hereditary chiefs and the kinship system as the basis for land use decisions. 1

In February 1989, the Haida formally withdrew from the federal land claims process. Richardson claimed there was no point in negotiating with the Office of Native Claims, as the process is aimed at the ultimate surrender of Haada Gwaii. 2 The Haida declared themselves an independent nation, complete with their own passports. The declaration in itself did not provoke much of a response from federal or provincial authorities, since it was obviously a symbolic gesture. As foreign governments were unlikely to honour the passports, the Haida could declare anything they liked, as long as their actions did not challenge federal or provincial jurisdiction.

However, the Haidas have challenged provincial jurisdiction. Since 1982 they have been levying a $25 charge on tourists who wish to visit popular sites on South Moresby. As the latter was declared a national park reserve in 1988, federal and provincial officials point out that the levy is illegal. However, Ottawa has not yet taken any action on the matter, as the federal government argues that the land is still under provincial jurisdiction. 3 Meanwhile, the provincial

1The Globe and Mail, March 24th, 1987, p.A5. Article XV of the constitution deals with collective rights, and maintains that "the Nation holds hereditary and aboriginal title to Haida Territories".
3The Globe and Mail, February 2nd, 1989, p.A4. In fact, four major tourist companies operating in the Queen Charlottes have respected the Haidas' demands, and tourists generally pay the fee without complaint.
government seems reluctant to intervene in the situation, possibly because action against the levy would mean further court cases and further unwanted publicity for the government. As the provincial government has already tangled with the Haida over a larger issue and lost, its reluctance to do so again is perhaps understandable.

It seems clear that Indian assertions of jurisdiction such as those discussed above are symbolic in nature. To argue for or against the legality of such actions is to miss the point. They are political gestures which are designed to draw attention to Indian claims for the right to self-determination. They must be viewed as expressions of Indian discontent with the sluggishness of the political process in dealing with their concerns, rather than serious attempts to secede from Canada. Assertions of jurisdiction are aimed at creating political pressure points vis-a-vis provincial and federal governments, and as such, they put the latter into an awkward position. To respond to them is, in a sense, to validate them, while to ignore them is to risk appearing weak or afraid. From the Indians' point of view, whether governments crack down on their assertions of jurisdiction or not, they still achieve their objectives: they draw attention to Indian claims; they challenge governmental authority in a politically provocative way; and they put added pressure on governments to settle Indian claims.

6.2. INTERNATIONAL MANOEUVRES

Aside from the various actions Indians have undertaken on the domestic front, in recent years they have been moving towards the larger international stage to press their claims. They have used various international forums to gain leverage against the Canadian government, and have attempted to tarnish the
latter's image as a champion of human rights. Lobbying at the international level has tended to lift the profile of aboriginal rights, and has offered Indians a much larger audience before which they can air their grievances. Most importantly, Indians' participation in various international arenas gives them access to political settings which are beyond the control of the Canadian government. It also enhances the legitimacy of their claims - the fact that they are accepted as players at the lofty heights of international politics is of symbolic importance in itself. This section discusses Indian participation in the international arena then in two important instances -- the lobby of Westminster over constitutional reform, and actions involving the United Nations.

6.2.1. The London Lobby

Perhaps the best-known Indian manoeuvres at the international level are those associated with the process of reform and repatriation of the Canadian constitution. The latter was obviously not an issue of the Indians' making, yet they acted swiftly to make sure that they would be included in the process, and to have their rights included in the final constitutional package. Although the constitutional guarantees of Indian rights will be discussed more fully in Chapter 7, some discussion of the Indian role in the process is warranted here.

As early as August 1978, the National Indian Brotherhood had sent a delegation to visit the Queen to urge her to veto changes in the Canadian constitution unless Indian rights were guaranteed. The NIB was afraid that Indian concerns would be lost in the shuffle of federal-provincial bartering. As the federal government was preoccupied with winning provincial approval for its reform proposals, Indian organizations resolved to get into the process from
outside the Canadian political process.

Between 1979 and 1982, several Indian delegations went to London. They sought audiences with the Queen as a reaffirmation of their historic relationship with the British Crown (which had been formalized through the treaties and the Royal Proclamation of 1763); they organized a "constitution express" train journey across Europe to drum up sympathy from a number of political groups; they set up an "embassy" in London "to formalize political and diplomatic relationships among our nations"; ¹ they held daily press conferences to bring their grievances to the attention of the British, European and Canadian publics and politicians; they brought several legal actions against the Canadian government in British courts (which, at the very least, succeeded in delaying reading of the Constitution Bill); ² and they managed to win the support of many British MPs, who censured the Canadian government's handling of native rights. In fact, Bruce George, a Labour MP who was one of the Indians' chief allies in the Westminster lobby, stated the explicit purpose of the lobby as follows: "The main use of this debate is to point out that Canada's record domestically on civil rights is not as good as Canada's record internationally. Each time there is a debate there is another stain on Canada's reputation". ³

¹M. Woodward and B. George, "The Canadian Indian Lobby of Westminster: 1978-82", Journal of Canadian Studies, Vol. 18, No. 3, Fall 1983, p.123. This article gives a thorough account of the period, including discussion of the various factional tensions between two of the primary delegations (the Union of British Columbia Indian Chiefs and the Indian Association of Alberta), the various court actions brought by each of the organizations, the responses of British courts and politicians, and the development of Indian political ideas regarding self-government and aboriginal rights. Also see D.E. Sanders, "The Indian Lobby" in K. Banting and R. Simeon, And No-one Cheered: Federalism, Democracy and the Constitution Act, (Methuen, Toronto, 1983), pp.301-332.
²Ibid., pp.127-130.
Although the results of the lobby were mixed, it did succeed in making Canadian Indian politics an international issue, and it also contributed to the development of Indian ideology:

...the events surrounding patriation have emphatically launched Canadian native politics onto the world stage, helping also to clarify and refine native concepts of self-government and sovereignty in an international context. ¹

The London lobby was unquestionably important in this respect: in reasserting their traditional connexion with Britain (and in so doing implicitly challenging the authority of the Canadian government to make unilateral decisions about their rights), the various Indian groups had established their credibility as political actors beyond Canadian borders. Although they did not achieve their immediate objective (to prevent repatriation until their rights were guaranteed), they did manage to create an opening for themselves in the process, and were subsequently included in consultations with the Government of Canada. They had laid the groundwork for further participation in amendments to the constitution (as evidenced by section 37 of the final document). As Woodward and George conclude:

The emergence of Indians as political actors of the highest calibre, on the national and international level...will have repercussions on Canadian Indian policy...However, the overall results of the Indian lobby in Westminster remain a tremendously enhanced political role for Indians and a remarkable effect on political consciousness. ²

¹Woodward and George, op. cit., p.119.
²Ibid., p.140.
6.2.2. The United Nations

While the London lobby aimed at securing a place for Indians in the process of constitutional reform, in the 1980s Indians have used international institutions to pressure the Canadian government over other issues. In particular, they have appealed to various organizations within the United Nations (UN), claiming that the Canadian government has contravened a number of international covenants and declarations. Perhaps the biggest coup in this respect has been the granting of non-governmental organization (NGO) status to the Grand Council of the Cree (GCC) of northern Quebec on the United Nations Economic and Social Council (UNESCO). This status allows the GCC to appear before and to submit information directly to UNESCO, and to advise and participate in the UN Council committee which is drafting an international standard for treatment of indigenous peoples. Ted Moses, Grand Chief of the GCC in 1987, said that NGO status would give the Cree access to UN facilities, as well as opportunities to share information with others, and to make the treatment of the Crees under the James Bay Agreement internationally visible. This is a remarkable accomplishment for a group which has evolved from a remote hunting, fishing and trapping lifestyle, to membership in an international organization which includes, among others, the Palestine Liberation Organization. ¹

However, the Crees' NGO status has been used as a springboard for the presentation of the grievances of other Canadian Indian groups. For example, in October 1988, after the arrest of twenty-seven Lubicons at the Little Buffalo blockade, the GCC sent a telegram to UN Secretary General, Javier Perez de Cuellar, asking for an investigation of alleged human rights abuses against the

Lubicons. Matthew Coon-Come (present Grand Chief of the Crees) said the GCC had appealed to the UN because of "the arbitrary arrest and forcible removal and imprisonment of Cree Indians, including children, their legal and technical advisers, and others from their aboriginal territory". He claimed that "the plight of the Lubicon people shows a consistent pattern of gross violations of their human rights and fundamental freedoms. They have been deprived of their means of subsistence, and their very survival is in question". ¹

The allegations could hardly have come at a more embarrassing time for the Canadian government, which was hoping to win a seat on the UN Security Council the following week. Ted Moses claimed that the timing of the allegations had nothing to do with the elections. The GCC, he said, was merely acting as a "responsible non-governmental organization which has a duty to inform the UN with regard to the rights of indigenous people and any violation of those rights".² However, information packages containing details of the allegations against the federal government were delivered to each of the 159 national delegations just before the Security Council vote.³ Although Canada got its seat despite Indian efforts, the government had been soundly embarrassed.

Indians have appealed to the UN for a number of other purposes. For example, in March 1984, the Council of the Haida Nation sent a communique to all UN member states, claiming that Canada was trying to use the 1982 Law of the Sea Treaty to undermine the historic title of the Haida Nation to its territorial waters. The communique claimed that Canada was assuming title to

¹Quoted in The Vancouver Sun, October 22nd, 1988.
²Ibid.
³The Montreal Gazette, October 22nd, 1988, p.A10. The packages did not mention that it was the government of Alberta which had sent in the RCMP to dismantle the barricades, not the federal government.
Haida homelands without the proper legal authority, and that it was "an act in excess of jurisdiction [which] is contrary to the spirit of this international treaty".\(^1\) The Council related the history of its efforts to reach a negotiated settlement with Canada, and expressed a willingness to resolve the question of ownership and jurisdiction before the treaty was implemented.\(^2\) Again, this was a symbolic assertion of Haida sovereignty which was designed to open up the question of Canadian authority over Indians and their territories.

Indians also used the authoritative stature of the UN regarding the section 37 constitutional conferences on aboriginal matters. The Assembly of First Nations invited two officials from the UN Human Rights Centre to be observers at the March 1987 First Ministers Conference. Gary Potts, an AFN spokesman, claimed that the officials’ presence would be a "positive influence" on the federal and provincial governments, so that the latter could not "push something down our throats....we want the international community to know what is going on here".\(^3\) It is difficult to judge what effect, if any, the officials’ presence had on the proceedings, but the implication seemed to be that the Canadian government could not be trusted to protect Indian interests, and therefore needed close supervision by the international community.

In fact, after the 1987 conference failed to produce an amendment on self-government, Indian organizations held a series of strategy meetings. The meetings resolved that Indian strategies should have two main thrusts - they


\(^2\)In a similar vein, Miles Richardson wrote to the World Commission on the Environment and Development in Paris in October 1986 to document the threat of development projects to Haida homelands and culture. See The Globe and Mail, March 24th, 1987.

would pursue court actions and they would step up the international lobby. In accordance with the latter focus, Georges Erasmus (head of the AFN), and Smokey Bruyere (head of the Native Council of Canada), set about raising the profile of aboriginal rights internationally. In August 1987, they travelled to Geneva to address the UN committee which was in the process of setting out the principles of the rights of indigenous peoples. Their purpose was to persuade the committee to include self-determination as a fundamental right of aboriginal peoples. The trip was taken seriously by the federal government - the Prime Minister's Office dispatched an Assistant Secretary to the Cabinet to Geneva to counter the Indian proposals. Bruyere announced triumphantly that "this is hitting them where they hurt".

Finally, as mentioned above, Indians have made various accusations against the federal and provincial governments, claiming that they are contravening international human rights laws. One of the more creative instances of this is the Lytton and Mount Currie Indian bands' claim that the B.C. government violated the International Covenant on Civil and Political Rights by approving a logging road into the Stein Valley. Chief Ruby Dunstan has requested a UN investigation of an alleged violation of religious rights guaranteed by the Covenant, on the grounds that the Stein Valley is of immense spiritual significance to the Indians. Since the charge, even if well-founded, is unlikely to be accompanied by any concrete action by the UN against the Canadian government, it must be seen as one element of an overall strategy designed to undermine the government's credibility in the eyes of the public.

3The Vancouver Sun, January 9th, 1988.
6.2.3. Cultivating the Media

There can be no doubt that Indian leaders of the 1980s have learned to use the media in deliberate and sophisticated ways. When they create dramatic political settings, punctuated by the appropriate costumes, casts and stirring soliloquies, they rely on the media to take their messages to the public. The cases cited in this chapter suggest that Indians have not relied on the intrinsic newsworthiness of their stories. Rather, they have consciously designed scenarios to attract the media. For example, at the Assembly of First Nations' annual chiefs meeting in June 1987, Joe Mathias, a well-known B.C. Indian leader, prompted cheering with his statement that "freedom fighters is the word we must brainwash ourselves and our children with...and if they're not listening to us, and we're not getting the media coverage in the white man's media we deserve, then we will strangle the country". ¹ Similarly, Don Ryan, president of the Gitskan Wet'suwet'en Tribal Council, outlined his strategy regarding the Gitskan land claim to a meeting of the Union of British Columbia Indian Chiefs in November 1988. He noted that the Gitskan had set up barricades and planned to "arrest" police and civilian intruders. If the RCMP were sent in to dismantle the barricades, Ryan said "we can capture these guys. Can you imagine what the headlines would be, and the television? [Even if helicopters were used]... to take one of those things out with a flare...that would capture headlines". ²

Yet Indians have not limited their use of the media to the coverage of

¹Quoted in The Vancouver Sun, June 25th, 1987, p.A1. Mathias and other senior leaders also told the assembled chiefs to establish their own tribal courts, fishing and hunting laws, and to use blockades and other tactics to prevent logging or other unwanted commercial activities on their traditional lands. They were to "reject the white system" altogether, and assert their own jurisdiction.
substantive actions alone. They have also placed advertisements in newspapers to explain their positions to the public. For example, just before the 1984 First Ministers Conference on Aboriginal Matters, the AFN ran a full-page advertisement in a number of major newspapers to explain their view of aboriginal rights and self-government. More recently, a number of Indian groups have set up an "Aboriginal Rights Coalition", the explicit purpose of which is to educate the public about Indian rights and claims, rather than to pursue political struggles per se.

Finally, one of the more notable trends in the past few years has been Indians' use of professional specialists such as pollsters, lobbyists and media consultants. The AFN, for example, regularly commissions opinion polls. Moreover, the First Nations Confederacy, which represents 27 Indian bands in southern Manitoba, hired media specialists, Kerry and Janet McLuhan in January 1986. The McLuhans have since lobbied television networks, arranged news conferences, leaked federal reports and organized a benefit concert for Indians in Europe along the lines of Live-Aid. Although demonstrations and blockades have not disappeared from the Indian political scene, they are used more sparingly now as Indians move "up the political learning curve."

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1 See The Vancouver Sun, March 7th, 1984, p.C9. The advertisement outlined the AFN response to the Penner Report, the historical roots of Indian government, the effects of the Indian Act on social and economic development, as well as an outline of how Indian governments would relate to other levels of government.


6.2.4. Conclusion

This chapter has illustrated the means by which Indians have created and manipulated political settings in the 1980s in pursuit of their various claims. On the one hand, they have engaged in direct protest actions (such as blockades) to stop logging and other resource projects, to protest government policies and to challenge governments by asserting Indian jurisdiction and/or sovereignty. These acts are symbolic acts. Since the Indians cannot hope to prevail against the armed forces of the Canadian state in a road-block or a fish-in, such acts must be interpreted as attempts to publicize Indian grievances, to massage the public conscience and to win sympathy, and to pressure governments into dealing with their claims.

It is significant that, in each of the cases discussed in the first section of this chapter, the Indians involved did not go straight to the courts to seek relief from the effects of resource extractive projects by legal means. That route was certainly open to them, and Indians in lesser-known situations have availed themselves of it. But in the conflicts discussed, the Indians deliberately chose the tactics of civil disobedience as their primary line of defence, after the consultative process had proved barren. It was not just that they feared losing in court, rather they felt they needed to publicize the issues beforehand. In some cases, their ultimate objective was to force the issue into the courts, but only after fighting a public relations battle they felt they had a chance of winning. Thus, they created photogenic confrontational settings, appealing to the public conscience with a number of condensation symbols and symbolic acts of resistance. They were commanding the high moral ground.

Indians prefer to conduct politics in public because publicity legitimates
their grievances and goals. It also prevents governments from using their considerable coercive powers against Indians with impunity. Through publicity, Indians can impose costs on governments which ignore, or worse, deny, their claims. The costs are to governments' public images as mediators of disputes and as impartial distributors of benefits.

However, there is a danger of Indians overusing civil disobedience. To be effective, Indians must be sparing in their use of acts of protest which are high on the militancy scale, since public tolerance is likely to diminish the more frequently such tactics are used. Moreover, should the courts declare that aboriginal title and aboriginal rights have been extinguished (as they may very well do in the Gitskan case discussed in the next chapter), use of the courts to obtain injunctions against resource projects on the basis of aboriginal rights claims will be precluded. Thus, while Indians have achieved a number of celebrated successes by using these tactics, their continual effectiveness cannot be presumed.

The second part of this chapter focussed on Indian attempts to embarrass the Canadian government in various international settings. Again, these must be interpreted as symbolic acts, since no international body can take punitive action against the Canadian government for alleged violations of the rights of Canadian citizens. However, for Indians, participation at the highest levels of international politics signals their legitimacy and prowess as political actors. Of course, it is more difficult to gauge the effectiveness of international lobbying than it is to measure the success of roadblocks and the like, as the results are far less tangible. They are elements of a wider strategy to shame Canada domestically and overseas, rather than schemes to accomplish immediate results. As such, Indians appear to consider their international lobbying efforts worthwhile, and
they seem to be devoting more and more political resources to them.

The political activities discussed in this chapter are notable in that they take place outside the normal political process, and the actions discussed in the latter part of the chapter even go beyond Canadian borders. However, Indians have also availed themselves of opportunities presented by the normal channels of the legal and political processes. This is the focus of Chapter 7.
7. CHAPTER 7: USING THE SYSTEM AND ROUTINIZING CONFLICT

The previous chapter focussed on Indian attempts to create dramatic political settings in which to play out specific conflicts. Through protest actions and civil disobedience, and by using various international forums, they have attracted public attention and support, and have embarrassed governments into taking a number of actions they would not otherwise have taken. These manoeuvres have taken place outside the mainstream political process - that is, they are extra-legal, extra-parliamentary actions which, for the most part, focus on specific disputes.

However, Indians have also made use of the institutional mechanisms of the Canadian political process. In particular, they have used the legal, constitutional and parliamentary processes, not just to settle specific disputes, but to redefine their relationship with the governments of Canada. The first part of this chapter looks at Indian attempts to "use the system" for symbolic purposes. It focusses on their use of the courts in a number of significant cases, as well as their participation in several important task forces and commissions of enquiry. The second part of the chapter looks at Indian attempts to routinize conflict - that is, to set up stable constitutional and legislative guidelines to govern future Indian-government relations. It is argued that Indians have used these various instruments for symbolic purposes, since their primary concern has been to secure legal, political and constitutional recognition of aboriginal rights, including the right to self-government.
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7.1. USING THE SYSTEM

Indians have used the mechanisms of the Canadian political system in many instances and for many purposes. The primary mechanism is, of course, the Indian Act and its administrative arm, the Department of Indian Affairs and Northern Development. Recent gains in this area have included DIAND's devolution of powers in the realms of child welfare, education and administration. However, this section focuses not on Indians' ongoing relations with DIAND, but instead on their attempts to move beyond the reach of the Indian Act and the Department to have their claims to aboriginal rights recognized. Thus, this section examines a number of important legal decisions in the area of aboriginal rights, as well as the reports of two important inquiries into land claims and self-government.

7.1.1. The Courts and Aboriginal Rights

Chapter 6 featured some discussion of Indians' use of the courts to obtain injunctions against resource extractive projects. In a few instances (for example, in the Meares and Lyell Island cases) the Indians involved argued that interlocutory injunctions should be awarded pending the settlement of land claims. In these cases, the courts were used to obtain immediate relief from the threat of physical damage to lands claimed by Indians, as well as to apply pressure to governments for the resolution of land-related disputes. On the other hand,

1For a very thorough discussion of Indians' use of the courts in British Columbia, see Pamela J. Bush, "See You in Court: Native Indians and the Law in British Columbia, 1969-85", (unpublished M.A. thesis, Department of Political Science, University of British Columbia, April, 1987). Bush examines cases in which Indians have used the courts to: (1) receive benefits to which they were entitled under the Indian Act; (2) challenge the federal government's administration of the Indian Act; (3) challenge the applicability to Indians of federal and provincial legislation pertaining to hunting and fishing rights; and (4)
only three cases have been brought before the courts by Indians with the express intent of securing a legal recognition of pre-existing aboriginal rights. In addition, several other cases, though not originally brought to secure a recognition of general aboriginal rights, have discussed the concept, and have contributed to the growing body of case law in the area. These cases are analysed below.

The first explicit Indian attempt to secure legal recognition of aboriginal title (and thus aboriginal rights) came in 1967, when the Nisga’a of British Columbia filed a statement of claim in the B.C. Supreme Court. \(^1\) In the *Calder v. Attorney General of British Columbia* case, \(^2\) the Nisga’a asked for a declaration that the aboriginal title to their ancient tribal territory had not been lawfully extinguished. It was a risky request since, given the zero-sum nature of the adversarial process, a loss in court would have a devastating effect on similar claims by other Canadian Indians. \(^3\)

However, the decision handed down by the Supreme Court of Canada in 1973 proved that the gamble had paid off. Although in formal terms the vote went against the Nisga’a by 4-3, they lost the case on a technicality. Yet six judges had recognized the existence of aboriginal title at common law. Of the six, three agreed with the lower courts that title had been extinguished by

\(^1\)The Nisga’a could not at that time have filed a claim with the federal government, since the government had no formal policy which would have allowed them to do so. The Nisga’a had been attempting to have their claims settled since the 1880s, and by the 1970s felt that an appeal to the courts was the only avenue left open to them.


\(^3\)In fact, the Nisga’a suffered two court losses. Both the B.C. Supreme Court and the B.C. Court of Appeal held that the Royal Proclamation of 1763 (which recognized and affirmed aboriginal rights) did not apply to British Columbia, and so could not have been the source of aboriginal title. Moreover, they held that if aboriginal rights had ever existed, they had been extinguished by colonial land legislation before B.C. entered confederation in 1871.
general legislative enactments, but the other three held that aboriginal title had not been lawfully extinguished by explicit legislation, and thus continued undisturbed. Thus, while the court had not given an unambiguous affirmation of continuing aboriginal title as a burden on the Crown, neither did it entirely reject the claim.

The Calder case, as is by now well known, was an enormous (if qualified) symbolic victory for the Indians. It created a new context in Indian politics, a context in which Indians had aboriginal rights recognized at law which would have to be dealt with at the political level. Calder gave Indians throughout the country a new sense of possibility. The Canadian legal system was at last acknowledging rights which Indians had always asserted and, although the decision was not clear as to the exact nature and extent of those rights, it did acknowledge that Indian claims had a basis in law. That acknowledgement ultimately led the federal government to design a new comprehensive land claims policy (discussed later) and to negotiate claims on the basis of aboriginal title. Thus, Calder established the credibility of Indian claims in the eyes of the government and heralded a new era in Indian-government relations.

Following Calder, Indians were much more willing to use the courts for declarations of continuing aboriginal rights. The Baker Lake case in 1980 represented another important (though again qualified) symbolic victory for Canada's native peoples. That case, brought by the Inuit of the western Arctic, had important implications for Indians, since it dealt with the question of

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aboriginal rights in a general sense. In Baker Lake, the Inuit claimed aboriginal rights over a piece of territory of indeterminate extent in the area of Baker Lake in the Northwest Territories. They sought an injunction against corporate activities in the area, a declaration that the lands in question were covered neither by the Territorial Lands Act nor by Public Lands Grants, and a declaration that Canada had no right to abrogate Inuit aboriginal rights. The Federal Court Trial Division took the Calder position that aboriginal rights were recognized at common law, and that the Royal Proclamation was not the only source of aboriginal title. Mr. Justice Mahoney held that the Inuit were the exclusive occupants of the claimed territory, and he granted the plaintiffs a declaration that the lands were subject to the aboriginal title so that the Inuit retained their aboriginal hunting and fishing rights.

Again, Baker Lake, like Calder, did not recognize aboriginal rights as comprehensively as the Inuit (or Indians) would have liked. Acknowledging usufructuary rights is not the same as recognizing unfettered ownership as a pre-existing legal right which would be a burden on the Crown. However, a clearer statement to that effect came in 1984 in the case of Guerin v. the Queen.

1Baker Lake v. Minister of Indian Affairs and Northern Development, [1980] 5 W.W.R. 193. Mahoney J. basically recognized aboriginal rights as usufructuary rights. His decision did not affirm aboriginal title as being in the nature of fee simple title, and he concluded that it was diminished by legislative enactments. At p.193, he says that: "the Inuit have aboriginal title; it was not extinguished by the grant of title to the Hudson's Bay Company, by surrender or by legislation expressly extinguishing title. However, Parliament's intention to extinguish title need not be express, and to the extent that competent legislation diminished the rights contained in an aboriginal title, that legislation prevailed. Thus, while the aboriginal rights had not been extinguished, they were diminished...".

The **Guerin** case was not originally brought before the courts to seek a declaration of aboriginal rights. In fact, it was initiated by the Musqueam band of British Columbia, and concerned the terms of a lease negotiated between the Shaughnessy Heights Golf Club and the Department of Indian Affairs in the 1950s. The Indians claimed that the federal government had been remiss in its fiduciary obligation to the Indians as it had negotiated rents for the lands leased which were far below market rates. However, the trial judge, the Federal Court of Appeal and the Supreme Court of Canada found it necessary to consider the general nature of the Crown’s obligations towards the Indians and the nature of aboriginal title. Mr. Justice Dickson of the Supreme Court of Canada wrote the final majority decision. It held, with **Calder**, that aboriginal title was "a legal right derived from the Indians’ historic occupation and possession of their tribal lands". Recognizing no distinction between the nature of the Indian interest in reserve lands versus traditional territories, the court held that:

The Indians’ interest in their land is a pre-existing legal right not created by the Royal Proclamation of 1763, by section 18 (1) of the **Indian Act**, or by any other executive order or legislative provision...the nature of the Indians’ interest is best characterized by its general inalienability, coupled with the fact that the Crown is under an obligation to deal with the land on the Indians’ behalf when the interest is surrendered. Any description of the Indian title which goes beyond these two features is both unnecessary and potentially misleading.

The **Guerin** case was an unqualified success for the Indians involved, both in an immediate sense and in the long term. The federal government was found

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1. The circumstances of the case are quite complex. For details, see the case itself, or Buch, op. cit., pp.104-109.
3. Ibid., pp.499-500.
wanting in the discharge of its fiduciary obligations, and the Indians were awarded $10 million. However, the wider significance of the case is that the court provided a clear acknowledgement of aboriginal title as an independent pre-existing legal right. In addition, the Supreme Court found that the Crown was obliged to deal with reserve lands for the benefit of the Indians, and that the Crown’s actions were subject to judicial review. Finally, the court had ruled that the Indian interest in reserve lands does not differ in any significant way from Indians’ interest in their traditional tribal territories. Guerin was thus an unexpected gift to Canada's Indians, as a specific dispute over a reserve-land lease had produced some clarification of the nature of the Indian interest in traditional lands.

However, despite the Supreme Court's broad interpretation of aboriginal title in Guerin, other courts have not taken such a positive position. Indeed, the recent Bear Island case represents a significant defeat for Indians seeking affirmations of continuing aboriginal rights through the courts, and it warrants some attention here.

In many ways the Bear Island case arose from circumstances quite similar to the B.C. conflicts discussed in Chapter 6. The case concerned the Temagami wilderness area of northeastern Ontario, which contains the last old-growth pine forests in the province. As in the B.C. conflicts, plans to log the area were met with angry resistance from environmental groups and the Teme-Augama Anishnabai Indians of Bear Island in Lake Temagami. The band (which had filed a claim over a 10,000 square kilometre area in 1973) claimed that it had been omitted from the Robinson Huron Treaty of 1850, and that it

had therefore not surrendered title to its traditional lands. The land claim was rejected by the Supreme Court of Ontario in 1985. After the Ontario government decided to proceed with plans for road extensions and logging in May 1988, the Indians set up a road block. They erected a sign which read: "Road Closed by Authority Teme-Augama Anishnabai, Owners for 6,000 Years - Authority Protected by sec. 25 and 35 of the Canadian Constitution". The Indians appealed the 1985 decision.¹

In late February 1989, the Ontario Court of Appeal rejected the Temagami Indian Band's claim to aboriginal title. The court was prepared to assume that the Temagami Indians had enjoyed aboriginal rights up to 1850, but held that those rights had been extinguished by the Robinson Huron Treaty of 1850. Although the Indians claimed that the chief of another tribe had signed away their territories without their consent, the court maintained that the treaty still applied to them, and significantly, that the treaty was a deliberate act of extinguishment on the part of the sovereign authority:

We are satisfied that any aboriginal rights enjoyed by the Temagami were extinguished by the Robinson Huron Treaty of 1850. The Temagami were signatories to the Treaty. Alternatively, they adhered to the Treaty by receiving annuities pursuant to it and later asking for a reserve as was promised in the Treaty and still later receiving a reserve. Finally, their rights were extinguished, even if the Temagami were not signatories or adherents, because the Treaty was at least a unilateral act of extinguishment by the sovereign authority.²

Thus, even though Calder and subsequent aboriginal rights cases reached no conclusion as to the requirements for extinguishment of such rights, the Ontario

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Court of Appeal concluded that "a sovereign may express the intent to extinguish aboriginal rights through a treaty, even though the treaty itself may be imperfect in the sense that not all of the Indian bands or tribes whose lands are involved are signatories". ¹

Thus, Bear Island represents something of a set-back for Indians seeking a legal declaration of continuing aboriginal rights. Of primary importance is its insistence that treaties must mean extinguishment of aboriginal rights. This line of thinking suggests that Canada's treaty Indians cannot claim any aboriginal rights beyond the immediate provisions of their respective treaties. Given the controversy over the meaning of the treaties (the Indians say they were peace and friendship pacts while the government claims they surrendered lands and extinguished aboriginal rights), this aspect of the Bear Island decision is bound to be challenged. Bear Island has muddied the legal waters in the area of aboriginal rights to the extent that it has taken a very narrow view of the meaning of those rights, ² and a very broad view of the means by which they

¹Ibid., p.11. In Calder, three of the justices (Hall, Spence and Laskin) found (at p.393) that extinguishment can be effected "by treaty, by the sword, by purchase, by the exercise of complete dominion adverse to the right of occupancy or otherwise". However, they held that "while the selection of means is a governmental prerogative, the actual act (or acts) of extinguishment must be plain and unambiguous". The Ontario Court of Appeal in Bear Island held that the ratification of the Robinson Huron Treaty by the Governor-General-in-Council was a plain and unambiguous declaration by the sovereign that the aboriginal title was extinguished (p.12). On the question of signatures, the Ontario Court of Appeal noted that the Royal Proclamation had provided that if the Indians wished to surrender lands, they had to be surrendered to the Crown "at some public meeting or Assembly of the said Indians, to be held for that purpose by the Governor or Commander in Chief of our Colony respectively...". However, the Ontario Court of Appeal (at p.10) argued that that procedural requirement for purchase was repealed by the Quebec Act of 1774. The court did not explain why the repeal of that provision by the Quebec Act had not been mentioned in Calder or any other aboriginal rights case.

²The trial judge (Steele) had taken the position that "the Royal Proclamation and the common law gave to the Indians only the aboriginal right to continue using the lands for the purposes and in the manner enjoyed in 1763, and not the
The latest Indian attempt to secure a legal recognition of continuing aboriginal rights and aboriginal title is the action brought by fifty-four hereditary Chiefs of the Gitskan-Wet'suwet'en tribal group. The Chiefs are claiming ownership and jurisdiction over 22,000 square miles of land in north-central British Columbia. The suit was filed in October 1984 against the provincial government by the High Chiefs on behalf of all members of their houses. In their Statement of Claim to the Supreme Court of British Columbia, the Chiefs claimed that they continue to exercise jurisdiction over the territory in accordance with their own laws and practices, and that their lands are held by individual owners rather than by the tribe as a collective entity. They claim that by virtue of the Royal Proclamation of 1763 (which they argue applies *inter alia* in B.C. as it is part of the Constitution of Canada), the plaintiffs enjoy: ownership of the territory, its waters and its resources; jurisdiction over the territory and its Indian inhabitants; and a right to the Crown's protection in reserving these rights to the benefit of the Indians "until, through the informed consent of the Plaintiffs, the same rights are surrendered to the Crown". ¹

The Gitskan case differs from all previous aboriginal title claims in that it is not just a land ownership claim. The Gitskan-Wet'suwet'en Chiefs are seeking a declaration that they have a right to exercise political sovereignty over their...
traditional lands. It is a claim to nationhood, only part of which inheres in aboriginal title, and the Indians claim that their right to self-government is based on their traditional occupancy of the lands and continuous exercise of jurisdiction. Sections 69 and 70 of the Statement of Claim state that:

69. The Plaintiffs have never ceased to assert their aboriginal title, ownership and jurisdiction, and right of possession over their territory in accordance with their aboriginal laws and practices.
70. Any laws of the province of British Columbia are subject to the reservation of aboriginal title, ownership and jurisdiction by the Gitskan and the Wet'suwet'en Chiefs and do not confer any jurisdiction over or interest in the said lands to the Defendant [the province of B.C.].

Thus, if the Indians are successful in court, all crown land in an area larger than Vancouver Island will revert to the Hereditary Chiefs, who will be legally empowered to dispose of it according to their traditional methods. The Indians assert, however, that if they win they will negotiate such matters as the applicability of provincial laws and third party interests.

In fact, before hearing of the full claim began, in July 1986, the Gitskan-Wet'suwet'en won the right to put a *lis pendens* (i.e. a legal noose which informs potential buyers that provincially-owned land is the subject of an ownership dispute, and so discourages its purchase) on 1,981 square miles of the disputed area. The B.C. Supreme Court decision was the first of its kind in Canada, and was hailed by Indians as "an awesome bargaining tool with which

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1. Ibid., p.10. For a detailed outline of the basis of the Indians' arguments, see Brian J.R. Stevenson, "Political Integration and Indian Self-Government: Hegemonic and Counterhegemonic Discourse", (unpublished M.A. thesis, Department of Political Science, University of Victoria, August 1986), pp.111-131. On p.127, Stevenson argues that although the Gitskan are using the legal system, "which is a vehicle of hegemonic discourse...the basis of the suit affirms the Native Indian mode of discourse" insofar as it is based on indigenous values, traditions, laws and world-view.
to extract concessions from the B.C. Social Credit government". ¹ Although a *lis pendens* does not necessarily prevent the province from leasing lands to third parties or from selling resources, the decision raises the possibility that other bands may similarly be able to freeze lands pending the outcome of their aboriginal title claims.

Chief Justice Alan McEachern of the B.C. Supreme Court began hearing the full land claim in court in January 1987. After three years, the case is still before the court. The case is lengthy, partly because the legal arguments are complex, partly because the court is hearing evidence from the Indians, the province and the federal government, and partly because the court has heard an abundance of oral testimony from tribal elders who must establish their historic occupancy and use of the lands. Although at the time of writing there is no way of telling when a decision will be reached, it is clear that whatever the outcome there is bound to be an appeal, so that no final decision can be expected until well into the 1990s.

However, whatever the outcome, the Gitskan case is bound to have serious implications for the Indians, the provincial government and the federal government. It is by far the largest land claim ever launched by Indians in Canada, not only in terms of the geographic area under claim, but also in terms of its scope. If the Indians ultimately win, the Canadian legal system will have acknowledged Indian ownership of traditional lands as well as Indians' right to self-government. Such a decision would have far-reaching effects. As a precedent case, it would give other Indian groups enormous leverage in their land and self-government claims in B.C. as well as in other provinces; it would radically

shift the basis of Indian-government relations and the role of the Indian Act and INAC; and it would open up the possibility of similar legal challenges to provincial land and resource ownership and political jurisdiction.

On the other hand, a negative outcome (from the Indians’ point of view) could effectively foreclose Indians’ option of using the courts to win recognition of aboriginal title claims. Depending on the reasoning and terms of the decision, it is conceivable that the federal government could revise its land claims policy if a higher Canadian court were finally to reject the concept of an enduring aboriginal title. Undoubtedly, the B.C. Supreme Court is acutely aware of the larger implications of the case, and if the court’s thinking in the Meares case (see Chapter 6) is anything to go by, it might well weigh the "potentially disastrous consequences" in favour of the Crown. However, further speculation as to the outcome of the case is pointless, since the adversarial process is at best unpredictable.

7.1.2. Commissions and Task Forces—the Penner and Coolican Reports

Aside from the legal system, Indians have used other institutions and mechanisms of the political process for symbolic purposes. In recent years they have participated in or contributed to a number of commissions and task forces, and have made notable symbolic gains in so doing. This section discusses two seminal reports produced in the 1980s which have articulated Indian political demands - the Report of the Penner Committee on Indian Self-Government (1983) and the Coolican Report on Indian Land Claims (1985).

Over the last thirty years, several inquiries, commissions and task forces have grappled with "the Indian question", and each has made different recommendations. One of the most important documents was the Hawthorn Report of 1966. That report, among other things, had recommended that Indians be regarded as "citizens plus" in view of their special status as aboriginal peoples. It had also recommended that "equivalence of municipal status should be given to reserves for the purpose of federal and provincial grants and cost-shared programs". Though the report's recommendations for a municipal model of local Indian government were not implemented, Hawthorn had an important effect on the federal government's thinking, especially since it wanted to devolve limited administrative powers from DIAND to local band councils.

Thirteen years later, the Pepin-Robarts Task Force on National Unity urged the federal and provincial governments to negotiate directly with native peoples over constitutional change. The report recommended that the sex-discrimination provisions of the Indian Act be abolished, and argued that governments should provide money to promote and protect Indian culture.

However, although Indians made submissions and presented briefs to these and other bodies (though not to the Hawthorn group), they were not active participants and they did not control the agendas and directions of these efforts. Moreover, the policy recommendations advanced by such inquiries were well within the parameters which had guided Indian policy since the colonial period. They challenged neither the assumptions behind nor the authority of the Indian Act (which administered Indians as wards of the state), and they did not

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envision any alteration of the federal-provincial division of powers. However, by the 1980s, two reports suggested that the Indian-government relationship had to be radically altered to reflect the economic and political aspirations of Indians, even if that meant tinkering with the constitutional status quo.

The Penner Report

The Penner Report represents something of a revolution in official thinking in the area of Indian policy. The report was produced by a special committee of the House of Commons consisting of seven MPs (four Liberal, two Conservative and one NDP) and three *ex-officio* Indians representing national native organizations. The committee held hearings across the country, working closely with Indian organizations so as to secure their cooperation and consent. The final report, released in October 1983, contained 58 recommendations, most of which articulated the values and demands Indians had expressed in the hearings.

The Penner Report was a remarkable document because it was the antithesis of the 1969 White Paper:

The values shaping the report are equity, diversity and collective rights, in marked contrast to the White Paper values of equality, sameness and individual rights. Where the White Paper viewed Indian ethnicity as past tense ("folklore")...the Penner Report views Indian ethnicity as a positive condition of being "with" vital living cultures...Where the White Paper depicted Indians as deprived persons becoming equal citizens, and dealing with the state as individuals, the report views Indians as special groups becoming self-governing entities, and dealing with the state on a government-to-government basis...Finally, the White Paper operated from the perspective of socio-economic needs of Indians, whereas the report worked from the basis of political and cultural rights of Indians. The White Paper sought to terminate the special relationship between Indians and the federal government, whereas the Penner Report seeks to reform and strengthen it by developing new Indian-specific political institutions.  

The Penner Report dropped the "citizens plus" terminology of Hawthorn, preferring instead the term "Indian First Nations". It recommended that Indian self-government be recognized as an aboriginal right which should be "explicitly stated and entrenched in the Constitution of Canada" so that Indian First Nation governments would "form a distinct order of government in Canada". ¹ This is exactly what native organizations were demanding in the process of constitutional reform (discussed later). However, the committee recognized that the process of constitutional amendment was apt to be a lengthy one, and so it recommended that the federal government enact: (1) an Indian First Nations Recognition Act; (2) legislation enabling the federal government to enter into agreements with recognized Indian First Nation governments "as to the jurisdiction that each government wishes to occupy"; (3) legislation in which the federal government would "occupy all areas of competence" under section 91(24) of the British North America Act, vacating these areas as the new IFN governments assumed responsibility for them, and to ensure that provincial laws would not apply on Indian lands except by agreement of the IFN government. ² Thus, self-government would mean that "virtually the entire range of law-making, policy, program delivery, law enforcement and adjudication powers would be available to an Indian First Nation government in its territory". ³ Indian First Nations then, would have jurisdiction over the areas of land, resources, taxation, justice, economic development and social services (such as education, health and child welfare). In addition, self-sufficiency would be promoted by the development

¹The Penner Report, p.44.
²Ibid., p.59.
³Ibid., p.63.
of Indian lands and resources, and resource revenues should be shared.¹

As for membership, the Penner Report recommended that IFNs be allowed to determine their own memberships, and that IFN governments be based on existing bands. ² This would mean dismantling the membership provisions of the Indian Act. Where amendments to the Act (such as the repeal of section 12(1)(b)) meant the reinstatement of a number of Indians to formal Indian status, the government of Canada should compensate for the added pressure on lands and resources by expanding the land base and by providing additional funds. ³ Finally, IFN governments should be funded by direct grants from the federal government. ⁴

For reserve-based status Indians, the Penner Report was manna from heaven. Here was an all-party committee of the House of Commons agreeing unanimously that the relationship between Indians and the Canadian state should be fundamentally restructured so as to maximize Indians' control of their lives, lands and resources. They were to have a special place within confederation, yet beyond federalism, as IFN governments would have powers currently exercised by the federal and provincial governments. The report was enormously gratifying even though, "as a broadly conceived blueprint for reform" ⁵ it did not provide detailed plans for implementation, and it was silent on many important problems. Indian participation in the committee's deliberations for once had not resulted in frustration. Their demands had not only been heard, they had been articulated, documented and endorsed by a parliamentary committee whose recommendations

¹Ibid., p.110.
²Ibid., p.55.
³Ibid., p.111.
⁴Ibid., p.98.
⁵Weaver, op. cit., p.219.
would set a new context for Indian-government relations.

However, while the Assembly of First Nations rejoiced in the Penner Report's approach to self-government, the report had some major shortcomings from the point of view of other aboriginal groups. For example, in linking IFN governments to existing bands with reserves, the Penner Report's conception of self-government effectively excludes non-status Indians, off-reserve Indians and Metis without a land base. In addition, the recommendations regarding membership may well prove to be problematic:

Allowing a band to determine its own membership would mean allowing those now legally defined as Indians to decide whether those not [so] defined should be accepted as additional members. In effect, the committee was recommending continuing to bar many, if not most, non-status and non-treaty Indians from their rights as Indians.

Similarly, Ponting and Gibbins have expressed a number of concerns about the Penner Report since its recommendations, if implemented, would give IFN governments powers which would take them beyond the legislative jurisdiction of the federal and provincial governments. They point out that section 25 of the 1982 Constitution Act seems to preclude the application of the Charter of Rights and Freedoms to IFN governments as it provides that "the guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal people of Canada". Thus, the actions of IFN governments,

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1 I am grateful to Alan Cairns for pointing out that the Penner Report's application to status Indians only is, of course, a consequence of its terms of reference which flow from the policy implications of s.91(24) of the Constitution Act, 1867.
unlike those of the federal and provincial governments, would not be subject to Charter review. Individual members of Indian First Nations would have no recourse to appeal against infractions of their rights through the Canadian judicial system. Therefore, Ponting and Gibbins conclude, Indians falling under the jurisdiction of IFN governments "would cease to be Canadian citizens in any practical sense of the word". 

These and other concerns about the Penner Report have not been voiced by aboriginal organizations, even though the report in fact only articulates the interests of status Indians with land bases, as represented by the Assembly of First Nations. The lack of critical analysis on the part of other native organizations is perhaps best explained by the feeling that the Penner Report is at least a step in the right direction, and by a fear that too much public criticism of its approach might hinder progress towards a general constitutional recognition of the right to self-government for all aboriginal peoples.

These concerns aside, however, the Penner Report represents "a great leap forward" ² to the extent that it legitimated Indian conceptions of self-government, even though those conceptions were in embryonic form. As such, the Penner Report was a highly significant symbolic success for Indians, whose participation and cooperation had at last seemed worthwhile. Although to date its recommendations have not been implemented, the report made an important contribution to the discourse of Indian politics. ³

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¹Ibid., pp.223-224.
²Ponting and Gibbins, op. cit., p.221.
³The federal government's official response to the Penner Report claimed to accept the "primary thrust" of the committee's recommendations. However, the government reserved the right to review the recommendations and to respond to them after departmental consultations - see Response of the Government to the Report of the Special Committee on Indian Self-Government, (DIAND, Ottawa, March 5, 1984). The government's actual response is the community-based
The Coolican Report

Following the Penner Report and later Guerin, the federal government decided to review its comprehensive land claims policy. While the previous policy outlined in "In All Fairness" ¹ had been a step forward from previous approaches, little had been accomplished in ten years. Only three comprehensive claims (i.e. claims arising in non-treaty areas in which Indians had not formally ceded lands or title) had been settled - the Cree and Naskapi claims in the James Bay region of Quebec, and the Inuvialuit claim in the western Arctic. ² However, the cumbersome claims process, the requirement that aboriginal rights be extinguished in exchange for agreements giving Indians "concrete rights", and the policy of negotiating only one claim per province at a time had led to much frustration and bitterness among groups anxious to conclude settlements. Thus, in July 1985, David Crombie (then Minister of Indian Affairs) appointed a task force to review comprehensive claims policy. The five-member task force was headed by Murray Coolican, a Halifax consultant, and included Joe Mathias, the B.C. Squamish Chief who acted as B.C. Indians’ spokesman on constitutional matters.

The Coolican Report was released in March 1986. Like the Penner Report, it recommended a massive overhaul of the claims process and a restructuring of the Indian-governments relationship. The key element of the task force’s position was that Canada’s native people need the political and social structures to govern

(continues)
themselves rather than simple cash payments and land awards:

The new policy should encourage aboriginal communities not only to become economically self-sufficient but also to establish political and social institutions that will allow them to become self-governing. The two must develop together because political power is meaningless without the backing of financial resources. Thus, land without the power to manage what happens on it, or the right to fish without a say in the management of fish stocks, will only perpetuate the dependency of aboriginal peoples. 1

The second essential feature of the Coolican Report was its insistence that claims policy should not require aboriginal peoples to surrender totally rights which the constitution had so recently recognized and affirmed. Therefore, the report recommended that "blanket extinguishment of aboriginal rights no longer be a precondition for settlement", 2 as it had been in the three settlements mentioned above. "What needs to be extinguished", said Coolican, "are not aboriginal rights but dependency on outside institutions and financial support". 3 Furthermore, the Coolican Report recommended that "the comprehensive claims process should be open to all aboriginal societies that continue to use and occupy traditional lands and whose aboriginal title to such lands has not been dealt with by land-cession treaty or by explicit legislation", and that the policy should exclude only those groups that no longer live in their traditional area". 4 In accordance with the provisions of the Royal Proclamation of 1763 (and the recent ruling in Guerin), no aboriginal rights should be extinguished without the consent of the aboriginal community involved. 5 The report further recommended that:

1The Coolican Report, op. cit., p.iii.
2Ibid., p.iii.
4Ibid., p.46.
5Ibid., p.45.
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1. the claims policy should allow for variations between and within regions based on historical, political, economic and cultural differences between aboriginal groups; 

2. the provinces should participate in negotiations, especially where claims pertain to lands within a province; 

3. aboriginal groups should be entitled to participate in decision-making regarding the management and use of lands and resources within their traditional areas; 

4. the claims policy should permit negotiations to include discussions of aboriginal ownership of subsurface resources; 

5. the existing rights of third parties on traditional aboriginal lands should be respected and dealt with equitably; 

6. prior to settlements, aboriginal communities should be consulted before the authorization of developments which could adversely affect lands under claim; 

7. the claims policy should permit negotiations to explore means of enabling aboriginal groups to share in the revenues from resource development in their traditional areas; 

8. agreements should include the provision of capital to aboriginal groups for economic and community development, as well as training programs to develop business, management and administrative skills; 

9. the claims process should provide an opportunity for aboriginal peoples to create their own political institutions and to determine the form of government best suited to them; 

10. the federal government should appoint an independent Commissioner for Aboriginal Land Claims Agreements to ensure fairness in the process of negotiation and to expedite the settlement of claims.

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1Ibid., p.48. 
2Ibid., p.51. The report argued that the province of British Columbia has a constitutional obligation to participate in federal claims policy based on the Terms of Union of 1871. However, it did not recommend that the federal government refer a question to the Supreme Court of Canada about the existence and extent of B.C.'s constitutional obligation. Rather, the federal government should take a "committed, high-level approach to federal-provincial cooperation", as exemplified by the federal Minister's response to the Haida situation (p.50). 
3Ibid., p.56. 
4Ibid., p.59. 
5Ibid., p.62. 
6Ibid., pp.63-64. The report did not, however, recommend a general moratorium on development pending the resolution of claims, since there would probably be economic dislocations in which individuals and local businesses would suffer significant losses. 
7Ibid., p.68. 
8Ibid., pp.70-71. 
9Ibid., p.72. 
10Ibid., p.79.
The Coolican Report, like the Penner Report before it, could hardly have been more attuned to the demands and aspirations of the fifty-plus native organizations which submitted briefs and/or met with the members of the Task Force. Taken together, the two reports represented a revolution in thinking about aboriginal rights, land claims and self-government. Each complemented the other in its fundamental values and assumptions, which were clearly rooted in the native rather than the conventional government approach. While both documents had shortcomings and left some important questions unresolved, the reports stand as remarkable testaments to the newly-found legitimacy of Indian political aspirations.

However, it must be noted that neither set of recommendations was in any way binding on the federal or provincial governments, and to date neither has been fully incorporated into a policy framework which would satisfy Indian demands. In fact, the federal government had introduced Bill C-52, "An Act Relating to Self-Government for Indian Nations", in June 1984. However, the bill was tabled two days before the adjournment of Parliament, and predictably, died on the order paper. The government's commitment to the bill is certainly questionable given the timing, and it was almost certainly presented as a public relations effort to signal the government's general attitude towards self-government before the up-coming federal election.

Yet whatever the government's intention, and whatever its contents, Bill C-52 could not have satisfied Indian demands, simply because it was legislation.¹ The fact of the matter is that by the early 1980s the national

Indian organizations had altogether rejected the legislative approach to self-government. Having already gained some limited constitutional recognition of aboriginal and treaty rights in the Constitution Act of 1982, they were determined to augment the scope and protection of those rights through constitutional entrenchment. With the Penner Report supporting fundamental changes to the Indian-government relationship at the highest level, Indians were not about to settle for delegated political power from unentrenched statutes. On the contrary, Indian organizations were committed to using the political leverage they had gained through their participation in the process of constitutional reform to transform the nature of their political relationship with Canadian governments, and to develop new guidelines to direct that relationship.

7.2. ROUTINIZATION OF CONFLICT

In Chapter 1 it was postulated that politically active subordinated groups will normally reach a stage in which routinization and ritualization of conflict is a necessity. Because of the anxiety associated with the inability to foresee limits on conflicts with the dominant society, and because they have limited resources with which to conduct their struggles, such minorities will normally attempt to establish consistent and stable guidelines for conflict resolution. Thus, they attempt to win recognition of rights within the political system, either through legislative or occasionally constitutional guarantees. The establishment of stable legislative or constitutional guidelines involves, to some extent, the minority's institutionalization, as it requires the minority's acceptance as a legitimate participant in the political process of allocating values.

Since 1969, Canada's national and provincial native organizations have
become institutionalized, especially since the lion’s share of their operating funds are provided by the federal and provincial governments. 1 Governments have an obvious interest in being able to deal with large umbrella organizations representing the general interests of aboriginal people, rather than with small, fragmented groups pressing for their individual demands. However, it is more than a question of convenience for governments. As previous chapters have shown, Indians in particular have, through their myriad political activities, made themselves a political force to be reckoned with. They have succeeded in carving a place for themselves in the political process, such that governments at a minimum now acknowledge the need to consult with them about the direction of Indian policy. Thus, Indian organizations have become institutionalized to the extent that their participation in changes to Indian policy is regarded as a given.

7.2.1. Constitutional Reform

By far the most significant and remarkable expression of Indians’ new-found political legitimacy is their participation at the very highest political level in the process of constitutional reform. Indians have tried to use this process to secure recognition and protection of their rights at a fairly high level of abstraction, and have produced mixed results.

It is doubtful that Indians would have pursued constitutional guarantees of their rights had constitutional reform not been initiated by a federal government committed to a restructuring of federalism and the entrenchment of a charter of

1See C.E.S. Franks, Public Administration Questions Relating to Aboriginal Self-Government, (Institute of Intergovernmental Relations, Queen’s University, Kingston, 1986), p.24. Franks notes that since 1983/84, various aboriginal organizations have collectively received more than $100 million annually, making them "among the best supported and most effective pressure groups in Canada". 
rights. Aboriginal rights were at best a marginal concern for Prime Minister Trudeau, whose liberal individualist vision was hostile to the notion of collective rights. However, Indians were not slow to realize that if a new constitution was to be crafted, it would affect them in direct and serious ways. Thus, the constitutional debate not only presented an opportunity for Indians to try to expedite discussion and protection of aboriginal rights, it in fact compelled them to get involved in the process. Since their aspirations for land claims settlements and self-government would affect federal and provincial control of lands and resources, and since the proposed Charter of Rights and Freedoms would have implications for collective rights, Indian political organizations could not avoid the constitutional debate. Besides, neither the federal nor the provincial governments could be relied upon to represent aboriginal concerns, caught up as they were in their own jurisdictional squabbles.

In fact, since 1979 the three national aboriginal organizations (at that time, the National Indian Brotherhood, the Inuit Tapirisat of Canada and the Native Council of Canada) had been meeting with the federal-provincial Continuing Committee of Ministers on the Constitution to discuss aboriginal participation in the constitutional reform process. After the 1980 federal constitutional proposal failed to address the concerns of aboriginal peoples, the national organizations lobbied until three sections on aboriginal rights were included in the final package. The three relevant sections of the 1982 Constitution Act therefore read:

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada, including:
(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7th, 1763; and
(b) any rights or freedoms that may be acquired by the aboriginal
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peoples of Canada by way of land claims settlement.

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Metis peoples of Canada.

Finally, section 37 provided for the convening of a First Ministers Conference (FMC) on Aboriginal Constitutional Matters by April 17th, 1983, and for the participation (as non-voting observers) of aboriginal peoples' representatives and delegates from the Yukon and the Northwest Territories in those discussions.

In fact, the section 37 conference was to provide an opportunity to fill in the blanks left by the 1982 constitutional provisions which were of so general a nature as to leave their meanings obscure. The most contentious clause was section 35(1), as the aboriginal rights which were being recognized and affirmed were undefined. Furthermore, the limitation of recognition to "existing" rights (a compromise upon which several provinces had insisted in 1981) muddied the waters even more. Were the rights to be recognized limited to those existing as of April 17th, 1982, or did the clause mean that such rights were subject only to regulatory restrictions that existed on that date? In any case, what was the content of aboriginal rights? Were they confined to land use rights or did they include the right to self-government? Was the section to be conceived as an "empty box of rights" whose content was to be filled in later, or was it, as the aboriginal organizations contended, a full box of rights? Was section 35 merely "worthless symbolism"?  

1For a discussion of the implications of section 35, see Bryan Schwartz, First Principles, Second Thoughts, op. cit., pp.357-364. Schwartz indeed provides a remarkably thorough analysis of the entire FMC process from the events to the positions of each of the parties, as well as detailed commentaries on the legal ramifications of the constitutional provisions.
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The first section 37 conference took place in March 1983. Like the three other conferences subsequently convened, it was conducted in front of CBC television cameras, and Canadians were treated to two days of Indian prayers, guarded speeches by the leaders of the thirteen governments and four aboriginal organizations, but very little substantive discussion of the issues at stake. The public statements of each of the parties were perhaps rightly circumspect as governments could neither be seen to be against self-government nor blindly in favour of it. Meanwhile, the aboriginal organizations were anxious to appear reasonable and moderate rather than militant and demanding. As each party had to satisfy its own constituency while attempting to reach a compromise on a set of far-reaching constitutional amendments, it is perhaps not surprising that the public speeches were vague and rhetorical. The problem was that politics was being played at the symbolic level, and thus open and frank discussions of the many pitfalls associated with Indian self-government could not be publicly voiced.

In fact, the 1983 conference was the only one of the four held which produced any significant results. The parties signed an accord which addressed the following topics: (a) a process for negotiating the definition of aboriginal rights; (b) sexual equality of aboriginal men and women; (c) consultation on constitutional amendments affecting aboriginal peoples; and (d) the protection of existing and future land claims settlements. ¹ The conference also produced a series of amendments to the 1982 Constitution Act. Section 25 was amended to read "(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired". Section 35 gained two new sub-sections: one

¹David Hawkes, Negotiating Aboriginal Self-Government, (Institute of Intergovernmental Relations, Queen's University, Kingston, 1985), p.8. Hawkes describes and analyses the 1985 FMC with particular emphasis on the various proposals presented by the federal government and the aboriginal organizations.
included existing and future land claims agreements in the definition of treaty rights; the other guaranteed aboriginal and treaty rights equally to male and female aboriginal people. Finally, section 37 was amended to add three more constitutional conferences on Aboriginal Constitutional Matters in 1984, 1985 and 1987.

By the time the 1984 conference was convened, the agenda of the section 37 process had been narrowed to focus overwhelmingly on self-government. This focus was in part due to the release of the Penner Report in late 1983, and the federal government's response to it was made public just three days before the 1983 conference. Indeed, the federal government seemed to be committed to the principle of entrenching the right to self-government, and tabled a draft constitutional amendment on self-government on the first day of that conference. However, the proposal, like the conference, failed, and, as Hawkes concludes:

It is not surprising, given the lack of preparatory work, that the federal proposal met with stiff opposition. Some even suspected that the motives of the federal government were directed more towards good public relations than achieving constitutional reform. ¹

But whatever the motives of the federal government, each of the following conferences fell prey to the same problems. The new Progressive Conservative government of Brian Mulroney, while employing even more enthusiastic rhetoric in support of the principle of self-government, did not accomplish more than the previous Liberal government. Even Mulroney's oft-lauded mediation skills could not produce agreement on an amendment among seven out of the ten provinces representing 50% of the population (the minimum requirement under the amending formula). Indeed, several authors have suggested that the conferences

¹Hawkes, op. cit., p.10.
were characterized by a fair bit of skullduggery:

The section 37 process portrayed by Schwartz, who was a member of the Manitoba delegation, was one in which again and again the participants were on the verge of agreeing to hastily drafted constitutional terminology whose far-reaching consequences were often only dimly understood. It was also a process in which participants frequently tried to outsmart each other by the suggested employment of constitutional language designed to have consequences which might escape the attention of weary participants in the other camp. In these circumstances, the failure to agree may have been the most positive outcome to emerge from the lengthy process. ¹

Yet the circumstances described above provide only a partial explanation for the section 37 conferences' failure to produce a constitutional amendment on self-government. Indeed, it would have been astonishing had such an amendment been passed, given the complexity of the issues involved and the magnitude of the political and economic consequences.

In the first place, it could be argued that an amendment on self-government might have been conceivable had its application been limited to status Indians with a land base. As it was, the powerful symbolism of the notion of self-government made it appear, not only as a solution to the problems associated with the Indian Act and administration by DIAND, but also as a buffer against societal racism and an answer to dependency and underprivilege. Thus other aboriginal groups (in particular the Metis and non-status Indians) were taking umbrage under a concept which had, at best, uncertain credentials and applicability to them given their very varied circumstances. As a matter of fact, Cairns has argued that the focus on self-government at the constitutional conferences was a disservice to aboriginal peoples as a whole, since it is not

¹Alan C. Cairns, "Aboriginal Self-Government and Citizenship", (paper presented to the Legal Theory Workshop, University of Toronto, Faculty of Law, April 24th, 1987), pp.9-10.
only virtually inapplicable to most of the aboriginal population, but has limitations even for reserve-based status Indians. Moreover, for non-status Indians and landless Metis:

...the self-government focus had the dual effect of both generating aspirations for a land base with a negligible likelihood of realization, and of straining to define ingenious versions of self-government appropriate to their dispersed landless base, often in metropolitan centres...[It] is evident that the search for such arrangements is inspired more by the desire to find reform proposals compatible with the self-government rubric than by the concrete problems of urban aboriginals. ¹

This attempt to squeeze square pegs into round holes only exacerbated provincial concerns. Not only was the concept of self-government undefined, it was being touted as the solution to the ubiquitous problems of urban aboriginals, who, having left the reserves for whatever reason, were no longer under special federal jurisdiction. While "aboriginal policy is an area where the expansionist tendencies of governments are strangely muted", ² the provinces have legitimate concerns about their jurisdictions. On the one hand, provinces want assurances that self-government will not mean that fiscal and other responsibilities for aboriginal governments will be foisted upon them, while on the other hand, they are jealous of their constitutionally demarcated powers and anxious to avoid encroachments by such governments. In these circumstances, how could the provinces be expected to endorse an "empty box of rights" when they were given no indication as to the obligations they might subsequently incur?

For their part, the national aboriginal organizations (particularly the AFN) have no interest in defining self-government or attaching any limitations to it for

¹Ibid., pp.13-14.
²Ibid., p.6.
the purposes of constitutional entrenchment. They argue that to define self-government would be to deprive the concept of the flexibility required to meet the differing needs and circumstances of the diverse aboriginal populations. The scope and powers, as well as membership questions, land bases, intergovernmental relations and other salient issues should, they contend, be determined by each Indian First Nation in consultation with the federal government, not defined in the constitution. On the one hand, this is a strong argument. Certainly, no one model of self-government can be expected to satisfy the unique needs and circumstances facing each aboriginal group. However, on the other hand, by insisting on a constitutional guarantee of an inherent and unqualified right to self-government for all the aboriginal peoples mentioned in section 35(2) (after all, who could be excluded?) the aboriginal organizations doomed themselves to almost certain failure. They could not reasonably have expected provincial governments which had had little interest in their welfare to begin with to suddenly acquiesce to a constitutional right to self-government when they could not be sure how it would affect their own places within federalism.

Roger Gibbins has offered a compelling argument in this respect. In an insightful 1984 article, he argued that Indians had fallen into a "constitutional trap". Gibbins drew a distinction between "domain-specific" policy determinants (including high levels of Indian unemployment and poverty, low levels of formal education, chronic housing shortages, and high infant mortality), and "environmental determinants" (including "a governmental commitment to liberalism and the protection of individual as opposed to group rights, fiscal constraints, public opinion, and competing demands from other policy domains").

this distinction, Gibbins argues that whereas Indians had been on relatively strong ground when dealing with domain-specific issues (where problems could be forcefully demonstrated and solutions suggested), when Indians entered the constitutional arena they encountered a more hostile policy environment, and:

...the ground shifted considerably when the issues became ones of constitutional principle and national symbolism. Indian concerns were raised to a symbolic plane where they encountered major obstacles. Whereas Indian control over Indian education and more autonomous band governments were pills that the Canadian political system were quite prepared to swallow, and pills that would have incrementally promoted Indian sovereignty, the constitutional recognition of Indian sovereignty was a pill upon which the political system gagged. ¹

The crucial point is that whereas domain-specific issues could be negotiated between Indians and the federal government, constitutional reform brought the provinces into Indian affairs. Thus, Gibbins concluded that Indians have had little success in the constitutional arena "because their domain-specific concerns carry little weight in that arena". ² He advised that Indian organizations beat a hasty retreat from the constitutional plane, concentrating instead on incremental policy decisions in non-constitutional areas "no matter how symbolically unappealing this may be". ³

Negotiations in non-constitutional areas are certainly pills the provinces will be more likely to swallow, since: (a) they will not be constitutionally compelled to participate in such negotiations; (b) no particular outcome of such negotiations is constitutionally directed; and (c) the process of negotiations is non-justiciable. Thus, non-constitutional negotiations will take the provinces out of Indian affairs. Yet on the other hand, their participation in land claims settlements and

¹Ibid., p.4.
²Ibid., p.7.
³Ibid., p.8.
self-government arrangements is a must if those arrangements are to mean anything. Without a constitutional requirement to participate, it is likely that the more hostile provinces (especially British Columbia) will be able to scuttle any such negotiations.

So, while the section 37 conferences were a success from the provincial point of view (to the extent that they did not have to give up any powers or take on any new responsibilities), they were a disappointing failure from the aboriginal point of view. Responsibility for changing the native-government relationship had been kicked back into the non-constitutional domain, where the federal government would decide who could and who could not have self-government.

7.2.2. Community-Based Self-Government Negotiations--the Legislative Approach

After the 1985 FMC failed to produce an amendment on self-government, the federal government decided to take a two-track approach. While the constitutional discussions would continue, the government would initiate a concurrent process of "community-based self-government negotiations" to develop a range of self-government arrangements and institutional models. The process was to demonstrate the federal government's commitment to self-government, as well as to provide concrete examples of how it might be implemented.

The basic features of the community-based self-government negotiations are as follows. The policy is highly flexible (within certain parameters), allowing for a range of negotiations from limited administrative arrangements to a level of autonomy which would effectively exempt a band from the Indian Act (an eligible
community may be a band or a tribal council). The subject matters for negotiation include: the legal status and capacity of local Indian governments; the structures and procedures of government; membership; management of lands and resources; financial arrangements; application of the Indian Act; implementation plans; and a series of subsidiary areas (including community infrastructure and public works, education, social welfare services, justice, licensing, local taxation, agriculture, traffic, and access to and residence on the reserve). ¹

However, the new policy also features a number of constraints and limitations. First, while negotiations are to be conducted without prejudice to treaty and aboriginal rights, there is to be no negotiation or renegotiation of treaties. Second, new community-based self-government arrangements cannot alter the federal-provincial division of powers. Third, there will be no linkage between self-government negotiations and land claims. Fourth, community-based self-government arrangements must be compatible with the Charter of Rights and Freedoms. Fifth, community-based governments will be funded by the federal government for a five-year period only, and funding cannot exceed DIAND's present budgetary allotment. Sixth, federal and provincial laws of general application will continue to apply, except where they are inconsistent with the terms of legislation giving effect to community-based self-government arrangements. Finally, negotiation of community-based self-government arrangements will be conducted only with Indian communities occupying reserves or holding blocks of land pursuant to comprehensive claims settlements. ²

Clearly, the new community-based self-government negotiations policy is a

²Ibid., pp.1-2.
far cry from the kind of constitutional recognition of the right to self-government
the national organizations had sought in the constitutional process. It is the
legislative option they had so vociferously rejected, and the constraints involved
are considerable: the policy is a departmental initiative and the department is
firmly in control of the entire process; the policy applies only to status Indians
with a reserve base and offers nothing to other categories of aboriginal people;
arrangements must be compatible with the individualist-oriented Charter of Rights
and Freedoms; there are severe fiscal limitations; the Minister of Indian Affairs
will still have ultimate authority; the Department will decide who is to have
self-government and who is not; and the Department will decide what proposals
are acceptable to it. Moreover, since self-government arrangements cannot alter
the federal-provincial division of powers, it is difficult to see how Indian
governments can enjoy anything beyond municipal status.

The response of Indian organizations to the new policy has not been
uniform. On the one hand, some have criticised the policy on the grounds that it
may simply be yet another attempt by the federal government to shirk its
responsibilities (particularly financial ones) for Indians, while maintaining its
control of Indian communities. Bands will be expected to take on a range of new
responsibilities without a corresponding increase in the Indian Affairs budget.
There is also a concern that the Department will impose its preferred models on
the terms of the negotiations, and that it may push bands into self-government
arrangements prematurely. Along with this conspiratorial view (which, given the
Department's track record, may not be too far from the mark), there is a
concern among some Indians that the new policy is merely an attempt to fulfill
the intent of the White Paper via the back door.
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Yet despite these objections, an estimated 260 bands are either considering the community-based self-government policy or are preparing proposals for submission to the Department. 1 In spite of this impressive number, however, to date only one band, the Sechelt Indian Band of British Columbia, has completed the negotiation process through to the legislative stage. 2 The Sechelt Indians have opted out of the Indian Act, though they have clearly adopted the municipal model of local government favoured by the provincial and federal governments. 3 The Sechelt model is not endorsed by the national aboriginal organizations, though they are reluctant to criticize it in public since it is apparently satisfactory to the band.

In the end, it seems that Indian policy has, in a sense, come full circle to the extent that the new Department-sponsored community-based self-government policy echoes the Hawthorn municipal model of local government. It is certainly not the grand, expansive vision of the national aboriginal organizations, especially as it offers nothing to the majority of native people in Canada. Yet for the moment, it is all reserve-based status Indians have. If they are to set up new stable institutional guidelines by which to structure their relationship with the federal government, they are going to have to do it through the community-based self-government policy. The latter certainly offers them an opportunity to redefine

1J.R. Ponting, lecture at the University of Calgary, March 31st, 1989.
2The federal government signed an agreement in principle with the Alexander Band of Alberta in May 1989, but the process is not yet complete.
3For a thorough discussion of the Sechelt arrangements and the federal and provincial enabling legislation, see Brian J. Stevenson, "Political Integration and Indian Self-Government", op. cit., pp.89-111. See also Evelyn J. Peters, Aboriginal Self-Government Arrangements in Canada, (Institute of Intergovernmental Relations, Queen's University, Kingston, 1987), pp.8-11. Peters discusses the Sechelt Indian Band Self-Government Act (1986), as well as the Kativik Act, the Cree-Naskapi of Quebec Act, and self-government arrangements in the policy areas of education, lands and resources and economic development.
the boundaries of that relationship, but it does not give them constitutional protection, since it does not speak to "aboriginal or treaty rights" or rights acquired by way of land claims settlements. Thus, the so-called "bottom up" approach to self-government will allow status Indians to move towards greater de facto local autonomy, but only by the grace of the Department, not by constitutional right.

7.2.3. Conclusion

This chapter has shown how Indians have used the mechanisms, institutions and processes of the Canadian political system to pursue their various political goals. The first part of the chapter looked at Indians' use of the courts to obtain symbolic declarations of aboriginal title, aboriginal rights and ultimately sovereignty. They have enjoyed some successes in this arena, particularly as the Calder and Guerin cases tended to confirm aboriginal title as a pre-existing legal right, though the courts have not defined the scope or content of those rights.

Yet using the courts for declarations of continuing aboriginal rights is an inherently risky business as outcomes are always unpredictable. Canadian courts have expressed some reluctance to deal with aboriginal rights in any case, preferring to leave such sensitive questions to the political arena. Besides, even if the courts do declare that Indians have certain aboriginal rights, such declarations may be meaningless if the courts do not or cannot issue directives to governments to negotiate the terms under which those rights are to be exercised. For example, should the courts in the Gitskan case determine that the Indians have a right to govern themselves, political negotiations will still be required to determine the scope of the right, the powers it entails, and the relationship of
the Indians to the federal and provincial governments. Moreover, the exercise of such a right would require economic and other resources which must come, at least in part, from the federal government. It is doubtful that the courts can impose a funding requirement on the federal government, since that is ultimately a matter of public policy and administration, not of law. Thus, in seeking judicial declarations of surviving aboriginal rights, Indians are using the courts for symbolic purposes. Judicial declarations in and of themselves will not settle anything. They will not give Indians the wherewithal to exercise particular rights. At best, judicial decisions can be used as pressure points to cajole, embarrass or force the federal government to negotiate concrete terms.

This chapter also looked at Indians' use of other institutional mechanisms of the Canadian political process, specifically task forces and commissions of inquiry. Again, at the symbolic level they have realized significant gains, particularly as the Penner and Coolican reports articulated their general positions regarding self-government and land claims policy. Yet, in light of the fact that the recommendations of those reports are not binding on the government, they may well remain merely symbolic victories if they are not translated into public policy. Seven years after the Penner Report, only a few of its minor recommendations have been loosely incorporated into the government's new community-based self-government negotiations policy, yet the spirit of the report and its key recommendations (i.e. on entrenchment) are notably absent. Similarly, five years after the Coolican Report, the federal government has not incorporated its recommendations into a new comprehensive claims policy.

The second part of this chapter looked at Indian attempts to routinize conflict by developing a new set of guidelines to govern the Indian-government
relationship. Their preferred method of doing this was to seek constitutional entrenchment of inherent and unqualified aboriginal rights, particularly the right to self-government. Their approach was to seek a general recognition of aboriginal rights, and to fill in the content of those rights according to the evolving needs and circumstances of various Indian groups. Prior to 1982, Indians made some symbolically important gains, though the aboriginal rights clauses of the 1982 Constitution Act are vague and undefined. There is no indication as to what aboriginal rights are recognized and affirmed by the constitution, and so far no Indian group has attempted to use sections 25 or 35 in court actions.

In the second phase of participation in constitutional reform Indians fared rather less well. The section 37 requirements have now been met, though the conferences ended inconclusively. It was argued that the constitutional arena was perhaps too big for the aboriginal organizations, which did not even have voting rights at the conferences. Their involvement in constitutional reform meant that they had to contend with a new set of (largely hostile) actors in the form of provincial governments, actors who were not about to give up any of their powers or assume any new responsibilities for the federal government's constitutional charges. Moreover, their refusal to define aboriginal rights and self-government or to attach any qualifications to the concepts was their ultimate undoing. They were tampering with national symbolism, expecting eleven governments to assign them unknown and unlimited rights not enjoyed by other Canadians. In these circumstances, it is not surprising that a constitutional amendment was not forthcoming.

In the end, the constitutional momentum has been lost and it seems that that avenue is foreclosed, at least for the present. Indian-government relations
are now back in the Departmental fold, and the government's new community-based self-government negotiations process offers the only opportunity Indians have to set up routine guidelines for conflict management. The new policy is unlikely to produce any fundamental changes to the Indian-government relationship, as it offers only legislative provisions for increased administrative autonomy, not a guarantee of rights by the supreme law of the land. Still, it is possible that a number of bands across the country will avail themselves of the community-based self-government policy despite its shortcomings, and its failure is not to be automatically assumed. However, for many Indians it is back to the courts, back to the road blocks and back to public opinion to try to create some new pressure points vis-a-vis the federal and provincial governments.
8. CHAPTER 8: CONCLUSION

The first chapter of this thesis postulated two major hypotheses. The first was that in order to have their political demands translated into public policy, subordinated groups which are socially, politically and economically marginal to their encompassing societies will tend to employ a range of symbolic strategies. That is, they must create a community of interests among members of the reference group (whether defined by ethnic or other criteria); they must develop a positive identity in which group attributes formerly seen as negative become positive; they must develop a political mythology and a distinctive ideology which supports and justifies their political goals; they must create appropriate settings through which they can communicate their grievances and demands to the public as well as to policy-makers; they must learn to use the mechanisms and institutions of the mainstream political process to legitimize both themselves and their claims; and they must eventually negotiate stable terms under which future minority-government conflicts will be conducted.

The second hypothesis suggested that the major hope for the legitimation and satisfaction of the political goals of such a minority lies in the mobilization of public support. Publicity, it was argued, would not only contribute to the minority's base of public support, but would also provide opportunities to highlight the group's undeserved sufferings, and possibly embarrass the government into taking actions it is not legally obliged to take.

This thesis has traced the development of the discourse of Indian politics in Canada, focussing particularly on the last twenty years. It has analysed the manner in which Indians in Canada have used symbolic strategies in pursuit of certain political goals, and has examined their attempts to mobilize public
followings, by means of which they hope to impose political imperatives upon governments. The purpose of this chapter then, is to evaluate their success at these endeavours, and in so doing, to check the validity of the two major hypotheses discussed above. The chapter concludes with a number of observations about the current state of Indian politics, and offers some speculative comments about future problems and possibilities.

With regard to the first hypothesis, this thesis has demonstrated that Canadian Indians have indeed employed the symbolic strategies predicted in the pursuit of their various political goals. In the primary stage of politicization (that is, mainly before the 1970s, but continuing into the 1980s), they employed protective, emotive and exclusive political symbols and myths to communicate the commonality of Indians qua Indians, as well as of Indians as a discrete minority with a distinct set of common interests. Along with cultural events such as powwows and potlatches, certain physical symbols of various Indian cultures have been synthesized, and have contributed to the development of a pan-Indian identity in both its cultural and political dimensions.

Through the strategy of symbolic reversal, Indians have inverted and reframed symbols (such as welfare, the treaties and the reserves) which were formerly held as the insignia of inferiority. The harmonic of symbolic reversal is symbolic competition, through which Indians have forged an opposition ideology based on a critique of past and present Indian/non-Indian relations. They have developed a set of exclusive political goals (aboriginal title/aboriginal rights, sovereignty/nationhood, and self-determination) based on the mythology of the idyllic aboriginal past, Indians as the original peoples of Canada, and traditional tribal government. Thus, through the selective invocation of political myths and
symbols, Indians have promoted a sense of moral exclusiveness, identity, consciousness of a common past, and a positive, even romantic, self-image.

However, although these strategies have been somewhat successful at a broad level, they have not been fully realized. It is doubtful whether the majority of Indians at the grass-roots level are particularly conscious of any supra-tribal pan-Indian identity unless they have extensive contact with non-Indians. Certainly, off-reserve Indians who have more contact with non-Indians in the cities are likely to become aware of their "Indianness" (rather than seeing themselves simply as Crees, Haidas or whatever). But the extent to which this translates into a political consciousness among ordinary Indians is not clear.

Moreover, it is not at all clear that the strategy of symbolic reversal has been wholly successful either. Certainly, the Indian public image is much more positive today than it was even twenty years ago, and there can be no doubt that the new positive image developed by groups like Red Power (and by subsequent leaders) has to some extent trickled down to the community level. However, many Indian communities face a variety of social problems (as reflected in the socio-demographic statistics cited in Chapter 2) so that there is still much to be done in this area. ¹

With the strategy of symbolic competition, Indians have developed an ideology of opposition over the last twenty years, an ideology which utilizes emotive and exclusive political symbols and supporting mythologies. Yet symbolic competition has not been entirely successful either. Again, while the majority of Indian leaders at the national, regional, and even local levels have achieved a

¹Indeed, Indian leaders tend to assume that self-government will automatically lead to a positive self-image among communities which assume control of their lands and resources. However, it remains to be seen whether self-government can and will deliver these and other benefits.
fairly high degree of fluency in the ideological domain, it is doubtful whether Indians at the grass-roots level are particularly conversant with the new ideology. Inevitably, it is difficult to support this assertion with hard evidence, since no studies have been conducted in this area. Yet it is highly unlikely that many Indians outside the limited leadership circles would be able to articulate the central concepts of Indian ideology beyond the symbolic tags or buzz-words (such as aboriginal rights). Of course, the same could be said of citizens in general, whose ideological literacy tends to be on the low side. But the point is that Indians are a disadvantaged minority seeking radical changes to their status within Canadian society, and this goal requires a higher level of ideological literacy and politicization than is required of citizens in general. If Indian ideology does not adhere to the Indian people, it will be difficult for the political elites to legitimate a new kind of citizenship for their constituents. At present, the public image of Indians as unified and politicized communities may be more illusion than reality.

Having said that, I am not suggesting that Indian elites have failed to develop a sense of community among their various constituencies which is permissive of the political agendas of those elites. At the very least, the increase in the self-consciousness and politicization of Indian communities in general has been sufficient to support the ideology, goals, and tactics of the leadership. But the question (which must remain open) is whether it is enough to mobilize native communities for the long and difficult path to self-governance.

In the second stage of politicization (in terms of this analysis, from the early 1970s to the present), Indian leaders/organizations in Canada have enjoyed considerable success in creating dramatic political settings through which they can
communicate their grievances and demands to policy makers and to the public. In particular, the tactics of civil disobedience have served them well to the extent that in a number of high-profile resource-related disputes in the 1980s, such tactics have led to resolutions which favoured the Indians concerned. However, while a number of Indian groups have succeeded in making their conflicts photogenic and newsworthy, and while they have visited a number of major embarrassments upon governments, few of their policy protests and international manouevres in the 1980s have produced tangible results. This is perhaps inevitable, given that such protests normally involve much larger, on-going policy issues than local disputes involving provincial governments and third parties. In these disputes, Indians are able to invoke promotive, rational-legal and inclusive symbols which tap into the values of the dominant society - the increasingly popular concern with environmental conservation, and so on. Moreover, Indians' success at this level is partly due to the fact that blockades and the like can impose real and immediate economic costs on third parties. On the other hand, policy and international protests are primarily concerned with Indian-government relations, which have no immediate impact on other parties.

It can be argued that the policy and international protests, taken together, can contribute to a more favourable moral climate, in which Indian demands will not be regarded as excessive. They may even have contributed to the willingness of the last two federal governments to discuss self-government. Indians' international activities in particular are geared towards building a case that Canada's indigenous peoples have a right to self-determination which is recognized in international law. Indians wish to point out that although Canadian
governments have signed a number of international covenants recognizing the rights of peoples to self-determination, Canada has been delinquent in extending these rights to its own indigenous peoples. However, while such a claim may have moral force, it has no legal force as no international body has the power to impose domestic policy obligations on Canada. Under these circumstances, one must question the utility of continuing to pursue this line of activity (which involves considerable costs to Indian organizations), when it is likely to produce marginal returns (and these symbolic) at best.

This thesis has also shown that Indian leaders and organizations have become fairly well-versed in the use of Canadian political institutions such as the courts, commissions of enquiry and the bureaucratic process. They have made some significant symbolic gains through their use of the judicial process, securing (limited) legal recognition of aboriginal title and aboriginal rights. Similarly, their participation in the hearings connected with the Penner and Coolican reports signalled a triumph, to the extent that those reports articulated Indians' broad goals in the areas of self-government and land claims. Certainly, the fact that they were government-commissioned enquiries conducted by non-Indians lent credibility to demands Indians had been advancing for some years.

However, ultimately Indians have used such institutions and mechanisms precisely for symbolic purposes. That is, their primary aim has been to secure the recognition of rights. Yet while judicial decisions can recognize that Indians have certain broad rights (such as aboriginal rights and title), they cannot give an exhaustive definition of the content of those rights. Nor can they force governments to negotiate the terms under which those rights are to be exercised, particularly if their exercise requires government funding. Similarly, governments
are under no legal obligation to implement the recommendations of their own commissions of enquiry (indeed, there appears to be a tradition against it), no matter how fervent their advocacy of Indian rights. Thus, using the system for symbolic purposes offers limited practical spin-off benefits, although undoubtedly what Indians have gained here is greater legitimacy and credibility, and this is not to be underestimated.

Just as Indians have used the system for the legal and political recognition of rights which they claim arise from the fact of their original inhabitation of North America, in the 1980s they have tried to renegotiate the terms under which Indian-government relations are to be conducted in the future. For the most part, their efforts to routinize conflict have centred upon the process of constitutional reform. These efforts were rewarded in 1982 with an ambiguous recognition of "existing aboriginal and treaty rights" in the Constitution Act. But their attempts to have self-government included among these rights (the main goal of the national organizations from 1982 to 1987) have been frustrated by two major factors: first, by internal divisions between the various categories of Indians, as well as between Indians, Metis, and Inuit, each arguing different versions of what self-government ought to entail; second, by provincial governments concerned that they may lose land, resources and jurisdiction, while at the same time incurring added financial and service obligations.

It is understandable that Indians (and other aboriginal peoples) should seek a constitutional recognition of the rights they claim, since this would be the ultimate trump card. It would oblige governments to negotiate self-government agreements with any aboriginal group demanding it, while imposing no obligations on those groups.
Indeed, it seems that Indian leaders in the last ten or so years have become preoccupied with the language of rights, a language which aims at the creation of a new status within federalism in particular, and within Canadian society in general. It is not surprising that a minority which has been so subordinated should be concerned with status as a primary objective, since its marginal legal and political status in the past has resulted in its current predicament. However, the language of rights is fairly new to Canadian political discourse, and it is no surprise that the federal and provincial governments are suspicious of it. Since the full implications of the Canadian Charter of Rights and Freedoms will only become clear through a long process of litigation, such governments are predictably loath to include a new package of rights which will certainly have major consequences.

On the other hand, the Indian language of collective rights has to some extent been legitimated by the Charter, as governments have expanded the traditionally individualistic liberal freedoms to include collective rights for other groups (namely, women, ethnic and linguistic groups). Rights are the new currency of political transactions between subordinated groups and the state, and aboriginal peoples are certain to benefit from the new discourse of rights which has been legitimated within Canadian society.

However, unfortunately for Indians, the rules of the status game are beyond their control. In entering the constitutional arena, they were confronted with a new set of players, all of whom were vying to enhance their own statuses, and some of whom were fairly hostile to Indian aspirations. In that arena, it appears that Indians were out of their depth. Of course, they could not have avoided it, since opportunities to forge a nation's constitution appear rarely.
But it meant that they were no longer negotiating with the federal government. They were now thrown into a process in which they were featured only as bit players. The result, now that the section 37 process is exhausted, is that future constitutional gains will depend on the goodwill of the provincial governments, few of which accord Indian problems high priority in the face of many competing issues of greater importance to national and provincial interests. Although Indians are now one of the "Charter groups", the process of constitutional reform is beyond their control. Even the limited participant status they acquired in 1982 did not translate into a right to participate in the negotiation of the Meech Lake Accord in 1987. ¹

As a consequence of their failure to win a constitutional amendment on self-government through the section 37 process, the Department of Indian Affairs and Northern Development has again assumed control of Indian affairs in the form of the new community-based self-government negotiations process. This may not represent a complete failure for Indian groups, since a number of bands and tribal councils across the country have, in recent years, assumed control of the administration and delivery of services, education, economic development and the like. These initiatives have taken place off centre stage, without fanfare, and without public politicking, and this is undoubtedly the only real option Indians who are serious about self-government have at present. ²

The second major hypothesis of this thesis suggested that sympathetic public opinion can be an important political resource for subordinated groups advancing large and controversial claims against the state. Just as negative

¹Indians were excluded from the process, just like everyone else.
²For a detailed discussion of self-government arrangements already in place, see Frank Cassidy and Robert L. Bish, Indian Self-Government: Its Meaning and Practice, (School of Public Administration, University of Victoria, 1989).
public opinion can provide a rationale for government inaction, positive public opinion can provide a permissive environment in which governments can at least consider meeting some of the minority's demands. I have argued that Indians conduct politics largely at the symbolic level and in public in order to sway public opinion. In this way, they hope either to pressure government, or to provide a permissive environment wherein concessions will not impose prohibitive costs on governments.

Chapter 2 presented the results of Ponting and Gibbins' 1976 and 1979 national surveys of public opinion on native issues. Those surveys suggested that the Canadian public appeared more sympathetic than hostile to native aspirations, though the authors concluded that keeping native issues on the policy agenda would be a significant challenge to native leaders in the 1980s. This thesis has shown that over the period, Indians have been fairly successful at keeping native issues on the policy agenda and in the public eye.

Ponting's follow-up survey conducted in 1986 shows that Canadians "generally hold supportive attitudes towards natives, although that support varies considerably from region to region and has eroded slightly since the mid-1970s".\(^1\) Ponting speculated that the very slight erosion in support indicates that strong Indian leaders have been able to keep native issues in the limelight, although Canadians in general do not know or care much about natives and native issues.\(^2\)

Briefly, the 1986 survey showed that: Canadians were generally well-disposed towards the idea of self-government or increased autonomy for

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native peoples (though they tended to balk at any suggestion of special rights or status);  

1 Canadians' faith in the integrity of Indian leaders and in the ability of native governments to meet the needs of their constituents had increased since 1976;  

2 a core of 30% of adult non-native Canadians was supportive of special constitutional rights for natives;  

3 and support for land claims was very strong, especially for claims involving resource development projects.  

4 However, Ponting found that over the period, British Columbians had become particularly resistant to the idea of native governments having powers equivalent to those of provincial governments. Ponting attributed the cause of this antagonism to such events as the Lyell Island conflict, the Musqueam court decision, and fishing disputes, which "have given non-Natives a taste of Native power and an indication of the potentially competing interests of Native governments and non-Natives".  

However, in my view, a more plausible explanation for the relatively high level of antagonism towards Indians in B.C. (and the Atlantic provinces) is the fact that they are the provinces which stand to lose the most as a result of comprehensive land claims. Other provinces are simply not faced with claims of the same magnitude.  

Moreover, as in 1976 and 1979, the 1986 survey showed that Canadians' self-assessed familiarity with natives and native issues is very low. Only 5% claimed to have a high degree of familiarity with native affairs, while 15% claimed moderate familiarity, and the remaining 80% ranged from slightly low to  


2 Ibid., p.ii.  

3 Ibid., p.ii.  

4 Canadian Social Trends, p.5. Ponting notes that only 21% of those surveyed seemed hostile to land claims in 1986, compared to 35% in 1976.  

very low in their level of knowledge. With such a low level of general knowledge, it is unlikely that more than a tiny proportion of the Canadian population understands the meanings and implications of land claims and self-government. Thus, the responses given to Ponting's questions cannot be taken as informed opinions, and they may say more about Canadians' ignorance of native affairs than anything else. Indeed, there may be an inverse relationship between knowledge of native issues and support for natives (for example, Quebecers showed the lowest levels of familiarity but the highest levels of support). If this is true, Indians might be well advised to keep a low profile on many of these issues, lest the public becomes aware of the problems involved with them and withdraws its support.

It is reasonable to assume that the potential for Indians to increase the level of public sympathy is finite, especially given the fact that Indian grievances and aspirations must compete with issues that are of much more direct interest to Canadians (taxes, free trade, high interest rates, the environment, the deficit and so on). In a context of fiscal restraint and an imminent recession, additional claims upon scarce resources (in the form of land claims and potentially expensive self-government arrangements) are unlikely to enjoy a warm reception among a majority of the electorate, unless they can somehow be sold as beneficial to the national interest. The chances of this happening seem slim.

That the current level of public sympathy for Indians is as high as it is is testimony to the effectiveness of Indians' publicity-seeking effort. However, if the pool of support potentially available to them is finite, increased effort in this area is likely to yield marginal (if not diminishing) returns. Even if Indians did

1Canadian Social Trends, p.10.
enjoy the overwhelming support of a majority of Canadians, governments would not necessarily be forced to concede to their demands. In the last analysis, no matter how supportive Canadians are of Indian aspirations, they are not likely to transfer their partisan allegiances simply because a particular party in power fails to meet Indian demands. In the cold world of realpolitik, Indians are simply not important enough to inspire such action. Therefore, governments can ignore their demands (or stall them) with impunity.

It would appear that Indians' public protests are relatively effective as long as they are confined to specific local disputes, particularly those involving resource projects. But although at the broader level of policy issues, they can generate publicity to embarrass governments, public opinion does not offer them an invincible weapon. They are lucky if public opinion is not antagonistic towards them, but they cannot expect much beyond the creation of a facilitative environment in which governments can easily make concessions. In my view, further effort in this area is likely to prove at best, ineffectual, at worst, counter-productive. The best strategy may be to keep a low profile, especially on the issues of land claims and self-government. It is possible that if these issues were fully understood by the Canadian public, they might well precipitate an attitudinal backlash.

Thus, it appears that Indians' behaviour has been consistent with the hypothesis to the extent that they have conducted politics in public with the aim of garnering public support with which to pressure politicians. However, my initial hypothesis was rather optimistic. It overestimated both the elasticity of public opinion and its power to force politicians to concede to Indian demands (that is, beyond the level of local, resource-related disputes).
Moreover, the general level of analysis employed in this thesis obviously admits inconsistencies when we look to specific cases. For instance, the proposition that subordinated groups pass through two major stages of politicization is problematic when applied to the aggregate, given the disaggregated nature of Indian groups. Thus, we see groups enjoying different levels of political sophistication embarking upon symbolic politics at different times. For example, the Innu of Labrador have recently begun symbolic politics of their own in their attempts to halt low-level military flights over their lands. They have undoubtedly benefitted from the experiences and strategies of other native groups, so that they may enter the political learning curve at a fairly high point. Nevertheless, even though not all groups are at the same level of politicization at a given point, it can still be argued that Indians in the aggregate have followed the stages and strategies postulated in this thesis.

In fact, Indians in Canada have used the symbolic strategies predicted by the model in pursuit of their various goals, and have enjoyed moderate success in each of them. However, they have not thus far been able to create and maintain political unity among the various sub-categories of Indians. This is partly because they must fashion an associational interest group from what is actually a disparate collection of communal groups (see Chapter 1), each of which has its own history, circumstances and interests. It is also partly because they have been forced into particular kinds of interactions with the dominant society by policy initiatives originating in government, making them largely reactive. The White Paper and the constitutional reform process in particular imposed political agendas on Indian politicians before they had completed the processes of community-building, symbolic reversal, and symbolic competition. Because the pace
and direction of their politicization has been largely dictated by external forces, it is not surprising that notions such as aboriginal rights and self-government have not been fully developed. Nevertheless, they serve as potent condensation symbols, and they are among the few political symbols which are broad enough (and vague enough) to encompass the general political aspirations of the various Indian (and other aboriginal) groups.

Given the state of Indian communities, organizations, and politics twenty years ago, Indians have come a long way (politically) in a short time. In my view, they have conducted politics at the symbolic level because there have been few alternative points of entry to the political process, and few other means of having their grievances and demands heard. In view of the severe imbalance of their material and other resources vis-a-vis governments, they have done rather well. In fact, the kind of power they have accrued through symbolic politics must change our traditionally materialist view of political power.

Finally, while symbolic politics serve subordinated groups up to a point, Canadian Indian organizations taken together have now become institutionalized to the extent that they are both funded by governments, and routinely offered opportunities to contribute policy advice to governments. For the present at least, Canadian Indians have amassed as much special status as they are likely to get, given the present mix of governments, issues, and national priorities, and given the failure of the Meech Lake Accord. Further constitutional reform appears to be stalled for the immediate future. Thus, at the very least, it would seem that Indian political elites need to change the focus and content of symbolic politics. Indeed, recent trends indicate that they may well turn more of their efforts towards party politics and parliamentary representation. For the foreseeable
future, Canadian Indians must bargain within the boundaries set by other forces on the Canadian political landscape. This will probably mean abandoning symbolic politics to some extent, and tailoring their strategies more to fit the mainstream political process, as befits their new, hard-won constitutional and political status.
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THESES AND UNPUBLISHED PAPERS


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Haada Laas: Journal of the Haida Nation.

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