

Subjects of Empire? Indigenous Peoples and the “Politics of Recognition” in  
Canada

By

Glen Sean Coulthard  
B.A., University of Alberta, 2001  
M.A., University of Victoria, 2003

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**ABSTRACT**

Over the last forty years, the self-determination claims of Indigenous peoples in Canada have increasingly been cast in the language of “recognition”: recognition of Indigenous cultural distinctiveness, recognition of an Indigenous right to land and self-government, recognition of the right to benefit from the development of Indigenous territories and resources, and so on. In addition, the last fifteen years have witnessed a proliferation of scholarship which has sought to flesh-out the ethical, legal and political questions that these claims tend to raise. Subsequently, “recognition” has now come to occupy a central place in our efforts to comprehend what is at stake in contestations over identity and difference in liberal settler-polities more generally. The purpose of this dissertation is twofold. First, I want to challenge the now commonplace assumption that the colonial relationship between Indigenous peoples and Canada can be reconciled via such a politics of recognition. Second, I want to explore glimpses of an alternative politics. More specifically, drawing critically from Indigenous and non-Indigenous intellectual and activist traditions, I will explore a politics of *self*-recognition that is less oriented

around attaining an affirmative form of recognition from Indigenous peoples' master-other (the liberal settler-state and society), and more about critically reevaluating, reconstructing and redeploying Indigenous cultural forms in ways that seek to *prefigure* alternatives to the colonial social relations that continue to facilitate the dispossession of Indigenous lands and self-determining authority.

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## Chapter One - Introduction: From "Wards of the State" to Subjects of Recognition?

"Real recognition of our presence and humanity would require a genuine reconsideration of so many people's role in North American society that it would amount to a genuine leap of imagination."<sup>1</sup>

- George Manuel and Michael Posluns

### Introduction

Over the last forty years, the self-determination efforts and objectives of Indigenous peoples<sup>2</sup> in Canada have increasingly been cast in the language of "recognition." Consider, for example, the formative declaration issued by the political organization representing my community, the Dene Nation, in 1975:

We the Dene of the NWT 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. [...]

And while there are realities we are forced to submit to, such as the existence of a country called Canada, we insist on the right to self-determination and the *recognition* of the Dene Nation.<sup>3</sup> [...]

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<sup>1</sup> George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (Don Mills: Collier-Macmillan, 1974), 224.

<sup>2</sup> When deployed in the Canadian context, I use the terms "Indigenous," "Aboriginal" and "Native" interchangeably to refer to the descendants of those who traditionally occupied the territory now known as Canada prior to the arrival of European settlers and state powers. At a more general level I will also use these terms in an international context to refer to the non-Western societies that have suffered under the weight of European colonialism. I use the specific terms "Indian" and "First Nation" to refer to those legally recognized as Indians under the Canadian federal government's *Indian Act* of 1876 (unless indicated otherwise).

<sup>3</sup> Dene Nation, "Dene Declaration," in Mel Watkins (ed.) *Dene Nation: The Colony Within* (Toronto: University of Toronto Press, 1977), 3-4; emphasis added.

Now fast-forward to the 2005 policy position on self-determination issued by Canada's largest Aboriginal organization, the Assembly of First Nations (AFN).<sup>4</sup> According to the AFN, "a consensus has emerged [...] around a vision of the relationship between First Nations and Canada which would lead to strengthening recognition and implementation of First Nations' governments."<sup>5</sup> This "vision", the AFN goes on to state, draws on the core principles outlined in the 1996 *Report of the Royal Commission on Aboriginal Peoples* (RCAP): that is, recognition of the nation-to-nation relationship between First Nations and the Crown; recognition of the equal right of First Nations to self-determination; recognition of the Crown's fiduciary obligation to protect Aboriginal treaty rights; recognition of First Nations' inherent right to self-government; and recognition of the right of First Nations to economically benefit from the use and development of their lands and resources.<sup>6</sup>

In the legal and political fields these demands have not been easy to ignore. Because of the persistent efforts of Indigenous activists, communities, and organizations, we have witnessed within the scope of four decades the emergence of an unprecedented degree of recognition for Aboriginal cultural rights within the Canadian legal and political order. Most significant on this front was Canada's eventual "recognition" of "existing aboriginal and treaty rights" under section 35(1) of the *Constitution Act, 1982*. This constitutional breakthrough provided the catalyst which led to the federal government's eventual 1995 recognition of an "inherent right to [Aboriginal] self-

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<sup>4</sup> Assembly of First Nations (AFN), *Our Nations, Our Governments: Choosing our Own Paths* (Ottawa: Assembly of First Nations, 2005).

<sup>5</sup> *Ibid.*, 18.

<sup>6</sup> *Ibid.*, 18-19.

government,"<sup>7</sup> as well as the groundswell of post-1982 legal challenges which have sought to widen the scope of what constitutes a constitutionally recognized Aboriginal right to begin with. When considered from the vantage point of these developments, it would certainly appear that "recognition" has emerged as both the dominant expression and normative core of self-determination within the Aboriginal rights movement in Canada.<sup>8</sup>

The increase in recognition demands made by Indigenous and other marginalized minorities over the last forty years has also prompted a flurry of intellectual activity which has sought to unpack the complex ethical, political and legal questions that these claims raise. To date, much of this literature has tended to focus on a perceived relationship between the affirmative recognition and institutional accommodation of societal cultural differences on the one hand, and the freedom and well-being of marginalized individuals and groups living in ethnically diverse states on the other. In Canada, it has been argued that this synthesis of theory and practice has forced the state to dramatically re-conceptualize the tenets of its relationship with Indigenous peoples;<sup>9</sup> whereas prior to 1969, federal Indian policy was unapologetically assimilationist, now it is couched in the vernacular of "mutual recognition."<sup>10</sup>

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<sup>7</sup> Department of Indian Affairs and Northern Development (DIAND), *The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government* (Ottawa: Published by the Department of Indian Affairs and Northern Development, 1995)

<sup>8</sup> Siobhán Harty and Michael Murphy, *In Defense of Multinational Citizenship* (Vancouver: University of British Columbia Press, 2005).

<sup>9</sup> Alan Cairns makes this argument in *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver: University of British Columbia Press, 2000) and *First Nations and the Canadian State: In Search of Coexistence* (Kingston ON: Institute of Intergovernmental Relations, 2005).

<sup>10</sup> The language of "mutual recognition" is used in RCAP's *Report of the Royal Commission on Aboriginal Peoples, 5 Volumes* (Ottawa: Minister of Supply and Services, 1996) and DIAND's *Gathering Strength: Canada's Aboriginal Action Plan* (Ottawa: Published

In the following chapters I critically engage a multiplicity of diverse anti-imperialist traditions and practices - most notably Marxist, feminist, anarchist and Indigenous - to challenge the increasingly commonplace idea that the colonial relationship between Indigenous peoples and the Canadian state can be adequately transformed via such a politics of recognition. Following the work of Richard JF Day,<sup>11</sup> I take “politics of recognition” to refer to the now expansive range of recognition-based models of liberal pluralism that seek to “reconcile” Indigenous assertions of nationhood with Crown sovereignty via the accommodation of Indigenous identity claims in some form of renewed legal and political relationship with the Canadian state.<sup>12</sup> Although these models tend to vary in both theory and practice, most call for the delegation of land, capital, and political power from the state to Indigenous communities through a combination of land claim settlements, economic development initiatives, and self-

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under the authority of the Minister of Indian Affairs and Northern Development, 1997) and *A First Nations-Crown Political Accord on the Recognition and Implementation of First Nation's Governments* (Ottawa: Published under the authority of the Minister of Indian Affairs and Northern Development, 2005). For a more substantive, postcolonial articulation see James Tully, *Strange Multiplicity: Constitutionalism in the Age of Diversity* (New York: Cambridge University Press, 1995).

<sup>11</sup> Richard JF Day, *Multiculturalism and the History of Canadian Diversity* (Toronto: University of Toronto Press, 2000); Also see Richard Day and Tonio Sadik, “The BC Land Question, Liberal Multiculturalism, and the Spectre of Aboriginal Nationhood” *BC Studies* 134 (Summer 2002).

<sup>12</sup> Although recognition-based approaches to liberal pluralism are now quite diverse, the following sample of writings provides an adequate representation of the more influential works in the field: Charles Taylor, *The Malaise of Modernity* (Toronto: Anansi, 1991), *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism* (Montreal: McGill-Queen's University Press, 1993), “The Politics of Recognition,” in Amy Guttmann (ed.) *Re-Examining the Politics of Recognition* (Princeton: Princeton University Press, 1994); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Don Mills: Oxford University Press, 1995), *Finding our Way: Rethinking Ethnocultural Relations in Canada* (Don Mills: Oxford University Press, 1998), *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Don Mills: Oxford University Press, 2001), *Multicultural Odyssey* (Don Mills: Oxford University Press, 2007); James Tully, *Strange Multiplicity: Constitutionalism in the Age of Diversity* (New York: Cambridge University Press, 1995); Patrick Macklem, *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001). RCAF, *Report of the Royal Commission on Aboriginal Peoples, 5 Volumes* (Ottawa: Minister of Supply and Services, 1996).

government agreements. These are subsequently the three broad contexts through which I examine the theory and practice of contemporary recognition politics in the following chapters. Against this variant of the recognition approach, I will argue that instead of ushering in an era of peaceful coexistence grounded on the Hegelian ideal of *mutuality*, the politics of recognition in its contemporary form promises to reproduce the very configurations of colonial power that Indigenous peoples' demands for recognition have historically sought to transcend.

In defending the above claim, my dissertation will examine what I consider to be a crucial shift in the operation of colonial power relations following the hegemonization of the recognition paradigm following the release of the federal government's *Statement of the Government of Canada on Indian Policy* (also known as the "White Paper") in 1969.<sup>13</sup> In the two centuries leading to this historic juncture, the reproduction of the colonial relationship between Indigenous peoples and what would eventually become Canada depended heavily on the deployment of repressive state power geared around practices of *exclusion* and *assimilation*.<sup>14</sup> Any cursory examination into the character of colonial Indian policy during this period will attest to this fact. For example, this period witnessed Canada's repeated attempts to uproot and destroy the vitality and autonomy of Indigenous modes of life through institutions such as residential schools;<sup>15</sup> through the imposition of state policies aimed at explicitly undercutting Indigenous political

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<sup>13</sup> DIAND, *Statement of the Government of Canada on Indian Policy* (Ottawa: Department of Indian Affairs and Northern Development, 1969).

<sup>14</sup> For a history of this period, see John Tobias, "Protection, Assimilation, Civilization", in JR Miller (ed.) *Sweet Promises: A History of Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1991) and RCAP, *Report of the Royal Commission on Aboriginal Peoples*, Volume 1.

<sup>15</sup> See JR Miller, *Shingwauk's Vision: A History of Indian Residential Schools* (Toronto: University of Toronto Press, 1996) for an authoritative account of the history of residential schools in Canada.

economies and relations to/with land;<sup>16</sup> through the dispossession of First Nation women's rights to land and community membership under sexist provisions of the *Indian Act*;<sup>17</sup> through the theft of Aboriginal children via child welfare agencies;<sup>18</sup> and through the near wholesale dispossession of Indigenous peoples' territories and forms of traditional governance in exchange for delegated administrative powers to be exercised over relatively miniscule reserve lands. All of these policies sought to marginalize our people and communities with the ultimate goal being termination, if not physically, then as cultural, political, and legal populations distinguishable from the rest of Canadian society. These initiatives reflect the more or less unconcealed and coercive nature of colonial rule during most of the nineteenth and twentieth centuries.<sup>19</sup>

Although Indigenous people and communities have always found ways to individually and collectively resist these oppressive policies and practices, it was not until the tumultuous political climate of Red Power activism in the 1960s and 70s that policies geared toward the so-called "reconciliation" of Native land and political grievances with Crown sovereignty began to appear. Three watershed events are generally recognized as shaping this era of Native activism in Canada. The first was the

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<sup>16</sup> See Sarah Carter, *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal: McGill-Queen's University Press, 1993) and Helen Buckley, *From Wooden Ploughs to Welfare: Why Indian Policy Failed the Prairie Provinces* (Montreal: McGill-Queen's University Press, 1992).

<sup>17</sup> See Bonita Lawrence, "Gender, Race and the Regulation of Native Identity in Canada and the United States" *Hypatia* 18: 2 (2003) for an authoritative treatment of the subject. Also see her *"Real" Indians and Others: Mixed-Blood Urban Native Peoples and Indigenous Nationhood* (Vancouver: University of British Columbia Press, 2005) for a lengthy analysis of the implications this policy has had on questions of Indigenous sovereignty.

<sup>18</sup> See Christopher Walmsley, *Protecting Aboriginal Children* (Vancouver: University of British Columbia Press, 2005).

<sup>19</sup> The RCAP *Report* has characterized this historical period of the relationship as one of "displacement and assimilation." See RCAP, *The Report of the Royal Commission on Aboriginal Peoples* (Volume 1), 137-199.

materialization of widespread First Nation opposition to the White Paper's assimilation proposals. At its core, the Trudeau administration's White Paper called for the total assimilation of the status Indian population by removing all institutionally enshrined aspects of legal and political differentiation that distinguished First Nations from non-Native Canadians under the *Indian Act*. The result of the proposed initiative was an unprecedented emergence of pan-Indian assertiveness and political mobilization. The National Indian Brotherhood (now the Assembly of First Nations) issued the following response to the federal government's proposed initiative: "We view this as a policy designed to divest us of our aboriginal [...] rights. If we accept this policy, and in the process lose our rights and our lands, we become willing partners in cultural genocide. This we cannot do."<sup>20</sup> Although designed as a once-and-for-all solution to Canada's "Indian Problem", the White Paper instead became a central catalyst around which the contemporary Indigenous self-determination movement coalesced, "launching it into a determined [defense] of a unique cultural heritage and identity."<sup>21</sup> First Nations resistance eventually forced the federal government to formally shelve the White Paper proposal on March 17, 1971.<sup>22</sup>

The second watershed event occurred following the partial recognition of Aboriginal "title" in the Supreme Court of Canada's 1973 *Calder* decision.<sup>23</sup> This landmark case, which involved a claim launched by Nisga'a hereditary chief Frank Calder to the unextinguished territories of his nation in northwestern British Columbia,

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<sup>20</sup> Quoted in Olive Patricia Dickason, *Canada's First Nations: A History of Founding Peoples from Earliest Times* (Toronto: McClelland and Stewart, 1992), 386.

<sup>21</sup> Sally Weaver cited in Leonard Rotman, *Parallel Paths: Fiduciary Doctrine and the Crown-Native Relationship in Canada* (Toronto: University of Toronto Press, 1996), 7.

<sup>22</sup> Dickason, *Canada's First Nations*, 388.

<sup>23</sup> *Calder et al. v. Attorney-General of British Columbia* (1973).

over turned a seventy-five year old precedent first established in *St Catherine's Milling and Lumber Company v. The Queen* (1888), which stated that Aboriginal land rights existed only insofar and to the extent that the Crown recognized them as such.<sup>24</sup> Although technically a defeat for the Nisga'a, the six justices who rendered substantive decisions in *Calder* all agreed that, prior to contact, the Nisga'a indeed held the rights they claimed in court.<sup>25</sup> The question then quickly shifted to whether these rights were sufficiently extinguished through colonial legislation. In the end, three justices ruled that the Aboriginal rights in question had not been extinguished, three ruled that they had, and one justice ruled against the Nisga'a based on a technical question regarding whether this type of action could be leveled against the province without legislation permitting it, which he ruled could not.<sup>26</sup> Thus, even though the Nisga'a lost their case in a 4-3 decision, the Supreme Court's ruling in *Calder* left enough uncertainty around the question of existing Aboriginal rights that it prompted a shift in the federal government's policy vis-à-vis Native land interests. The result was the federal government's 1973 *Statement on Claims of Indian and Inuit People: A Federal Native Claims Policy*, which effectively reversed fifty-two years (since the signing of Treaty 11 with the Sahtu Dene in 1921) of state refusal to recognize Indigenous claims to land where the question of existing title remained uncertain.<sup>27</sup>

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<sup>24</sup> *St Catherine's Milling and Lumber Company v. The Queen* (1888).

<sup>25</sup> For an excellent discussion of the *Calder* case and its influence, see Michael Asch, "From 'Calder' to 'Van der Peet': Aboriginal Rights and Canadian Law, 1973-96", in Paul Haveman (ed.) *Indigenous Peoples' Rights in Australia, Canada and New Zealand* (New York: Oxford University Press, 1999).

<sup>26</sup> *Ibid.*, 430-432.

<sup>27</sup> DIAND, *Statement on Claims of Indian and Inuit People: A Federal Native Claims Policy* (Ottawa: Department of Indian Affairs and Northern Development), 1973.

The third event (or rather series of events) emerged following the turbulent decade of energy politics that followed the oil crisis of the early 1970s, which subsequently fueled an aggressive push by state and industry to develop what they saw as the largely untapped resource potential (natural gas, minerals, and oil) of northern Canada.<sup>28</sup> Referring to the projected revenue of such a push, then Minister of Indian Affairs Jean Chretien stated in 1972: "it is very seldom in public life that a minister of a government presides over that kind of profit."<sup>29</sup> The proposed increase in northern development was envisioned despite concerns raised by the Métis, Dene and Inuit of the Northwest Territories regarding the state's proposed sanctioning of a huge natural gas pipeline to be carved across the heartland of our traditional territories, as well as the resistance mounted by the Cree of northern Quebec against a similarly massive hydro-electric project proposed for their homeland in the James Bay region.<sup>30</sup> The effectiveness of our subsequent political campaigns, which gained unprecedented media coverage across Canada, once again raised the issue of unresolved Native land and title to the fore of public consciousness.

In the following chapters it will be shown that colonial rule underwent a profound shift in the wake of these important events. More specifically, I argue that the emergence and expression of Indigenous nationalism during this period forced colonial

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<sup>28</sup> Francis Abele, Katherine Graham, and Allan Maslove, "Negotiating Canada: Changes in Aboriginal Policy over the Last Thirty Years," in Leslie Pal (ed.) *How Ottawa Spends, 1999-2000* (Don Mills: Oxford University Press, 2000), 259.

<sup>29</sup> Quoted in Robert Davis and Mark Zanis, *The Genocide Machine in Canada* (Montreal: Black Rose Books, 1973), 42.

<sup>30</sup> On the struggle of the Métis and Dene during this period, see Mel Watkins (ed.) *Dene Nation: The Colony Within* (Toronto: University of Toronto Press, 1977); also see Thomas Berger, *Northern Frontier, Northern Homeland: The Report of The Mackenzie Valley Pipeline Inquiry* (Vancouver: Douglas and McIntyre, 1977). On the efforts of the James Bay Cree, see Boyce Richardson, *Strangers Devour the Land* (Vancouver: Douglas and McIntyre, 1991).

power to modify itself from a structure that was once primarily reinforced by policies, techniques, and ideologies explicitly oriented around the exclusion/assimilation double, to one that is now reproduced through a seemingly more conciliatory set of languages and practices that emphasize Indigenous *recognition* and *accommodation*. Regardless of this modification, however, it will be made clear that the relationship between Indigenous peoples and the state has remained *colonial* to the foundation.

### **I. Marx, Colonialism, and the Politics of Dispossession in Post-White Paper Canada**

“To think about distant places, to colonize them, to populate or depopulate them: all of this occurs on, about, or because of land. The actual geographical possession of land is what empire *in the final analysis* is all about.”<sup>31</sup>

- Edward Said

What do I mean by colonial relationship? For the purpose of this study, a colonial relationship can be defined as one characterized by *domination*; that is, it is a relationship where power – in this case, interrelated discursive and non-discursive facets of economic, gendered, racial, and state power – has been structured into a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the *dispossession* of Indigenous peoples of their land and self-determining authority. In this respect, Canada is no different than any other settler-colonial power: in the Canadian context, colonial domination continues to be structurally oriented around the state’s commitment to maintain – through force, fraud, and more recently, so-called “negotiations” – ongoing access to the land that contradictorily provides the material

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<sup>31</sup> Edward Said, *Culture and Imperialism* (New York: Vintage, 1994), 78; emphasis added.

and spiritual sustenance of Indigenous societies on the one hand, and the foundation of colonial state-formation, settlement and capitalist development on the other.

In thinking about colonialism as a form of structured dispossession, I have found it useful to return to a cluster of insights developed by Karl Marx in Chapters 26 through 32 of *Capital, Volume I*.<sup>32</sup> These chapters are crucial because it is there that Marx most thoroughly links the totalizing power of *capital* with that of *colonialism* by way of his theory of “primitive accumulation.” According to Marx’s thesis, the birth of capitalism emerged out of a host of colonial-like state practices which sought to forcefully strip - through “conquest, enslavement, robbery, murder” - non-capitalist producers, communities and societies from their means of production and subsistence.<sup>33</sup> In Marx, these formative acts of dispossession are what initially set the stage for capitalist accumulation and the reproduction of capitalist relations of production by tearing Indigenous societies, peasants, and other small-scale agricultural producers from the source of their livelihood - namely, the land. It was this gruesome process that established the two necessary preconditions underwriting the capital-relation itself: it forcefully opened-up what were once collectively held territories and resources to privatization (the enclosure of “the commons”), which, over time, came to produce a “class” of workers compelled to enter the exploitative realm of the labour market for their survival (proletarianization). The historical process of primitive accumulation thus refers to the violent transformation of non-capitalist forms of life into capitalist ones.

The critical purchase of Marx’s primitive accumulation thesis for analyzing the relationship between the logics of colonial rule and capitalist accumulation in the

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<sup>32</sup> Karl Marx, *Capital, Volume 1* (New York: Penguin, 1990).

<sup>33</sup> *Ibid.*, 874.

contemporary period has been the subject of much debate over the last decade. Drawing on these debates, I suggest that three aspects of Marx's thesis must be addressed in order to make it more relevant to an analysis of colonial domination and Indigenous resistance in contemporary Canada. The first issue involves what is now generally recognized as Marx's excessively temporal framing of the phenomenon. Indeed, as early as 1899, anarchist geographer Peter Kropotkin made note of what seemed to be an "erroneous division" drawn in Marx "between the *primary* [or primitive] accumulation of capital and its *present day* formulation."<sup>34</sup> The critical point here, which many contemporary writers have subsequently picked up on, is that Marx tended to portray primitive accumulation as if it constituted "a process confined to a particular (if indefinite) period – one already largely passed in England, but still underway in the colonies at the time Marx wrote."<sup>35</sup> For Marx, the era of violent dispossession may have inaugurated the accumulation process, but in the end, it is "the silent compulsion of economic relations" that ultimately "sets the seal on the domination of the capitalist over the worker."<sup>36</sup> The problem with this formulation, of course, is that

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<sup>34</sup> Peter Kropotkin, *Conquest of Bread and Other Writings* (Cambridge UK: Cambridge University Press, 1995), 221.

<sup>35</sup> Jim Glassman, "Primitive Accumulation, Accumulation by Dispossession, Accumulation by 'Extra-Economic' Means," *Progress in Human Geography* 30: 5 (2005), 611.

<sup>36</sup> Marx, *Capital, Volume 1*, 899. The degree to which Marx is susceptible to this general line of criticism is itself the subject of debate. For instance, an interesting argument developed by Massimo De Angelis suggests that if we conceive of primitive accumulation as a set of strategies which seeks to permanently maintain a *separation* of workers from the means of production then it would follow that this process must be ongoing insofar as this separation is constitutive of the capital relation as such. The specific character of primitive accumulation strategies might change at any given historical juncture, but as a general process of ongoing separation it must remain in effect indefinitely. Massimo De Angelis, "Marx and Primitive Accumulation: The Continuous Character of Capital's 'Enclosures,'" *The Commoner* no. 2 (September 2001). However, the question this position raises is why then utilize the historical marker "primitive" to refer to the process at all, instead of simply referencing the "accumulation of capital" proper? This latter question is explored in Paul Zarembka, "Primitive Accumulation in Marxism, Historical or Trans-Historical Separation from Means of Production?" *The Commoner* (March 2002) as a qualification to Angelis' earlier contribution to the same journal.

history has clearly proven it not to be the case. As the recent work of the David Harvey, Silvia Federici and numerous others have highlighted, the escalating onslaught of violent, state orchestrated enclosures following neoliberalism's rise to hegemony has unmistakably demonstrated the persistent role that unconcealed, violent dispossession continues to play in the reproduction of colonial and capitalist social relations in the global present.<sup>37</sup>

The second issue that needs to be rectified concerns the normative developmentalism that problematically underscored Marx's *original* formulation of the primitive accumulation thesis. I stress "original" here because Marx began to reformulate this teleological aspect of his thought in the last decade of his life, and this reformulation has important implications with respect to how we ought to conceptualize the struggles of non-Western societies against colonial domination. For much of his career, however, Marx propagated within his writings a typically 19<sup>th</sup> century modernist view of history and historical progress. As a result, his most influential work tends to not only portray primitive accumulation as a historical phenomenon in the sense that it constituted a prior or transitional stage in the development of the capitalist mode of production, but that it was also an historically *inevitable* process that would ultimately have a *progressive* affect on those violently drawn into the capitalist circuit. This destructive/progressive feature of primitive accumulation is clearly expressed in Marx's

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<sup>37</sup> David Harvey, *The New Imperialism* (New York: Oxford University Press, 2003); Silvia Federici, *Caliban and the Witch: Women, the Body, and Primitive Accumulation* (New York: Autonomedia, 2004); Retort Collective, *Afflicted Powers: Capital and Spectacle in a New Age of War* (New York: Verso, 2005); Michael Pearlman, *The Invention of Capitalism: Classical Political Economy and the Secret History of Primitive Accumulation* (Durham: Duke University Press, 2000); Todd Gordon, "Canada, Empire, and Indigenous Peoples in the Americas." *Socialist Studies* 2:1, (2006); Robin Blackburn, *The Making of New World Slavery* (London: Verso, 1997). Also see, Massimo De Angelis, "Marx and Primitive Accumulation: The Continuous Character of Capital's 'Enclosures,'" De Angelis' article is one of many contributions in the issue devoted to examining the continual relevance of Marx's dispossession thesis in the contemporary period.

commonly cited *New York Tribune* articles on India in the 1850s. There he suggests that, although vile and barbaric in practice, colonial dispossession would nonetheless have the “revolutionary” effect of bringing the “despotic”, “undignified,” and “stagnant” life of the Indians into the fold of capitalist-modernity, and thus onto the true path of human emancipation: socialism.<sup>38</sup> Clearly, any analysis and/or critique of contemporary settler colonialism must be stripped of this Eurocentric feature of Marx’s original historical meta-narrative.<sup>39</sup>

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<sup>38</sup> Karl Marx, “The British Rule in India” in Karl Marx and Fredrick Engels, *On Colonialism* (Honolulu: University Press of the Pacific, 2001), 41-42. This is also the underlying thrust of Marx and Engels’ famous assertion in *The Communist Manifesto*: “The bourgeoisie, by the rapid improvement of all instruments of production, by the immensely facilitated means of communication, draws all, even the most barbarian, nations into civilization. The cheap prices of its commodities are the heavy artillery with which it batters down all Chinese walls, with which it forces the barbarians’ intensely obstinate hatred of foreigners to capitulate. It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them to introduce what it calls civilization into their midst, i.e., to become bourgeois themselves. In one word it creates the world after its own image.” In David McClelland (ed.), *Karl Marx: Selected Writings* (Oxford: Oxford University Press, 1987), 225. For a useful discussion of this aspect of Marx’s argument, see Aijaz Ahmad, *In Theory: Classes, Nations, Literatures* (New York: Verso, 1994); Epifanio San Juan Jr., *Beyond Postcolonial Theory* (New York: Saint Martin’s Press, 1999); Arif Dirlik, *The Postcolonial Aura: Third World Criticism in the Age of Global Capitalism* (Boulder: Westview Press, 1998); Crystal Bartolovich and Neil Lazarus (eds.), *Marxism, Modernity, and Postcolonial Studies* (Cambridge UK: Cambridge University Press, 2002).

<sup>39</sup> This rigidly unilinear understanding of historical development began to shift significantly in Marx’s work after the collapse of the European labour movement following the defeat of the Paris Commune in 1871. It was at this point that Marx began to again turn his attention to the study of non-Western societies. Marx scholars have tended to identify three areas of Marx’s late writings (1872- 1883) that reflect this shift in perspective: (1) editorial changes introduced by Marx to the 1872-75 French edition of *Capital, Volume One* which strip the primitive accumulation thesis of any prior suggestion of unilinearism; (2) a cluster of late writings on Russia which identify the Russian communal village as a potential launching point for socialist development; and (3) the extensive (but largely ignored) ethnological notebooks produced by Marx between 1879 and 1882. See in particular, Kevin Anderson, “Marx’s late writings on non-Western and pre-capitalist societies and gender,” *Rethinking Marxism* 14:4 (2002) and Gareth Stedman Jones, “Radicalism and the Extra-European World: the Case of Karl Marx,” in Duncan Bell (ed.), *Victorian Visions of Global Order: Empire and International Relations in Nineteenth-Century Political Thought* (Cambridge UK: University of Cambridge Press, 2007). Although each of these three strands in Marx’s late scholarship are instructive in their own right, his 1872-75 French revisions to *Capital* are of particular interest for us here because of the specific focus paid to the primitive accumulation thesis. Marx referred to these revisions in a well known 1877 letter he wrote to Russian radical NK Mikailovsky, in which he states that the “chapter on primitive accumulation” *should not* be read as a “historico-philosophical theory of the general course imposed on all peoples”; but rather as a historical examination of the “path by which, in Western Europe, the capitalist economic order

But this still raises the question of *how* to address this residual feature of Marx's analysis. For our purposes here, I suggest that this can most affectively be accomplished by *contextually shifting* our investigation from an emphasis on the *capital-relation* to the *colonial-relation*. As suggested in his critical appraisal of EG Wakefield's 1849 text, *A View of the Art of Colonization*, Marx was primarily interested in colonialism because it exposed some "truth" about the nature of capitalism.<sup>40</sup> His interest in the specific nature of colonial domination was largely incidental. This is clearly evident in his position on primitive accumulation. As noted already, primitive accumulation involved a dual process for Marx: the accumulation of capital through violent state dispossession resulting in proletarianization. The weight given to these constituent elements, however, is by no means equal in Marx. As he explicitly states in chapter 33 of *Capital, Volume 1*, Marx had little interest in the condition of the "colonies" as such, rather what caught his attention was

the secret discovered in the New World by the political economy of the Old World, and loudly proclaimed by it: that the capitalist mode of production and accumulation, and therefore capitalist private property as well, have for there fundamental condition *the [...] expropriation of the worker*.<sup>41</sup>

When examined from this angle, colonial dispossession appears to constitute an appropriate object of critique and analysis only insofar as it unlocks the key to understanding the nature of capitalism: that capital is not a "thing," but rather a "social

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emerged from the womb of the feudal economic order." Karl Marx, "A Letter to NK Mikailovsky," Transcribed and reprinted in *The New Internationalist* 1:4 (November 1934), 1. Marx makes the virtually analogous point in his well known letter to Russian activist, Vera Zasulich. Karl Marx, "A Letter to Vera Zasulich," in David McClelland (ed.), *Karl Marx: Selected Writings* (Oxford: Oxford University Press, 1987).

<sup>40</sup> Marx, *Capital, Volume 1*, 932.

<sup>41</sup> *Ibid.*, 940; emphasis added. For a discussion of this feature of Marx's project, see Young, *Postcolonialism*, 101-103.

relation” dependent on the perpetual separation of workers from the means of production.<sup>42</sup> This was obviously Marx’s primary concern, and has subsequently remained the dominant concern of the Marxist tradition as a whole.<sup>43</sup> The contextual shift advocated here, by contrast, takes as its analytical frame the subject position of the colonized vis-à-vis the effects of colonial dispossession, rather than from the primary position of “the waged male proletariat [in] the process of commodity production.”<sup>44</sup>

A number of critical insights into the colonial present emerge from the resolution of these first two issues. For example, by making the contextual shift in analysis from the capital-relation to the colonial-relation the inherent injustice of colonial rule is established *on its own terms and in its own right*. By repositioning the colonial frame as our overarching lens of analysis, it becomes far more difficult to justify in antiquated developmental terms (from either the Right or the Left) the assimilation of non-capitalist, non-Western, Indigenous modes of life based on the assumption that this assimilation will somehow magically redeem itself by bringing the fruits of capitalist-modernity into the supposedly backward world of the colonized.<sup>45</sup> In a certain respect, this was also the guiding insight that eventually led Marx to reformulate his theory after 1871. Subsequently, in the last decade of his life, non-Western and non-capitalist social formations are no longer condemned by Marx to necessarily pass through the

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<sup>42</sup> Marx, *Capital, Volume 1*, 932.

<sup>43</sup> As David McNally succinctly puts it: at its “heart” primitive accumulation is ultimately about “the commodification of human labour power.” David McNally, *Another World is Possible: Globalization and Anti-Capitalism* (Winnipeg: Arbeiter Ring Press, 2006), 107.

<sup>44</sup> Silvia Federici, *Caliban and the Witch*, 12.

<sup>45</sup> For an example of this line of argument drawn from the neoliberal Right, see Thomas Flanagan, *First Nations, Second Thoughts* (Montreal: McGill-Queen’s University Press, 2000). For an example claiming to come from the Left, see Frances Widdowson and Albert Howard, *Disrobing the Aboriginal Industry: The Deception Behind Indigenous Cultural Preservation* (Montreal: McGill-Queen’s University Press, 2008).

destructive phase of capitalist development as the condition of possibility for freedom. During this period, Marx had not only come to view more clearly how certain features of non-capitalist and capitalist modes of production can “articulate” (albeit asymmetrically) in a given social formation, but also the ways in which aspects of the former can come to inform the construction of radical alternatives to the latter.<sup>46</sup>

A similar insight informed Kropotkin’s early critique of Marx as well. The problem for Kropotkin was that Marx not only drew an erroneous division between the history of state dispossession and what has proven to be its persistent role in the accumulation process, but that this also seemed to justify the violent dispossession of place-based, non-state modes of Indigenous economic, political and social activity, only this time to be carried out under the auspices of the centralized authority of *socialist* states. I suggest that by shifting our analytical frame to the colonial-relation, we might occupy a better angle from which to both anticipate and interrogate practices of dispossession justified under otherwise egalitarian principles and espoused with so-called “progressive” state political agendas in mind. Instead, what must be recognized by those inclined to advocate a blanket “return the commons” as a redistributive counterstrategy to the neoliberal state’s new round of enclosures, is that, in liberal settler-states such as Canada, the “commons” not only belong to somebody – the First Peoples of this land – they also deeply inform and sustain Indigenous modes of thought and behavior that harbor profound insights into the maintenance of relationships within and between human beings and the natural world built on principles of balance, non-exploitation and respectful co-existence. By ignoring or downplaying the centrality of

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<sup>46</sup> For an application of the “articulation of modes of production” concept to Indigenous struggles in Canada, see Michael Asch, “Hunting is Real: Foragers and the World Economic System” (unpublished manuscript, 2008).

dispossession, critical theory and Left political strategy not only risks becoming complicit in the very structures and processes of domination that it ought to oppose, but it also risks overlooking what could prove to be invaluable glimpses into the ethical practices and preconditions required of a more humane and sustainable world order.

Another insight facilitated by this contextual shift has to do with the role played by Indigenous labour in the historical process of colonial-capital accumulation in Canada. It is now generally acknowledged among Canadian historians and political economists that following the waves of colonial settlement that marked the transition between mercantile and industrial capitalism (roughly spanning the years 1860-1914, but with variation between geographical regions) Native labour became increasingly (although by no means entirely) superfluous to the political and economic development of the Canadian state.<sup>47</sup> Increased European settlement combined with an imported, hyper-exploited non-European workforce meant that, in the post-fur trade period, Canadian state-formation and colonial-capitalist development required first and foremost *land*, and only secondarily the surplus value afforded by cheap, Indigenous labour.<sup>48</sup> This is not to suggest, however, that the long-term goal of indoctrinating the Indigenous population to the principles of private property, possessive individualism, and menial wage labour did not constitute an important feature of Canadian Indian

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<sup>47</sup> Frances Abele and Daiva Stasiulis, "Canada as a 'White Settler Colony': What About Natives and Immigrants," in Wallace Clement and Glen Williams (eds.) *The New Canadian Political Economy* (Montreal: McGill-Queen's University Press, 1989), 252-153; also see Terry Wotherspoon and Vic Satzewich, *First Nations: Race, Class, and Gender Relations* (Regina: Canadian Plains Research Centre, 2000) and David Bedford and Danielle Irving, *The Tragedy of Progress: Marxism, Modernity and The Aboriginal Question* (Halifax: Fernwood Publishing, 2001). On the importance of Native labour to Canadian political economic development, see John Lutz, *Makuk: A New History of Aboriginal-White Relations* (Vancouver: University of British Columbia Press, 2008).

<sup>48</sup> Cole Harris, "How Did Colonialism Dispospossess? Comments from an Edge of Empire," *Annals of The Association of American Geographers*, 94: 1 (2004), 167.

policy. It clearly did. As one Minister of Indian Affairs wrote in 1884: Canada's "policy of destroying the tribal or communist system is assailed in every possible way and every effort [has been] made to implant a spirit of individual responsibility instead."<sup>49</sup>

When this historical consideration is situated alongside the contemporary fact that there has been, first, a steady increase in Native migration to urban centers over the last few decades (often for economic/employment reasons), and, second, that many First Nation communities are situated on or near lands coveted by the resource exploitation industry, it is reasonable to conclude that disciplining Indigenous life to the cold rationality of market principles will remain on state and industry's agenda for some time to follow.<sup>50</sup> In this respect Marx's thesis still stands. What I want to point out, rather, is that when related back to the primitive accumulation thesis, it appears that the history and experience of *dispossession*, not proletarianization, has been the dominant background structure shaping the character of the relationship between Indigenous peoples and the Canadian state. Not only this, but I would also argue that dispossession also continues to inform the dominant modes of Indigenous resistance and critique that this relationship has produced. Stated bluntly, the theory and practice of Indigenous anti-colonialism, including Indigenous anti-capitalism, is best understood as a struggle primarily inspired by and oriented around *the question of land* – a struggle not only for land in the material sense, but also deeply *informed* by what the land *as system of*

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<sup>49</sup> Quoted in Donald Purich, *Our Land: Native Rights in Canada* (Toronto: Lorimer Publishing, 1986), 127.

<sup>50</sup> Taiaiake Alfred articulates this point well in the context of Canada's land claims and self-government policies when he writes: "The framework of current reformist or reconciling negotiations are about handing us the scraps of history: self-government and jurisdictional authorities for state-created Indian governments within the larger colonial system and subjection of Onkwehonwe [Indigenous peoples] to the blunt force of capitalism by integrating them as wage slaves into the mainstream resource-exploitation economy." Taiaiake Alfred, *Wasase: Indigenous Pathways of Action and Freedom* (Peterborough: Broadview Press, 2005), 37.

*reciprocal relations and obligations* can teach us about living our lives in relation to one another and the natural world in non-dominating and non-exploitative terms - and less around our emergent status as “rightless proletarians.”<sup>51</sup>

The final insight that flows from the contextual shift advocated here involves what many have characterized as Marx’s (and orthodox Marxism’s) economic reductionism. It should be clear in the following pages that there is much more at play in the contemporary reproduction of colonial relations than capitalist economics; most notably, the host of interrelated yet semi-autonomous facets of discursive and non-discursive power briefly identified earlier. Although it is beyond question that capitalism continues to play a vital role in the ongoing dispossession of Indigenous peoples in Canada, it is necessary to recognize that it only does so *in relation to* or *in concert with* axes of exploitation and domination configured along racial, gender and state lines. Given the resilience of these equally devastating manifestations of power, I argue that any strategy geared toward authentic decolonization must directly confront more than just economic relations; they have to account for the multifarious ways in which capitalism, patriarchy, white supremacy, and the inherently totalizing nature of the state interact with one another to form the constellation of power relations that sustain colonial patterns of behavior, structures, and relationships. I suggest that shifting our attention to the colonial frame is one way to facilitate this form of radical intersectional analysis.<sup>52</sup> Seen from this light, the colonial-relation should not be

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<sup>51</sup> Marx, *Capital, Volume 1*, 876. The cultural logic underwriting contemporary expressions of Indigenous anti-colonialism and anti-capitalism will be explored further in Chapters 3 and 5.

<sup>52</sup> On intersectionality as a methodological approach to studying questions of race, class, gender and state power, I am indebted to a number of critical works, including the following: Rita Dhamoon, *Identity/Difference Politics: How Difference is Produced, and Why it Matters* (Vancouver: University of British Columbia Press, 2009); Yasmin Jiwani, *Discourses*

understood as a primary locus or “base” from which these other forms of oppression flow, but rather as the inherited background field within which market, racist, patriarchal, and state relations *converge* to facilitate a certain effect – in our case, the reproduction of hierarchical social relations that facilitate the dispossession of our lands and self-determining capacities. Like capital, colonialism, as a structure of domination oriented around dispossession, is not “a thing,” but rather *the sum-effect of the diversity of interlocking oppressive social relations that constitute it*. When stated this way, it should be clear that shifting our position to highlight the ongoing effects of dispossession in no way displaces questions of distributive justice or class struggle; rather it simply situates these questions more firmly alongside and in relation to the other sites and relations of power that inform our colonial present.

With these three insights noted, I can now turn to the third and final issue that needs to be addressed with Marx’s primitive accumulation thesis. This one, which constitutes the main theoretical intervention of my dissertation, brings us back to my original claim that, in the Canadian context, colonial relations of power are no longer reproduced primarily through overtly coercive or imposed means, but rather through the asymmetrical exchange of mediated forms of state recognition and accommodation. This is obviously quite different from the story Marx tells, where the driving force behind dispossession and accumulation is still overwhelmingly that of violence: it is a relationship of brute “force,” of “servitude”, whose methods, Marx claims, are

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*of Denial: Mediations of Race, Gender and Violence* (Vancouver: University of British Columbia Press, 2006); Richard Day, *Gramsci is Dead: Anarchist Currents in the Newest Social Movements* (London: Pluto Press, 2005); Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Boston: South End Press, 2005); Chandra Talpade Mohanty, *Feminism without Borders* (Durham: Duke University Press, 2003); Himani Bannerji, *The Dark Side of the Nation: Essays on Multiculturalism* (Toronto: Canadian Scholar’s Press, 2000); Razak Sherene, *Looking White People in the Eye: Gender, Race and Culture in Courtrooms and Classrooms* (Toronto: University of Toronto Press, 1998).

“anything but idyllic.”<sup>53</sup> The strategic deployment of violent sovereign power, then, serves the primary reproductive function in the colonial-accumulation process in Marx’s writings on imperialism. As Marx himself bluntly put it, these gruesome state practices are what thrust capitalism onto the world stage, “dripping from head to toe, from every pore, in blood and dirt.”<sup>54</sup>

The question that needs to be asked in our context, and the question which I will attempt to answer in the following chapters, is this: what are we to make of contexts where state violence no longer constitutes the norm governing the process of colonial dispossession, as appears to be the case in ostensibly tolerant, multinational, liberal settler-polities such as Canada?<sup>55</sup> Stated in Marx’s own terms, if neither “blood and fire”<sup>56</sup> nor the “silent compulsion”<sup>57</sup> of capitalist economics can adequately account for the reproduction of colonial hierarchies in liberal democratic contexts, what can?

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<sup>53</sup> Marx, *Capital, Volume 1*, 874-185.

<sup>54</sup> *Ibid.*, 926.

<sup>55</sup> In framing this question, I do not intend to suggest that the day to day effects of colonial dispossession within our communities have not been incredibly violent in character. All evidence points to the contrary. Nor am I suggesting that the era of overtly coercive colonial rule has come to an end. The frequency of what have, at times, been spectacular displays of state power deployed against relatively small numbers of Indigenous community activists has shown this not to be the case either. The violent state interventions that transpired at Kanehsatake in 1990 and Gustafsen Lake in 1995 demonstrate this all too well. I am simply suggesting that strategically deployed state violence no longer constitutes the norm governing Indigenous-state relations in the present. On the military and paramilitary attacks at Kanehsatake and Gustafsen Lake, see Geoffrey York and Loreen Pindera, *People of the Pines: The Warriors and the Legacy of Oka* (Toronto: Little, Brown and Company, 1991) and Sandra Lambertus, *Wartime Images, Peacetime Wounds: The Media and the Gustafsen Lake Standoff* (Toronto: University of Toronto Press, 2004).

<sup>56</sup> Marx, *Capital, Volume 1*, 875.

<sup>57</sup> *Ibid.*, 899.

## II. Frantz Fanon and the Politics of Recognition in Colonial Contexts

To elucidate precisely *how* colonialism made the transition from a more-or-less unconcealed structure of domination to a mode of *imperial governance* that works through the limited freedoms afforded by state recognition and accommodation, I will be drawing significantly (but not exclusively) on the work of anti-colonial theorist, psychiatrist and revolutionary Frantz Fanon. However, before introducing this aspect of Fanon's contribution, some biographic information on his life and work are in order.

Fanon was born and raised in the French colony of Martinique in 1925.<sup>58</sup> The son of middle-class parents, he belonged to a relatively small minority of Martinican Black youth whose upbringing included a post-secondary education. In high school, Fanon took courses with the celebrated *négritude* poet, Aimé Césaire, whose writings would have a lasting influence on his political perspectives and activism. In 1943, after completing high school, Fanon left Martinique to join the Free French Army's campaign against fascism in World War II. Two years later he returned to Martinique and again ended up working with Césaire, this time in the latter's campaign for Mayor of Fort-de-France under the banner of the local Communist Party. Fanon's wartime experience would have a radicalizing affect on him, particularly regarding his views on race and colonialism. It was during his time fighting for the Free French that Fanon would experience first hand the unrepentant white supremacy of his French comrades and

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<sup>58</sup> The following biographic information is drawn from a number of sources, most notably Nigel Gibson, *Fanon: The Postcolonial Imagination* (Cambridge UK: Polity Press, 2003), 4-6, and Sonia Kruks, "The Politics of Recognition: Sartre, Fanon and Identity Politics" in *Retrieving Experience: Subjectivity and Recognition in Feminist Politics* (Ithaca: Cornell University Press, 2001), 97-98. For the most thorough bibliography on the life and work of Fanon to date, see David Macey, *Frantz Fanon: A Life* (London: Granta Books, 2000). Also see, Irene Grendzier, *Frantz Fanon: A Critical Study* (New York: Vintage Books, 1974); and Emanuel Hanssen, "Frantz Fanon: Portrait of a Revolutionary" in Nigel Gibson (ed.), *Rethinking Fanon: The Continuing Dialogue* (New York: Humanity Books, 1999).

witness the effects that racism could have on those subject to it. It is this experience that would eventually inform aspects his 1952 phenomenological account of the effects of colonial racism in *Black Skin, White Masks*.<sup>59</sup>

In 1947, Fanon again left Martinique, this time to study psychiatry in Lyon, France. While a medical student, Fanon read extensively in continental philosophy, including, among others, the work of GWF Hegel, Fredrich Nietzsche, Karl Marx, Jacques Lacan, Jean-Paul Sartre, and Maurice Merleau-Ponty, all of which would have a lasting influence on his scholarship and writings. After completing his studies in 1953, Fanon accepted a position at the Blida-Joinville Psychiatric Hospital in Algiers.<sup>60</sup> The year after Fanon relocated to Algiers, the Algerian war of independence (1954-1962) broke out. Finding it increasingly difficult to work under conditions induced by heightened French “militarization, violence, and torture,”<sup>61</sup> Fanon permanently resigned from his position at Blida, renounced his French citizenship, and joined the ranks of Algeria’s revolutionary Front de Libération Nationale (National Liberation Front or FLN) as editor of their publication, *El Moudjihad*. His experience in Algeria would eventually provide the contextual backdrop for his 1959 compilation of political essays on the Algerian independence struggle, *A Dying Colonialism*, and his classic 1961 treatise on decolonization, *The Wretched of the Earth*, published shortly after his untimely death from cancer earlier the same year.<sup>62</sup>

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<sup>59</sup> Frantz Fanon, *Black Skin, White Masks* (Boston: Grove Press, 2008).

<sup>60</sup> For a detailed account of Fanon’s time spent at Blida-Joinville, see Alice Cherki, *Frantz Fanon: A Portrait* (Ithaca: Cornell University Press, 2006)

<sup>61</sup> Gibson, *Fanon*, 5.

<sup>62</sup> Frantz Fanon, *A Dying Colonialism* (Boston: Grove Press, 1965) and *The Wretched of the Earth* (Boston: Grove Press, 2005).

At first blush, turning to Fanon to develop an understanding of the regulating mechanisms undergirding settler-colonial rule in contexts where state violence no longer constitutes the norm governing the process might seem a bit out of place to those familiar with his work. After all, Fanon is arguably best known for the articulation of colonialism he develops in *The Wretched*, where colonial rule is posited, much like Marx posited it before him, as a structure of dominance maintained through unrelenting and punishing forms of violence. "In colonial regions," writes Fanon, the state "uses a language of pure violence. [It] does not alleviate oppression or mask domination." Instead, "the proximity and frequent, direct intervention by the police and military ensure the colonized are kept under close scrutiny, and contained by rifle butts and napalm."<sup>63</sup> And considering that Fanon wrote *The Wretched* during one of the twentieth century's most gruesome anti-colonial struggles, it is not surprising that he placed so much emphasis on colonialism's openly coercive and violent features. Given the extreme nature of the colonial situation within which *The Wretched* was produced, one could argue that the diagnosis and prescriptions outlined in the text were tragically appropriate to the context they set out to address.

But this simply is not the case in Canada, and for this reason I begin my investigation with a sustained engagement with Fanon's earlier work, *Black Skin, White Masks*. As we shall see in the following chapter, it is there that Fanon offers a groundbreaking critical analysis of the affirmative relationship drawn between recognition and freedom in the master/slave dialectic of Hegel's *Phenomenology of Spirit* - a critique which I claim is equally applicable to contemporary liberal recognition-based

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<sup>63</sup> Ibid., 4.

approaches to Indigenous self-determination in Canada.<sup>64</sup> Fanon's analysis suggests that in contexts where imperial rule is not reproduced through force alone, the maintenance of colonial hegemony requires the production of what he liked to call "colonized subjects": namely, the production of the specific modes of colonial thought, desire and behaviour which implicitly or explicitly commit the colonized to the types of practices and subject positions that are required for their continued domination. However, unlike the liberalized appropriation of Hegel that continues to inform many contemporary proponents of identity/difference politics, in Fanon, the master's recognition is not posited as a source of freedom and dignity for the colonized, *but rather as the field through which colonial relations are produced and maintained*. This "is the form of recognition," Fanon suggests, "that Hegel never described."<sup>65</sup> Subsequently, this is also the form of recognition that I set out to problematize in the following chapters.

### **III. Argument Structure/Chapter Synopsis**

With all of these preliminary remarks made, I can now provide a brief outline of the structure and chapter breakdown of my dissertation. In Chapter 2, I use Frantz Fanon's critique of Hegel's master-slave dialectic to challenge the now commonplace assumption that the structure of domination that frames Indigenous-state relations in Canada can be undermined via a liberal politics of recognition. Here I identify two Hegelian assumptions that continue to inform the politics of recognition today. The first, which is now uncontroversial, involves recognition's perceived role in the constitution of human subjectivity: the notion that our identities are deeply informed by our complex relations

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<sup>64</sup> GWF Hegel, *Phenomenology of Spirit* (Oxford: Oxford University Press, 1977).

<sup>65</sup> Fanon, *Black Skin, White Masks*, 45.

with others. As Charles Taylor influentially asserts: "This crucial feature of human life is its fundamentally *dialogical* character. [...] We define our identity always in dialogue with, sometimes in struggle against, the things our significant others [recognize] in us."<sup>66</sup> The second (significantly more contentious) assumption suggests that the specific institutional/structural and interpersonal character of our relations of recognition can have a positive (when mutual/affirmative) or detrimental (when unequal/hierarchical) affect on our status as free and self-determining agents. I draw off Fanon's work to partially challenge this second assumption by demonstrating the ways in which the forms of liberal recognition and accommodation defended by some proponents of the contemporary "politics of the recognition" can subtly reproduce non-mutual and unfree relations rather than free and mutual ones.<sup>67</sup> To summarize, Fanon's argument goes something like this: when delegated exchanges of recognition occur in real world contexts of domination the terms of accommodation usually end up being determined by and in the interests of the hegemonic participant in the relationship. This is the *structural* problem of colonial recognition identified by Fanon in *Black Skin*. However, Fanon then goes on to demonstrate how subaltern populations can also develop "psycho-affective" attachments to these structurally circumscribed modes of recognition. For Fanon, these ideological attachments are essential in maintaining the economic and political structure of colonial relations over time. This is the *subjective* dimension to the problem of colonial recognition identified in *Black Skin*. With these

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<sup>66</sup> Taylor, "The Politics of Recognition", 32-33.

<sup>67</sup> With reference to the Australian context, Elizabeth Povinelli has aptly summed up the problem this way: "These state, public, and capital multicultural discourses, apparatuses, and imaginaries [threaten to] defuse struggles for liberation waged against the modern liberal state and recuperate [them] as moments in which the future of the nation and its core institutions and values are ensured rather than shaken." Elizabeth Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham: Duke University Press, 2002), 29.

two interrelated problematics identified, I then go on to conclude the chapter with a brief discussion of an alternative politics of recognition, one that is less oriented around attaining a definitive form of state legal and political recognition and accommodation for Indigenous societies (what James Tully has referred to as the “end-state”<sup>68</sup> orientation of much contemporary recognition politics), and more about Indigenous peoples empowering themselves through ethical practices of individual and collective self-fashioning that seek to *prefigure* radical alternatives to the structural and subjective dimensions of colonial power identified earlier in the chapter. I call this a “prefigurative” orientation to the politics of recognition and take it up in more detail in Chapter 5.

In Chapters 3 and 4, I set out to empirically demonstrate the largely theoretical insights that are derived from my applied use of Fanon’s critique of Hegel’s master/slave narrative through two case studies. These case studies will also serve to flesh out in more detail a number of recent debates within the recognition literature, including those that have focussed on the following cluster of issues/problems.

#### *A. The Materialist Challenge:*

The ascendant status of “identity,” “culture” and “recognition” in recent social and political theorizing has not emerged without controversy. As social conservative critics rally against the rise of so-called “identity politics” because of its perceived threat to majority rule, those situated on the traditional Left continue to express concerns over what appears to be the excessively insular and divisive character of many culture-based,

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<sup>68</sup> James Tully, *Public Philosophy in a New Key: Volume 1 - Democracy and Civic Freedom* (Cambridge UK: Cambridge University Press, 2008).

identity-related struggles.<sup>69</sup> The concern in the latter case, we are told, is that the inherently parochial and particularistic orientation of recognition politics is serving (or worse, has already served) to undermine more egalitarian and universal aspirations, like those focused on class and directed toward a more equitable (and for those working in an explicitly Marxist key, non-exploitative) distribution of socio-economic goods. “In this context,” writes Nancy Fraser, “recognition struggles are serving less to supplement, complicate and enrich redistribution struggles than to marginalize, eclipse and displace them.”<sup>70</sup> In short, advocates of the Left-materialist critique have challenged the affirmative relationship drawn between recognition and freedom by identitarian variants of liberal multiculturalism/multinationalism on the grounds that these models have failed to adequately uproot the generative material conditions that so often work to foreclose the realization of self-determination in the lives of ordinary citizens.

There are, of course, many questions raised by the Left-materialist critique, but for our purposes here the following are of particular importance:

1. Karl Marx was the first to critique Hegel’s thesis by reversing the priority of material and ideational equality. Does Marx’s materialist criticism still apply to the contemporary context of Indigenous recognition struggles? Said differently, are their economic or material preconditions that need to be satisfied prior to the possibility of mutual recognition and respect for Indigenous cultural difference?
2. As suggested by the recent work of Frances Widdowson and Albert Howard, in what ways does the liberal recognition paradigm - with its perceived focus on “subjective” questions of identity and difference - ideologically mask, conceal, or ignore the supposedly “objective”

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<sup>69</sup> James Clifford, “Taking Identity Politics Seriously: The Contradictory Stony Ground...” in Paul Gilroy, Lawrence Grossberg and Angela McRobbie (eds.), *Without Guarantees: Essays in Honour of Stuart Hall* (London: Verso, 2000).

<sup>70</sup> Nancy Fraser, “Rethinking Recognition: Overcoming Displacement and Reification in Cultural Politics” in Barbara Hobson (ed.), *Recognition Struggles and Social Movements: Identities, Agency and Power* (Cambridge MA: Cambridge University Press, 2003), 22.

material/economic foundation that reproduces social injustice on the one hand, and forecloses meaningful self-determination on the other?<sup>71</sup>

3. To what extent does the recognition paradigm, which critics such as Alan Cairns have argued, tend to privilege the institutionalization of group differences over shared similarities, foreclose the possibility of cultivating the “affective bonds” of shared citizenship that facilitate redistributive policies like welfare, healthcare, or even Indigenous land claims and self-government arrangements?<sup>72</sup>

In Chapter 3, I explore these questions through an examination of the cultural, political and economic dynamics that helped shape the Dene Nation’s struggle for national recognition and self-determination in the 1970s and early 1980s. Although sensitive to certain concerns animating the Left-materialist position, I argue that there is nothing intrinsic to the identity-related struggles of Indigenous peoples that predispose them to the cluster of charges noted above. To the contrary, insofar as Indigenous cultural claims always involve demands for a more equitable distribution of land, political power, and economic resources, I suggest that the Left-materialist charge regarding the displacement of economic concerns by cultural ones is misplaced when applied to colonial contexts. However, if one takes a modified version of the displacement thesis and instead examines the relationship between Indigenous recognition claims and the distinction made by Nancy Fraser between “transformative” and “affirmative” forms of redistribution the criticism begins to hold more weight.<sup>73</sup> For Fraser, “transformative” models of redistribution are those that aspire to correct unjust distributions of power and resources *at their source*, whereas “affirmative” strategies, by

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<sup>71</sup> Widdowson and Howard, *Disrobing the Aboriginal Industry*.

<sup>72</sup> Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State and First Nations and the Canadian State: In Search of Coexistence*.

<sup>73</sup> Nancy Fraser and Axel Honneth, *Recognition or Redistribution? A Political Philosophical Exchange* (New York: Verso, 2003), 72-78.

contrast, strive to alter or modify the *second-order* effects of these *first-order* root-causes.<sup>74</sup> As we shall see with the Dene example, the last thirty years has witnessed a gradual erosion of this transformative vision within the mainstream Dene self-determination movement, which in the context of land claims and economic development, has resulted in the partial decoupling and insularization of Indigenous “cultural” claims from the transformative aspirations for broad-based social, political and economic change that once underpinned them. Insofar as there has been a gradual displacement of political economy by narrowly conceived cultural claims within the Dene struggle, I argue, following my reading of Fanon, that this is better understood as an effect of primitive accumulation through the hegemonization of the liberal discourse of recognition than some core deficiency with Indigenous recognition politics as such.

***B. The Essentialist Challenge:***

The second constellation of criticisms frequently leveled against the recognition paradigm revolves around the “essentialist” articulations of identity that sometimes anchor demands for cultural accommodation in theory and practice. According to proponents of this position, when claims for recognition are founded on reified and essentialized notions of collective identity, they run the risk of sanctioning repressive and non-consensual demands for group conformity, as well as unjust practices of exclusion and marginalization.<sup>75</sup> Consequently, we are told that in order to avoid this

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<sup>74</sup> Ibid., 74.

<sup>75</sup> This argument is made most forcefully by Seyla Benhabib in *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton: Princeton University Press, 2002). Also see Nancy Fraser’s contributions to her co-authored book with Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* as well as her essay “Rethinking Recognition: Overcoming Displacement and Reification in Cultural Politics”. For an application of the essentialist critique to Indigenous nationalist struggles in

potentially authoritarian feature of identity politics we must ensure that the various expressions of identification and signification that underpin recognition demands – such as “culture,” “nationhood,” and “tradition,” – remain open-ended and never immune from contestation or democratic deliberation. Struggles for recognition, in other words, must begin to reflect the *constructed* nature of our social identities. Without mechanisms in place to ensure this, it has been argued that the self-determining status of subaltern individuals *within* minority groups vying for recognition will always be at risk. The anti-essentialist position thus poses yet another set of challenges to the affirmative relation drawn between recognition and freedom by uncritical supporters of the politics of difference.

Again, there are a number of important questions raised by the essentialist challenge, including the following:

1. One of the weaknesses identified with some recognition-based approaches to justice in diverse societies is that they are ill-equipped to deal with the complex ways in which struggles for recognition often overlap, conflict, and/or compete with one another. What do we make of claims for cultural recognition which seem to be at odds with other claims for recognition (like, say, the competing gender equality claims made by individual Indigenous women vis-à-vis the collective self-determination claims of Indigenous communities)?
2. What problems does the complexity of the field of recognition struggles pose from the vantage of contemporary democratic theory and accommodating institutions?
3. To what degree can accommodating state institutions be said to exasperate the conflicts within and between communities vying for recognition? Are there alternative ways of addressing these issues which can account for the diversity of actors and struggles involved?

Chapter 4 takes up these questions in detail through a gendered analysis of the decade of Indigenous “mega-constitutional” politics spanning the patriation of Canada’s *Constitution Act* in 1982 and the demise of the Charlottetown Accord in 1992. Although I find aspects of much anti-essentialist criticism persuasive, I nonetheless hope to illuminate two problematic issues that arise when this form of criticism is wielded in the context of Indigenous peoples’ struggles for recognition and self-determination. First, using Seyla Benhabib’s anti-essentialist critique of the politics of recognition in *The Claims of Culture: Equality and Diversity in the Global Era* as an example,<sup>76</sup> I demonstrate how normative appropriations of social constructivism can undercut the liberatory aspirations of anti-essentialist criticism by failing to adequately address the complexity of interlocking social relations that serve to exasperate the types of exclusionary identitarian practices that critics of essentialism find so problematic. Second, and perhaps more problematically, I show that when the constructivist thesis is posited as a universal feature of social life, as Benhabib does, and then used as a means to evaluate the legitimacy of claims for cultural recognition against the uncontested authority of the colonial state, it can serve to sanction the very forms of domination and inequality that anti-essentialist criticism ought to address.<sup>77</sup> To demonstrate this last claim, I show how the presumably legitimate role assigned to the state in mitigating these struggles is itself premised on the profoundly essentialist (not to mention racist) understanding that

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<sup>76</sup> Benhabib, *The Claims of Culture*.

<sup>77</sup> Arif Dirlik has perceptively framed the problem this way: “In-betweenness, universalized as the human condition and extended over the past, is thus naturalized in the process and becomes a new kind of determinism from which there is no escape.” Arif Dirlik, *Postmodernity’s Histories: The Past as Legacy and Project* (New York: Rowman and Littlefield Publishers, 2000), 205.

Indigenous peoples were too uncivilized to constitute equal and self-determining nations when they first encountered colonizing powers in North America.

Another related concern explored in Chapter 4 relates back to the intersectional approach outlined above in Section 1. As much as I remain indebted to the analyses of both Fanon and the Dene for identifying the mutually reinforcing character of the relationship between state power, white supremacy and capitalist imperialism, both paid insufficient attention to the ways that gender figured into this colonial narrative. Recent Indigenous feminist and gender analyses of the ten-year effort to constitutionally entrench an Aboriginal right of self-government provides a particularly lucid corrective to this shortcoming. These analyses have not only brought to light the explicitly patriarchal character of historic policies of dispossession and assimilation, but also highlight the ways in which this legacy of sexist (mis)recognition under the *Indian Act* continues to discursively inform our present efforts to attain recognition for a right to self-government.<sup>78</sup> Chapter 4's examination of the so-called "high"<sup>79</sup> politics of proposed constitutional reform will thus elucidate the ways in which the recognition paradigm has tended to reproduce the effects of colonial dispossession in a modified form without, as James Tully has argued, effectively challenging "the forms of colonial [and in this particular case, sexist] conduct of both non-Indigenous and Indigenous peoples that sustain it."<sup>80</sup>

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<sup>78</sup> This argument is convincingly made by Mi'kmaq scholar Bonita Lawrence in *"Real" Indians and Others*, 25-83.

<sup>79</sup> Michael Murphy, "Relational Self-Determination and Federal Reform", in Michael Murphy (ed.), *Canada: State of the Federation 2003 - Reconfiguring Aboriginal-State Relations* (Montreal: Institute of Intergovernmental Relations and McGill-Queen's University Press, 2005), 8.

<sup>80</sup> James Tully, *Public Philosophy in a New Key: Volume Two - Imperialism and Civic Freedom* (Cambridge: University of Cambridge Press, 2008), 68; also see, Taiaiake Alfred,

In Chapter 5 I return to Fanon to provide a detailed sketch of the alternative approach to recognition briefly mentioned above. Although it is clear that Fanon did not attribute much potential to Hegel's politics of recognition when applied to the colonial context, this did not lead him to reject the recognition paradigm entirely. Instead, what Fanon's work does is redirect our attention the host of self-affirmative cultural practices that colonized peoples often engage in to empower *themselves*, as opposed to relying too heavily on states and/or other dominant institutions and structures of power to do this for them. I argue that these practices clearly demonstrate that Indigenous actors are never scripted to the floor by the gaze of colonialism's ideological machinery. Rather, like all subjects, Indigenous peoples are constituted by "many determinants, numerous interpellations, and various social practices",<sup>81</sup> all of which provide a host of alternative cultural spaces and vantage points from which to develop a critical understanding of oneself and the conditions in which one lives.

However, although Fanon saw the critical revaluation of Indigenous cultural forms as a crucial means of momentarily freeing the colonized from the interpellative grasp of colonial (mis)recognition, in the end he was less willing to explore the substantive role that critically revived cultural practices might play in the construction of Indigenous alternatives to the social relations that structure the colonial present. In this sense, I suggest that Fanon's analysis remained wedded to a rather "thin" conception of the worth of Indigenous difference in the struggle for self-determination. I conclude the chapter by showing how Fanon's dialectic of decolonization stands in

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*Peace, Power, Righteousness: An Indigenous Manifesto* (Don Hills: Oxford University Press, 2008).

<sup>81</sup> Parry, "Resistance Theory", 216.

marked contrast to much contemporary Indigenous thought and activism in Canada, where self-determination is aligned with those practices that aim to reconstruct and deploy previously disparaged traditions in a manner that consciously seeks to *prefigure* lasting alternatives to the psycho-affective and structural relations that Fanon's work identifies so well.

Chapter 6 concludes the dissertation by summarizing the main lines of argument developed in the previous chapters.

## Chapter Two - Frantz Fanon and the Problem of Recognition in Colonial Contexts<sup>1</sup>

“Humanity does not gradually progress from combat to combat until it arrives at universal reciprocity, where the rule of law finally replaces warfare. Humanity installs each of its violences in a system of rules and thus proceeds from domination to domination.”<sup>2</sup>

- Michel Foucault

“For Hegel there is reciprocity; here the master laughs at the consciousness of the slave. What he wants from the slave is not recognition but work.”<sup>3</sup>

- Frantz Fanon

### Introduction

My introductory chapter began by making two broad claims: first, I claimed that, since 1969, we have witnessed the character of colonial power relations in Canada shift from a more-or-less unconcealed structure of domination to a form of imperial governance that works through the medium of state recognition and accommodation; and second, I claimed that, regardless of this shift, Canadian settler-colonialism remains structurally oriented around achieving the same colonial effect it sought in the pre-1969 period: the dispossession of Indigenous peoples of their lands and self-determining authority. This chapter further develops my first claim by providing a theoretical account of *how* the politics of recognition has come to serve the interests of colonial power in the ways that

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<sup>1</sup> A slightly different version of this chapter was published as “Subjects of Empire: Indigenous Peoples and the ‘Politics of Recognition’ in Canada”, *Contemporary Political Theory* 6: 4 (2007).

<sup>2</sup> Michel Foucault, “Nietzsche, Genealogy, History” in James Faubian and Paul Ranibow (eds.), *Michel Foucault: Aesthetics, Method and Epistemology* (New York: The New Press, 1998), 378.

<sup>3</sup> Frantz Fanon, *Black Skin, White Masks* (Boston: Grove Press, 1967), 220.

it has. It is to this question, I claim, that Fanon provides a strikingly perceptive answer: in situations where colonial rule does not depend solely on the exercise of state violence, its reproduction instead rests on the ability to entice Indigenous peoples to *identify*, either implicitly or explicitly, with the profoundly *asymmetrical* and *non-reciprocal* forms of recognition either imposed on or granted to the colonized by the settler-state and society.

As we shall see, Fanon first developed this insight in his 1952 text, *Black Skin, White Masks*, where he persuasively challenges the applicability of Hegel's dialectic of recognition to colonial and racialized settings.<sup>4</sup> Against what he viewed as Hegel's abstraction, Fanon argued that, in *actual* contexts of domination (such as colonialism) not only are the terms of recognition usually determined by and in the interests of the master (the colonizer), but also over time slave populations (the colonized) tend to develop what he called "psycho-affective"<sup>5</sup> attachments to these master-sanctioned forms of recognition, and that this attachment is essential in maintaining the economic and political structure of master/slave (colonizer/colonized) relations themselves. By the end of this chapter it should be clear in theoretical terms that the contemporary politics of recognition is ill-equipped to deal with the interrelated structural and psycho-affective dimensions of imperial power that Fanon implicated in the preservation of colonial hierarchies. Once this theoretical ground has been paved, I can then proceed in Chapters 3 and 4 to evaluate Fanon's critique against two empirical case studies drawn from the post-1969 history of Indigenous/state relations in Canada.

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<sup>4</sup> GWF Hegel, *The Phenomenology of Spirit* (Oxford: Oxford University Press, 1977).

<sup>5</sup> Fanon, *Black Skin, White Masks*, 148

This chapter is organized into three parts. In part one, I outline some of the underlying assumptions that inform the politics of recognition from Hegel's master-slave to the work of Charles Taylor. In part two, I apply the insights of Fanon's critique of Hegel's dialectic of recognition to highlight a number of problems that appear to plague Taylor's politics of recognition when applied to colonial contexts. Although I tend to focus most of my attention on Taylor's work in this respect, it should be clear that the conclusions reached in this chapter are by no means limited to his contribution alone. In part three, I hope to show that the processes of colonial subjection identified in the previous sections, although formidable, are not total. As Robert Young has recently argued, Fanon himself spent much of his career as a psychiatrist investigating "the inner effects of colonialism" in order to establish "a means through which they could be resisted, turning the inculcation of inferiority into self-empowerment."<sup>6</sup> Here I argue that the self-affirmative logic underlying Fanon's writings on anti-colonial agency and empowerment offer a means of evading the liberal politics of recognition's tendency to produce colonial subjects. The groundwork laid in part three will provide a launching point for my discussion in Chapter 5, where the theory and practice of Indigenous anti-colonialism as a transformative practice of cultural self-recognition will be taken up in more detail.

### **I. Recognition from Hegel's Master-Slave to Charles Taylor's "Politics of Recognition"**

It is now commonly acknowledged that one of Hegel's most enduring contributions to contemporary social and political thought has been his concept of "recognition." In the

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<sup>6</sup> Robert Young, *Postcolonialism: An Historical Introduction* (Oxford: Blackwell, 2001), 275.

words of Nancy Fraser and Axel Honneth: “Whether the issue is indigenous land claims or women’s carework, homosexual marriage or Muslim headscarves [...] the term “recognition” [is increasingly used] to unpack the normative bases of [today’s] political claims. [...] ‘Recognition’ has become a key word of our time.”<sup>7</sup>

For my purposes here it will suffice to limit my discussion of Hegel’s theory of recognition to his chapter on “Lordship and Bondage” in the *Phenomenology of Spirit*.<sup>8</sup> This narrower approach can be justified on two grounds. First, although others have recognized the importance of Hegel’s earlier and later writings on recognition, Fanon was primarily concerned, following Alexander Kojève and Jean-Paul Sartre,<sup>9</sup> with recognition as it appeared in the master/slave dialectic of the *Phenomenology*. In this respect, it has been suggested that Fanon’s work be read as an important, yet largely ignored, contribution to the so-called Hegel “renaissance” that occurred in France’s intellectual scene after World War II.<sup>10</sup> The second justification is that this chapter is not about Hegel *per se*. Rather, it concerns the contemporary appropriation (whether implicit or explicit) of his theory of recognition by activists, political theorists, and policy makers working on issues pertaining to Indigenous self-determination in Canada. Only

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<sup>7</sup> Fraser and Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (New York: Verso, 2003), 1.

<sup>8</sup> Hegel, *Phenomenology of Spirit*, 11-119

<sup>9</sup> See in particular, Alexander Kojève, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit* (New York: Basic Books, 1969). Also see, Jean-Paul Sartre, *Being and Nothingness* (New York: Washington Square Press, 1956); *Anti-Semite and Jew: An Exploration of the Etiology of Hate* (New York: Schocken Books, 1974); and “Black Orpheus”, in Robert Bernasconi (ed.), *Race* (Malden, MA: Blackwell Publishing, 2001). The relationship between Fanon and Sartre on the question of recognition will be taken up in more detail in Chapter 5.

<sup>10</sup> Nigel Gibson, “Dialectical Impasses: Turning the Table on Hegel and the Black”, *Parallax* 8:2 (2002), 31.

once I have teased out the logic of recognition at play in Hegel's master/slave narrative, can I begin to unpack and problematize this appropriation.

As suggested in the previous chapter, at its core, Hegel's master/slave narrative can be read in at least two ways that continue to inform contemporary recognition-based theories of liberal pluralism. On the first reading, Hegel's dialectic outlines a theory of identity-formation that cuts against the classical liberal view of the subject insofar as it situates social relations at the fore of human subjectivity. On this account, relations of recognition are deemed "constitutive of subjectivity: one becomes an individual subject only in virtue of recognizing, and being recognized by another subject."<sup>11</sup> Our senses of self are thus dependent on and shaped through our complex relations with others. This insight into the intersubjective nature of identity-formation underlies Hegel's often quoted assertion that, "Self-consciousness exists in and for itself when, and by the fact that, it so exists for another; that is, it exists only in being acknowledged."<sup>12</sup>

On the second reading, the dialectic moves beyond highlighting the relational nature of human subjectivity to elucidate what Hegel sees as the intersubjective conditions required for the *realization of human freedom*. From this perspective, the master/slave narrative can be read in a normative light in that it suggests that the realization of oneself as an essential, self-determining agent requires that one not only be recognized as self-determining, but that one be recognized by another self-consciousness that is also recognized as self-determining. It is through these reciprocal processes and exchanges of recognition that the condition of possibility for freedom emerges.<sup>13</sup> Hence

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<sup>11</sup> Fraser and Honneth, 11.

<sup>12</sup> Hegel, *Phenomenology of Spirit*, 178.

<sup>13</sup> Robert Pippin, "What is the Question for which Hegel's Theory of Recognition is the Answer?" *European Journal of Philosophy* 8: 2, 2000, 156.

Hegel's repeated insistence that relations of recognition be *mutual*. This point is driven home in the latter half of the Hegel's section on "Lordship and Bondage", when he discusses the ironic fate of the master in a context of asymmetrical recognition. After the "life-and-death struggle" between the two self-consciousnesses temporarily cashes-out in the hierarchical master-slave relationship, Hegel goes onto depict a surprising turn of events in which the *master's* desire for recognition as an essential "being-for-itself" is thwarted by the fact that he or she is only recognized by the unessential and dependent consciousness of the slave<sup>14</sup> – and, of course, recognition by a slave hardly constitutes recognition at all. In this "onesided and unequal"<sup>15</sup> relationship the master fails to gain certainty of "being-for-self as the truth of himself. On the contrary, his truth is in reality the unessential consciousness and its unessential action."<sup>16</sup> Meanwhile, as the master continues to wallow in his sluggish state of increased dependency, the slave, through his or her transformative labour, "becomes conscious of what he truly is" and "*qua* worker" comes "to realize "his own independence."<sup>17</sup> Thus, in the end, the truth of independent consciousness and one's status as a self-determining actor is realized more through the praxis of the slave – through his or her transformative work in and on the world. However, here it is important to note that for Hegel, "the revolution of the slave is not simply to replace the master while maintaining the unequal hierarchal recognition."<sup>18</sup> This, of course, would only temporarily invert the relation, and the slave would eventually meet the same fate as the master. Rather, as Robert Williams reminds us,

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<sup>14</sup> Hegel, *Phenomenology of Spirit*, 191-192.

<sup>15</sup> *Ibid.*, 191.

<sup>16</sup> *Ibid.*, 192.

<sup>17</sup> *Ibid.*, 195.

<sup>18</sup> Robert Williams, "Hegel and Nietzsche: Recognition and Master/Slave," *Philosophy Today* 45: 5 (2001), 167.

Hegel's project was to move "beyond the patterns of domination [and] inequality"<sup>19</sup> that typify asymmetrical relations of recognition as such. It is also on this point that many contemporary theorists of recognition remain committed.

In *Bound by Recognition*, Patchen Markell suggests that one of the most significant differences between recognition in Hegel's master/slave and the "politics of recognition" today is that state institutions tend to play a fundamental role in mediating relations of recognition in the latter, but not the former.<sup>20</sup> For example, regarding policies aimed at preserving cultural diversity, Markell writes: "far from being simple face-to-face encounters between subjects, à la Hegel's stylized story in the *Phenomenology*", multiculturalism tends to "involve large-scale exchanges of recognition in which states typically play a crucial role."<sup>21</sup> Charles Taylor's "The Politics of Recognition"<sup>22</sup> provides a particularly salient example of this. In this essay, Taylor draws on the insights of Hegel, among others, to mount a sustained critique of what he claims to be the increasingly "impracticable"<sup>23</sup> nature of "difference-blind"<sup>24</sup> liberalism when applied to culturally diverse polities such as the United States and Canada. Alternatively, Taylor defends a variant of liberal thought which posits that, under certain circumstances, diverse states can indeed recognize and accommodate a range of

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<sup>19</sup> Ibid.

<sup>20</sup> Patchen Markell, *Bound by Recognition* (Princeton: Princeton University Press, 2003), 25-32. One could argue that this is not necessarily the case with respect to Hegel's later works, particularly *The Philosophy of Right*, where the state is understood to play a key role in mediating relations of recognition. GWF Hegel, *The Philosophy of Right* (Oxford: Oxford University Press, 1952).

<sup>21</sup> Markell, *Bound by Recognition*, 25.

<sup>22</sup> Charles Taylor, "The Politics of Recognition", in Amy Guttmann (ed.), *Re-examining the Politics of Recognition* (Princeton: Princeton University Press, 1994).

<sup>23</sup> Ibid., 61.

<sup>24</sup> Ibid., 40.

group specific claims without having to abandon their commitment to a core set of fundamental rights.<sup>25</sup> Furthermore, these types of claims can be defended on liberal grounds because it is within and against the horizon of one's cultural community that individuals come to develop their identities, and thus the capacity to make sense of their lives and life choices.<sup>26</sup> In short, our identities provide the "background against which our tastes and desires and opinions and aspirations make sense."<sup>27</sup> Without this orienting framework we would be unable to derive meaning from our lives – we would not know "who we are" or "where [we are] coming from."<sup>28</sup> We would be "at sea", as Taylor puts it elsewhere.<sup>29</sup>

Thus, much like Hegel before him, Taylor argues that human actors do not develop their identities in "isolation," rather they are "formed" through "dialogue with others, in agreement or struggle with their recognition of us."<sup>30</sup> However, given that our identities are formed through these relations, it also follows that they can be significantly *deformed* when these processes run awry. This is what Taylor means when he asserts that identities are shaped not only by recognition, but also its *absence*:

often by the *misrecognition* of others. A person or a group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning one in a false, distorted, and reduced mode of being.<sup>31</sup>

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<sup>25</sup> Ibid., 61.

<sup>26</sup> Ibid., 32-33.

<sup>27</sup> Ibid., 33-34.

<sup>28</sup> Ibid., 33.

<sup>29</sup> Charles Taylor, *Sources of the Self* (Cambridge UK: University of Cambridge Press, 1989), 27.

<sup>30</sup> Charles Taylor, *The Malaise of Modernity* (Toronto: Anansi Press, 1991), 45-46.

<sup>31</sup> Taylor, "Politics of Recognition", 25

This idea that asymmetrical relations of recognition can impede human freedom by “imprisoning” someone in a distorted relation-to-self is asserted repeatedly in Taylor’s essay. For instance, we are frequently told that disparaging forms of recognition can inflict “wounds” on their “victims”, “saddling [them] with a crippling self-hatred”;<sup>32</sup> or that withholding recognition can “inflict damage” on “those who are denied it”.<sup>33</sup> And given that misrecognition has the capacity to “harm” others in this manner, it follows, according to Taylor, that it be considered “a form of oppression”<sup>34</sup> on par with “injustices” such as “inequality” and “exploitation”.<sup>35</sup> In Taylor, recognition is elevated to the status of a “vital human need.”<sup>36</sup>

At this point the practical implications of Taylor’s theory begin to reveal themselves. In his more prescriptive moments, Taylor suggests that, in Canada, both the Quebecois and Indigenous peoples exemplify the types of threatened minorities that ought to be considered eligible for some form of recognition capable of accommodating their cultural distinctiveness. For Indigenous peoples specifically, this might require the delegation of political and cultural “autonomy” to Native groups through the institutions of “self-government”.<sup>37</sup> Elsewhere Taylor suggests that this could mean “in practice allowing for a new form of jurisdiction in Canada, perhaps weaker than the provinces, but, unlike municipalities”.<sup>38</sup> Accommodating the claims of First Nations in

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<sup>32</sup> Ibid., 26.

<sup>33</sup> Ibid., 36.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid., 64

<sup>36</sup> Ibid., 26.

<sup>37</sup> Ibid., 40; also see, Charles Taylor, *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism* (Montreal: McGill-Queen’s University Press, 1993), 148, 180.

<sup>38</sup> Taylor, *Reconciling the Solitudes*, 180. Also see Charles Taylor, “On the Draft Nisga’a Treaty”, *BC Studies* 120 (Winter 1998/1999).

this way would ideally allow Native communities to “preserve their cultural integrity”<sup>39</sup> and thus help stave-off the psychological disorientation and resultant unfreedom associated with exposure to structured patterns of mis or nonrecognition. In this way, the institutionalization of a liberal regime of reciprocal recognition would better enable Indigenous peoples’ to realize their status as distinct and self-determining actors.

Although it is true that the normative dimension of Taylor’s project represents a marked improvement over Canada’s “past tactics of exclusion, genocide, and assimilation”,<sup>40</sup> in the following section I argue that the logic informing this dimension – where “recognition” is conceived as something that is ultimately “granted”<sup>41</sup> or “accorded”<sup>42</sup> a subaltern group or entity by a dominant group or entity – prefigures its failure to significantly modify, let alone transcend, the breadth of power at play in colonial relationships. I also hope to show that Fanon, whose work Taylor relies on to delineate the relationship between misrecognition and the forms of unfreedom and subjection discussed above, anticipated this failure over fifty years ago.

## **II. Fanon’s “Sociodiagnostic” Critique of Recognition in Colonial Contexts**

In the second half of “The Politics of Recognition” Taylor identifies Fanon’s classic *The Wretched of the Earth* as one of the first texts to elicit the role that misrecognition plays in propping-up relations of domination.<sup>43</sup> By extension Fanon’s analysis in *The Wretched* is also used to support one the central political arguments underlying Taylor’s analysis,

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<sup>39</sup> Taylor, “Politics of Recognition”, 40.

<sup>40</sup> Richard Day and Tonio Sadik, “The BC Land Question, Liberal Multiculturalism, and the Spectre of Aboriginal Nationhood”, *BC Studies* 134 (2002), 6.

<sup>41</sup> Taylor, *Reconciling the Solitudes*, 148.

<sup>42</sup> Taylor, “Politics of Recognition”, 41.

<sup>43</sup> *Ibid.*, 65-66.

namely, his call for the cultural recognition of sub-state groups that have suffered at the hands of a hegemonic political power. Although Taylor acknowledges that Fanon advocated “violent” struggle as the primary means of overcoming the “psycho-existential”<sup>44</sup> complexes instilled in colonial subjects by misrecognition, he nonetheless insists that Fanon’s argument is applicable to contemporary debates surrounding the “politics of difference” more generally.<sup>45</sup> Below I want to challenge Taylor’s use of Fanon in this context: not by disputing Taylor’s assertion that Fanon’s work constitutes an important theorization of the ways in which the subjectivities of the oppressed can be deformed by mis or nonrecognition, but rather by contesting his assumption that a more accommodating, liberal regime of mutual recognition might be capable of addressing the types of relations typical of those between Indigenous peoples and settler-states. Interestingly, Fanon posed a similar challenge in his earlier work, *Black Skin, White Masks*.

Fanon’s concern with the relationship between human freedom and equality in relations of recognition represents a central and reoccurring theme in *Black Skin*.<sup>46</sup> As

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<sup>44</sup> Fanon, *Black Skin, White Masks*, 12.

<sup>45</sup> *Ibid.*, 65-66. Also see Charles Taylor, *Philosophical Papers, Volume 2: Philosophy and the Human Sciences* (Cambridge UK: University of Cambridge Press, 1985), 235.

<sup>46</sup> A number of studies have mapped the similarities and differences between the dialectic of recognition as conceived by Fanon and Hegel, but relatively few have applied Fanon’s insights to critique the groundswell appropriation of Hegel’s theory of recognition to address contemporary questions surrounding the recognition of cultural diversity. Even fewer have used Fanon’s writings to problematize the utility of a politics of recognition for restructuring hierarchical relations between disparate identities in colonial contexts. For a survey of the available literature, see: Irene Gendzier, *Fanon: A Critical Study* (New York: Grove Press, 1974); Hussien Bulhan, *Frantz Fanon and the Psychology of Oppression* (New York: Plenum Press, 1985); Lou Turner, “On the Difference between the Hegelian and Fanonian Dialectic of Lordship and Bondage”, in Lewis Gordon, Denean Sharpley-Whiting and Renee White (eds.), *Fanon: A Critical Reader* (Oxford: Blackwell Publishers, 1996); Beatrice Hanssen, “Ethics of the Other”, in Marjorie Garber, Beatrice Hanssen, and Rebecca Walkowitz (eds.), *A Turn to Ethics* (New York: Routledge, 2000); Sonia Kruks, *Retrieving Experience: Subjectivity and Recognition in Feminist Politics* (Ithaca: Cornell University Press, 2001); Kelly Oliver, *Witnessing: Beyond Recognition* (Minneapolis: University of Minnesota Press, 2001); Nigel Gibson,

mentioned at the outset of this chapter, it was there that Fanon convincingly argued that the long term stability of a colonial system of governance relies as much on the “internalization” of the forms of racist recognition imposed or bestowed on the Indigenous population by the colonial state and society as it does on brute force. For Fanon, then, the longevity of a colonial social formation depends, to a significant degree, on its capacity to transform the colonized population into *subjects* of imperial rule. Here Fanon anticipates at least one aspect of the well-known work of French Marxist philosopher, Louis Althusser, who would later argue that the reproduction of capitalist relations of production rests on the “recognition function” of ideology, namely, the ability of a state’s “ideological apparatus” to “interpellate” individuals as subjects of class rule.<sup>47</sup> For Fanon, colonialism operates in a similarly dual-structured manner: it includes “not only the interrelations of *objective* historical conditions but also human *attitudes* to these conditions.”<sup>48</sup> Fanon argued that it was the interplay between the structural/objective and recognitive/subjective features of colonialism that ensured its hegemony over time.

With respect to the subjective dimension, *Black Skin* painstakingly outlines the myriad ways in which those “attitudes” conducive to colonial rule are cultivated amongst the colonized through the unequal exchange of institutionalized and interpersonal patterns of recognition between the colonial society and the Indigenous

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“Dialectical Impasse: Turning the Table on Hegel and the Black”, *Parallax* 23 (2002) and *Fanon: The Postcolonial Imagination* (Cambridge UK: Polity Press, 2003); Anita Chari, “Exceeding Recognition”, *Sartre Studies International* 10:2 (2004); and Andrew Schaap, “Political Reconciliation through a Struggle for Recognition?”, *Social and Legal Studies* 13:4 (2004).

<sup>47</sup> Louis Althusser, “Ideology and Ideological State Apparatuses”, in Slavoj Žižek (ed.), *Mapping Ideology* (London: Verso, 1994).

<sup>48</sup> Fanon, *Black Skin, White Masks*, 84; emphasis added.

population. In effect, Fanon showed how, over time, colonized populations tend to internalize the derogatory images imposed on them by their colonial “masters,” and how as a result of this process, these images, along with the structural relations with which they are entwined, come to be recognized (or at least endured) as more or less natural.<sup>49</sup> This point is made agonizingly clear in arguably the most famous passage from *Black Skin*, where Fanon shares an alienating encounter on the streets of Paris with a little white child. “Look, a Negro!”, Fanon recalled the child saying, “Moma, see the Negro! I’m frightened! frightened!”<sup>50</sup> At that moment the imposition of the child’s racist gaze “sealed” Fanon into a “crushing objecthood”,<sup>51</sup> fixing him like “a chemical solution is fixed by a dye”.<sup>52</sup> He found himself temporarily *accepting* that he was indeed the subject of the child’s call: “It was true, it amused me”, thought Fanon.<sup>53</sup> But then “I subjected myself to an objective examination, I discovered my blackness, my ethnic characteristics; and I was battered down by tom-toms, cannibalism, intellectual deficiency, fetishism, racial defects”.<sup>54</sup> Far from assuring Fanon’s humanity, the other’s recognition imprisoned him in an externally determined and devalued conception of

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<sup>49</sup> Fanon’s contemporary Albert Memmi drew a similar conclusion five years later in his 1957 text, *The Colonizer and the Colonized*: “Constantly confronted with this image of himself, set forth and imposed on all institutions and in every human contact, how could the colonized help reacting to this portrait? It cannot leave him indifferent and remain a veneer which, like an insult, blows with the wind. He ends up *recognizing it* as one would a detested nickname which has become a familiar description. [...] Willfully created and spread by the colonizer, this mythical and degrading portrait ends up being *accepted and lived* to a certain extent by the colonized. It thus acquires a certain amount of reality and contributes to the true portrait of the colonized. Albert Memmi, *The Colonizer and the Colonized* (Boston: Beacon Press, 1991), 87-88; emphasis added.

<sup>50</sup> Fanon, *Black Skin, White Masks*, 111-112.

<sup>51</sup> *Ibid.*, 109.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, 111.

<sup>54</sup> *Ibid.*, 112.

himself. Instead of being acknowledged as a “man among men”, he was reduced to “an object [among] other objects”.<sup>55</sup>

Left as is, Fanon’s insights into the ultimately subjectifying nature of colonial recognition appear to square nicely with Taylor’s work. For example, although Fanon never uses the term himself, he appears to be mapping the debilitating effects associated with *misrecognition* in the sense that Taylor uses the term. Indeed, *Black Skin* is littered with passages highlighting the innumerable ways in which the imposition of the settler’s gaze can inflict damage on Indigenous societies at both the individual and collective levels. Taylor is more or less explicit about his debt to Fanon in this respect too. “[S]ince 1492”, he writes with *The Wretched* in mind, “Europeans have projected an image of [the colonized] as somehow inferior, ‘uncivilized,’ and through the force of conquest have been able to impose this image on the conquered.”<sup>56</sup> Even with these similarities, however, I believe that a close reading of *Black Skin* renders problematic Taylor’s approach in several interrelated and crucial respects.

The first problem has to do with its failure to adequately confront the dual structure of colonialism itself. Fanon insisted, for example, that a colonial configuration of power could be transformed only if attacked at both levels of operation: the objective and the subjective.<sup>57</sup> This point is made at the outset of *Black Skin* and reverberates throughout all of Fanon’s work. As indicated in his introduction, although a significant amount of *Black Skin* would highlight and explore the “psychological” terrain of colonialism, this would not be done in a manner decoupled from an analysis of its

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<sup>55</sup> *Ibid.*, 109.

<sup>56</sup> Taylor, “The Politics of Recognition,” 26.

<sup>57</sup> Fanon, *Black Skin, White Masks*, 11-12.

structural or material foundations. Indeed, Fanon claimed that there “will be an authentic disalienation” of the colonized subject “only to the degree to which things, in the most materialistic meaning of the word, [are] returned to their proper places.”<sup>58</sup> Hence the term “sociodiagnostic” for Fanon’s project: “if there is an inferiority complex, it is the outcome of a double process [...] primarily economic; [and] subsequently the internalization [...] of his inferiority.”<sup>59</sup> In Fanon, colonial-capitalist exploitation and domination is correctly situated alongside misrecognition and alienation as foundational sources of colonial injustice. “The Negro problem”, wrote Fanon, “does not resolve itself into the problem of Negroes living among white men but rather of Negroes being exploited, enslaved, despised by a colonialist, capitalist society that is only accidentally white.”<sup>60</sup>

Fanon was enough of a Marxist to understand the role played by capitalism in exasperating hierarchical relations of recognition. However, he was also much more perceptive than many Marxists of his day in his insistence that the subjective realm of colonialism be the target of strategic transformation along with the socio-economic structure. The colonized person “must wage war on both levels”, insisted Fanon. “Since historically they influence each other, any unilateral liberation is incomplete, and the gravest mistake would be to believe in their automatic interdependence”.<sup>61</sup> For Fanon, attacking colonial power on one front, in other words, would not guarantee the subversion of its effects on the other. “This is why a Marxist analysis should always be slightly stretched when it comes to addressing the colonial issue”, Fanon would later

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<sup>58</sup> Ibid.

<sup>59</sup> Ibid., 11.

<sup>60</sup> Ibid., 202.

<sup>61</sup> Ibid., 11.

write in *The Wretched*.<sup>62</sup> Here I would argue that Fanon's "stretching" of the Marxist paradigm constitutes one of the most innovative contributions to classical Marxist debates on ideology. Unlike the position of, say, Georg Lucas, who boldly claimed in *History and Class Consciousness* that there is "no problem" and therefore "no solution" that does not ultimately lead back to the question of economic structure,<sup>63</sup> Fanon revealed the ways in which those axes of domination historically relegated in Marxism to the superstructural realm - such as racism and the effects it has on those subject to it - could substantively configure the character of social relations relatively autonomously from capitalist economics.

Lately a number of scholars have taken aim at the contribution of recognition theorists like Taylor on analogous grounds: that their work offers little insight into how to address the more overtly structural and/or economic features of social oppression.<sup>64</sup> We have also been told that this lack of insight has contributed to a shift in the terrain of contemporary political thought and practice more generally - from "redistribution to recognition", to use Nancy Fraser's formulation.<sup>65</sup> According to Fraser, whereas proponents of redistribution tend to highlight and confront injustices in the economic sphere, advocates of the newer "politics of recognition" tend to focus on and attack

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<sup>62</sup> Fanon, *Wretched of the Earth*, 5

<sup>63</sup> Georg Lucas, *History and Class Consciousness: Studies in Marxist Dialectics* (Cambridge UK: Cambridge University Press, 1994), 83.

<sup>64</sup> For example, see Himani Bannerji, *Dark Side of the Nation* (Toronto: Canadian Scholars Press, 2001); Richard Rorty, *Achieving Our Country: Leftist Thought in Twentieth-Century America* (Cambridge, MA: Harvard University Press, 1998) and "Is 'Cultural Recognition' a Useful Notion for Leftist Politics?", *Critical Horizons* 1:1 (2000); Richard Day, "Who is this we that gives the gift? Native American Political Theory and *The Western Tradition*", *Critical Horizons* 2:2 (2001); Day and Sadik, "The BC Land Question"; Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge MA: Harvard University Press, 2002); Fraser and Honneth, *Redistribution or Recognition?*

<sup>65</sup> Fraser and Honneth, *Redistribution or Recognition?*

injustices in the cultural realm.<sup>66</sup> On the redistribution front, proposed remedies for injustice range between “affirmative” strategies, like the administration of welfare, to more “transformative” methods, like the transformation of the capitalist mode of production itself. In contrast, strategies aimed at injustices associated with misrecognition tend to focus on “cultural and symbolic change”.<sup>67</sup> Again, this could involve “affirmative” approaches, such as the recognition and reaffirmation of previously disparaged identities, or these strategies could adopt a more “transformative” form, such as the “deconstruction” of dominant “patterns of representation” in ways that would “change everyone’s social identities”.<sup>68</sup>

I think that Fanon’s work, which anticipates the recognition/redistribution debate by half a century, highlights several key shortcomings in the approaches of both Taylor and Fraser. Taylor’s approach is insufficient insofar as it tends to, at its best, address the political economy of colonialism in a strictly “affirmative” manner: through reformist state redistribution schemes like granting certain cultural rights and concessions to Aboriginal communities via self-government and land claims packages. Although this approach may alter the intensity of some of the effects of colonial-capitalist exploitation and domination, it does little to address their generative structures, in this case a capitalist economy constituted by racial and gender hierarchies, and the colonial state. When his work is at its weakest, however, Taylor tends to focus on the recognition end of the spectrum too much, and as a result leaves uninterrogated colonialism’s deep-seated structural features. Richard Day has succinctly framed the

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<sup>66</sup> *Ibid.*, 13.

<sup>67</sup> *Ibid.*, 12-13.

<sup>68</sup> *Ibid.*

problem this way: “although Taylor’s recognition model allows for diversity of culture within a particular state by admitting the possibility of multiple national identifications”, it is less “permissive with regard to polity and economy [...] in assuming that any subaltern group that is granted [recognition] will thereby acquire a *subordinate* articulation with a *capitalist state*.”<sup>69</sup> Seen from this angle, Taylor’s theory leaves one of the two operative levels of colonial power identified by Fanon untouched.

This line of criticism is well worn and can be traced back to at least the work of early Karl Marx. As such, I doubt that many would be surprised that Taylor’s variant of liberalism *as liberalism* fails to confront the structural/economic aspects of colonialism at its generative roots. To my mind, however, this shortcoming in Taylor’s approach is particularly surprising given the fact that, although many Indigenous leaders and communities today tend to instrumentally couch their claims in reformist terms, this has not always been the case: indeed, historically, Indigenous demands for *cultural recognition* have often been expressed in ways that have explicitly called into question the dominating nature of capitalist social relations and the state-form.<sup>70</sup> And the same can be said of a growing number of today’s most prominent Indigenous scholars and activists.<sup>71</sup> Mohawk political scientist Taiaiake Alfred, for example, has repeatedly argued that the

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<sup>69</sup> Day, “Who is this We that Gives the Gift?” 189.

<sup>70</sup> See in particular the work of Howard Adams, including *Prison of Grass: Canada from a Native Point of View* (Saskatoon: Fifth House Publishers, 1975) and *A Tortured People: The Politics of Colonization* (Penticton: Theytus Books, 1999); also see, Marie Smallface Marule, “Traditional Indian Government: Of the People, By the People and For the People” in Menno Boldt, J Anthony Long, and Leroy Little Bear (eds.) *Pathways to Self-Determination: Canadian Indians and the Canadian State* (Toronto: University of Toronto Press, 1984); Mel Watkins (eds.), *Dene Nation: The Colony Within* (Toronto: University of Toronto Press, 1977).

<sup>71</sup> For example, see Lee Maracle, *I Am Woman: A Native Perspective on Sociology and Feminism* (Vancouver: Press Gang Publishers, 1988); Taiaiake Alfred, *Peace Power Righteousness: An Indigenous Manifesto* (Don Mills: Oxford University Press, 1999) and *Wasase: Indigenous Pathways of Action and Freedom* (Peterborough: Broadview Press, 2005); Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Boston: South End Press, 2005); Gord Hill, “Indigenous Anti-Colonialism”, *Upping the Anti* 5 (2007).

goal of any traditionally rooted self-determination struggle ought to be to protect that which constitutes the “heart and sole of [I]ndigenous nations: a set of values that challenge the homogenizing force of Western liberalism and free-market capitalism; that honor the autonomy of individual conscience, non-coercive authority, and the deep interconnection between human beings and other elements of creation.”<sup>72</sup> For Alfred, this vision is not only embodied in the practical philosophies and ethical systems of many of North America’s Indigenous societies, but also flows from a “realization that capitalist economics and liberal delusions of progress” have historically served as the “engines of colonial aggression and injustice” itself.<sup>73</sup> My point here is that an approach that is explicitly oriented around dialogue and listening ought to be more sensitive to the claims and challenges emanating from these dissenting Indigenous voices.<sup>74</sup>

However, if Taylor’s account pays insufficient attention to the clearly structural/economic realm of domination, then Fraser’s does so from the opposite angle. In order to avoid what she sees as the pitfalls associated with the politics of recognition’s latent essentialism and displacement of questions of distributive justice, Fraser proposes a means of integrating struggles for recognition with those of redistribution without subordinating one to the other. To this end, Fraser suggests that instead of understanding recognition as the revaluation of cultural or group-specific identity, and misrecognition as the disparagement of such identity and its consequent effects on the subjectivities of minorities, recognition and misrecognition should be conceived of in terms of the “institutionalized patterns of value” that affect one’s ability to participate *as*

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<sup>72</sup> Alfred, *Peace Power Righteousness*, 60.

<sup>73</sup> Alfred, *Wasase*, 133.

<sup>74</sup> A more thorough treatment of Indigenous anti-capitalism in Canada will be examined in chapters 3 and 5.

*a peer* in social life.<sup>75</sup> “To view recognition” in this manner, writes Fraser, “is to treat it as an issue of *social status*.”<sup>76</sup>

Although Fraser’s status model allows her to curtail some of the problems she attributes to identity politics, it does so at the expense of addressing one of the most pertinent features of injustices related to mis or nonrecognition. My concern is this: if many of today’s most volatile political conflicts *do* include subjective/psychological dimensions to them in the way that Fraser admits (and Taylor and Fanon describe), then I fear her approach, which attempts to eschew a direct engagement with this aspect of social oppression, risks leaving an important contributing dynamic to identity-related forms of domination unchecked. By avoiding this “psychologizing” tendency within the politics of recognition, Fraser claims to have located what is wrong with misrecognition in “social relations” and not “individual or interpersonal psychology.”<sup>77</sup> This is preferable, we are told, because when misrecognition “is identified with internal distortions in the structure of the consciousness of the oppressed, it is but a short step to blaming the victim.”<sup>78</sup> However, if I understand Fanon correctly, this does not have to be the case. Fanon was unambiguous with respect locating the cause of the “inferiority complex” of colonized subjects in the colonial social structure.<sup>79</sup> The problem, however, is that any psychological problems that ensue, although socially constituted, can take on a life of their own, and thus need to be dealt with independently and in accordance with their own specific logics. As mentioned previously, Fanon was insistent that a change in

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<sup>75</sup> Fraser and Honneth, *Redistribution or Recognition?* 29

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*, 31.

<sup>78</sup> *Ibid.*

<sup>79</sup> Fanon, *Black Skin, White Masks*, 11.

the social structure would not guarantee a change in the subjectivities of the oppressed. Stated simply, if Fanon's insight into the interdependent yet semi-autonomous nature of the two facets of colonial power is correct, then dumping all our efforts into alleviating the institutional/structural impediments to participatory parity (whether redistributive or recognitive) may not do anything to undercut the debilitating forms of unfreedom related to misrecognition in the traditional sense.<sup>80</sup>

This brings us to the second key problem with Taylor's theory when applied to colonial contexts. I have already suggested that Taylor's liberal-recognition approach is incapable of curbing the damages wrought within and against Indigenous communities by the structures of state and capital, but what about his theory of recognition? Does it suffer the same fate vis-à-vis the forms of power that it seeks to undercut? As noted in the previous section, underlying Taylor's theory is the assumption that the flourishing of Indigenous peoples as distinct and self-determining entities is significantly dependent on their being afforded cultural recognition and institutional accommodation by the settler-state apparatus. What makes this approach both so intriguing and so problematic, however, is that Fanon, who Taylor uses to make his case, argued against a similar presumption in the penultimate chapter of *Black Skin*. Moreover, like Taylor, Fanon did so with reference to Hegel's master/slave parable. There Fanon argued that the dialectical progression to reciprocity in relations of recognition is frequently undermined in colonial situations by the fact that, unlike the subjugated slave in Hegel's *Phenomenology*, many colonized societies no longer have to *struggle* for their freedom and independence. It is often negotiated, achieved through constitutional amendment, or

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<sup>80</sup> For a comprehensive evaluation of Fraser's critique of "psychologization" in the work of Charles Taylor and Axel Honneth, see Simon Thompson, *The Political Theory of Recognition* (Cambridge UK: Polity Press, 2006), 31-41.

simply “declared” by the settler-state and bestowed upon the Indigenous population in the form of political rights. Whatever the method, in these circumstances the colonized, “steeped in the inessentiality of servitude” are “*set free by [the] master*”.<sup>81</sup> “One day the White Master, *without conflict*, recognize[s] the Negro slave”.<sup>82</sup> As such they do not have to lay down their life to *prove* their “certainty of being” in the way that Hegel insisted.<sup>83</sup> The “upheaval” of formal freedom and independence thus reaches the colonized “from without.”

The black man [is] acted upon. Values that [are] not [...] created by his actions, values that [are] not [...] born of the systolic tide of his blood, [dance] in a hued whirl around him. The upheaval [does] not make a difference in the Negro. He [goes] from one way of life to another, but not from one life to another.<sup>84</sup>

There are a number of important issues underlying Fanon’s concern here. The first involves the relationship he draws between struggle and the disalienation of the colonized subject. For Fanon it is through struggle and conflict (and for the later Fanon, *violent* struggle and conflict) that imperial subjects come to rid of the “arsenal of complexes” driven into the core of their being through the colonial process.<sup>85</sup> I will have more to say about this aspect of Fanon’s thought below, but for now I simply want to flag the fact that struggle – or, as I will argue later, *transformative praxis* – serves as the mediating force through which the colonized come to shed their colonial identities, thus

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<sup>81</sup> Fanon, *Black Skin, White Masks*, 217; emphasis added.

<sup>82</sup> *Ibid.*

<sup>83</sup> Hegel, *Phenomenology of Spirit*, 113-114.

<sup>84</sup> Fanon, *Black Skin, White Masks*, 220.

<sup>85</sup> *Ibid.*, 18.

restoring them to their “proper places”.<sup>86</sup> In contexts where recognition is conferred without struggle or conflict, this fundamental self-transformation - or as Lou Turner has put it, this “inner differentiation” at the level of the colonized’s being<sup>87</sup> - cannot occur, thus foreclosing the realization of freedom. Hence Fanon’s claim that the colonized simply go from “one way of life to another, but not from one life to another”; the structure of domination is modified, but the subject position of the colonized remains unchanged - they become “emancipated slaves”.<sup>88</sup>

The second important point to note is that when Fanon speaks of a lack of struggle in the decolonization movements of his day, he does not mean to suggest that the colonized in these contexts simply remained passive recipients of colonial practices. He readily admits, for example, that “from time to time” the colonized may indeed fight “for Liberty and Justice”.<sup>89</sup> However, when this fight is carried out in a manner that does not pose a foundational “break” with the background structures of colonial power as such - which, for Fanon, will always invoke struggle and conflict - then the best the colonized can hope for is “white liberty and white justice; that is, values secreted by [their] masters”.<sup>90</sup> Without conflict and struggle the terms of recognition tend to remain in the possession of those in power to bestow on their “inferiors” in ways that they deem appropriate.<sup>91</sup> Note the double level of subjection here: without transformative struggle constituting an integral aspect of anti-colonial praxis the Indigenous population will not

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<sup>86</sup> Ibid., 12.

<sup>87</sup> Lou Turner, “On the Difference between the Hegelian and Fanonian Dialectic of Lordship and Bondage”, 146.

<sup>88</sup> Ibid.

<sup>89</sup> Fanon, *Black Skin, White Masks*, 221

<sup>90</sup> Ibid.

<sup>91</sup> Oliver, *Witnessing*.

only remain subjects of imperial rule insofar as they have not gone through a process of purging the psycho-existential complexes battered into them over the course of their colonial experience – a process of strategic *desubjectification* – but they will also remain so in that the Indigenous society will tend to come to see the forms of structurally limited and constrained recognition conferred to them by their colonial “masters” *as their own*: that is, the colonized will begin to *identify* with “white liberty and white justice.” As Fanon would later phrase it in *The Wretched*, these values eventually “seep” into the colonized and subtly structure and limit the possibility of their freedom.<sup>92</sup> Either way, for Fanon, the colonized will have failed to reestablish themselves as truly self-determining: as creators of the terms, values and conditions by which they are recognized.<sup>93</sup>

This leads nicely to my third problem with Taylor’s politics of recognition. This time the concern revolves around a misguided sociological assumption that undergirds Taylor’s appropriation of Hegel’s notion of mutual recognition. As noted in the previous section, at the heart of Hegel’s master/slave dialectic is the idea that both parties engaged in the struggle for recognition are dependent on the other’s acknowledgment for their freedom and self-worth. Moreover, Hegel asserts that this dependency is even more crucial for the master in the relationship, for unlike the slave he or she is unable to achieve independence and objective self-certainty through the object of his or her own labor. Mutual dependency thus appears to be the background condition that ensures the dialectic progress towards reciprocity. This is why Taylor claims, with reference to Hegel, that “the struggle for recognition can only find *one*

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<sup>92</sup> Fanon, *Wretched of the Earth*, 9

<sup>93</sup> Fanon, *Black Skin, White Masks*, 220-222.

*satisfactory solution, and that is a regime of reciprocal recognition among equals.*"<sup>94</sup> However, as Fanon's work reminds us, the problem with this formulation is that when applied to actual struggles for recognition between hegemonic and subaltern communities the mutual character of dependency rarely exists. This observation is made in a lengthily footnote in *Black Skin* where Fanon claims to have shown how the colonial master "basically differs" from the master depicted in Hegel's *Phenomenology*. "For Hegel there is reciprocity", but in the colonies "the master laughs at the consciousness of the slave. What he wants from the slave is *"not recognition but work."*<sup>95</sup> To my mind this is one of the most crucial passages in *Black Skin* for it outlines in precise terms what is wrong with the recognition paradigm when abstracted from the face-to-face encounter in Hegel's dialectic and applied to colonial situations. Although the issue here is an obvious one, it has nonetheless been critically overlooked in the contemporary recognition literature: in relations of domination that exist between nation-states and the sub-state national groups that they "incorporate"<sup>96</sup> into their territorial and jurisdictional boundaries, there is no mutual dependency in terms of a need or desire for recognition. In these contexts, the "master" – that is, the colonial state and state society – does not require recognition from the previously self-determining communities upon which its territorial, economic, and social infrastructure is constituted. What it needs is land, labor and resources.<sup>97</sup>

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<sup>94</sup> Taylor, "Politics of Recognition", 50; emphasis added.

<sup>95</sup> Fanon, *Black Skin, White Masks*, 220; emphasis added.

<sup>96</sup> Will Kymlicka frames the problem of colonialism as a matter of unjust incorporation into dominant state structures in *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Don Mills: Oxford University Press, 1995), *Finding our Way: Rethinking Ethnocultural Relations in Canada* (Don Mills: Oxford University Press, 1998), *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Don Mills: Oxford University Press, 2001).

<sup>97</sup> Todd Gordon, "Canada, Empire and Indigenous Peoples in the Americas", *Socialist Studies* 2:1 (2006).

Thus, rather than leading to a condition of reciprocity the dialectic either breaks down with the explicit *non*recognition of the equal status of the colonized population, or with the strategic “domestication” of the terms of recognition leaving the foundation of the colonial relationship relatively undisturbed.<sup>98</sup>

Anyone familiar with the power dynamics that structure the Aboriginal rights movement in Canada should immediately see the applicability of Fanon’s insights here. Indeed, one need not expend much effort to elicit the countless ways in which the liberal discourse of recognition has been limited and constrained by the state, the courts, corporate interests, and policy makers in ways that have helped preserve the colonial status quo. With respect to the law, for example, over the last thirty years the Supreme Court of Canada has consistently refused to recognize Aboriginal peoples’ equal and self-determining status based on its adherence to legal precedent founded on the white supremacist myth that Indigenous societies were too primitive to bear political rights when they first encountered European powers.<sup>99</sup> Thus, even though the Court has secured an unprecedented degree of protection for certain “cultural” practices within the state, it has nonetheless repeatedly refused to challenge the racist origin of Canada’s assumed sovereign authority over Indigenous peoples and their territories.

The political and economic ramifications of the Court’s actions have been clear-cut. In *Delgamuukw v. British Columbia* it was declared that any residual Aboriginal

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<sup>98</sup> Isabelle Schulte-Tenckhoff, “Reassessing the Paradigm of Domestication: The Problematic of Indigenous Treaties”, *Review of Constitutional Studies* 4:2 (1998).

<sup>99</sup> Michael Asch, “From ‘Calder’ to ‘Van der Peet’: Aboriginal Rights and Canadian Law”, in Paul Havemann (ed.), *Indigenous Peoples’ Rights in Australia, Canada, and New Zealand* (Auckland: University of Cambridge Press, 1999); Patrick Macklem, *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001); James Tully, “The Struggles of Indigenous Peoples for and of Freedom”, in Duncan Ivison, Paul Patton, and Will Saunders (eds.) *Political Theory and the Rights of Indigenous Peoples* (Cambridge: Cambridge University Press, 2001).

rights that may have survived the unilateral assertion of Crown sovereignty could be infringed upon by the federal and provincial governments so long as this action could be shown to further “a compelling and substantial legislative objective” that is “consistent with the special fiduciary relationship between the Crown and the [A]boriginal peoples.”<sup>100</sup> What “substantial objectives” might justify infringement? According to the Court, virtually any exploitative economic venture, including “the development of agriculture, forestry, mining, and hydroelectric power, the general economic development of the interior of British Columbia, protection of the environment or endangered species and the building of infrastructure and the settlement of foreign populations to support those aims.”<sup>101</sup> So today it appears, much as it did in Fanon’s day, that colonial powers will only recognize the collective rights and identities of Indigenous peoples insofar as this recognition does not throw into question the background legal, political and economic framework of the colonial relationship itself.<sup>102</sup>

But the above examples confirm only one aspect of Fanon’s insight into the problem of recognition in colonial contexts: namely, the limitations this approach runs up against when pitted against these overtly structural expressions of domination. Are his criticisms and concerns equally relevant to the subjective or psycho-affective features of contemporary colonial power?

With respect to the forms of racist recognition driven into the psyches of Indigenous peoples through the institutions of the state, church, schools, media, and by

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<sup>100</sup> Quoted in James Tully, “Aboriginal Peoples: Negotiating Reconciliation”, in James Bickerton and Alan-G Gagnon (eds.), *Canadian Politics, 3<sup>rd</sup> edition* (Peterborough: Broadview Press, 2000), 413.

<sup>101</sup> Ibid.

<sup>102</sup> Elizabeth Povinelli convincingly argues this point in *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham: Duke University Press, 2002).

racist individuals within the dominant society, the answer is clearly yes. Countless studies, novels, and autobiographical narratives have outlined, in painful detail, how these expressions have saddled individuals with low self-esteem, depression, alcohol and drug abuse, and violent behaviors directed both inward against the self and outwards toward others.<sup>103</sup>

However, similarly convincing arguments have been made concerning the limited forms of recognition and accommodation offered to Indigenous communities through the law, self-government packages, land claims, and economic development initiatives. These modes of recognition will be explored more thoroughly in the next two chapters. For now, however, it is worth briefly highlighting the recent work of Isabel Altamirano-Jimenez, Taiaiake Alfred, and Paul Nadasdy, for each of them have demonstrated the ways in which the state institutional and discursive fields within and against which Indigenous demands for recognition are made and adjudicated can subtly shape the subjectivities and worldviews of the Indigenous claimants involved.<sup>104</sup> The problem here, of course, is that these fields are by no means neutral: they are profoundly hierarchical and power-laden, and as such have the ability to asymmetrically govern how Indigenous subjects think and act not only in relation to the topic at hand (the recognition claim), but also to themselves and to others. This is what I take Alfred to mean when he suggests, echoing Fanon, that the dominance of the legal approach to self-determination has, over time, helped produce of a class of Aboriginal "citizens"

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<sup>103</sup> Eduardo Duran and Bonnie Duran, *Native American Postcolonial Psychology* (Albany: State University of New York Press, 1995).

<sup>104</sup> Isabelle Altamirano-Jamenez, "North American First Peoples: Slipping into Market Citizenship", *Citizenship Studies* 8:4 (2004); Alfred, *Wasase*; and Paul Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon* (Vancouver: University of British Columbia Press, 2005).

whose rights and identities have become defined more in relation to the colonial state and its legal apparatus than the history and traditions of Indigenous nations themselves.<sup>105</sup> Similarly, strategies that have sought independence via mainstream economic development has already facilitated the creation of an emergent Aboriginal bourgeoisie whose thirst for profit has come to outweigh their ancestral obligations to the land and to others.<sup>106</sup> And land claims processes, which are couched almost exclusively in the discourse of property,<sup>107</sup> are now threatening to produce a new breed of Aboriginal property owner, whose territories, and thus whose very identities, risk becoming subject to expropriation and alienation. Whatever the method, the point being made here is that all of these strategies, even when carried out by sincere and well-intentioned individuals, threaten to erode the most traditionally egalitarian aspects of Indigenous ethical systems, ways of life, and forms of social organization.

### **III. Self-Recognition and Anti-Colonial Empowerment**

The argument sketched to this point is bleak in its implications. Indeed, left as is, it would appear that recognition inevitably leads to subjection, and as such much of what Indigenous peoples' have sought over the last thirty years to secure their freedom has in practice cunningly assured its opposite. Interpreted this way, my line of argument appears to adhere to an outdated conception of power, one in which postcolonial critics, often reacting against the likes of Fanon and others, have worked so diligently to refute. The implication of this view is that Indigenous subjects are *always* being interpellated by

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<sup>105</sup> Alfred, *Wasase*.

<sup>106</sup> *Ibid*.

<sup>107</sup> Nadasdy, *Hunters and Bureaucrats*.

recognition, being constructed by colonial discourse, or being assimilated by imperial power structures.<sup>108</sup> As a result, resistance to this totalizing power is often portrayed as an inherently reactionary, zero-sum project. To the degree that Fanon can be said to have been implicated in espousing such a totalizing view of colonial power, it has been suggested that he was unable to escape the Manichean logic so essential in propping up relations of colonial domination to begin with.<sup>109</sup>

Here (and later in Chapter 5) I want to defend Fanon, at least partially, from the charge that he advocated such a devastating view of power. However, in order to assess the degree to which Fanon anticipates and accounts for this general line of criticism, we must unpack his theory of anti-colonial agency and empowerment.

As argued throughout the preceding pages, Fanon did not attribute much emancipatory potential to Hegel's politics of recognition when applied to colonial situations. Yet this is not to say that he rejected the recognition paradigm entirely. As we have seen, like Hegel and Taylor, Fanon ascribed to the notion that relations of recognition are constitutive of subjectivity and that, when unequal, they can foreclose the realization of human freedom. On the latter point, however, he was deeply skeptical as to whether the mutuality envisioned by Hegel was achievable in the conditions indicative of contemporary colonialism. But if Fanon did not see freedom as naturally emanating from the slave being granted recognition from his or her master, where, if at all, did it originate?<sup>110</sup>

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<sup>108</sup> Bill Ashcroft, *Post-Colonial Transformations* (Routledge: New York, 2001), 35.

<sup>109</sup> Ashcroft, *Post-Colonial Transformations*; David Scott, *Refashioning Futures: Criticism after Postcoloniality* (Princeton: Princeton University Press, 1999) and *Conscripts of Modernity: The Tragedy of Colonial Enlightenment* (Durham: Duke University Press, 2004).

<sup>110</sup> I think Taylor's own account of recognition demands an answer to this question also. For instance, in relying on Hegel's master/slave dialectic to make his

In effect, Fanon claimed that the road to self-determination instead lay in a quasi-Nietzschean form of personal and collective *self-affirmation*.<sup>111</sup> Rather than remaining dependent on their oppressors for their freedom and self-worth, Fanon recognized that the colonized must instead struggle to work through their alienation/subjectation against the objectifying gaze and assimilative lure of colonial recognition. According to Fanon, it is this self-initiated process that “triggers a change of fundamental importance in the colonized’s psycho-affective equilibrium”.<sup>112</sup> According to this view, the colonized must initiate the process of decolonization by first recognizing *themselves* as free, dignified and distinct contributors to humanity. Unlike Nietzsche, however, Fanon equated this process of *self-recognition* with the praxis undertaken by the slave in Hegel’s *Phenomenology*, which Fanon saw as illustrating the necessity on the part of the oppressed to “turn away” from their other-oriented master-dependency, and to instead struggle for freedom on their own terms and in accordance with their own values.<sup>113</sup> I would also argue that this is why Fanon, although critical of the at times bourgeois and

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point about the constitutive relation between recognition and freedom, Taylor seems to downplay the fact that the agency and self-understanding fought for and won by the slave occurs in a condition marked by inequality and misrecognition, not reciprocity. As Nikolas Kompridis points out, here the slave is “able, at least partially, to resolve the ‘epistemological crisis’ set in motion by his unsatisfied [...] desire for recognition without receiving the kinds of recognition [theorist’s such as Taylor regard] as necessary and sufficient conditions of successful agency and personal identity.” This same point can be made with respect to the background political context animating Taylor’s essay: namely, since confederation the respective relationships of Quebec and Indigenous peoples to the Canadian state have been marked by domination, yet both Quebec and Indigenous peoples routinely resist this dominance through creative displays of political agency and collective empowerment; the Quiet Revolution and Red Power movements providing two particularly salient examples of this. In light of this, the question that needs to be asked again is where are these manifestations of collective empowerment coming from if not from recognition provided by the Canadian state? See Nikolas Kompridis, “Struggling over the Meaning of Recognition: A Matter of Identity, Justice or Freedom?” *European Journal of Political Theory* 6 (2007), 283.

<sup>111</sup> Fanon, *Black Skin, White Masks*, 222.

<sup>112</sup> Fanon, *The Wretched of the Earth*, 148.

<sup>113</sup> Fanon, *Black Skin, White Masks*, 221.

essentialist character of certain works within the *negritude* tradition, nonetheless saw the project as necessary.<sup>114</sup> Fanon was attuned to ways in which the individual and collective revaluation of Black culture and identity could serve as a source of pride and empowerment, and if approached critically and directed appropriately, could help jolt the colonized into an “actional” existence, as opposed to a “reactional” one characterized by *ressentiment*.<sup>115</sup> As Robert Young notes in the context of Third World decolonization, it was this initial process of collective self-affirmation that led many colonized populations to develop a “distinctive postcolonial epistemology and ontology” which enabled them to begin to conceive of and construct alternatives to the colonial project itself.<sup>116</sup>

I would argue that Fanon’s call in *Black Skin* for a simultaneous turn inward and away from the master, far from espousing a rigidly binaristic, Manichean view of power relations, instead reflects a profound understanding of the complexity involved in contests over recognition in colonial and racialized environments. Unlike Hegel’s life-and-death struggle between two opposing forces, Fanon added a multidimensional racial/cultural aspect to the dialectic, thereby underscoring the multifarious web of recognition relations that are at work in constructing identities and establishing (or undermining) the conditions necessary for human freedom and flourishing. Fanon showed that the power dynamics in which identities are formed and deformed were nothing like the hegemon/subaltern binary depicted by Hegel. In an anticipatory way,

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<sup>114</sup> Kruks, *Retrieving Experience*, 101. These issues will be explored further in Chapter 5.

<sup>115</sup> Fanon, *Black Skin, White Masks*, 222.

<sup>116</sup> Young, *Postcolonialism*, 275. For an authoritative treatment of the historical successes and failures of the Third World’s postcolonial political projects, see Vijay Prashad, *The Darker Nations: A People’s History of the Third World* (New York: The New Press, 2007).

then, Fanon's insight can also be said to challenge the overly negative and all-subjectifying view of interpellation that would plague Althusser's recognitive theory of ideology more than a decade later. For Althusser, the process of interpellation always took the form of "a fundamental misrecognition"<sup>117</sup> that served to produce within individuals the "specific characteristics and desires that commit them to the very actions that are required of them by their [subordinate] class position."<sup>118</sup> Fanon's innovation was that he showed how similar recognitive processes worked to "call forth" and empower individuals within communities of resistance.<sup>119</sup>

This is not to say, of course, that Fanon was able to completely escape the "Manicheism delirium"<sup>120</sup> that he was so astute at diagnosing. Those familiar with the legacy of Fanon's later work, for example, know that the "actional" existence that he saw self-recognition initiating in *Black Skin* would in *The Wretched* take the form of a direct and violent engagement with the colonial society and its institutional structure. "At the very moment [the colonized come to] discover their humanity", wrote Fanon, they must "begin to sharpen their weapons *to secure its victory*".<sup>121</sup> In Fanon's later work, violence would come to serve as a "kind of psychotherapy of the oppressed", offering "a primary form of agency through which the subject moves from non-being to being, from object to

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<sup>117</sup> Jorge Larrain, "Stuart Hall and the Marxist Concept of Ideology", in David Morley and Kuan-Hsing Chen (eds.), *Stuart Hall: Critical Dialogues in Cultural Studies* (New York: Routledge, 1996), 48.

<sup>118</sup> John Scott, *Power* (Cambridge UK: Polity Press, 2001), 10. Also see, Stuart Hall, "The Problem of Ideology: Marxism without Guarantees", in David Morley and Kuan-Hsing Chen (eds.), *Stuart Hall: Critical Dialogues in Cultural Studies* (New York: Routledge, 1996).

<sup>119</sup> Larrain makes a similar point but without reference to Fanon in "Stuart Hall and the Marxist Concept of Ideology", 49.

<sup>120</sup> Fanon, *Black Skin, White Masks*, 183

<sup>121</sup> Fanon, *Wretched of the Earth*, 8.

subject.”<sup>122</sup> In this sense, the practice of revolutionary violence, rather than the affirmative recognition of the other, offered the most effective means to transform the subjectivities of the colonized, as well as to topple the social structure that produced colonized subjects to begin with.

### Conclusion

In retrospect, Fanon appears to have overstated the “cleansing”<sup>123</sup> value he attributed to anti-colonial violence. Indeed, one could argue that many Algerians have yet to fully recover from the legacy left from the eight years of carnage and brutality that constituted Algeria’s war of independence with France. Nor was the Front de Libération Nationale’s (FLN) revolutionary seizure of the Algerian state apparatus enough to stave-off what Fanon would call “the curse of [national] independence”:<sup>124</sup> namely, the subjection of the newly “liberated” people and territories to the tyranny of the market and a post-independence class of bourgeois national elites. But if Fanon ultimately overstated violence’s role as the “perfect mediation”<sup>125</sup> through which the colonized come to liberate themselves from both the structural and psycho-affective features of colonial domination that he identified so masterfully, then what is the relevance of his work here and now? To quote Homi Bhabha, is Fanon’s contribution to anti-colonial thought and practice “lost in a time warp”?<sup>126</sup>

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<sup>122</sup> Robert Young, *Postcolonialism*, 295.

<sup>123</sup> *Ibid.*, 51

<sup>124</sup> *Ibid.*, 54.

<sup>125</sup> *Ibid.*, 44.

<sup>126</sup> Homi K Bhabha, “Forward: Framing Fanon”, in Frantz Fanon, *The Wretched of the Earth*, ix.

In this chapter I have suggested that Fanon's insights into the subjectifying nature of colonial recognition are as applicable today to the liberal "politics of recognition" as they were when he first formulated his critique of Hegel's master/slave relation. I have also suggested that Fanon's dual-structured conception of colonial power still captures the subtle (and not so subtle) ways in which a system of imperial domination that does not sustain itself exclusively by force is reproduced over time. As Taiaiake Alfred has recently argued, under these "post-modern" imperial conditions "[o]pression has become increasingly invisible; [it is] no longer constituted in conventional terms of military occupation, onerous taxation burdens, blatant land thefts, etc.",<sup>127</sup> but rather through a "fluid confluence of politics, economics, psychology and culture".<sup>128</sup> But if the dispersal and effects of colonial and state power are now so diffuse, how is one to transform or resist them? Here I believe that Fanon's work remains insightful. In that all important footnote in *Black Skin* where Fanon claimed to show how the condition of the slave in the *Phenomenology* differed from those in the colonies he suggested that Hegel provided a partial answer: that those struggling against colonialism must "turn away" from the colonial state and society and instead find in their own *transformative praxis* the source of their liberation. I think that today this process will and must continue to involve some form of critical individual and collective *self*-recognition on the part of Indigenous societies, not only in an instrumental sense like Fanon seemed to have envisioned it, but with the understanding that our cultures have much to teach the Western world about the establishment of relationships within and between peoples and the natural world that are profoundly non-imperialist. Also, the

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<sup>127</sup> Alfred, Wasase, 58

<sup>128</sup> Ibid., 30.

empowerment that is derived from this critically self-affirmative and self-transformative ethics of desubjectification must be cautiously directed *away* from the assimilative lure of the statist politics of recognition, and instead be fashioned toward our own on-the-ground struggles of freedom. As the feminist, anti-racist theorist bell hooks explains, such a project would minimally require that we stop being so preoccupied with looking “to that Other for recognition”; instead we should be “recognizing ourselves and [then seeking to] make contact with all who would engage us in a constructive manner.<sup>129</sup> In Chapter 5 I flesh-out what such a politics might look like; one that is less oriented around attaining a definitive form of affirmative recognition from the settler-state and society, and more about critically reevaluating, reconstructing and redeploying Indigenous cultural forms in ways that seek to prefigure, alongside those with similar ethical commitments, radical alternatives to the structural and psycho-affective facets of colonial domination discussed above. However, before I can commence with this concluding part of my project, Fanon’s critique of recognition must first be evaluated against the politics of recognition as it has played-out in the empirical context of Indigenous/state relations in Canada. Providing such an evaluation will be my focus in the next two chapters.

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<sup>129</sup> bell hooks, *Yearning: Race, Gender and Cultural Politics* (Boston: South End Press, 1990), 22.

## Chapter Three – Place Against Empire: The Dene Nation, Land Claims, and the Politics of Recognition in the North

“[For] [t]hirty years, our nations have been co-opted into movements of ‘self-government’ and ‘land claims settlements,’ which are goals defined by the colonial state and which are in stark opposition to our original objectives. [...] Our people were promised that they would be recognized as nations and that their lands would be returned, but instead of realizing these goals we are left with a nasty case of metastasizing governmentalism.”<sup>1</sup>

- Taiaiake Alfred

### Introduction

As suggested in Chapters 1 and 2, one of the problems most commonly associated with the politics of recognition has to do with the ways in which it has, at times, shown to be insufficiently informed by “a sociological understanding of power relations.”<sup>2</sup> For self-proclaimed “historical materialist” critics such as Frances Widdowson and Albert Howard, the conflict at the heart of those power relations effaced by the liberal recognition paradigm is primary economic in origin. “This conflict,” Widdowson and Howard write, is “elaborated in all of Marx’s writings [and] exists between the few who own the means of production and those who are the producers of all value.”<sup>3</sup> Elsewhere, they claim that insofar as the politics of recognition “encourages the native population to identify in terms of *ethnicity* instead of *socioeconomic class*” it must be discarded as

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<sup>1</sup> Taiaiake Alfred, *Wasase: Indigenous Pathways of Action and Freedom* (Peterborough: Broadview Press, 2005), 225.

<sup>2</sup> Lois McNay, *Against Recognition* (London: Polity, 2008), 3.

<sup>3</sup> Frances Widdowson and Albert Howard, *Disrobing the Aboriginal Industry: The Deception Behind Indigenous Cultural Preservation* (Montreal: McGill-Queen’s Press, 2007), 264.

inherently “divisive and reactionary.”<sup>4</sup> The authors then go on to tritely conclude that it is only by “eliminating this fundamental ‘difference’ [namely, *class* difference] that we can become a global tribe and the ‘world can live as one.’”<sup>5</sup>

In this chapter, I examine further the Left-materialist critique of identity/difference politics in light of the Dene Nation’s struggle for recognition and self-determination in the 1970s and early 1980s. In doing so, I suggest that insofar as the identity-related claims of Indigenous peoples for recognition are always bound-up with demands for a more equitable distribution of land, political power, and economic resources, the Left-materialist concern regarding the effacement of political economy by questions of cultural recognition is misguided when applied to settler-state contexts.<sup>6</sup> Indeed, following Ian Angus, I argue that, in contexts where “culture” is understood in an “inclusive anthropological sense” to “encompasses both ideology and material conditions”, the sharp distinction between base and superstructure that underwrites the Left-materialist position appears “rather useless as a starting point for social philosophy

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<sup>4</sup> Frances Widdowson and Albert Howard, “With friends like this, aboriginal people don’t need enemies: A reply to Peter Kulchyski”, *Canadian Dimension* (March 2009); emphasis added. Online at: <http://canadiandimension.com/articles/1710/>.

<sup>5</sup> Widdowson and Howard, *Disrobing the Aboriginal Industry*, 264.

<sup>6</sup> Although it is beyond the scope of this chapter, I would argue that this claim applies to other identity-related struggles as well. As James Tully argues, when “struggles over recognition” are conceived of in “broad” or “ontological” terms, it is clear that any effort to alter “the norms under which citizens are led to recognize themselves [and each other] will have effects in the distribution or redistribution of the relations of power among them.” This is as true in cases where workers collectively struggle to challenge the prevailing norms of exploitative (non)recognition that have hitherto excluded them from participating in the democratic governance of a site of production, as it is in contexts where a group of Indigenous women challenge a patriarchal norm of (mis)recognition which has functioned to exclude, assimilate, or dominate them. When seen in this light, many, if not most, of today’s prominent social movements clearly “exhibit both recognition and distribution aspects.” James Tully, *Public Philosophy in a New Key: Volume 1 - Democracy and Civic Freedom* (Cambridge: Cambridge University Press, 2008), 293-300.

and political criticism.”<sup>7</sup> However, if one takes a modified version of the Left-materialist challenge and instead examines the relationship between Indigenous recognition claims and the distinction made by Nancy Fraser between “transformative” and “affirmative” forms of redistribution the criticism begins to hold more weight.<sup>8</sup> Recall that “transformative” models of redistribution are those that seek to correct unjust distributions of power and resources *at their source*; that is, they not only seek to alter “the *content* of current modes of domination and exploitation, but also the *forms* that give rise to them.”<sup>9</sup> As we shall see below, the last thirty years has witnessed a gradual erosion of this radical imaginary within the mainstream Dene recognition and self-determination movement, which in the context of land claims and economic development, has resulted in a significant (although by no means total) decoupling of Indigenous “cultural” claims from the transformative visions of social, political and economic change that once constituted them. The purpose of this chapter is to elucidate in concrete terms how and why this has emerged as the case.

The argument presented below is broken into four sections and a conclusion. In sections 1 through 4, I examine the process of primitive accumulation as experienced by the Dene peoples of the Northwest Territories, Canada. These sections are meant to illuminate in more practical terms the theoretical discussion provided in Chapter 1. More specifically, in section 1, I examine the changing social, political and economic context within and against which the Dene self-determination movement emerged in the

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<sup>7</sup> Ian Angus, *A Border Within: National Identity, Cultural Plurality, and Wilderness* (Montreal: McGill-Queen’s Press, 1997), 3.

<sup>8</sup> Nancy Fraser and Axel Honneth, *Recognition or Redistribution? A Political Philosophical Exchange* (New York: Verso, 2003), 72-78.

<sup>9</sup> Richard JF Day, *Gramsci is Dead: Anarchist Currents in the Newest Social Movements* (Ann Arbor: Pluto Press, 2005), 4.

1970s and 1980s. In section 2, I examine the cultural foundation undergirding the Dene Nation's critique of capitalist imperialism as expressed at the public hearings of the Mackenzie Valley Pipeline Inquiry between 1975 and 1977. In sections 3 and 4, I show how a similar critique came to inform our demand for cultural recognition in the Dene Declaration of 1975, as well as the three subsequent land claims proposals submitted by the Dene Nation to the federal government in 1976, 1977, and 1981. I argue that all four of these articulations of recognition were informed by a place-based ethics that fundamentally challenged the assumed legitimacy of colonial sovereignty over and capitalist social relations on Dene territories. And finally, in my conclusion, I examine some of the effects that the negotiation of land claims has had on this place-based ethics, and how these effects have in turn shaped the contemporary trajectory of Indigenous politics in northern Canada toward neo-colonial ends. Although the last century has witnessed numerous attempts by the state to coercively integrate our land and communities into the fold of capitalist modernity, it was not until the negotiation of land claims settlements in the 1970s and 1980s that this process began to significantly take hold. In this respect, it would appear, as my reading of Fanon's analysis suggests, that the process of primitive accumulation has been at least in part facilitated by the very mechanism of recognition that we hoped might shield our land and communities from it: the negotiation of a land settlement.

### **I. A Brief History of Denendeh**

According to oral historical accounts, the Dene have occupied and governed themselves over the lands within and immediately surrounding what is now the Northwest Territories (NWT), Canada, since time immemorial. During the period under

examination here, it was not uncommon for Dene to refer to this vast homeland as Denendeh, or “land of the people,” which traditionally covered an area that spans over one million square kilometres from the mouth of the Mackenzie River (or Dehcho, as the Dene call it), southward to the northern tip of the provinces, and east to Hudson Bay. Today, however, the word Denendeh has *defacto* come to represent much of the geographical area known as the present NWT (excluding, of course, Inuvialuit territory in the far north), thus distinguishing it from Nunavut (which, in 1999, was established as the publically-governed territory of the Inuit). Non-Native accounts derived from recent archaeological and linguistic evidence, while imprecise and controversial, suggests that the first direct ancestors of the Dene migrated to our present location between two to three thousand years ago, although unspecified human population is thought to have occurred well before this time (anywhere between 10,000 to 28,000 years ago).<sup>10</sup>

There are currently five Dene regions that fall within the political boundaries of the present NWT. The most northern region is occupied by the Gwich'in Dene, whose comprehensive land claim area, settled in 1992, borders the southernmost boundary of the Inuvialuit land claim area, settled eight years previous.<sup>11</sup> Immediately to the south of the Gwich'in lay the territories of the Sahtu Dene (comprised of the Hare, Mountain and Bear Lake people), whose lands stretch west and north of Great Bear Lake, which in their own language is also referred to as Sahtu. In conjunction with the Métis of the

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<sup>10</sup> See Kerry Abel, *Drum Songs : Glimpses of Dene History* (Montreal: McGill-Queen's Press, 1993), Chapter 1.

<sup>11</sup> Department of Indian Affairs and Northern Development, *Gwich'in Comprehensive Land Claims Agreement, Two Volumes* (Ottawa: Minister of Public Works and Government Services Canada, 1992). For background information on the Inuvialuit comprehensive claim, see Department of Indian Affairs and Northern Development, *NWT Plain Facts: On Land and Self-Government, The Inuvialuit Final Agreement* (Ottawa: Minister of Public Works and Government Services Canada, 2007).

region, the Sahtu Dene settled their comprehensive land claim in 1993.<sup>12</sup> Just south of the Sahtu claim area is the Dehcho region, occupied by Slavey-speaking Dene. Although their land claim has yet to be settled, Dehcho territory extends south beyond the Mackenzie River to the NWT/Alberta/British Columbia borders. Just north and to the west of the Dehcho region are the territories of the Tlicho Dene. Tlicho lands extend up from Great Slave Lake (or Tucho, as the Dene refer to it) to the NWT/Nunavut border. The Tlicho are the most recent Dene group to settle their land claim dispute, which in 2003 became law and includes the first Aboriginal self-government agreement in the NWT.<sup>13</sup> And finally, just south of Tlicho territory is the Akaitcho region, occupied by the Weledeh (or Yellowknives) and Chipewyan Dene. This region is my home territory and extends south of Great Slave Lake to the NWT/Albert/Saskatchewan borders and east to Nunavut. Unlike the other regions noted above, in 1999, our communities decided to pursue our land grievances (which have yet to be settled) via the specific claims process (through Treaty Land Entitlement, or TLE) instead of the comprehensive claims route.<sup>14</sup> Although vastly separated in terms of geography, all of the Dene nations occupying these regions speak related dialects of the Northern Athapaskan language

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<sup>12</sup> Department of Indian Affairs and Northern Development, *Sahtu Dene and Metis Comprehensive Land Claim Agreement, Two Volumes* (Ottawa: Minister of Public Works and Government Services Canada, 1993).

<sup>13</sup> For background information on the Tlicho Agreement, see Department of Indian Affairs and Northern Development, *Background: The Tlicho Agreement – Highlights*. Online at: <http://www.ainc-inac.gc.ca/ai/mr/nr/j-a2004/02462bbk-eng.asp>.

<sup>14</sup> Under federal policy, specific claims differ from comprehensive claims insofar as the latter do not involve an Aboriginal title claim but rather seek to implement the specific rights and provisions outlined in a historical treaty (which the Crown has failed to live up to), or those that flow from the state's fiduciary obligation to protect the interests of Aboriginal peoples in its management of band money, lands or other assets. See, Department of Indian Affairs and Northern Development, *Specific Claims: Justice at Last* (Ottawa: Minister of Public Works and Government Services, 2007).

family and historically shared many similarities in terms of spiritual beliefs, legal orders, forms of governance, and economic systems.

The 1950s and 60s witnessed several profound changes in the economic and political landscape of Denendeh, all of which would come to shape the character of Dene activism in the decades to follow. During this period, many Dene individuals found themselves having to escalate their involvement in the cash economy of the emerging settler society due to an increase in the in the cost of trade goods and a decrease in the price of furs following World War II.<sup>15</sup> As a result, by the 1950s, many families had to supplement income derived from hunting, trapping and fishing with a combination of paid labour, welfare, and family allowance.<sup>16</sup> Assuming that the fur trade would never recover from the post-War recession, the federal government began to initiate policies aimed at forcefully establishing permanent Dene communities, arguing that this would better facilitate the integration of adult workers into the wage economy, and at the same time provide a context conducive to educating Native children in the skills required for attaining employment in an industrial capitalist society. Even with this being the case, by the late 1960s, the full effects of primitive accumulation had yet to take hold and a delicate balance was struck between a mode of life sustained by land-based harvesting activities on the one hand, and income generated from state transfers and seasonal paid employment on the other.<sup>17</sup>

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<sup>15</sup> Martha Johnson and Robert A. Ruttan, *Traditional Dene Environmental Knowledge* (Hay River: Published by the Dene Cultural Institute, 1993), 98-99; Michael Asch, "The Economics of Dene Self-Determination", in D. Turner and A. Smith (ed.), *Challenging Anthropology* (Toronto: McGraw-Hill, 1980), 345-347 and "The Dene Economy," in Mel Watkins (ed.) *Dene Nation: The Colony Within* (Toronto: University of Toronto Press, 1977), 56-57; Peter Usher, "The North: One land, Two Ways of Life", in LD McCann (ed.), *Heartland and Hinterland: A Geography of Canada* (Scarborough: Prentice-Hall, 1982).

<sup>16</sup> Asch, "The Dene Economy," 56-57.

<sup>17</sup> *Ibid.*, 56-58.

The fragile “articulation” struck in the 1950s and 60s between these two distinct ways of life – that of the industrial capitalist and the Indigenous hunting/fishing/harvesting – was largely absent in the political sphere, however, where northern development was occurring in a far more asymmetrical manner.<sup>18</sup> The clearest example of this came in 1967, when Canada announced its plans to transfer the administrative centre of the NWT from Ottawa to Yellowknife, without consulting the majority Native population. Prior to this, the sole political authority over issues concerning the NWT rested with the federal government in Ontario. After the transfer, the size and power of both the Government of the Northwest Territories (GNWT) and its non-Native constituency increased dramatically. Between 1967 and 1979, for example, the GNWT grew from 75 to 2,845 employees, “approximately 400 more than the number of federal employees working in the region.”<sup>19</sup> During the same period, the operating and capital budgets of the GNWT rose from \$14,584,00 to \$282,167,000 – “almost a twenty-fold increase.”<sup>20</sup> Not surprisingly, the influx of administrative staff and families significantly affected the area’s general population, which jumped from roughly 29,000 to 35,000 between 1966 and 1971.<sup>21</sup> As the above numbers indicate, a significant percentage of this increase can be attributed to the newly formed northern bureaucracy. As the settler population continued to grow, many of the newcomers began to pressure the federal government to advance northern economic initiatives, most notably in the form of non-renewable resource development. As one might expect, all of this would generate

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<sup>18</sup> Abel, *Drum Songs*, 244.

<sup>19</sup> Mark Dickerson, *Whose North? Political Change, Political Development, and Self-Government in the Northwest Territories* (Vancouver: University of British Columbia Press, 1992), 89-90.

<sup>20</sup> *Ibid.*, 90.

<sup>21</sup> Statistics Canada, *2001 Census Analysis Series – A Profile of the Canadian Population: Where We Live* (Ottawa: The Government of Canada, 2001), 1.

feelings of discontent and alienation within and among our communities, as we soon found ourselves becoming a numerical minority in our homeland with little influence over issues pertinent to the well being of our land and way of life.<sup>22</sup> As the Dene Nation explained in 1984: "Although we [remained] the majority population in Denendeh [after 1967], we were finding ourselves to have less say in the administration and laws of our land. Every year more mines were discovered and opened, roads were built, parks proposed, oil and gas wells drilled, without our consent or often our knowledge."<sup>23</sup>

From the position of the minority non-Native population, however, the devolution of powers from Ottawa to Yellowknife seemed to reflect an attempt to foster legitimate and responsible government north of 60°. This was the position advanced, for example, by the Advisory Commission on the Development of Government in the Northwest Territories, also known as the "Carrothers Commission." In 1965, the federal government established the Commission to investigate local preferences for political development in the NWT, including the possibility of splitting the district into two geographical units.<sup>24</sup> Over the following year, the Commission documented the testimony of 3,039 residents in fifty-one communities across the region.<sup>25</sup> In 1966, the Commission published its findings, which suggested that Canada keep the NWT intact, but "locate the government of the Territories within the Territories, to decentralize its operations as far as practicable, to transfer administrative functions from the central to

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<sup>22</sup> Dene Nation, *Denendeh: A Dene Celebration* (Yellowknife: Published by The Dene Nation, 1984), 19.

<sup>23</sup> *Ibid.*

<sup>24</sup> Dickerson, *Whose North?*, 83-84.

<sup>25</sup> Garth M. Evans, "The Carrothers Commission Revisited," in *Northern Transitions Volume II: Second National Workshop on People, Resources and the Environment North of 60*, eds. Robert Keith and Janet Wright (Ottawa: Canadian Arctic Resources Committee, 1978), 299.

the territorial government in order that the latter may be accountable on site for the administration of the public business, and to concentrate on economic development and opportunity for the residents of the north.”<sup>26</sup> The following year, Canada responded to the recommendations by establishing Yellowknife as the territorial capital, and by committing to more non-renewable resource development in the area.

Not coincidentally, as the federal government prepared to establish a territorial bureaucracy in Yellowknife, widespread excitement was mounting over the possibility of future petroleum discoveries off the northern shores of Canada and the United States.<sup>27</sup> As it turned out, the excitement was well founded, and in 1968, a huge reservoir of oil and natural gas was discovered beneath Prudhoe Bay, Alaska. Almost immediately, Canada started enthusiastically fielding plans from a consortium of corporations to construct a multi-billion dollar pipeline that would transport the gas via the Mackenzie River Valley to markets throughout southern Canada and the United States.<sup>28</sup> As the federal government stated in 1969: “From the first realization of the magnitude of the Prudhoe Bay find, it [had] been considered likely that [...] gas from the field would [...] find its way to markets in the USA by a pipeline through Canada.”<sup>29</sup> At the time, the estimated cost of the Mackenzie Valley pipeline would have established it

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<sup>26</sup> Dickerson, *Whose North?*, 86.

<sup>27</sup> Institute for Psycho-Political Research and Education, “Political Development in the Northwest Territories,” in *Northern Transitions Volume II: Second National Workshop on People, Resources and the Environment North of 60*, eds. Robert Keith and Janet Wright (Ottawa: Canadian Arctic Resource Committee, 1978), 318.

<sup>28</sup> Gerald Sutton, “Aboriginal Rights,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977) 149.

<sup>29</sup> Quoted in Bruce Alden Cox, “Changing Perceptions of Industrial Development in the North,” in *Native Peoples, Native Lands*, ed. Bruce Alden Cox (Ottawa: Carleton University Press, 1991), 223.

as the largest private sector development project in the history of Canada, and quite possibly the world.<sup>30</sup>

Unfortunately, for the Dene, Inuit, and Metis of the area, the proposed right-of-way for the pipeline - along with a massive infrastructure of roads, airstrips, camps, gravel pits, storage sites, stream crossings, and gas plants - would cut south across the entire western half of our homeland.<sup>31</sup> All of this meant little to the federal and territorial governments, both of which would at the time maintain their "tradition of ignoring native demands in the north."<sup>32</sup> Although the majority of Dene, Inuit and Métis overwhelmingly rejected the idea of an imposed pipeline development from the outset, these communities were not initially provided with a means to formally voice their opposition. As Edgar Dosman put it, at the time "no channels existed for the articulation of [Native] concerns. They had no way of knowing what was going on, or what decisions had already been taken. Yet pipeline and resource decisions would change and probably destroy their traditions and way-of-life."<sup>33</sup>

The federal government's ability to completely ignore the voices of the north's Indigenous population would soon suffer a major setback, however. In 1969, when sixteen Dene chiefs convened at Fort Smith under the sponsorship of the Department of Indian Affairs and Northern Development, it was decided that the Dene needed a more independent and aggressive political body to represent their communities' concerns. It was at this meeting that leadership established the Indian Brotherhood of the Northwest

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<sup>30</sup> Thomas Berger, *Northern Frontier, Northern Homeland, Volume One* (Ottawa: Minister of Supply and Services Canada, 1977), ix.

<sup>31</sup> *Ibid.*

<sup>32</sup> Edgar Dosman, *The National Interest: The Politics of Northern Development, 1968-75* (Toronto: McClelland and Stuart, 1975), xiii.

<sup>33</sup> *Ibid.*, 25.

Territories, or IB-NWT (renamed the Dene Nation in 1978). The Inuvialuit followed suit and established the Committee for Original Peoples' Entitlement, or COPE, in 1970. In 1971, the Inuit Tapirisat of Canada was formed to address the concerns of all Inuit in Canada, including those within the NWT. And finally, in 1972, the Metis Association of the Northwest Territories was set up to represent the interests of the Métis and non-status Dene population. Although each organization differed in its specific concerns and visions regarding the scope of northern development, all three would nonetheless mount a push to defend the interests of Indigenous peoples against the vision of economic and political expansion that state and industry began to aggressively impose the decade previous.<sup>34</sup>

For the Dene, making such a push would emerge as one of the IB-NWT's first major orders of business. This culminated in 1973, when Forth Smith chief Francois Paulette, along with fifteen other chiefs represented by the IB-NWT, filed a "caveat" with the Northwest Territories Registrar of Land Titles, claiming a Dene interest in over one million square kilometres of the NWT.<sup>35</sup> The Crown responded by challenging the Dene right to file the caveat, but later that year, Justice William G. Morrow of the Supreme Court of the Northwest Territories decided that they had "a potentially legitimate case and at least had a right to be heard."<sup>36</sup> In his subsequent decision, Justice Morrow ruled in favour of the Dene, claiming that the "indigenous people" had a

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<sup>34</sup> Peter Kulchyski, *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut* (Winnipeg: University of Manitoba Press, 2005), 61-62. On the differing ideological perspectives of each organization vis-à-vis northern development, see Peter Usher, "Northern Development, Impact Assessment, and Social Change", in Noel Dick and James Waldram (ed.) *Anthropology, Public Policy and Native Peoples in Canada* (Montreal: McGill-Queen's University Press, 1993), 110-111.

<sup>35</sup> *Re: Paulette and Registrar of Land Titles, (1973)*. For a discussion of the caveat also see, Abel, *Drum Songs*, 250.

<sup>36</sup> Abel, *Drum Songs*, 250

definite interest in the land covered by the caveat, and that “they have what is known as aboriginal rights.”<sup>37</sup> More importantly, however, Morrow concluded that historical evidence suggested that it was unlikely that the Dene had knowingly extinguished their title to the lands covered by Treaties 8 and 11, which they had negotiated with the Crown in 1900 and 1921 respectively.<sup>38</sup> Although the case was eventually appealed and subsequently thrown out on a technicality, the questions raised by Justice Morrow regarding the continued existence of Aboriginal title were never challenged at appeal.

Two major developments arose in the aftermath of this push of early 1970s Native activism. First, on August 8, 1973, the month before Justice Morrow rendered his decision in *Re: Paulette*, the federal government announced its new comprehensive land claims policy.<sup>39</sup> This announcement, which emerged in the context of heightened Native concerns over the course of northern industrialization, widespread First Nations resistance to the federal government’s 1969 “White Paper” on Indian Policy, and the Supreme Court of Canada’s 1973 *Calder* decision, essentially reversed the state’s fifty-two year policy of refusing to address Native land grievances where questions surrounding the existence of Aboriginal title remained open. Because the Dene had essentially asserted in filing their caveat that they had never extinguished their political rights and/or legal title to their traditional territories, despite having signed Treaties 8 and 11, the Crown proceeded with our claim under its new policy, which was set up to

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<sup>37</sup> Quoted in Miggs Wynne Morris, *Return to the Drum: Teaching Among the Dene in Canada’s North* (Edmonton: NeWest Press, 2000), 138.

<sup>38</sup> On the history of Treaties 8 and 11 see, Rene Fumoleau, *As Long as This Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939* (Calgary: University of Calgary Press, 2004).

<sup>39</sup> Department of Indian Affairs and Northern Development, *Statement on Claims of Indian and Inuit People: A Federal Native Claims Policy* (Ottawa: Department of Indian Affairs and Northern Development), 1973.

deal with cases “based on the assertion of continuing Aboriginal title to lands and resources.”<sup>40</sup> The thrust of the comprehensive claims policy, which was reaffirmed in 1981, is to “exchange the claims to undefined Aboriginal rights for a clearly defined package of rights and benefits set out in a settlement agreement.”<sup>41</sup>

The second development was the establishment of the Mackenzie Valley Pipeline Inquiry, also known as the “Berger Inquiry.” Realizing that it could no longer simply disregard the rights of northern Indigenous peoples, the Crown agreed to sponsor a “commission of inquiry” to investigate the environmental and social impacts potentially posed by the construction of the Mackenzie Valley project. Under political pressure from the New Democratic Party, the Trudeau administration somewhat reluctantly selected Justice Thomas Berger – an outspoken environmentalist and Native rights advocate – to head the investigation. Beginning in the summer of 1975, the commission traveled across Canada and the north, recording the statements, opinions and concerns of hundreds of expert witnesses and nearly a thousand individuals who would likely be affected by the proposed project, both Native and non-Native. After listening to twenty-one months of testimony, Berger released his two-volume report, *Northern Frontier, Northern Homeland*, which recommended that no pipeline ever be built along the north slope of the Yukon between Prudhoe Bay and the Mackenzie Delta, and that a ten year moratorium be placed on the construction of the Mackenzie Valley project itself, which would ideally allow time for environmental and Native land claims issues to be resolved.<sup>42</sup> Ten years later, in reflecting on the importance of the Berger Inquiry for

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<sup>40</sup> Department of Indian Affairs and Northern Development, “Comprehensive Claims Policy and Status of Claims,” (March 2002), 1.

<sup>41</sup> *Ibid.*

<sup>42</sup> Berger, *Northern Frontier, Northern Homeland*, xxvi-xxvii.

highlighting the struggles of Indigenous peoples, Frances Abele wrote: “[p]robably no royal commission or public inquiry has sustained such a large and diverse audience, or provoked, years after its conclusion, such strong emotional responses.”<sup>43</sup>

## II. “That is Not Our Way”: Challenging Colonial Development

By the mid-1970s, the Dene had developed a radical analysis of colonial development and effectively utilized both the IB-NWT and the Berger Inquiry to voice their position. As Peter Usher notes, this analysis amounted to a fundamental “critique of capitalism and industrialization.”<sup>44</sup> At this point, I want to return to and further develop a claim I made in Chapter 1 regarding the difference between the normative foundation underwriting Indigenous anti-colonialism and anti-capitalism and that which underwrites similar sentiments within the Western radical tradition, most notably that of Marxism. There I suggested that, when related back to the two pillars of Marx’s primitive accumulation thesis – dispossession and proletarianization – it would appear that, in Canada, the history and experience of the former has structured the political relationship between Indigenous peoples and the state to a greater extent than the latter. I also suggested that the primary experience of dispossession is what also tends to fuel the most common modes of Indigenous resistance to and criticism of the colonial relationship itself: that is, Indigenous struggles against capitalist imperialism are best understood as struggles oriented around the question of *land* – struggles not only *for* land, but also deeply *informed* by what the land as a mode of *relationship* ought to teach

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<sup>43</sup> Frances Abele, *The Berger Inquiry and the Politics of Transformation in the Mackenzie Valley* (Toronto: PhD. Dissertation, York University, 1983), 1.

<sup>44</sup> Usher, “Northern Development, Impact Assessment and Social Change,” 111.

us about living our lives in relation to one another and our surroundings in a respectful, non-dominating and non-exploitative way.

In his groundbreaking 1972 text, *God is Red*, the late Lakota philosopher Vine Deloria Jr. argues that one of the most significant differences that exist between Indigenous and Western metaphysics revolves around the central importance of land to Indigenous modes of being, thought, and ethics.<sup>45</sup> When “ideology is divided according to American Indian and Western European [traditions]”, writes Deloria, this “fundamental difference is one of great philosophical importance. American Indians hold their lands – *places* – as having the highest possible meaning, and all their statements are made with this reference point in mind.”<sup>46</sup> Whereas most Western societies, by contrast, tend to derive meaning from the world in historical/developmental terms, thereby placing *time* as the narrative of central importance.<sup>47</sup> Deloria then goes on to conclude: “When one group is concerned with the philosophical problem of space and the other with the philosophical problem of time, then the statements of either group do not make much sense when transferred from one context to the other without the proper consideration of what is taking place.”<sup>48</sup>

In drawing our attention to the distinction between Indigenous place-based and Western time-oriented understandings of the world, Deloria does not simply intend to reiterate the rather obvious observation that most Indigenous societies hold a strong attachment to their homelands, but is instead attempting to explicate the position that

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<sup>45</sup> Vine Deloria Jr., *God is Red: A Native View of Religion* (Golden, CO: Fulcrum Publishing, 1992), especially Chapter 4.

<sup>46</sup> *Ibid.*, 62; emphasis added.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*, 63.

land occupies as an ontological framework for understanding *relationships*. Seen in this light, it is a profound misunderstanding to think of land or place as simply some material object of profound importance to Indigenous cultures (although it is this too); instead it ought to be understood as a field of “relationships of things to each other.”<sup>49</sup> Place is a way of knowing, experiencing and relating with the world; and sometimes these ways of knowing can guide forms of resistance against other rationalizations of the world that threaten to erase our senses of place.<sup>50</sup> This, I argue, is precisely the understanding of land that grounded our critique of colonialism and capitalism in the 1970s and early 1980s. In the Wedeleh dialect of Dogrib (which is my community’s language), for example, “land” (or *dè*) is translated in relational terms as that which encompasses not only the land (understood here as material), but also people and animals, rocks and trees, lakes and rivers, and so on. Seen in this light, we are as much a part of the land as any other element. Furthermore, within this system of relations human beings are not the only constituent believed to embody spirit or agency. Ethically, this meant that humans held certain obligations to the land, animals, plants, and lakes in much the same way that we hold obligations to other people. And if these obligations were met, then the land, animals, plants and lakes would reciprocate and meet their obligations to humans, thus ensuring the survival and well being of all over time.<sup>51</sup> Consider, for example, the following story told by the late George Blondin, a

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<sup>49</sup> Vine Deloria Jr., “Power and Place Equal Personality”, in Vine Deloria Jr. and Daniel Wildcat, *Power and Place: Indian Education in America* (Golden, CO: Fulcrum Publishing, 2001), 23.

<sup>50</sup>Tim Cresswell, *Place: A Short Introduction* (New York: Blackwell, 2004), 11.

<sup>51</sup> See, for example, the discussion of land-as-relationship expressed in Bill Erasmus’ “Forward” to Stephanie Irlbacher-Fox, *Finding Dahshaa: Self-Government, Social Suffering, and Aboriginal Policy in Canada* (Vancouver: University of British Columbia Press, 2009) and Sally Anne Zoe, Madelaine Chocolat and Allice Legat, “Tlichò Nde: The Importance of Knowing,” unpublished research paper prepared for the Dene Cultural

respected Sahtu Dene elder. The tale recounts an experience his brother Edward had while hunting moose:

Edward was hunting near a small river when he heard a raven croaking, far off to his left. Ravens can't kill animals themselves, so they depend on hunters and wolves to kill food for them. Flying high in the sky, they spot animals too far away for hunters or wolves to see. They then fly to the hunter and attract his attention by croaking loudly, then fly back to where the animals are.

Edward stopped and watched the raven carefully. It made two trips back and forth in the same direction. Edward made a sharp turn and walked to where the raven was flying. There were no moose tracks, but he kept following the raven. When he got to the riverbank and looked down, Edward saw two big moose feeding on the bank. He shot them, skinned them, and covered the meat with their hides.

Before he left, Edward put some fat meat out on the snow for the raven. He knew that without the bird, he wouldn't have killed any meat that day.<sup>52</sup>

Notice how Blondin's narrative not only emphasizes the consciousness and individual agency of the raven, but also depicts the relationship between the hunter and the bird as a mutually interdependent one. The cooperation displayed between Edward and the raven provides a clear example of the ethic of reciprocity and sharing underlying Dene understandings of their relationship with land.

In the decades leading up to the Mackenzie Valley Pipeline Inquiry, it became apparent to many people within our communities that the organizational imperatives of capital accumulation signified an affront to our normative understanding of what constituted proper relationships – relationships between people, relationships between humans and their environment, and relationships between individuals and institutions

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Institute, Dogrib Treaty 11 Council and BHP Diamonds Inc. (1995), 5. For similar accounts in other Indigenous contexts, see, Paul Nadasdy, "The Gift in the Animal: The Ontology of Hunting and Human-Animal Sociality," *American Ethnologist* 34-1 (2007); Keith Basso, *Wisdom Sits in Places: Language and Landscape among the Western Apache* (Albuquerque: University of New Mexico Press, 1996); and Thomas F. Thornton, *Being and Place Among the Tlingit* (Seattle: University of Washington Press, 2008).

<sup>52</sup> George Blondin, *When the World Was New: Stories of the Sahtu Dene* (Yellowknife: Outcrop Publishers, 1990), 155-156.

of authority (whether economic or political). Although by the mid 1970s, this *place*-based ethics had been worn by decades of colonial *displacement*, it was still functioning enough to frame both our critique of capitalist development and our ways of thinking about how we might establish political and economic relations both within our own communities and with Canada based on principles of reciprocity and mutual obligation. Not coincidentally, Peter Kulchyski highlights this spatial feature of Indigenous struggle well in his excellent book, *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut*, when he writes: “It is possible to argue that precisely what distinguishes anti-colonial struggles from the classic Marxist accounts of the working class is that oppression for the colonized is registered in the spatial dimension – as *dispossession* – whereas for workers, oppression is measured as exploitation, as the theft of *time*.”<sup>53</sup> I would simply add here that Indigenous ways of thinking about *non-oppressive* relations are often expressed with this spatial referent in mind as well.

Any cursory glance at the testimony made by Indigenous participants at the Berger Inquiry clearly demonstrates the significance of land in our critique of colonial development. One of the most profound statements of this sort was delivered by Philip Blake, a Dene from Fort McPherson. Notice the three interrelated meanings of “land” at play in his narrative: land-as-resource central to our material survival; land-as-identity, as constitutive of who we are as a people; and land-as-relationship:

If our Indian nation is being destroyed so that poor people of the world might get a chance to share this worlds riches, then as Indian people, I am sure that we would seriously consider giving up our resources. But do you really expect us to give up our life and our lands so that those few people who are the riches and most powerful in the world today can maintain their own position of privilege?  
*That is not our way.*

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<sup>53</sup> Kulchyski, *Like the Sound of a Drum*, 88.

I strongly believe that we do have something to offer your nation, however, something other than our minerals. I believe it is in the self-interest of your own nation to allow the Indian nation to survive and develop in our own way, on our own land. For thousands of years we have lived with the land, we have taken care of the land, and the land has taken care of us. We did not believe that our society has to grow and expand and conquer new areas in order to fulfill our destiny as Indian people.

We have lived with the land, not tried to conquer or control it or rob it of its riches. We have not tried to get more and more riches and power, we have not tried to conquer new frontiers, or out do our parents or make sure that every year we are richer than the year before.

We have been satisfied to see our wealth as ourselves and the land we live with. It is our greatest wish to be able to pass on this land to succeeding generations in the same condition that our fathers have given it to us. We did not try to improve the land and we did not try to destroy it.

*That is not our way.*

I believe your nation might wish to see us, not as a relic from the past, but as a way of life, a system of values by which you may survive in the future. This we are willing to share.<sup>54</sup>

When Blake suggests in his testimony that as “Indian people” we must reject the pathological drive for accumulation that fuels capitalist expansion, he was basing this statement on a conception of Dene identity which locates us as an inseparable part of an expansive system of interdependent relations covering the land and animals, past and future generations, as well as other people and communities. For many Natives at the time of the Berger Inquiry, this relational conception of identity was non-negotiable; it constituted a fundamental feature of what it meant to be Dene. Furthermore, it also demanded that we conduct ourselves in accordance with certain ethico-political norms, which stressed, among other things, the importance of sharing, egalitarianism, respecting the freedom and autonomy of both individuals and groups, and recognizing the obligations that one has not only to other people, but to the natural world as a

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<sup>54</sup> Philip Blake, “Statement to the Mackenzie Valley Pipeline Inquiry”, in Mel Watkins (ed.), *Dene Nation: The Colony Within* (Toronto: University of Toronto Press, 1977), 7-8; emphasis added.

whole.<sup>55</sup> I suggest that it was this place-based ethics that served as the foundation from which we critiqued the dual imperatives of colonial sovereignty and capitalist accumulation that came to dictate the course of northern development in the post-war period. In the following section, I show how the same foundation shaped the Dene Nation's demand for recognition and self-determination in the years to follow.

### **III. The Dene Declaration: Understanding Indigenous Nationalism**

On July 19, 1975, at the second annual Joint General Assembly of the Indian Brotherhood of the NWT and the Metis and Non-Status Association of the NWT, over three hundred Indigenous delegates unanimously voted to adopt what quickly became known as the "Dene Declaration" - a political manifesto demanding the full "recognition" of the Dene as a "self-determining" nation "within the country of Canada".<sup>56</sup> In his *Heeding the Voices of Our Ancestors*, Gerald Taiaiake Alfred provides a theory of Indigenous nationalism useful for developing an understanding of the politicized articulation of indigeniety called attention to in the Dene Declaration.<sup>57</sup> According to Alfred, Indigenous expressions of nationhood are "best viewed as having both a relatively stable core which endures and peripheral elements that are easily adapted or manipulated to accommodate the demands of a particular political

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<sup>55</sup> See for example, Lesley Malloch, *Dene Government: Past and Future* (Yellowknife: Published by the Western Constitutional Forum, 1984). Also see, Berger, *Northern Frontier, Northern Homeland*, 93-100 and George Barnaby, George Kurszewski and Gerry Cheezie, "The Political System and the Dene," in Mel Watkins (ed.) *Dene Nation: The Colony Within* (Toronto: University of Toronto Press, 1977).

<sup>56</sup> Dene Nation, "Dene Declaration," in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 3.

<sup>57</sup> Gerald (Taiaiake) Alfred, *Heeding the Voices of Our Ancestors: Kahnawake and the Rise of Native Nationalism* (Don Mills: Oxford University Press, 1995).

environment.”<sup>58</sup> For Alfred, Indigenous political identities are neither based on clearly delineated essences, nor are they merely “invented”<sup>59</sup> to correspond with shifting political aspirations; rather, Indigenous articulations of nationhood are best understood as informed by a complex of cultural practices and traditions that have survived the onslaught of colonialism and continue to structure the form and content of Indigenous activism in the present.<sup>60</sup> Contrary to many other forms of nationalism, however, Alfred is quick to point out that most Indigenous movements do not seek recognition and self-determination “through the creation of a new state, but through the achievement of a cultural sovereignty and a political relationship based on group autonomy reflected in formal self-government arrangements”.<sup>61</sup>

Dene nationalism during this period can be understood within a similar cultural frame – as a dynamic revival of Dene political concepts framed in a manner to meet the economic and political goals of contemporary Dene society. To this end, although our movement was firmly grounded in and motivated by political values and concepts rooted in the relational conception of land noted above, it also actively incorporated new social and political discourses to supplement these older traditions.<sup>62</sup>

A number of these discourses were drawn off to articulate our vision of a post-colonial political relationship with Canada, including, among others, Marxist political economy, world systems analysis, theories of development and underdevelopment, and

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<sup>58</sup> Ibid., 14.

<sup>59</sup> 1983 was an important year in the development of the nationalism-as-“invented tradition” thesis. See in particular Eric Hobsbawm and Terence Ranger (eds.), *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983) and Benedict Anderson, *Imagined Communities* (London: Verso, 1983).

<sup>60</sup> Ibid., 178.

<sup>61</sup> Ibid., 14.

<sup>62</sup> Abel, *Drum Songs*, 231.

Third World anti-colonialism.<sup>63</sup> Although all of these conceptual tools helped shape, to varying degrees, our views on colonialism and self-determination, here I want to highlight one that remains particularly salient to this day: the Marxist concept “mode of production.”<sup>64</sup> Essentially, a “mode of production” can be said to encompass two interrelated social processes: the resources, technologies, and labour that a people deploy to produce what they need to materially sustain themselves over time, and the forms of thought, behavior and social relationships that *both condition and are themselves conditioned by these productive forces*.<sup>65</sup> As the sum of these two interrelated processes, a “mode of production” can be interpreted, as Marx himself often did, as analogous to a way or “mode of life.”<sup>66</sup> I suggest that this latter phrase accurately reflects what constituted “culture” in the sense that the Dene deployed the term, and which our

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<sup>63</sup> Usher, “Northern Development, Impact Assessment and Social Change,” 99.

<sup>64</sup> On the application of the “mode of production” concept to Dene self-determination, I am indebted to the work of Peter Kulchyski and Michael Asch in particular. See Kulchyski’s *Like the Sound of a Drum*, 34-42, 103-104 and Michael Asch’s “Dene Self-Determination and the Study of Hunter-Gatherers in the Modern World”, Eleanor Leacock and Richard Lee (eds.), *Politics and History in Band Societies* (Cambridge: Cambridge University Press, 1982). Also see Hugh Brody’s work in *The Living Arctic: Hunters of the Canadian North* (Vancouver: Douglas and McIntyre, 1987), *Maps and Dreams* (Vancouver: Douglas and McIntyre, 1988) and *The Other Side of Eden: Hunters, Farmers and the Shaping of the Modern World* (Vancouver: Douglas and McIntyre, 2000), as well as Peter J. Usher’s writings on the subject, including, “The Class System, Metropolitan Dominance, and Northern Development in Canada,” *Antipode* 8:3 (1976), “Staple Production and Ideology in Northern Canada,” in WH. Melody, L. Salter, and P. Heyer (eds.), *Culture, Communications and Dependency* (Norwood: Ablex Publishing, 1982), “The North: One Land, Two Ways of Life,” in LD. McCann (ed.), *Heartland and Hinterland: A Geography of Canada* (Scarborough: Prentice-Hall, 1982), and “Environment, Race and Nation Reconsidered: Reflections on Aboriginal Land Claims in Canada,” *The Canadian Geographer* 47:4 (2003).

<sup>65</sup> Kulchyski, *Like the Sound of a Drum*, 38.

<sup>66</sup> Consider Marx’s formulation (with Friedrich Engels) in *The German Ideology*: “[A] mode of production must not be considered simply as being the production of the physical existence of the individuals. Rather it is a definite form of activity of these individuals, a definite form of *expressing their life*, a definite *mode of life* on their part. As individuals express their life, so they are. What they are, therefore, coincides with their production, both with what they produce and with how they produce [it].” Karl Marx and Friedrich Engels, *The German Ideology* in David McLelland (ed.), *Karl Marx: Selected Writings* (New York: Oxford University Press, 1987), 161; emphasis added.

claims for cultural recognition sought to secure through the negotiation of a land claim. Simply stated, in the three proposals examined below, our demand for recognition sought to protect the “intricately interconnected social totality”<sup>67</sup> of a distinct *mode of life*; a life on/with the land which stressed individual autonomy, collective responsibility, non-hierarchical authority, communal land tenure, and mutual aid,<sup>68</sup> and which sustained us “economically, spiritually, socially and politically”.<sup>69</sup> As George Barnaby wrote in 1976: “The land claim is our fight to gain recognition as a different group of people – with our own way of seeing things, our own values, our own life style, our own laws.... [It] is a fight for self-determination using our own system with which we have survived till now.”<sup>70</sup>

Understanding “culture” as the interconnected social totality of distinct “mode of life” encompassing the economic, political, spiritual and social is crucial for comprehending the state’s response to the challenge posed by our land claim proposals. As demonstrated in the following section, the state responded to this challenge, as Fanon himself might have predicted, by structurally circumscribing the terms and content of the recognition it was willing to make available to us through the negotiation of a land settlement. As noted previously, the reason the Crown agreed to get into the land claims business in the first place was to “extinguish” the broad and undefined rights and title claims of First Nations in exchange for a limited set of rights and benefits set out in the text of the agreement itself. In the 1970s, Canada still required the explicit

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<sup>67</sup> Kulchyski, *Like the Sound of a Drum*, 38.

<sup>68</sup> See Asch, “The Dene Economy.”

<sup>69</sup> Joan Ryan, *Doing Things the Right Way: Dene Traditional Justice in Lac La Martre, NWT* (Calgary: University of Calgary Press, 1995), 1.

<sup>70</sup> George Barnaby et al., “The Political System and the Dene,” 120.

“cede, release and surrender” of Aboriginal rights and title prior to the resolution of a settlement, which from the Crown’s perspective constituted the surest way to attain the political and economic “certainty” required to satisfy the state’s interest in opening up Indigenous territories to further economic investment and capitalist development.<sup>71</sup> Although the state no longer requires the formal “extinguishment” of Aboriginal rights as a precondition to reaching an agreement, the purpose of the process has remained the same: to facilitate the “incorporation” of Indigenous people and territories into the capitalist mode of production and to ensure that alternative “socioeconomic visions” do not threaten the desired functioning of the market<sup>72</sup> With this objective firmly in place, both Canada and the NWT insisted on negotiating a land settlement based on the following two principles: first, that a Dene claim to self-determination was invalid; and second, that any settlement reached must attain “finality” through the extinguishment of what remained of Dene political rights and title in exchange for the institutional recognition and protection of certain aspects of Dene “culture.” However, for the state, recognizing and accommodating “the cultural” through the negotiation of land claims *would not* involve the recognition of alternative Indigenous economies and forms of political authority, as the mode of production/mode of life concept suggests; instead, the state insisted that any institutionalized accommodation of Indigenous cultural

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<sup>71</sup> For a comprehensive elaboration on this point in the context of land claims in British Columbia, see Andrew Woolford, *Between Justice and Certainty: Treaty-Making in British Columbia* (Vancouver: UBC Press, 2005) and Taiiaki Alfred, “Deconstructing the British Columbia Treaty Process”, *Balayji: Culture, Law and Colonialism*, Volume 3 (2001). Also see, Gabrielle Slowey, *Navigating Neoliberalism: Self-Determination and the Mikisew Cree First Nation* (Vancouver: University of British Columbia Press, 2008).

<sup>72</sup> Joyce Green, “Decolonization and Recolonization,” in Wallace Clement and Leah Vosko (eds.), *Changing Canada: Political Economy as Transformation* (Montreal: McGill-Queen’s University Press, 2003), 52.

difference be reconcilable with *one* political formation – namely, colonial sovereignty – and *one* mode of production – namely, capitalism.

#### **IV. Land Claims and the Domestication of Dene Nationhood**

“To encourage ‘cultural diversity’ requires not the separation of culture and politics, but their marriage and to insist on that separation is to destroy, or attempt to destroy culture.”<sup>73</sup>

- Dene Nation, 1977

In his 1999 *Study on treaties, agreements and other constructive arrangements between States and indigenous populations*, Special Rapporteur for the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Miguel Alfonso Martinez, examines the myriad of techniques and rationales adopted by colonial settler-regimes to “domesticate” the “international” status of Indigenous nations, thereby placing their claims squarely under the “exclusive competence” of the “internal jurisdiction” of non-Indigenous nation-states.<sup>74</sup> In the following analysis of the three land claims proposals submitted to the federal government by the Dene Nation between 1976 and 1981, it will be shown that, rather than recognize our right to self-determination, both the GNWT and the Government of Canada defended within the land claims process a depoliticized discourse of Indigenous “cultural rights” which it used to rationalize the hegemony of non-Indigenous economic and political interests on Dene territory. In this way, it will be shown that, from the state’s perspective, the land

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<sup>73</sup> Dene Nation quoted in Gurston Dacks, *A Choice of Futures: Politics in the Canadian North* (Toronto: Methuen Publications, 1981), 55.

<sup>74</sup> United Nations Commission on Human Rights, *Study on treaties, agreements and other constructive arrangements between States and indigenous populations*, final report by Miguel Alfonso Martinez, Special Rapporteur, Sub-Commission on Prevention of Discrimination and Protection of Minorities, 51<sup>st</sup> Session, (22 June 1999), 30.

claims process constitutes a crucial vehicle for the “domestication” of Indigenous claims to nationhood.

On October 25, 1976, the IB-NWT, under the leadership of Georges Erasmus, provided the federal government with a land claim proposal designed to accommodate the robust form of recognition expressed in the Dene Declaration. The proposal, titled “Agreement in Principle between the Dene Nation and Her Majesty the Queen, in Right of Canada”, called upon the federal government to negotiate with the Dene Nation in accordance with an expansive list of principles, including the recognition of a Dene right to self-determination; the right to retain ownership of a significant portion of our traditional territories; the right to exercise political jurisdiction over the territories in question; the right to practice and preserve our languages, customs, traditions, and values; and the right to develop our own political and economic institutions. All of these rights, we claimed, would be exercised “within Confederation” through the establishment of a “Dene government” vested with political authority over land and subject matters currently within the jurisdiction of the federal and territorial governments.<sup>75</sup>

Essentially, the 1976 “Agreement in Principle” outlined in broad terms the foundation for building a renewed relationship with the state that would secure a degree of Indigenous political and economic autonomy unprecedented in the history of land claim settlements in Canada.<sup>76</sup> Although the specific *form* this autonomy would take remained unspecified in the proposal, a number of statements made and research

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<sup>75</sup> Indian Brotherhood of the Northwest Territories, “A Proposal to the Government and People of Canada,” in Mel Watkins (ed.), *Dene Nation: The Colony Within* (Toronto: University of Toronto Press, 1977), 185-187.

<sup>76</sup> June Helm, *The People of Denendeh: An Ethnohistory of the Indians of Canada's Northwest Territories* (Montreal: McGill-Queen's Press, 2000), 265.

reports produced by the Dene during this period suggest that it would look radically different than the economic and political institutions of the dominant society. In terms of political development, for example, the IB-NWT emphasized the need to construct modern political institutions on the traditional principle of popular sovereignty and consensus decision-making, thus including as wide a spectrum of Dene as possible in the formation of government policy.<sup>77</sup> This commitment to the construction of alternative governance forms cashed out politically in 1976, when the IB-NWT announced that it would officially boycott participating in the territorial government, arguing that it was a “colonial institution” that did not represent the perspectives of the Dene people, and that this was reflected in the *style* and *structure* of government itself.<sup>78</sup> The boycott lasted until 1979. George Barnaby, one of the two elected Dene officials to resign from territorial politics in 1976 (the other being James Wah-Shee), explained his motivation like this: “If we go through a whole Dene movement and we end up with native people just giving orders to their own people, [then we will not be] better off than now, when white people order us around.”<sup>79</sup> For Barnaby, a “true [Dene] government”

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<sup>77</sup> On the importance of “political form” to Indigenous politics in the north, see Kulchyski, *Like the Sound of the Drum*. More generally, see Richard JF. Day, “Who is the ‘we’ that gives the gift? Native American Political Theory and the Western Tradition”, *Critical Horizons* 2:2 (2001); Taiaiake Alfred, “Sovereignty,” in Joanne Barker (ed.), *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska Press, 2005); Andrea Smith, “Native American Feminism, Sovereignty, and Social Change”, *Feminist Studies* 31: 1 (Spring 2005); and Rauna Kuokkanen, “The Politics of Form and Alternative Autonomies: Indigenous Women, Subsistence Economies, and the Gift Paradigm” (Paper published by the Institute on Globalization and the Human Condition, McMaster University, 2007).

<sup>78</sup> On the IB-NWT boycott of the 8th Legislative Assembly of the NWT, see Gurston Dacks, *A Choice of Futures: Politics in the Canadian North* (Toronto: Methuen, 1981), 99-100; Dickerson, *Whose North*, 102; Abel, *Drum Songs*, 259; and George Barnaby et al., “The Political System and the Dene,” 120-129.

<sup>79</sup> Quoted in June Helm, *The People of Denendeh*, 267

would be the “people themselves deciding what they want” and then working together to achieve their desired goals.<sup>80</sup>

The principal of direct democracy was to apply to the economic sphere as well. For instance, the proposal states that a non-colonial economy would not only promote Dene self-sufficiency, but do so in a manner consistent with our cultural values and “way of life.” To this end, the claim outlines an economic vision that would develop a mode of production based on a combination of “continued renewable resource activities, such as hunting, fishing and trapping,” as well as “community-scale activities” designed “to meet our needs in a more self-reliant fashion.”<sup>81</sup> In the following years a number of these “community-scale activities” were discussed and proposed, including a combination of locally-operated manufacturing ventures, Native-run co-operatives, and worker-controlled enterprises.<sup>82</sup> At a 1974 Regional Co-ordinators Workshop, the IB-NWT noted two perspectives on development that it found compelling. The first was the example of “communal enterprise” and “development” exemplified in the post-independence struggle of Tanzania.<sup>83</sup> At one point, the IB-NWT was even in a conversation with the Kahnawake Office of the Indians of Quebec Association about

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<sup>80</sup> Ibid.

<sup>81</sup> IB-NWT, “Agreement in Principle,” 184.

<sup>82</sup> On the relevance of co-operative and work-place democracy models of economic development to Indigenous societies, see Gurston Dacks, “Worker-Controlled Native Enterprises: A Vehicle for Community Development in Northern Canada”, *The Canadian Journal of Native Studies*, 3:2 (1983) and Lou Ketilson and Ian MacPherson, *Aboriginal Co-operatives in Canada: Current Situation and Potential for Growth* (Saskatoon: Centre for the Study of Co-operatives, 2001). Also see, Robert Ruttan and John T’Seleie, “Renewable Resource Potentials for Alternative Development in the Mackenzie River Region” (Report prepared for the Indian Brotherhood of the NWT and Metis Association of the NWT, 1976).

<sup>83</sup> Indian Brotherhood of the Northwest Territories, “Annual Report, 1975” (Yellowknife: Published by the Indian Brotherhood of the Northwest Territories, 1975), 24-25.

sending a delegation of Dene fieldworkers to learn from the Tanzanian experience.<sup>84</sup> The second was drawn from the following observation made by Shuswap activist George Manual and Michael Posluns in *The Fourth World*: “real community development can never take place without economic development, but economic development without full local control is only another form of imperial conquest.”<sup>85</sup> In the “Agreement in Principle,” these economic models were pitched as culturally relevant alternatives to the “externally initiated economy” imposed on the Dene by the state.<sup>86</sup> “[T]rue Dene development”, the IB-NWT argued, “[must] entail political control, an adequate resource base, [and would not] permit a few to gain at the expense of the whole community.”<sup>87</sup> And finally, in keeping with our commitment to strengthening social relations premised on reciprocity, leadership proposed to structure our relationship with the non-Indigenous population according to the principle of mutual self-determination.<sup>88</sup> Subsequently, the IB-NWT agreed to uphold the political and existing

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<sup>84</sup> The conversation occurred via mail between a representative for the Kahnawake Sub-Office and then Vice President of the IB-NWT, Richard Nerysoo. The letter was included as part of an information package compiled in 1977 by the NWT Legislative Assembly to generate public concern over the “radical” nature of the Dene self-determination movement. Also included in the package was a list of reading materials that then IB-NWT Community Development Program Director, Georges Erasmus, suggested might be useful in constructing a “development philosophy” for the Dene Nation. The list of readings included, among others, Frantz Fanon’s *Wretched of the Earth*, Paulo Freire’s *Pedagogy of the Oppressed*, Albert Memmi’s *The Colonizer and the Colonized*, and Régis Debray’s *Revolution in the Revolution*. According to Erasmus, these “alternative” sources on development were to supplement research and perspectives drawn from the communities: “Many alternatives must be looked at,” wrote Erasmus in a memo addressed to Dene fieldworkers, “especially the example of our culture, the approach to development and distribution of material and ownership that our forefathers took. We may wish to keep some aspects of the old way in this industrial era.” Georges Erasmus became president of the IB-NWT the following year (in 1976) and served in this capacity until 1983. Information package on file with author.

<sup>85</sup> Quoted in Indian Brotherhood of the Northwest Territories, “Annual Report, 1975,” 25.

<sup>86</sup> Indian Brotherhood of the Northwest Territories, “A Proposal to the Government and People of Canada,” 184.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

property rights of all non-Native northerners. However, with regard to private property, the Dene Nation would only respect fee-simple title to lands acquired before October 15, 1975; after this date, land would be held in accordance with the values and principles set-forth in the proposal.<sup>89</sup>

The Dene Declaration together with the proposed “Agreement in Principle” evoked a range of responses. On the one hand, our communities were greeted with an enormous display of support by progressive political organizations from across the country, including the Canadian Labor Congress, the Oil, Chemical and Atomic Workers International Union, Oxfam Canada, The United Steelworkers of America, and the New Democratic Party’s ‘Waffle’ movement, which was, at the time, known by many pundits for its “strident socialism.”<sup>90</sup>

At the same time, however, there were many that were openly hostile to the transformative message underlying our claim. Then Minister of Indian Affairs, Judd Buchanan, for example, dismissed the Dene Declaration as “gobbledygook” that any “grade ten student could have written in fifteen minutes.”<sup>91</sup> Even respected Cree leader, Harold Cardinal, blasted the Declaration as an “intrusion of left-wing thinking that is perhaps much closer to the academic community in Toronto than it is to the Dene.”<sup>92</sup> Much of the criticism leveled at the IB-NWT during this period expressed a similar sentiment, namely, that Dene leadership had been manipulated by southern radicals and were therefore not acting in the interests of their own constituencies. As one

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<sup>89</sup> Ibid., 187.

<sup>90</sup> Abel, *Drum Songs*, 254.

<sup>91</sup> Quoted in Martin O’Malley, *Past and Future Land: An Account of the Berger Inquiry into the Mackenzie Valley Pipeline* (Toronto: Peter Martin Associates Limited, 1976), 98.

<sup>92</sup> Harold Cardinal, *The Rebirth of Canada’s Indians* (Edmonton: Hurtig, 1977), 15.

*Edmonton Report* columnist wrote: "A bewildered Canada [is] gradually waking up to the fact that a radical socialist philosophy [has] taken hold of the native peoples in the Mackenzie Valley. How is it that these territorial natives whose politics up until now were generally considered non-existent should suddenly emerge with such advanced left-wing inclinations?"<sup>93</sup> The public expressed a similar point of view. As one gentleman stated to the Berger Inquiry: "Most of [the] hollering [...] done by the Indian Brotherhood [has been directed] by whites, not the majority of Indians. [The Dene] figured they made a good deal [with Treaty 11] until the Indian Brotherhood with white backing started stirring things up."<sup>94</sup> The Government of the Northwest Territories added to the hysteria by suggesting that the Indian Brotherhood "be renamed the Radical Left."<sup>95</sup> At one point, there were even rumors circulating across the north that some of our community members were being trained in tactics of "guerilla warfare,"<sup>96</sup> and that the Royal Canadian Mounted Police (RCMP) had employed "undercover operatives to infiltrate the Brotherhood."<sup>97</sup> These racist, McCarthy-like accusations held a great deal of currency to many non-Natives during the 1970s and into the early 1980s.<sup>98</sup>

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<sup>93</sup> Quoted in Peter Puxley, "A Model of Engagement: Reflections of the 25<sup>th</sup> Anniversary of the Berger Report" (Ottawa: Canadian Policy Research Network, 2002), 9.

<sup>94</sup> Quoted in O'Malley, *Past and Future Land*, 98.

<sup>95</sup> Quoted in Kenneth Coates and Judith Powell, *The Modern North: People, Politics and the Rejection of Colonialism* (Toronto: James Lorimer and Company, 1989), 112.

<sup>96</sup> This information was obtained by the IB-NWT from a report made by the United States Federal Bureau of Investigation's Counter Intelligence Program (COINTELPRO). See, IB-NWT, "The FBI War Game and the NWT," *The Native Press* (November 12, 1976), 1, 8.

<sup>97</sup> Dene Nation, *Denendeh*, 29.

<sup>98</sup> Coates and Powell, *The Modern North*, 113.

Aside from allegations of Left-extremism, most government officials rejected the Dene position based on the view that it violated the liberal value of equality underwriting universal representation within Canadian political institutions. Initially the most vocal proponent of this argument was the GNWT Legislative Assembly, which expressed its concerns in a position paper titled "Priorities of the North," submitted to the Department of Indian Affairs and Northern Development in May of 1977.<sup>99</sup> The paper explicitly denounced the Dene claim, arguing that it would amount to the establishment of an exclusionary, indeed "race-based," jurisdiction in northern Canada. In the words of the Legislative Assembly: "This is why the 'native state' concept is, and always will be, totally unacceptable to the people of the Northwest Territories"; because it "lacks the necessary element of universality of participation in political institutions by any Canadian who chooses to live in the [Northwest] Territories."<sup>100</sup>

In response to the GNWT's repeated charge of racism, the IB-NWT submitted a second proposal to the federal government in July of 1977.<sup>101</sup> Like its predecessor, "The

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<sup>99</sup> Government of the Northwest Territories, "Priorities for the North: A Submission to the Honourable Warren Allmand, Minister of Indian Affairs and Northern Development," in *Northern Transitions Volume II: Second National Workshop on People, Resources, and the Environment North of 60*, eds. Robert Keith and Janet Wright (Ottawa: Canadian Arctic Resource Committee, 1978).

<sup>100</sup> *Ibid.*, 260,262. The Legislative Assembly even went as far as to irresponsibly suggest that Thomas Berger's recommendations would amount to the establishment of an "apartheid" regime in northern Canada. "These same people (i.e., the Dene and their supporters) think that much of the territories should be converted into racial states along native lines. Like Mr. Thomas Berger. If you're for what he seems to believe, then you've got to support something that has always been abhorrent to Canadians and violates our history - separating people according to race. Frankly, support Mr. Berger and you have to support South Africa and its policy of apartheid - the separate development for each of its founding races." Quoted in Free South Africa Committee, "Dene Nation: Apartheid?" (Edmonton: Pamphlet published by the Free South Africa Committee, University of Alberta, 1977).

<sup>101</sup> Indian Brotherhood of the Northwest Territories, "Metro Proposal," in *Northern Transitions Volume II: Second National Workshop on People, Resources, and the Environment North of 60*, eds. Robert Keith and Janet Wright (Ottawa: Canadian Arctic Resource Committee, 1978).

Metro Proposal” stressed the importance of recognition and self-determination for the Dene Nation. However, appreciating that many people had “misinterpreted” our “Agreement in Principle” as discriminatory, the IB-NWT sought to “make it clear” in the new claim that it was seeking self-determination not only for the Dene, but for *all* citizens of the north, and an “end to racial oppression” as such, whether it be the “oppression of Dene by non-Dene, or oppression of non-natives by Dene.”<sup>102</sup>

To accommodate this vision, the “Metro Proposal” recommended that the north adopt a decentralized federative structure based on the following principles: that the NWT be divided into three geographical territories, “one where the Dene are a majority, one where the Inuit are a majority, and finally one where the non-native people are the majority”;<sup>103</sup> that each of these three territories uphold the political rights of all of its citizens through the establishment of government institutions based on each group’s respective traditions and in accordance with the desires and aspirations of their respective constituencies; that each territorial government divide powers and relate with the federal government in a manner similar to the current federal/provincial relationship; and that a “Metro” or “United Nations” governance structure be “organized by the three new governments to deal with matters, issues, and programs of common concern.”<sup>104</sup> Under this model, each newly established government would be responsible for sending “representatives” to negotiate “as equals” with those from the other governments “until an agreement was reached on any joint activity.”<sup>105</sup> And finally, in accordance with Dene custom, economic relations within our proposed

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<sup>102</sup> Ibid., 265.

<sup>103</sup> Ibid., 266.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

territory would not be dictated by the reign of capital; rather, all economic principles and values set-forth in the previous "Agreement in Principle" would apply to the new proposal as well.

It was at this point that the state began to counter our position with a depoliticized conception of Aboriginal "cultural" rights divorced from any substantive notion of Indigenous sovereignty or alternative political economies. In "Priorities of the North," for example, the GNWT argued that land claims ought to be used as a mechanism to secure the recognition and protection of Aboriginal "cultural" interests, but only if the state agreed to "separate" the negotiation of political rights to self-determination from the process.<sup>106</sup> To this end, the Assembly proposed that a Native "Bill of Rights" be written into the constitution of the NWT.<sup>107</sup> This would serve two purposes: first, it would "crystallize" the rights of Native people with respect to their traditional "use and enjoyment" of the land; and second, it would function to "preserve native languages and cultures in some form of immutable legislation".<sup>108</sup>

The federal government advanced a similar position its 1977 opinion paper, "Political Development in the Northwest Territories."<sup>109</sup> The "Political Development" paper was to serve as a "detailed terms of reference" to guide the newly appointed Special Representative for Constitutional Development in the Northwest Territories,

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<sup>106</sup> Government of the Northwest Territories, "Priorities North," 262.

<sup>107</sup> *Ibid.*, 259, 262.

<sup>108</sup> *Ibid.*, 259, 260.

<sup>109</sup> Office of the Prime Minister, "Political Development in the Northwest Territories," in *Northern Transitions: Second National Workshop on People, Resources and the Environment North of 60°*, eds. Robert Keith and Janet Wright (Ottawa: Canadian Arctic Resources Committee, 1978).

Charles (Bud) Drury.<sup>110</sup> Like the Legislative Assembly, the federal government stated that it would be willing to use land claims as a vehicle to “safeguard” Aboriginal culture and enable Aboriginal people and communities to pursue their “traditional” practices “to the extent that they may wish to do so.”<sup>111</sup> Subsequently, Canada would agree to work closely with Native groups to develop programs within a number of areas, including education, housing, economic development, as well as “the protection and promotion” of “other cultural interests”, including, “Indian and Inuit languages” and “rights to traditional activities such as hunting, fishing and trapping.”<sup>112</sup> In securing these rights, however, the federal government insisted that it would not endorse a call for the establishment of political jurisdictions allocated “on grounds that differentiate between people on the basis of race.”<sup>113</sup> Instead, Ottawa directed Drury to consider the “possible division of the Northwest Territories” on the basis of “functional” issues, “including economic, socio-cultural, and other relevant factors,” but excluding “political divisions and structures” configured along Indigenous/non-Indigenous lines.<sup>114</sup> Thus, if the Dene wanted to participate in the constitutional development of the northern political apparatus, they would have to do so at a “local and subordinate” level within

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<sup>110</sup> Office of the Prime Minister, “Special Government Representative for Constitutional Development in the Northwest Territories,” in *Northern Transitions: Second National Workshop on People, Resources and the Environment North of 60°*, eds. Robert Keith and Janet Wright (Ottawa: Canadian Arctic Resources Committee, 1978), 275.

<sup>111</sup> Office of the Prime Minister, “Political Development,” 280.

<sup>112</sup> *Ibid.*, 279.

<sup>113</sup> Somewhat tellingly, the federal government would immediately go on to qualify this assertion by stating that it would not sanction racially-determined “political structures” unless this meant “the establishment of reserves under the Indian Act”.<sup>113</sup> *Ibid.*, 280

<sup>114</sup> Office of the Prime Minister, “Special Government Representative,” 275.

the common and presumably legitimate institutions of the NWT.<sup>115</sup> In short, for both the GNWT and the Government of Canada, cultural rights, not political rights, constituted the core issue to be resolved in the settlement of a Dene land claim.

In terms of political economy, both levels of government sought to tease apart the recognition of Indigenous cultural practices from any socioeconomic scheme that might potentially disrupt the further accumulation of capital through the development of the north's resource base. The GNWT, for example, simply asserted that the "long term economic development of the Northwest Territories will almost certainly depend on the further exploration and utilization of its natural resource[s]."<sup>116</sup> Recognizing the cultural claims of First Nations would be permitted, but only insofar as these claims could be reconciled with this "predominantly private enterprise mode of organization".<sup>117</sup> In a similar vein, the federal government suggested that while land claims would provide "native groups" with financial compensation for any infringement of their property rights, Canada's "national interest" dictated that the Crown "maintain its ownership and control of the potentially significant non-renewable resources in the Northwest Territories."<sup>118</sup> And regarding the intensity of northern capitalist development, the Crown, like the Legislative Assembly, declared that business would continue unabated: "In view of the energy and other resource requirements that are now recognized as becoming increasingly urgent, the Government wishes to maintain some momentum in the exploration and development of northern non-

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<sup>115</sup> Peter Russell, "An Analysis of Prime Minister Trudeau's Paper on Political Development in the Northwest Territories," in *Northern Transitions Volume II: Second National Workshop on People, Resources and the Environment North of 60°*, eds. Robert Keith and Janet Wright (Ottawa: Canadian Arctic Resources Committee, 1978), 297.

<sup>116</sup> GNWT, "Priorities of the North," 262.

<sup>117</sup> *Ibid.*, 263.

<sup>118</sup> Office of the Prime Minister, "Political Development," 278.

renewable resource[s].”<sup>119</sup> Land claims, according to the Crown, would better enable the Dene to “play a part” in this process, but in no way would they provide the economic and political infrastructure necessary to block or effectively cultivate a non-exploitative alternative to it.<sup>120</sup>

Instead of participating in Drury’s investigation, the Dene Nation agreed to collaborate with the Metis Association of the NWT to construct a joint settlement claim which they provided the federal government in 1981. The proposal, titled *Public Government for the People of the North*, called for a transfer of power to a “province-like” jurisdiction named “Denendeh.”<sup>121</sup> Although the Dene/Metis refrained from invoking the explicit language of self-determination common to the previous two claims, the spirit of the document remains much the same. It demands, for instance, that sovereignty be distributed between Denendeh and the federal government in manner similar to the current distribution of provincial and federal powers, although in some areas, such as fisheries, family relations, communications, and labour relations, Denendeh would require powers currently claimed by the federal government.<sup>122</sup> The rationale here is that these areas are crucial for the protection and further development of the Dene “way of life.”<sup>123</sup> It also calls for a significant return of the Dene peoples’ traditional territory, which the Dene would retain the right use, own and manage collectively. Most remaining lands, with the exception of existing private property,

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<sup>119</sup> Ibid.

<sup>120</sup> Ibid., 278

<sup>121</sup> Dene Nation and Metis Association of the Northwest Territories, *Public Government for the People of the North* (Yellowknife: Published by the Dene Nation and Metis Association of the Northwest Territories, 1981), 3.

<sup>122</sup> Ibid., 7.

<sup>123</sup> Ibid.

would be allocated to the Government of Denendeh and remain under its jurisdictional authority.

Structurally speaking, Denendeh would be “province-like” and consist of two levels of government: a public territorial level, called the National Assembly of Denendeh, and regional governments at the community level.<sup>124</sup> Denendeh would be unlike provinces in other ways, however. For instance, the Dene again recommended that a direct democracy or “consensus” approach to political decision-making be instituted at both the local and territorial levels.<sup>125</sup> This was pitched as a culturally appropriate alternative to the “elitist” and adversarial form of government imposed on northerners from the south. Also, to protect the political rights and freedoms of Dene citizens in perpetuity, the Dene/Metis proposed that a “senate” be established as a second chamber of the public National Assembly with guaranteed Dene representation.<sup>126</sup> In order to protect the interests of everyone, however, the Dene/Metis proposed that a ten-year residency period be implemented, after which full political rights of all Denendeh citizens would be respected. But regardless of any residency requirement, the Government of Denendeh would be responsible for respecting the fundamental human rights and freedoms of all its citizens, particularly the rights outlined in Sections 18, 19, 21 and 22 of the United Nations’ International Covenant On Civil and Political Rights, of which Canada is a signatory.<sup>127</sup>

In terms of economic development, Denendeh would also operate unlike the provinces in a number of key ways. For example, the document suggests that all land

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<sup>124</sup> Ibid., 13.

<sup>125</sup> Ibid., 13, 21-23.

<sup>126</sup> Ibid., 17.

<sup>127</sup> Ibid., 9-10.

and resource development adhere to standards set forth in a “Charter of Founding Principles,” which would emphasise, among other things, maintaining a “harmonious relationship between the Dene and the physical environment”.<sup>128</sup> Thus, the Dene/Metis stated that natural resource-use would be determined “on the basis of a ‘conservative society’” with a “firm commitment to renewables.”<sup>129</sup> Once again, building a modern economy committed to the traditional practice of harvesting and manufacturing renewable resources would form a significant aspect of economic development within the new territory. However, in circumstances where the exploration and development of Denendeh’s non-renewable resource base might be permitted to continue, this activity would only be allowed if it promised to ensure the “well-being of the people and resources of Denendeh” as a whole, “as opposed to the economic benefit of the developers.”<sup>130</sup> And to ensure economic self-sufficiency, the Dene/Metis proposed that 10 percent of all resource revenues derived in the territory be collected and paid into a “Dene Heritage Fund” managed by the Dene through the framework of the proposed Senate.<sup>131</sup> Remaining profits extracted through rents taken from non-renewable resource outfits would be redirected back into programs aimed at bolstering the renewable resource sector, be used to cover the operating budgets of the Denendeh Government at both the community and territorial levels, and to repay the federal government for its assistance in the delivery of unemployment insurance benefits, family allowances, and so on.<sup>132</sup> Also like its predecessors, the proposal suggests that all

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<sup>128</sup> Ibid., 9.

<sup>129</sup> Ibid., 11.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

private property rights be respected for lands acquired prior to the implementation of the agreement, although after this date, the Government of Denendeh would grant property titles solely through long-term leases and hold remaining lands collectively for the benefit of all Denendeh citizens.<sup>133</sup>

Reaction to the Denendeh proposal was varied. Some people were outraged at the proposed agreement, suggesting that it would provide too much protection for Dene rights and interests, while ignoring those of the north's non-Native population.<sup>134</sup> One of the studies prepared for the federal government's Special Committee on Constitutional Development even suggested that the proposal's recommended restrictions on private property could be interpreted as violating what many northerners had come to consider an "inalienable right" to own property.<sup>135</sup> Others, however, viewed the proposal as a "unique opportunity to be apart of something exciting, a chance for all people of the north to join together and build a new style of government."<sup>136</sup>

### Conclusion

In the end, the federal government remained one of the principal detractors of the Denendeh proposal. Unlike the position outlined in its own comprehensive claims policy, the Dene/Metis adamantly rejected the idea that Indigenous peoples must surrender or exchange their political rights and title as a prerequisite to reaching a

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<sup>133</sup> Ibid.

<sup>134</sup> Dene Nation, *Denendeh*, 42.

<sup>135</sup> Aboriginal Rights and Constitutional Development Secretariat, "Discussion Paper on the Denendeh Government Proposal" Working Paper prepared for the Special Committee of the Legislative Assembly on Constitutional Development (September 1982), 30.

<sup>136</sup> Dene Nation, *Denendeh*, 42.

settlement. Maintaining this position caused negotiations to drag on until 1988, when, finally, a new “Agreement-in-Principle” (AIP) was reached between the Dene Nation, the Metis Association, and the Government of Canada. The new AIP offered the claimants “ownership of over 181, 000 square kilometres of land, with subsurface rights for approximately 10,000 kilometres of it, and a payment of \$500 million over fifteen years as compensation for lost land use in the past.”<sup>137</sup> To reach the AIP stage, however, the Crown required two things. The first was that the recognition of Indigenous political rights be removed from the negotiation table. This essentially meant that the Dene Nation dropped its previous insistence, articulated in the Dene Declaration and the three claims examined above, that a substantive right to self-government form a fundamental component of any land deal. Second, the AIP required the Dene/Metis to agree to “cede, release and surrender” any residual Aboriginal rights and title to the remaining lands of the NWT. Negotiators for the Dene/Metis thus conceded that, if reached, a comprehensive claim would inevitably involve an “exchange” of Aboriginal “land rights” for a “clearly defined set of land-related and land based-rights.”<sup>138</sup> At this point, however, those involved in the negotiations refused to see this as an extinguishment of their “political rights,” which they would “continue negotiate through other forums.”<sup>139</sup>

On April 9, 1990, two years after community negotiators agreed to sign the new AIP, Indigenous representatives from across Denendeh convened at a special General

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<sup>137</sup> Abel, *Drum Songs*, 256-57.

<sup>138</sup> Dene/Metis Claims Secretariat, “The Dene/Metis Land Claim : Information Package,” (Yellowknife: Produced by the Dene/Metis Negotiations Secretariat, 1986), 8.

<sup>139</sup> Ibid. Following the change leadership in 1983 from George Erasmus to Stephen Kakfwi, the Dene Nation made a strategic decision to pursue the recognition of political rights though the territorial government and land issues through the negotiation of the land claim. Kulchyski, *Like the Sound of a Drum*, 87.

Assembly held in Fort Rae where they initialled a Final Agreement which included an extinguishment clause but excluded a self-government component. In July of the same year, a motion was passed at another General Assembly, this time held in Dettah, to “have aboriginal and treaty rights affirmed, not extinguished, in the comprehensive claim agreement.”<sup>140</sup> In the end, the majority of delegates voted to affirm the motion and in doing so rejected the Dene/Metis Final Agreement. No doubt frustrated with the non-negotiable nature of the Crown’s position, Gwich’in representatives opposed the majority decision and formally withdrew from the General Assembly. Following their lead, the Sahtu withdrew from the claim several weeks later. The Crown officially stopped funding the Dene Nation’s claims secretariat after the withdrawal of the Gwich’in and Sahtu, and instead offered to negotiate with these groups independently. In 1992, the Gwich’in, and 1993 the Sahtu along with the Metis, extinguished their political rights and title by signing comprehensive agreements with Canada. These settlements signified the official end of an at times tenuous and fragile (but nonetheless unified) Dene national self-determination movement.<sup>141</sup>

Northern Indigenous perspectives on economic development began to shift significantly during this period as well. This shift was exemplified most clearly with the backing of diamond mega-mining projects by the Tlicho and Yellowknives Dene First Nation in the late 1990s, and again, in 2000, with the establishment of the Aboriginal Pipeline Group (APG), which represents the interests of most Dene regions in the NWT (excluding the Dehcho) and has since negotiated an agreement to purchase a 1/3 share

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<sup>140</sup> Marina Devine, “The Dene Nation: Coming Full Circle,” *Arctic Circle* (March/April 1992), 15.

<sup>141</sup> On the fragmentation of the Dene Nation and unified nationalist movement, see, Marina Devine, “The Dene Nation: Coming Full Circle,” *Arctic Circle* (March/April 1992) and Kulchyski, *Like the Sound of a Drum*, 94-97.

in the newly proposed Mackenzie Gas Project (MPG). The MPG, like the proposed Mackenzie Valley Pipeline before it, promises to be one of the largest and most costly pipeline projects in the history of Canada.<sup>142</sup>

What is perhaps most interesting about the newest incarnation of the Mackenzie pipeline project is that many of the young Dene activists who opposed it in the 1970s are now either active supporters or founding members of the APG. Former Fort Good Hope chief Frank T'Seleie has explained his change in perspective like this:

You know, the world has changed a lot over the last 25 years. We're now masters of our own house in many ways. Many of us have settled our land claims and we have the power to make sure this pipeline is done the right way. Sure, I feel uneasy in some ways about promoting this. This gas is going to go south, maybe not today or tomorrow. But it is going to go, and I don't think we can afford to be left out.<sup>143</sup>

A similar sentiment underwrites the following rationalization of the project given by former Dene Nation president Stephen Kakfwi in 2001:

We have a stable political regime with aboriginal people occupying many important positions in government. The Inuvialuit, the Gwich'in and Sahtu Dene and Metis have settled claims. [...] Processes to settle claims and treaty land entitlements are underway in the South Slave and Dehcho regions. [...] We now have the moral and political authority to decide on a pipeline.<sup>144</sup>

If primitive accumulation represents the process of dispossession through which non-capitalist social relations are transformed or integrated into market ones, then it

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<sup>142</sup> For a critical discussion of the newly proposed MPG see, Petr Cizek, "Northern Pipe Dreams and Nightmares: Return of the Mackenzie Valley Pipeline", *Canadian Dimension* (May/June 2005) and Erin Freeland and Jessica Simpson, "Petro-Capitalism and the Fight for Indigenous Culture in Denendeh", *New Socialist* 62 (Fall 2007).

<sup>143</sup> Quoted in Ed Struzik, "Things change in 25 years says anti-pipeline activist: Frank T'Seleie is now in Favour of a pipeline along the Mackenzie", *The Edmonton Journal* (July 7, 2001).

<sup>144</sup> Ibid.

would appear that this phenomenon has gained considerable momentum in the north over the last few decades. Although primitive accumulation no longer appears to require the openly violent dispossession of Indigenous communities and their entire land and resource base, it does demand that both remain open for exploitation and capitalist development. To my mind, a number of interrelated considerations have to be taken into account to figure out why this has emerged as the case, and I would like to conclude by highlighting two of them. The first involves a significant transformation in the discourse of “sustainable development” over the last fifteen years. As Stuart Kirsch has argued, one of the most pressing challenges faced by Indigenous peoples has been the “speed with which capital now appropriates the terms of its critique.”<sup>145</sup> Any visit to the north will unequivocally demonstrate the degree to which state and industry has been able to co-opt the discourse of “sustainability” to push their shared vision of economic development. Unlike the discourse of sustainability underwriting the Dene claims examined above, which sought to establish political and economic relations that would foster the reciprocal well being of people, communities and the land over time, sustainability has now come to refer more to the *economic* sustainability of development itself. The longer the projected lifespan of a proposed project – that is, the longer period that a project proposes to exploit a community’s land, resources and labour, the more “sustainable” it is said to be. The second involves Fanon’s concern regarding the ways in which the field of recognition politics can modify the subject positions of Indigenous people and communities over time. Aside from the inevitable debt trap that land claims lock many First Nations into, which can in turn compel these communities to open up

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<sup>145</sup> Stuart Kirsch, “Indigenous Movements and the Risks of Counter Globalization”, *American Ethnologist* 34:2 (2007), 304.

their settlement lands to exploitation as an economic solution,<sup>146</sup> the land claims process can also subtly shape how Indigenous peoples think and act in relation to the land. As Paul Nadasdy suggests in his work with the Kluane First Nation in the Yukon, “to engage in the process of negotiating a land claim agreement, First Nations people must translate their complex reciprocal relationship with the land into the equally complex but very different language of “property.”<sup>147</sup> I would suggest that one of the negative effects of this power-laden process of translation has been a reorientation of the meaning of self-determination for many (but not all) Indigenous people in the north; a reorientation of Indigenous struggle from one that was once deeply *informed* by the land as a system of reciprocal relations and obligations (which in turn informed out critique of capitalism in the 1970s and early 1980s), to a struggle that is now increasingly *for* land, understood here as some material resource to be exploited in the capital accumulation process.

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<sup>146</sup>Todd Gordon, “Canada, Empire and Indigenous Peoples in the Americas”, *Socialist Studies* 2:1 (2006).

<sup>147</sup> Paul Nadasdy, ““Property” and Aboriginal Land Claims in the Canadian Subarctic: Some Theoretical Considerations”, *American Anthropologist* 104:1 (2002), 248.

## Chapter Four: Resisting Culture: Essentialism and the Gendered Politics of Indigenous Self-Government<sup>1</sup>

“[Cultural essentialism] suggests that change is difficult, or even illegitimate, and focuses on history without the context of historical contingency. The consequent hostility to change and the fetishism of tradition can lead to rigidity and irrelevance. Invoking ‘tradition’ is insufficient to insulate any society’s practices from criticism. The retreat to essentialism does not serve the project of liberation from either colonialism or patriarchy.”<sup>2</sup>

- Joyce Green

“[T]heorists who advocate a politics of difference, fluidity and hybridity in order to challenge the binaries of essentialism [...] have been outflanked by strategies of power.”<sup>3</sup>

- Michael Hardt and Antonio Negri

### Introduction

In this chapter I explore in detail the second cluster of concerns often associated with the politics of recognition briefly identified in Chapter 1. These criticisms have tended to focus on the empirically problematic and normatively suspect character of recognition claims based on “essentialist” articulations of collective identity. According to social constructivist proponents of this line of critique, when claims for cultural

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<sup>1</sup> An earlier, slightly different version of the chapter appeared as “Resisting Culture: Seyla Benhabib’s Deliberative Approach to the Politics of Recognition in Colonial Contexts”, in David Kahane, Daniel Weinstock, Melissa Williams and Dominique Leydet (eds.), *Realizing Deliberative Democracy* (Vancouver: University of British Columbia Press, 2009).

<sup>2</sup> Joyce Green, “Canaries in the Mines of Citizenship: Indian Women in Canada”, *Canadian Journal of Political Science* 34: 4 (2001), 727.

<sup>3</sup> Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2000), 138.

accommodation are grounded on essentialized expressions of group identity they can too easily be deployed to justify repressive and authoritarian demands for group compliance or sanction unjust practices of exclusion and marginalization. Without certain rights-guarantees and state institutional mechanisms in place to ensure that problematic cultural norms and practices remain open to democratic deliberation and group contestation, it has been argued that the self-determining status of subaltern individuals within minority groups – especially women and children – will always remain at risk.

Recognizing that anti-essentialist critiques of the politics of culture and identity encompass a vast range of theoretical and disciplinary perspectives, in this chapter I focus more narrowly on the recent work of political theorist Seyla Benhabib, whose contribution represents what I see as an important yet problematic attempt to bridge the gap between the insights afforded by social constructivist *theory* and what she views as the deliberative norms and processes that ought to guide and frame democratic *practice*.<sup>4</sup> In doing so, I argue that Benhabib's anti-essentialist critique works in concert with an imperial feature of her deliberative democratic theory to inadvertently sanction colonial hierarchies. This can further be broken into two claims. First, I contend that when examined through the lens of Indigenous peoples' struggles, social constructivist critiques of the politics of recognition tend to not only over-estimate the emancipatory potential of anti-essentialist political projects, but more importantly they also fail to address the asymmetrical relations of power that often serve to proliferate exclusionary and authoritarian community practices to begin with. In this regard, I align myself with

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<sup>4</sup> Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton: Princeton University Press, 2002).

a small but growing number of scholars who have begun to critically interrogate anti-essentialist criticism when uniformly applied to a range of conceptually distinct and power-laden contexts.<sup>5</sup> My second claim is directed more squarely at the deliberative aspect of Benhabib's approach. Here I contend that when anti-essentialist theories of cultural identity are projected as a universal feature of social life – a move which Nikolas Kompridis has recently termed “*essentialist anti-essentialism*”<sup>6</sup> – and then employed as a justificatory measure for evaluating the legitimacy of claims for recognition within and against the uncontested authority of the colonial state, they can inadvertently sanction the very types of domination and inequality that both social constructivist and deliberative democratic projects are supposed to mitigate.

This chapter is organized into four sections. Section one provides a brief sketch of the constructivist critique of the politics of recognition advanced by Benhabib in *The Claims of Culture: Equality and Diversity in the Global Era*. Section two expands on one of the central empirical examples that Benhabib uses to support the critique outlined in the previous section: namely, the gendered dynamics underwriting the decade-long (1982-1992) effort of mainstream Aboriginal organizations to secure a constitutional right to self-government in Canada. In this section, I argue that, although Benhabib is correct to highlight the ways in which preservationist claims to cultural recognition can (and have)

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<sup>5</sup> See, in particular, James Clifford, “Taking Identity Politics Seriously”, in Paul Gilroy, Lawrence Grossberg, and Angel McRobbie (eds.), *Without Guarantees: In Honor of Stuart Hall* (London: Verso, 2000); Arif Dirlik, *Postmodernity's Histories: The Past as Legacy and Project* (New York: Rowman and Littlefield Publishers, 2000); Hardt and Negri, *Empire*; Nikolas Kompridis, “Normativizing Hybridity/Neutralizing Culture”, *Political Theory* 33:3 (2005); Bonita Lawrence, *“Real” Indians and Others: Mixed-Blood Urban Native Peoples and Indigenous Nationalism* (Vancouver: University of British Columbia Press, 2004); David Scott, “The Social Construction of Postcolonial Studies”, in Ania Loomba, Suvir Kaul, Matti Bunzl, Antoinette Burton, and Jed Esty (eds.), *Postcolonial Studies and Beyond* (Durham: Duke University Press, 2005); Peter Kulchyski, *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut* (Winnipeg: University of Winnipeg Press, 2006).

<sup>6</sup> Kompridis, “Normativizing Hybridity/Neutralizing Culture”, 320.

been used by elite segments of colonized societies to justify gender discriminatory practices, her critique fails to confront the colonial context within which these practices have come to flourish. I then turn our attention in section 3 to the ways in which seemingly “essentialist” articulations of Indigenous identity have also been deployed to critique the very practices that Benhabib correctly finds so problematic. And finally, in section four, I argue that insofar as Benhabib posits the colonial state as a legitimate adjudicator of Indigenous recognition claims, her position is itself ironically premised on the racist/essentialist assumption that Indigenous peoples were so uncivilized at the time of European contact that they did not constitute self-determining subjects vis-à-vis the states that eventually asserted sovereignty over them.

### **I. Social Constructivism and Deliberative Democracy**

Benhabib’s *The Claims of Culture: Equality and Diversity in the Global Era*, sets out to establish a model of deliberative democracy capable of accommodating universal demands for individual freedom and equality along with identity-specific demands for the recognition of cultural difference. According to Benhabib, the task of those who are simultaneously committed to a politics that values both cultural diversity *and* democratic equality should be “to create impartial institutions in the public sphere and civil society where [the] struggle for recognition of cultural differences and the contestation of cultural narratives can take place *without domination*.”<sup>7</sup> In order to accomplish this task, Benhabib insists that one reject claims for recognition founded on essentialist and therefore potentially authoritarian conceptualizations of culture and group identity. “Intercultural justice between human groups should be defended in the

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<sup>7</sup> Benhabib, *The Claims of Culture*, 8; emphasis added.

name of justice and freedom and not of an elusive preservation of cultures.”<sup>8</sup> Identity movements that do seek to preserve the “purity or distinctiveness of cultures”, Benhabib boldly asserts, are simply “irreconcilable with both democratic and more basic epistemic considerations.”<sup>9</sup>

Benhabib opens her critique by challenging the empirical foundation upon which most contemporary theories of “mosaic multiculturalism”<sup>10</sup> are based – what she terms the “reductionist sociology of culture.”<sup>11</sup> Quoting the work of Terrance Turner, Benhabib contends that advocates of this form of multiculturalism often embrace a simplistic and sharply delineated conception of cultural identity, which, when institutionalized in the form of public policy risks

essentializing the idea of culture as the property of an ethnic group or race; it risks reifying cultures as separate entities by over emphasizing the internal homogeneity of cultures in terms that potentially legitimize repressive commands for communal conformity; and by treating cultures as badges of group identity, it tends to fetishize them in ways that put them beyond the reach of critical analysis.<sup>12</sup>

Beyond potentially legitimizing these repressive practices, Benhabib claims that the reductionist approach yields a number of other illiberal consequences, including: “(1) the drawing of too rigid and firm boundaries around cultural identities; (2) the acceptance of the need to ‘police’ these boundaries to regulate internal membership and ‘authentic’ life-forms; (3) the privileging of the continuity and preservation of cultures over time as opposed to their reinvention, reappropriation, and even subversion; and (4)

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid., ix.

<sup>10</sup> Ibid., 7-8.

<sup>11</sup> Ibid., 4.

<sup>12</sup> Turner quoted in Ibid., 4.

the legitimation of culture-controlling elites through a lack of open confrontation with their cultures' inegalitarian and exclusionary practices."<sup>13</sup>

Against the reductionist approach, Benhabib draws on the work of Homi Bhabha and others to defend the constructivist thesis that all cultures constitute fluid systems of meaning and representation that are continually constructed and reconstructed through "complex dialogues and interactions with other cultures".<sup>14</sup> Cultures are thus posited as "fluid, porous, and contested"<sup>15</sup> phenomena, "which are internally riven by conflicting narratives."<sup>16</sup> Benhabib assures us, however, that this position is not meant to imply that cultures are unreal or fictional entities: "Cultural differences run very deep and are very real", insists Benhabib, the "imagined boundaries between [cultures] are not phantoms in deranged minds; [they] can guide human action and behaviour as well as any other cause of human action."<sup>17</sup>

Also unlike the reductionist perspective, Benhabib aligns justice in multicultural/multinational contexts not in terms of cultural preservation or autonomy, but rather with the "inclusion" of traditionally marginalized groups into a widening "democratic dialogue" with the citizenry, cultures, and institutions of the surrounding society.<sup>18</sup> In order to facilitate this robust form of inclusion, Benhabib proposes a "dual track" model of deliberative democracy that stresses "maximal cultural contestation in the public sphere," as well as "the institutions and associations of civil society."<sup>19</sup> So long

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<sup>13</sup> Ibid., 68.

<sup>14</sup> Ibid., 184.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., ix.

<sup>17</sup> Ibid., 7.

<sup>18</sup> Ibid., ix.

<sup>19</sup> Ibid.

as recognition-based claims adhere to the constructivist/inclusion paradigm and allow for the contestability of cultural norms, practices, and boundaries in and through the institutional matrix of civil society and the state, then certain forms of “legal pluralism and institutional power sharing through regional and local parliaments”<sup>20</sup> can and ought to be accommodated. To ensure that pluralist institutional arrangements meet this standard, Benhabib proposes a baseline of three “normative conditions” which ought to be met by any cultural group seeking recognition and accommodation. These conditions are:

1. *egalitarian reciprocity.* Members of cultural, religious, linguistic, and other minorities must not, in virtue of their membership status, be entitled to lesser degrees of civil, political, economic, and cultural rights than the majority.
2. *voluntary self-ascription.* In consociationalist or federative multicultural societies, an individual must not be automatically assigned to a cultural, religious, or linguistic group by virtue of his or her birth. An individual’s group membership must permit the most extensive form of self-ascription and self-identification possible. There will be many cases when such self-identifications may be contested, but the state should not simply grant the right to define and control membership to the group at the expense of the individual; it is desirable at some point in their adult lives individuals be asked whether they accept their continuing membership in their cultural communities of origin.
3. *freedom of exit and association.* The freedom of the individual to exit the ascriptive group must be unrestricted, although exit may be accompanied by the loss of certain kinds of formal and informal privileges. However, this wish of individuals to remain group members, even while out marrying, must not be rejected; accommodations must be found for inter-group marriages and the children of such marriages.<sup>21</sup>

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid., 19.

After outlining these normative requirements Benhabib concludes that, although “cultural groups may not be able to survive as distinct entities under these conditions” securing them is nonetheless “necessary if legal pluralism in liberal-democratic states is to achieve the goals of cultural diversity as well as democratic equality, without compromising the rights of women and children.”<sup>22</sup> Under Benhabib’s deliberative model, only demands for recognition that adhere to the above standards and do not deny the contestability of cultural norms and practices can ensure the well being of individual group members.<sup>23</sup> Here the cultural preservationist impulses of essentialism are clearly portrayed as overly restrictive and rigid, while the inclusive domain of social constructivism is cast as democratic and emancipatory.

## **II. Essentialism, Gender Discrimination and Indigenous Self-Government**

At this point I would like to develop the first claim I posed at the outset of this chapter: that in certain contexts social constructivist positions such as Benhabib’s may not only over-estimate the emancipatory potential of anti-essentialist political interventions, but that they may also fail to confront the breadth and complexity of power relations that often serve to inform the types of gendered and exclusionary practices that they ought to remedy. Benhabib’s intervention into recent debates in Canada regarding the dispossession of First Nations women’s citizenship rights in the context of Aboriginal self-government proves useful in elucidating some of the limitations that plague the constructivist approach when uncritically deployed in colonial contexts. This section

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<sup>22</sup> Ibid., 20.

<sup>23</sup> Ibid. 184.

provides a background summary of the historical context framing these debates followed by an analysis of Benhabib's constructivist intervention into them.

Prior to 1985, all First Nations women who married non-Native men were forced to relinquish their Indian "status" under sexist provisions of the federal government's 1876 *Indian Act*.<sup>24</sup> Like many aspects of Canadian Indian policy, the state's gendered criteria for determining who can claim Indian "status" under the law predates confederation. In 1850, definitions of status were generally broad in scope and included "any person of Indian birth or blood, any person reputed to belong to a particular group of Indians, and any person married to an Indian or adopted into an Indian family."<sup>25</sup> With respect to those individuals who acquired status through marriage, this early definition stated that any non-Aboriginal or non-status women who married a status male would herself acquire status, but the same was not true for non-Aboriginal men married to status women. Although the 1850 legislation did not yet lay out the terms under which a status woman could expect to lose her status for marrying a non-status man, it nonetheless established for the first time a definition of "Indian" that was tightly associated with the male line.<sup>26</sup>

In the years to follow, state-sanctioned gender discrimination within the field of Indian policy would escalate dramatically. For instance, under provisions of the 1869 *Act for the Gradual Enfranchisement of Indians*, status Indian women were legally excluded

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<sup>24</sup> Ibid., 54. For a comprehensive discussion of the gendered character of Canadian Indian policy to which I am much indebted, see Bonita Lawrence, "Real" Indians and Others and Joanne Barker, "Gender, Sovereignty, and the Discourse of Rights in Native Women's Activism", *Meridians: Feminism, Race, Transnationalism* 7: 1 (2006). Also see, Kathleen Jamieson, *Indian Women and the Law in Canada: Citizens Minus* (Ottawa: Published by the Advisory Council on the Status of Women and Indian Rights for Indian Women, 1978).

<sup>25</sup> Megan Furi and Jill Wherrett, *Indian Status and Band Membership Issues* (Ottawa: Parliamentary Research Branch, 2003), 2.

<sup>26</sup> Lawrence, "Real" Indians and Others, 50.

from the right to receive inheritances from their husbands, they were denied the right to vote and participate in formal band politics, they could be declared enfranchised without consent upon the enfranchisement of their husbands, and, finally, Section 6 of the *Act* stated that any status women who married a non-status man would lose all rights and benefits commonly associated with membership in a federally recognized Indian community, including the right to reside on reserve, the right to federally subsidized health care, post-secondary education, reserve housing, and so on.<sup>27</sup> All of these provisions were incorporated into Canada's *Indian Act* in 1876.

Although First Nations women have always resisted the state's attempt to dispossess them of their rights to land and community, it was not until the late 1960s and early 1970s that their efforts began to gain national coverage, if not success. This period witnessed the establishment of organizations such as Indian Rights for Indian Women (incorporated in 1970) and The Native Women's Association of Canada (or NWAC, incorporated in 1974), both of which would help advance the fight of Indigenous women against the patriarchal legacy of Indian legislation.<sup>28</sup> In particular, these groups were instrumental in organizing enfranchised Native women around questions of gender equality and political empowerment at the local, national and international levels.<sup>29</sup> Three foundational legal challenges emerged from this period of Indigenous women's activism: (1) *Lavell vs. Canada* in 1971, (2) *Bédard vs. Isaac* in 1972 and, (3) *Lovelace vs. Canada* in 1981.<sup>30</sup>

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<sup>27</sup> *Ibid.*, 54-55.

<sup>28</sup> Barker, "Gender, Sovereignty and the Discourse of Rights in Native Women's Activism", 135.

<sup>29</sup> *Ibid.*, 136.

<sup>30</sup> *Ibid.*

The first two legal challenges sought to force a repeal of the sexist provisions of the *Indian Act* by challenging in court their lack of conformity with Canada's 1960 *Bill of Rights*. In *Lavell vs. Canada*, this involved a challenge to Section 12 (1) (b) of the *Indian Act* - the provision containing the infamous "marrying out" clause. In his decision, Judge Grossberg of the Ontario County Court ruled against Lavell, arguing that in *losing* the circumscribed rights and benefits associated with Indian status Lavell had actually *acquired* the full and equal rights of Canadian citizenship, thus rendering her charge of discrimination obsolete.<sup>31</sup> In the words of Grossberg: "In my view [...] the equality which should be sought and assured to the appellant upon her marriage is equality with all other Canadian married females. The appellant has such equality. The appellant has [therefore] not been deprived of any human rights or freedoms contemplated by the Canadian *Bill of Rights*."<sup>32</sup> The second case involved Yvonne Bédard, a Mohawk woman whose band sought to evict her and children from a house bequeathed to her by her mother. Bédard argued in court that the only reason the band could legally claim the right to do so was because she had married a non-status man and thus lost her status and the associated right to live on reserve, which she claimed contravened the gender equality provisions outlined in the *Bill of Rights*. In the end, both Lavell and Bédard lost their cases at the federal level, but were successful at gaining appeals, and their claims were eventually heard simultaneously by the Supreme Court of Canada.<sup>33</sup>

During the period leading up to the Supreme Court's decision, Lavell and Bédard were subject to ruthless criticism within First Nations communities and by

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<sup>31</sup> *Re: Lavell and Attorney-General of Canada* (1971), 22 D.L.R (3d) 182.

<sup>32</sup> *Ibid.*

<sup>33</sup> Lawrence, "Real" Indians and Others, 56.

mainstream First Nations political organizations. As Joanne Barker notes, in making their stand, both women were routinely accused of “being complicit and even conspiring” with the kinds of “colonialist, assimilationist, and racist ideologies”<sup>34</sup> propagated by government bureaucrats and DIAND administrators. In particular, the two women’s appeals to baseline feminist norms regarding gender equality rights were often included as evidence of the culturally “inauthentic” character of their concerns. As Barker describes:

Demonizing an ideology of rights perceived to be based on selfish individualism and personal entitlement, and damned for being “women’s libbers” out to force bands into compliance with this ideology, the women and their concerns and experiences of discriminatory and violent sexist practices within their communities were dismissed as embodying all things not only non- but anti-Indian. Indian women’s experiences, perspectives, and political agendas for reform were perceived as not only irrelevant but dangerous to Indian sovereignty movements.<sup>35</sup>

The perceived culture clash between the individual rights of First Nations women and the collective rights of First Nations communities to recognition and self-determination led organizations like the National Indian Brotherhood (renamed the Assembly of First Nations in 1982) to intervene against Lavell and Bédard in their case, arguing with the Attorney General of Canada that the *Indian Act* ought to supersede subsequent legislation, including the gender equality stipulations outlined in the Canadian *Bill of Rights*.<sup>36</sup>

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<sup>34</sup> Barker, “Gender, Sovereignty, and the Discourse of Rights in Native Women’s Activism”, 137.

<sup>35</sup> *Ibid.*

<sup>36</sup> Kathleen Jamieson, “Sex Discrimination and the Indian Act”, in J.R. Ponting (ed.), *Arduous Journey: Canadian Indians and Decolonization* (Toronto: McClelland and Stewart, 1986), 126-127.

In March of 1973, the Supreme Court of Canada ruled against Lavell and Bédard in a 5-4 decision and in doing so upheld the patrilineal criterion for determining Indian status under Section 12 (1) (b) of the *Indian Act*. Among the numerous points made in his majority decision, Justice Richie argued the following: “that equality before the law under the *Bill of Rights* means equality of treatment in the enforcement and application of the laws of Canada before the enforcement authorities and the ordinary Courts of the land,” and that “no such inequality is necessarily entailed in the construction and application of s. 12 (1) (b)”.<sup>37</sup> On this point, Justice Richie concurred with the lower court decision of Judge Grossberg, who recall argued that Lavell’s charge of discrimination was unsubstantiated given that in losing her Indian status she had acquired the full and equal benefits of Canadian citizenship. The second significant point made was that the *Bill of Rights* should not be allowed to “render inoperative” the federal government’s constitutional authority to legislate with respect to Indian and Indian lands as dictated by Section 91 (24) of the *BNA Act, 1867*.<sup>38</sup>

The next major legal intervention was mounted at the international level by Sandra Lovelace, a Maliseet woman from the reserve community of Tobique, New Brunswick. Lovelace’s efforts initially began in the 1970s as part of a community-wide struggle to address her reserve’s escalating housing and homelessness crisis.<sup>39</sup> At issue during this period was the ways in which the Tobique band council had interpreted *Indian Act* legislation to exclude community women from owning property on reserve.<sup>40</sup>

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<sup>37</sup> *Attorney-General of Canada v. Lavell; Isaac v. Bedard* (1973), 38 D.L.R. (3d) 481; emphasis added.

<sup>38</sup> *Ibid.*

<sup>39</sup> For an authoritative account of this struggle, see Janet Silman (ed.), *Enough is Enough: Aboriginal Women Speak Out* (Toronto: The Women’s Press, 1987).

<sup>40</sup> Lawrence, “Real” Indians and Others, 57.

Over time, the intolerable living conditions experienced by the women of Tobique coalesced into a movement to change the *Indian Act* itself.<sup>41</sup> Because Lovelace had lost her status after marrying a non-status man, when she returned to the reserve with her children after her divorce the band was unwilling to provide her with a place to live. In a demonstration of solidarity, many women in the community mobilized around the Lovelace case, which, in the winter of 1977, was brought to the United Nations Human Rights Committee.<sup>42</sup> In her complaint, Lovelace argued that Section 12 (1) (b) of the *Indian Act* was non-compliant with Article 27 of the International Covenant on Civil and Political Rights, which stipulates that in “those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right to live in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”<sup>43</sup> On July 30, 1981 the Committee rendered a decision in favour of Lovelace, ruling that Section 12 (1) (b) indeed violated Article 27 on the grounds that it denied Lovelace the right to live in her community of culture.<sup>44</sup>

The timing of the UN’s decision in *Lovelace vs. Canada* did not reflect well on the Canadian state. At the time, Canada was immersed in the process of patriating its Constitution from England, and the proposed patriation package was to include a

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<sup>41</sup> Barker, “Gender, Sovereignty, and the Discourse of Rights in Native Women’s Activism”, 138-139.

<sup>42</sup> *Ibid.*, 139.

<sup>43</sup> UN Office of the High Commissioner for Human Rights, *International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966*. Available online at: [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm).

<sup>44</sup> *Sandra Lovelace vs. Canada, Communication NO. R. 6/34 (29 December 1977), U.N. Doc. Supp. No. 40 (A/36/40) at 166 (1981)*. Available online at: [http://www.lawsite.ca/WLSC/Lovelace\\_w.htm](http://www.lawsite.ca/WLSC/Lovelace_w.htm).

Charter of Rights and Freedoms that would constitutionally entrench, among other things, gender equality rights. This eventually led the federal government to repeal the provision of the *Indian Act* dealing with out-marriages in 1985. This legislative initiative (known as Bill C-31) coincided with the three year grace period within which Canada had to amend all legislation shown to contravene its newly minted Charter. Following the Bill C-31 amendment thousands of First Nations women and their children applied to have their Indian status reinstated. It is crucial to note that since the implementation of Bill C-31 several First Nations communities have refused to grant reinstated women access to the rights and privileges associated with band citizenship. Those that have chosen to take this route have tended to rationalize their actions with reference to a combination of the following interrelated arguments:

- (1) *The sovereignty argument.* That the exclusion of reinstated women is justified on the grounds that First Nations governments, not the colonial state, have the fundamental right to determine for themselves and in accordance with their culture who does and does not constitute a member of the community.
- (2) *The cultural incommensurability argument.* That respecting the gender equality rights of reinstated First Nations women, as stipulated, for example, under Section 15 of the Charter of Rights and Freedoms and Section 35 (4) of the *Constitution Act, 1982*, clashes with the collectivist orientation of Indigenous cultures and traditions.
- (3) *The invocation of tradition argument.* Several First Nations leaders have also periodically employed the language of "tradition" and "cultural preservation" to justify the continued exclusion of reinstated women, some even going as far as to suggest that these exclusionary practices represent an embodiment of "Indian custom."<sup>45</sup>

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<sup>45</sup> Katheen Jamieson quoted in Bonita Lawrence, "'Real' Indian and Others, 58. Also see, Joyce Green, *Cultural and Ethnic Fundamentalism: The Mixed Potential for Identity, Liberation, and Oppression* (Regina: Saskatchewan Institute of Public Policy, University of Regina, 2003) and "Canaries in the Mines of Citizenship: Indian Women in Canada", *Canadian Journal of Political Science* 34:4 (2001); Monique Deveaux, "Conflicting Equalities: Cultural Group Rights and Sex Equality", *Political Studies* 48 (2000); Joanne Barker, "Gender, Sovereignty, and the Discourse of Rights in Native Women's Activism", *Meridians: Feminism, Race, Transnationalism* 7:1 (2006); Dawn Martin-Hill, "She No Speaks and Other Colonial Constructs of 'The Traditional Woman'" in Kim

Similar themes also dominated the post-1982 debates that occurred regarding the relevance of gender equality within the context of Aboriginal self-government. With the *Constitution Act* of 1982 came the recognition of “existing aboriginal and treaty rights” under Section 35 (1). The *Constitution Act* also acknowledged that defining the scope and content of these rights represented a piece of “unfinished constitutional business” that needed to be addressed in more detail.<sup>46</sup> To this end, Part 37 of the *Act* stipulated that within a year a constitutional conference would be held to deal with the matter, and that Aboriginal peoples as well as representatives of the Northwest Territories and Yukon would officially join provincial leaders as part of the process. The conference, which took place in March of 1983, resulted in the first amendment to the *Constitution Act, 1982*. The amendment expanded the definition of “existing aboriginal and treaty rights” in two ways: first, it gave constitutional recognition to those rights secured through the negotiation of land claims agreements; this now means that the terms arrived through the contemporary land claims process have the same constitutional status as historic treaties. The second change stated that the constitutional recognition of Aboriginal rights must apply equally “to male and female persons.” As significant as these changes were, however, they failed to meet the growing political objectives of the participating Aboriginal organizations, particularly with respect to the recognition of a right to self-government. As a result, the 1983 amendment also included a provision which stipulated that at least two more constitutional conferences (there ended up being

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Anderson and Bonita Lawrence (eds.), *Strong Woman Stories: Native Vision and Community Survival* (Toronto: Sumach Press, 2003).

<sup>46</sup> Peter H. Russell, *Constitutional Odyssey: Can Canadians Become a Sovereign People?* (Toronto: University of Toronto Press, 2004), 130-31.

three more) would be held to sort out the details regarding the scope of Aboriginal peoples' rights.<sup>47</sup>

The gender equality provision enshrined in the 1983 amendment did not come about easily. There are at least two reasons for this: first, the meeting that resulted in the amendment, as well as the three constitutional conferences to follow, excluded Indigenous women's organizations from participating at the formal negotiating table;<sup>48</sup> and second, among the four Aboriginal organizations invited to participate in the conference (the Assembly of First Nations, the Métis National Council, the Inuit Tapirisat of Canada, and the Native Council of Canada), the largest and most powerful, the Assembly of First Nations, initially refused to endorse the amendment, arguing that it would unduly infringe on the authority of First Nations to "determine membership criteria *in light of their own perceptions of the traditions and needs of Indian people.*"<sup>49</sup> By the end of the conference's second day, however, the AFN modified its position, likely because it did not want to be perceived as promoting an agenda with discriminatory implications. Subsequently, on the final day of meetings, the AFN issued the following statement: that it would accept the sexual equality clause on the condition that "the issue of citizenship be left for further discussions."<sup>50</sup>

The marginalization of Indigenous women and organizations from the constitutional process would continue well into era of attempted mega-constitutional

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<sup>47</sup> Ibid., 130-131.

<sup>48</sup> Barker, "Gender, Sovereignty, and the Discourse of Rights in Native Women's Activism", 141.

<sup>49</sup> Bryan Schwartz, *First Principles, Second Thoughts: Aboriginal Peoples, Constitutional Reform and Canadian Statecraft* (Montreal: Institute for Research on Public Policy, 1986), 337.

<sup>50</sup> Ibid.

amendments, particularly those that ended in the failed Charlottetown Accord of 1992.<sup>51</sup> The Charlottetown Accord was a proposed agreement struck between the federal government, the provincial and territorial governments, and Aboriginal representatives on a proposed series of amendments to the *Constitution Act, 1982*. Among other things, the amendment sought to address issues concerning the distinct status of Quebec within confederation, the right of Indigenous peoples to self-government, and parliamentary reform. After a series of lengthy and intense negotiations, an agreement was reached by all parties involved on August 28, 1992, at Charlottetown, Prince Edward Island. In order to curb ongoing public concerns regarding the elitist and unrepresentative character of high constitutional politics, the terms of the Charlottetown Accord were put to a national referendum on October 26, 1992, where it was ultimately rejected by a majority of Canadian voters.

From the perspective of many Native women, two familiar problems plagued the Charlottetown process. The first was that Indigenous women's organizations were once again formally excluded from participating in negotiations that led to the package. The second problem had to do with the Accord's proposal to constitutionally entrench an Aboriginal right to self-government, which was subjected to much public scrutiny by NWAC in particular. In principle, NWAC did not oppose the granting of such rights to Indigenous communities, what was at issue rather was the proposed relationship between the rights afforded through self-government and Canadian law. "What we want to get across to Canadians is our right as women to have a voice in deciding upon the definition of Aboriginal government powers. It is not simply a case of recognizing

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<sup>51</sup> For a discussion of Aboriginal participation in the Charlottetown negotiations in general, see Russell, *Constitutional Odyssey*, Chapters 10 and 11.

that [Aboriginal peoples] have a right to self-determination and self-government. Aboriginal women also have sexual equality rights [under the Charter]. We want those rights respected.”<sup>52</sup>

During the negotiation process it became clear that many Aboriginal leaders and organizations wanted their communities vested with powers of self-government largely unencumbered by Canada, including its Charter of Rights and Freedoms. One of the main reasons articulated in defence of this degree of autonomy was the perceived clash between the individualistic orientation of liberal democratic norms on the one hand, and the collectivism of Indigenous cultural traditions on the other. As the Assembly of First Nations stated to the Standing Committee on Aboriginal Affairs in 1982: “As Indian people we cannot afford to have individual rights override collective rights [...] the Canadian Charter is *in conflict with our philosophy and culture*.”<sup>53</sup> Although the negotiations leading up to the Charlottetown Accord made it clear that Aboriginal governments would not receive the degree of unfettered autonomy that many leaders had fought for during the process, in the end a compromise was reached whereby Aboriginal governments would, like their federal and provincial counterparts, be granted access to Section 33 of the *Constitution Act, 1982*, otherwise known as “the notwithstanding clause.” Access to the “notwithstanding clause” would provide Aboriginal governments the power to opt out of or suspend those provisions of the Charter deemed impediments to self-rule. This led many supporters of NWAC to reject the Charlottetown deal, fearing that some Aboriginal governments might try to call on

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<sup>52</sup> Native Women’s Association of Canada, *Statement on the Canada Package* (Ottawa: Native Women’s Association of Canada, 1992), 6.

<sup>53</sup> Quoted in *Ibid.*, 7.

Section 33 as a means of undercutting the gender equality provisions outlined in the Charter. And considering that several band councils had openly admitted that they were looking for ways to circumvent the obligations placed on them by Bill C-31, these concerns were not without merit.

Under Benhabib's model, the situation described above is clearly unacceptable. In fact, one could argue that it provides a textbook example of why preservationist demands for collective recognition should not outweigh the universal rights of individual group members. Furthermore, it also appears to demonstrate how the institutional accommodation of essentialist articulations of cultural identity through the allocation of unhampered self-government rights can facilitate the further exclusion and marginalization of a community's less-powerful members, especially when this form of accommodation is not subject to the norms that guide deliberative democratic practice or adhere to baseline conditions such as Benhabib's egalitarian reciprocity, voluntary self-ascription, and freedom of exit and association. In particular, the reliance by many First Nations leaders and organizations on arguments stressing the incommensurability of liberal democratic and Indigenous cultural notions of citizenship seems to lend credence to these concerns. However, although I agree with Benhabib's condemnation of these exclusionary practices as unjust, I nonetheless must challenge both her identification of the source as well as her prescriptive gestures toward a solution to these practices: I simply fail to see how developing a deliberative order that calls on the state to institutionally police a more open-ended, fluid and contestable understanding of cultural identity can subvert the deeply entrenched relations of power at play here.

Like most poststructuralist proponents of social constructivism, Benhabib's neo-Kantian appropriation of anti-essentialist criticism represents both an *empirical* statement about the constructed nature of cultural identities, as well as a *normative* project aimed at social transformation.<sup>54</sup> Indeed, I would argue that recognizing the social *fact* of cultural contestability appears as a necessary (although insufficient) condition for cultivating what most deliberative democrats posit as a just democratic order. In other words, what is convenient about the social constructivist thesis to the deliberative democratic project is that it justifies subjecting "the cultural" to the norms that guide deliberative conceptions of "the political": that is, it renders cultural forms subject "to appropriate processes of public deliberation by free and equal citizens."<sup>55</sup> When viewed from this angle, it would appear that the very *possibility* of cultivating a truly democratic and emancipatory multicultural or multinational politics hinges on culture's so-called fluid and therefore negotiable nature.<sup>56</sup> The problem with this formulation, however, as scholars such as Michael Hardt and Antonio Negri argue, is that it assumes that the oppressive relations of power in question operate in a very precise manner.<sup>57</sup> In short, the efficacy of anti-essentialist interventions such as Benhabib's rests on the assumption that unjust configurations of power are produced and maintained primarily through the

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<sup>54</sup> The following interpretation of Benhabib's critique of essentialism is indebted to Michael Hardt and Antonio Negri's analysis of Homi Bhabha's postcolonial criticism. Hardt and Negri, *Empire*, 143-146. See also, Homi K. Bhabha, *The Location of Culture* (New York: Routledge, 1994).

<sup>55</sup> Benhabib, *The Claims of Culture*, 106; also see, Monique Deveau, "A Deliberative Approach to Conflicts of Culture", *Political Theory* 31:6 (2003).

<sup>56</sup> Or, stated the other way around: when cultural obligations are conferred on individuals without these deliberative mechanisms in place, then "the obligations that ensue can only be regarded as an imposition. In such cases, any defence of cultural traditions will be regarded as a [potential] source of coercive power applied against an unwilling membership." Tim Schouls, *Shifting Boundaries: Aboriginal Identity, Pluralist Theory, and the Politics of Self-Government* (Vancouver: University of British Columbia Press, 2003), 106.

<sup>57</sup> Hardt and Negri, *Empire*, 137-150.

production and naturalization of hierarchically ordered binary oppositions based on what appear to be fixed differences; differences between, say, male and female, black and white, gay and straight, colonizer and colonized. And indeed, in contexts where oppressive hierarchies *are* primarily sustained through these naturalized divisions, the affirmation of “hybridity and [the] ambivalences of our cultures [...] seem to challenge the binary logic of Self and Other that stands behind colonialist, sexist, and racist constructions.”<sup>58</sup> But what does this strategic intervention have to say about situations where relations of dominance and subordination are neither primarily produced nor sustained through these essentialized binary oppositions?

I ask, because in the context of Indigenous women’s’ struggle for community citizenship rights, the binary logic that ought to be at the source of their marginalization is not readily apparent. There is no doubt that certain segments of the male Native elite have problematically seized the language of “cultural incommensurability”, “tradition” and “self-preservation” to justify the asymmetrical privileges that they have inherited from a sexist legacy of colonial Indian policy, but the reification and misuse of culture in this case cannot be understood without reference to the colonial context within which it continues to occur. What is at issue here is the complex web of interlocking oppressive social relations that anchors the Canadian state’s relationship with Indigenous communities, of which the gendered production and maintenance of essentialist identity formations constitutes only one. As a result of this relationship, social pathologies such as “poverty, infant mortality, unemployment, morbidity, suicide, criminal detention, children on welfare, women victims of abuse, [and] child prostitution” are much more

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<sup>58</sup> Ibid., 139.

common in Indigenous communities than they are in any other segment of Canadian society, “whereas educational attainment, health standards, housing conditions, family income, access to economic opportunity and to social services are generally lower.”<sup>59</sup> These state-sanctioned conditions have made it difficult for First Nation governments to provide an adequate system of support for the members they have now, let alone thousands of reinstated women and children. In fact, by thrusting these disadvantaged members into the hands of the communities without rectifying the profound inequalities that structure the relationship *between* Indigenous peoples and the state, the federal government has simply served to aggravate the problem *within* these communities even further.<sup>60</sup> In such contexts, I simply do not see how deliberately policing hybrid cultural forms can subvert the colonial context within which these practices flourish. Even if we were to provide institutional spaces within which one might deconstruct and expose the Native elite’s sexist misuse of culture as a means of maintaining patriarchal privilege, we would still leave intact the host of other social relations that work in concert with patriarchy to inform the misuse to begin with. In effect, we would be locked in a vicious circle of essentialist claims-making and identity deconstruction, having to repeatedly deliberate over and unpack problematic identity claims and practices only to have them resurface in another place and context because we have failed to undermine the full conditions of their production.

At this point I want to make myself clear: in no way should my assessment of Benhabib’s constructivist position be interpreted as rehashing some colonial variant of

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<sup>59</sup> Stavenhagen, Rodolfo. *Human Rights and Indigenous Issues: Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples: Mission to Canada* (UN Commission of Human Rights, 2004), 2.

<sup>60</sup> Patricia Monture-Angus, *Thunder in My Soul: A Mohawk Woman Speaks* (Halifax: Fernwood, 1995), 184; Lawrence, “*Real*” *Indians and Others*, 64-84.

the antiquated “base/superstructure” model, wherein gender oppression is simplistically cast as some second-order, epiphenomenal “effect” of the more “foundational” problem of capitalist imperialism. What I am suggesting here is quite different: that the oppression of Indigenous women in Canada cannot be adequately understood when separated from the other axes of oppression that have converged to sustain it over time. In the settler-colonial context of Canada, these power relations include not only patriarchy, but also white supremacy, capitalism, and state domination. By focusing too narrowly on the gendered character of essentialist cultural claims, Benhabib has failed to take into consideration the multiplicity of ways in which these other dynamics have served to inform, indeed proliferate, these sexist practices.

### **III. Cultures of Resistance: Tradition as Transformative Strategy**

The emancipatory potential of the constructivist paradigm is even less convincing in contexts where Indigenous activists have employed seemingly essentialist notions of tradition and culture in their efforts to critique and construct alternatives to colonialism. For example, in her critical assessment of the statist legal strategies adopted by both NWAC (in its fight against the discriminatory actions of band councils) and First Nations organizations (in their fight against NWAC), Mohawk legal scholar Patricia Monture-Angus has proposed that Indigenous communities instead approach the question of systemic gender inequality in a manner that conforms to the “cultural understanding of Aboriginal reality.”<sup>61</sup> For her community specifically, this might involve the critical reconstruction and re-institutionalization of pre-contact cultural

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<sup>61</sup> Patricia Monture-Angus, *Journeying Forward: Dreaming First Nations Independence* (Halifax: Fernwood, 1999), 148.

values and political traditions based on kinship systems within which women traditionally enjoyed the right to “select and even depose chiefs, and had competence in such matters as land allotment, supervision of field labour, the care of the treasury, the ordering of feasts and the settlement of disputes.”<sup>62</sup> From Monture-Angus’ perspective, “the concept of kinship relations is an important key in understanding traditional justice mechanisms and establishing those relations [...] is necessary to restore women’s respected position in First Nations society.”<sup>63</sup> To my mind, such an approach again stands in marked contrast to the strategies of NWAC and the AFN, both of which have remained too reliant on the state to challenge the array of oppressive practices that it has played such a central role in creating and maintaining.<sup>64</sup> What is needed is a grassroots, intersectional approach to self-determination; one that begins with our communities acknowledging the ways in which our internally exclusionary and sexist practices relate to and perpetuate colonial dispossession, and then proceed to rectify the situation through culturally-grounded forms of direct action. Only once this has happened can our nations then conceive of entering “into much more powerful relations with the dominant society.”<sup>65</sup> From a radical Indigenous feminist standpoint, however, there is perhaps nothing more counterproductive than the tendency of both prescriptive anti-essentialism and liberal democratic theory to implicate kinship systems, rather than

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<sup>62</sup> Monture-Angus, *Thunder in my Soul*, 241.

<sup>63</sup> *Ibid.*, 241. Mi’kmaq scholar Bonita Lawrence, Sto:lo writer Lee Maracle, and Métis/Cree historian Kim Anderson have proposed analogous strategies. Lawrence, “Real” *Indians and Others*; Lee Maracle, “Decolonizing Native Women”, in Barbara Alice Mann (ed.), *Make a Beautiful Way: The Wisdom of Native American Women* (Lincoln: University of Nebraska Press, 2008); Kim Anderson, *A Recognition of Being: Reconstructing Native Womanhood* (Toronto: Sumach Press, 2000).

<sup>64</sup> For the strongest articulation of an anti-statist argument from a feminist standpoint, see Andrea Smith, “Native American Feminism. Sovereignty, and Social Change”, *Feminist Studies* 31:1 (2005). Also see Taiaiake Alfred, *Wasase: Indigenous Pathways of Action and Freedom* (Peterborough: Broadview Press, 2005).

<sup>65</sup> Lawrence, “Real” *Indians and Others*, 15.

incriminate state-sanctioned and supported colonial hierarchies, in the operation of Indigenous governing structures.

Instead of sanctioning exploitative and authoritarian cultural practices, the kinship example noted above highlights the manner in which an arguably essentialist conception of tradition can be used to inform a transformative critique of colonial-gender relations. We also saw in Chapter 3 how a similar articulation of Dene identity informed a radical analysis of colonial-capitalist development in the north. In the following chapter I explore the theory and practice of these cultural forms of critique and resistance more thoroughly. For now, however, I simply want to highlight that, in contexts such as these, the essentialism/constructivism dichotomy underlying Benhabib's deliberative approach to cultural accommodation – where essentialized identities are viewed as “reactionary and crippling and their transgressions as a symbol of creativity and freedom”<sup>66</sup> – does not provide a particularly illuminating or constructive way to approach the forms of injustice faced by Indigenous peoples today. James Clifford has perceptively framed the problem this way: when constructivist inspired “critiques of identity [harden] into theoretical dogma, they may dismiss historically adaptive forms of cultural *integrity* in the same breath as essentialist assumptions of *authenticity*.”<sup>67</sup> I would argue that this is especially troubling from the position of Indigenous resistance movements, for whom these dominant critiques of essentialism can be profoundly disempowering, especially when pitted against and tangled up with claims against colonial law and the state.<sup>68</sup>

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<sup>66</sup> Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (Cambridge, MA: Harvard University Press, 2000), 150.

<sup>67</sup> Clifford, “Taking Identity Politics Seriously”, 99.

<sup>68</sup> *Ibid.* Also see, Lawrence, “Real” Indians and Others, 2-5.

#### IV. Social Constructivism, Colonial Domination, and the State

In the previous section I suggested that, like many poststructuralist advocates of social constructivism, Benhabib's anti-essentialist critique of the politics of recognition represents both a sociological statement about the fragmented and hybrid nature of cultural identities, as well as a normative project aimed at progressive social change. However, unlike some poststructuralist-inspired theorists who tend to view cultural criticism as a potentially transformative practice in its own right,<sup>69</sup> Benhabib moves beyond the realm of deconstructive critique and applies what she sees as the best insights of social constructivist thought to the development of a deliberative project capable of accommodating justifiable demands for cultural recognition without violating individual claims to equality. In doing so, I claim she makes a problematic move: once she establishes the constructedness of cultural identities as a universal feature of social life, she then proceeds to ground her normative position on what a political order ought to look like based on that universal depiction.<sup>70</sup> What form ought this political order take? As noted previously, for Benhabib it should be comprised of "impartial institutions in the public sphere and civil society where [the] struggle for recognition of cultural differences and the contestation of cultural narratives can take place without domination."<sup>71</sup> If group demands for cultural recognition meet this deliberative standard, there is no reason why the state should not provide legal and institutional

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<sup>69</sup> Take, for instance, Homi Bhabha's suggestion that by highlighting the fractured and in-between spaces of social identities we "open up" the very "possibility of a cultural hybridity that entertains difference without an assumed or imposed hierarchy." Bhabha, *The Location of Culture*, 4. For a discussion of both the transformative possibilities and limits of Bhabha's project, see, Hardt and Negri, *Empire*, Chapter 2.4.

<sup>70</sup> Judith Butler, Ernesto Laclau, and Slavoj Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left* (London: Verso, 2000), 14-15.

<sup>71</sup> Benhabib, *The Claims of Culture*, 8.

accommodation for the group in question.<sup>72</sup> This, again, is quite different from the standard poststructuralist position, which tends to view the institutionalization of any claim to universality with suspicion.<sup>73</sup>

Now, thus far my critique has been directed fairly broadly at the imperial implications of what I have characterized as an uncritical normative privileging of cultural contestability in Benhabib's social constructivism. Seen from this angle, Benhabib's deliberative approach appears problematic only insofar as it has appropriated this uncritical strand of constructivist thought. In this section, I want to flip the gaze around. That is, I want to examine more closely the imperial implications of Benhabib's model of deliberative democracy, and in doing so show how her social constructivist commitments work in concert with this model to reinforce colonial structures of dominance.

By employing the so-called social fact of cultural fluidity, narrativity, and contestability as a standard against which democratic theorists, judges, policymakers, and the state ought to assess the legitimacy of claims for recognition, Benhabib's theory potentially sanctions the very forms of power and discrimination that anti-essentialist democratic projects are supposed to mitigate. First, by placing the burden squarely on the shoulders of claimants of recognition to prove that their identity movements do not deny the contestability of cultural practices before they are eligible for institutional accommodation, Benhabib's model potentially renders rectifying forms of recognition and redistribution unattainable for Indigenous groups whose cultural expressions do not adhere to this form. Second, and more problematically, *even if* Indigenous claims for

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<sup>72</sup> Ibid., x, 19-20, 184.

<sup>73</sup> Butler, Laclau and Žižek, *Contingency, Hegemony, Universality*, 15.

recognition do manage to meet these criteria, her theory leaves uninterrupted the colonial social and political structure that is assigned the adjudicative role in assessing recognition claims and enforcing post-deliberative claim decisions. Duncan Ivison has perceptively referred to this second problem as the “legitimacy” crisis faced by most deliberative approaches when applied to colonial contexts.<sup>74</sup> I will now discuss these two problems in turn.

As we saw in the previous sections, in many cases Indigenous peoples’ struggles for recognition and self-determination simply defy all protocols associated with social constructivist criticism. As Arif Dirlik has commented:

Not only do [they] affirm the possibility of a “real” native identity, but [they] also assert for the basis of such an identity a native subjectivity that has survived, depending on location, as many as five centuries of colonialism and cultural disorientation. Not only [do they] believe in the possibility of recapturing the essence of precolonial indigenous culture, but [they] also base this belief on a spirituality that exists outside of historical time. ... In all of these different ways, indigenous ideology would seem to provide a textbook case of “self-Orientalization.”<sup>75</sup>

We also saw that in some instances Indigenous leaders have defended these essentialist notions of culture to legitimize the exclusion of disenfranchised women and children from full participation in the political life of their communities; yet in other cases these conceptions have, as Dirlik also observes, been creatively invoked as a means to “account for [contemporary] challenges” such as “problems of class [and] sexism”.<sup>76</sup>

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<sup>74</sup> Duncan Ivison, “‘Deliberative Democracy and the Politics of Reconciliation’, in David Kahane et al. (eds.), *Realizing Deliberative Democracy* (Vancouver, University of British Columbia Press, forthcoming).

<sup>75</sup> Arif Dirlik, *Postmodernity’s Histories*, 207.

<sup>76</sup> *Ibid.*, 218.

Benhabib, however, focuses solely on the exclusionary features of essentialist identity formations, and this understanding is subsequently reflected in her deliberative approach. The potential problem here, of course, is that by theoretically and institutionally privileging recognition claims that adhere to an infinitely negotiable conception of culture, it is unclear as to what Indigenous claims Benhabib's deliberative model would be willing and able to accommodate. For one, almost every Indigenous demand for recognition that I can think of is couched in the vernacular of "cultural survival," "preservation," and "autonomy" - and rightfully so, given the history of genocidal state assimilation policies that Indigenous people and communities have been forced to endure.<sup>77</sup> My point here is this: as it stands, Benhabib's *a priori* ruling-out of any remotely essentialist and therefore inherently suspect attachments to one's culture and traditions would likely deem problematic any Indigenous claim for recognition that took cultural continuity and collective well-being seriously. Take, for example, any number of claims for recognition that have emerged in the Canadian context over the last twenty-five years. Would legal and political accommodation for First Nations ceremonial practices or traditional justice initiatives which appear to clash with liberal norms of individual freedom and equality fit within Benhabib's framework?<sup>78</sup> Or, what about communities which choose fight the degenerative aftermath of decades of imposed governance through the *Indian Act* by re-establishing the positions of hereditary chiefs or re-institutionalizing matriarchal kinship structures in their national

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<sup>77</sup> David Stannard, *American Holocaust* (New York: Oxford University Press, 1992); Lawrence, "Real" Indians and Others; Smith, *Conquest*.

<sup>78</sup> For a discussion, see Claude Denis, *We are Not You: First Nations and Canadian Modernity* (Peterborough: Broadview Press, 1997) and Emma LaRoque, "Re-examining Culturally Appropriate Models in Criminal Justice Applications", in Michael Asch (ed.), *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference* (Vancouver: University of British Columbia Press, 1997).

political institutions? Even though the use of culture and tradition in these examples represents a potentially powerful means of undercutting the psycho-affective and structural impediments associated with up to five centuries of colonial rule, in accordance with the norms set by Benhabib all would likely be rejected.

In the concluding chapter of *The Claims of Culture* Benhabib recognizes the challenge that Indigenous claims to self-determination present her position. “These peoples”, she writes, “are seeking not to preserve their language, customs, and culture alone but to attain the integrity of ways of life greatly at odds with modernity.”<sup>79</sup> She continues:

While being greatly sceptical about the chances for survival of these cultural groups, I think that from the standpoint of deliberative democracy, we need to create institutions through which members of these communities can negotiate and debate the future of their own conditions of existence. [...] As I have suggested [...] the self-determination rights of many of these groups clash with gender equality norms of the majority culture. [However, if] self-determination is viewed not simply as the right to be left alone in governing one’s affairs, but is also understood as the right to participate in the larger community, then the negotiation of these ways of life to accommodate more egalitarian gender norms becomes possible.<sup>80</sup>

Although Benhabib recognizes the limits of her approach in colonial contexts, in the end she is still unrelenting in her commitment to a conception of democratic governance that views justice for Indigenous communities in terms of their greater inclusion into the institutional matrix of the larger settler-society. Indeed, her whole approach appears to suggest that this inclusion is *necessary* so that Indigenous peoples’ non-liberal, non-

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<sup>79</sup> Benhabib, *The Claims of Culture*, 185.

<sup>80</sup> *Ibid.*

modern cultural norms and practices remain open to contestation and group deliberation. Indigenous peoples, in other words, require access to the deliberative mechanisms and democratic institutions of the *colonial society* for the well-being of *their own citizens*. Although more nuanced, NWAC's stated position that First Nations governing practices must be bound by Canada's Charter of Rights and Freedoms adheres to a similar logic: namely, that the colonial imposition of patriarchal governance structures in First Nations communities has so damaged customary gender roles that the colonial state apparatus is now required to intervene in the political life of First Nations communities to ensure that Indigenous women's rights are honoured and upheld. Here the legitimacy of a substantive right to Indigenous autonomy and self-determination is undercut by the very success of the colonial project itself. Although these proposals may avoid some of the effects associated with essentialist group practices, they nonetheless leave unscathed the presumption that the colonial state constitutes a legitimate authority to determine which demands for Indigenous recognition ought to be accommodated and which ought to be denied. Ironically, however, the state's assumed position in these struggles is itself what is contested by many Indigenous claims for cultural recognition. What is also ironic is the fact that that the state's assumed authority in these matters is premised on the profoundly essentialist, indeed racist, understanding that Indigenous peoples were too uncivilized to constitute equal and self-determining nations when European powers unilaterally asserted their sovereignty over Native North America.

When the first Europeans arrived in what is now Canada, survival required that they immediately enter into political and economic relationships with the diverse,

sovereign, and self-governing Indigenous nations that they encountered.<sup>81</sup> Over the following four centuries the relationship between Aboriginal nations and the growing settler-society underwent substantial changes, shifting from “mutually beneficial associations [...] between equal nations to the coercive imposition of a structure of domination.”<sup>82</sup> As the settler society grew in numbers and strength, their dependence on the technologies and knowledge of Indigenous peoples began to wane, and the relationship shifted from one premised on peaceful coexistence and equality between peoples, to a colonial relationship “in which Aboriginal peoples and their cultures were treated as unequal and inferior.”<sup>83</sup>

Over the last decade, numerous scholars have convincingly shown how the conceptualization of Native peoples as politically and culturally inferior continues to inform Canada’s presumed authority over Indigenous lands and people.<sup>84</sup> By theorizing Indigenous societies as uncivilized, settler nations were able to justify unilaterally asserting supreme jurisdiction over Indigenous peoples and their territories because

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<sup>81</sup> James Tully, “Aboriginal Peoples: Negotiating Reconciliation”, in Alan-G Gagnon and James Bickerton eds. *Canadian Politics 3<sup>rd</sup> Edition* (Peterborough: Broadview Press, 2000), 419.

<sup>82</sup> Ibid. Also see, Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal Peoples, 5 Volumes* (Ottawa: Minister of Supply and Services, 1996), Volume 1, Chapter 6.

<sup>83</sup> Tully, “Aboriginal Peoples: Negotiating Reconciliation”, 419.

<sup>84</sup> For a survey of literature in the Canadian context, see Taiaiake Alfred, *Peace, Power, Righteousness* (Don Hills: Oxford University Press, 1999); Tully, “Aboriginal Peoples: Negotiating Reconciliation”; Michael Asch, “From ‘Calder’ to ‘Van der Peet’: Aboriginal Peoples and Canadian Law”, in Paul Havemann (ed.), *Indigenous Peoples Rights in Australia, Canada, and New Zealand* (Auckland: Oxford University Press, 1997); Patrick Macklem, *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001). In the American context, see Robert A. Williams, *The American Indian in Western Legal Thought: The Discourses of Conquest* (New York: Oxford University Press, 1990); Ward Churchill, *Perversions of Justice: Indigenous Peoples and Anglo-American Law* (San Francisco: City Lights Books, 2003). In the Australian context, see Henry Reynolds, *Aboriginal Sovereignty: Three Nations, One Australia?* (Sydney: Allan and Unwin Publishers, 1996).

they were deemed too “primitive” to have governing institutions with political jurisdiction over land and citizens. In essence, because Indigenous peoples were considered so low on the natural scale of social evolution, settler powers felt justified in claiming North America legally vacant, or *terra nullius*, “and sovereignty was acquired by the mere fact of discovery.”<sup>85</sup> As Michael Asch’s work has pointed out, the Supreme Court of Canada still implicitly and consistently invokes the *terra nullius* thesis to justify the unequal distribution of sovereignty that structures the relationship between Indigenous peoples and Canada.<sup>86</sup> Thus, even though the courts have secured an unprecedented degree of protection for Aboriginal “cultural” practices within the state, it has nonetheless consistently refused to challenge the racist origin of Canada’s assumed sovereign authority over Indigenous peoples and their territories.

Here we arrive at a paradox. If, as I have argued, Benhabib’s use of social constructivism represents not only an empirical statement about the nature of cultural identities, but also a means of undercutting those forms of domination and inequality that she views as being legitimized through the reification of essentialist and non-negotiable cultural forms, then her theory has failed to serve its purpose in the colonial context. In fact, by treating the state as a natural and uncontested arbiter in struggles for recognition - or, as Richard J.F. Day has put it, by assuming that “the state somehow ‘inherently’ occupies a pole of universality, [providing an] appropriate ground for dialogue between [Indigenous peoples,] ethnic groups, regions, and so on”<sup>87</sup> -

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<sup>85</sup> Tully, “Aboriginal Peoples: Negotiating Reconciliation”, 419.

<sup>86</sup> Michael Asch, “Self-Government in the New Millennium”, in John Bird (et al.), *Nation-to-Nation: Aboriginal Sovereignty and the Future of Canada* (Toronto: Irwin Publishing, 2002) and “From ‘Calder’ to ‘Van der Peet’”.

<sup>87</sup> Richard JF Day, *Multiculturalism and the History of Canadian Diversity* (Toronto: University of Toronto Press, 2000), 222.

Benhabib's model has firmly embedded Indigenous peoples within the structure of domination that their claims for cultural recognition posit as unjust and illegitimate. According to Arif Dirlik it is precisely through this double maneuver – the uncritical and premature positing of cultural “in-betweeness” as both a universal and normative aspect of “the human condition” – that anti-essentialist democratic projects abandon their transformative potential and crystallize into a “new kind of determinism from which there is no escape.”<sup>88</sup>

### Conclusion

To avoid some of the problems that have come to the fore in the preceding sections, I think it is crucial that advocates of anti-essentialist criticism begin to acknowledge that, as *discourses*, both constructivist and essentialist articulations of identity can aid in either the maintenance or subversion of oppressive configurations of power. Here I employ “discourse” in a Foucaultian manner to refer to the myriad ways in which the objects of our knowledge are defined and produced through the languages we employ in our engagement with the world and with others. Discursive formations, in other words, are not neutral, they “construct” the topic and objects of our knowledge; they govern “the way that a topic can be meaningfully talked about and reasoned about. [They] also influences how ideas are put into practice and used to regulate the conduct of others.”<sup>89</sup> Just as a discursive formation can legitimize certain ways of thinking and acting, they can also profoundly limit and constrain “other ways of talking and conducting ourselves

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<sup>88</sup> Dirlik, *Postmodernity's Histories*, 205.

<sup>89</sup> Stuart Hall, “The Work of Representation”, in Stuart Hall (ed.), *Representation: Cultural Representations and Signifying Practices* (London: Sage Publications, 1997), 44.

in relation to the topic or constructing knowledge about it.”<sup>90</sup> And it is precisely on this last point where I believe constructivist inspired projects such as Benhabib’s have failed: in their *a priori* attack on all essentialist claims-making they have refused to acknowledge the repressive ways in which their own discursive interventions have effectively undermined certain forms of subaltern resistance, and have thus unduly constrained the field of legitimate action for Indigenous peoples in their struggles against colonialism.

The same can be also be said about the ways in which the discourse of “culture” has been used by certain segments within the Indigenous community to further exclude and marginalize the status of Native women. What is needed in this case is an explicit acknowledgement of the manner in which the *Indian Act* has itself come to discursively shape, regulate and govern how many of us have come to think about Native identity.<sup>91</sup> As a result, we have to be cautious that our appeals to “culture” and “tradition” in our contemporary struggles for recognition do not replicate the prior (mis)recognition of the *Indian Act* and in the process unwittingly reproduce the structure of dispossession we originally set out to challenge.

In sum, then, no discourse on identity should be prematurely cast as either inherently productive or repressive prior to an engaged consideration of the historical, political, and socio-economic contexts and actors involved. To my mind, paying closer attention to context when studying the underlying dynamics of identity-related struggle might better enable critics, especially those writing from positions of privilege and power, to distinguish between “discourses that naturalize *oppression* and discourses that

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<sup>90</sup> Ibid.

<sup>91</sup> Lawrence, “*Real*” *Indians and Others*, ???.

naturalize *resistance*.”<sup>92</sup> This is particularly relevant from the perspective of Indigenous peoples’ struggles, where activists sometimes employ essentialistic notions of culture and tradition in their efforts to transcend, not reinforce, oppressive structures and practices.

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<sup>92</sup> Jeffrey Tobin, “Cultural Construction and Native Nationalism”, *Boundary 2*, 22:2 (1994), 131; emphasis added.

## Chapter Five - Rethinking Recognition: Toward a Prefigurative Anti-Colonial Politics for the Present

“Negritude is for destroying itself, it is a passage and not an outcome, a means and not an ultimate end.”<sup>1</sup>

- Jean-Paul Sartre

“In no way do I have to dedicate myself to reviving a black civilization unjustly ignored. I will not make myself the man of any past. I do not want to sing the past to the detriment of my present and my future.”<sup>2</sup>

- Frantz Fanon

“One problem of indigenous politics is that there is no consistency of means and ends in the way we are struggling to empower ourselves. [...] Legalist, economic, and, for that matter, violent insurgent approaches are all simply mimicking foreign logics, each in a different way. How you fight determines who you become when the battle is over, and there is always means-ends consistency at the end of the game.”<sup>3</sup>

- Taiaiake Alfred

### Introduction

This chapter sketches out in more detail the alternative politics of recognition briefly introduced at the end of Chapter 2. As suggested there, far from evading the recognition paradigm entirely, Fanon instead turns our attention to the cultural practices of critical individual and collective *self-recognition* that colonized populations often engage in to empower themselves, instead of relying too heavily on the colonial state and society to

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<sup>1</sup> Jean-Paul Sartre, “Black Orpheus”, in Robert Bernasconi (ed.), *Race* (New York: Blackwell, 2001), 137.

<sup>2</sup> Frantz Fanon, *Black Skin, White Masks* (Boston: Grove Press, 2008), 201.

<sup>3</sup> Taiaiake Alfred, *Wasase: Indigenous Pathways of Action and Freedom* (Peterborough: Broadview Press, 2005), 22-23.

do this for them. This is the realm of self-affirmative cultural, artistic, and political activity that Fanon associated largely but not exclusively with *negritude*. The negritude movement first emerged in France during the late 1930s as a response to anti-Black racism. Although negritude constituted a diverse body of work and activism, at its core, the movement emphasized the need for colonized people and communities to purge themselves of the internalized effects of systemic racism and colonial violence by rejecting assimilation and instead affirming the worth of their own identity-related differences. In this sense, it has been argued that negritude represents an important precursor to contemporary “identity politics” in the United States and elsewhere.<sup>4</sup>

However, despite the extensive commentary that Fanon’s relationship to negritude has generated, no clear consensus has been reached regarding the extent to which he ought to be read as a critic or supporter of the movement’s claims and achievements. For example, some commentators, such as David Caute, Irene Grendzier and David Macey, have suggested that where Fanon can be read in his early work (particularly *Black Skin White Masks*) as more sympathetic to certain aspects of negritude’s objectives, over time he eventually came to stress the movement’s limitations, either seeing it as representing, at best, a “transitional” stage in the dialectic of decolonization (following the position of Jean-Paul Sartre), or worse, as having little substantive value whatsoever.<sup>5</sup> Other critics, however, have advanced a near-opposite reading. As Jock McCulloch writes with reference to Caute and Grendzier: “If the

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<sup>4</sup> Sonia Kruks, *Retrieving Experience: Subjectivity and Recognition in Feminist Politics* (Ithaca: Cornell University Press, 2001), 88. Also see, Azzedine Haddour, “Sartre and Fanon on Negritude and Political Empowerment”, *Sartre Studies International* 2:1 (2005).

<sup>5</sup> David Caute, *Fanon* (New York: Fontana, 1970), 21-31; Irene Grendzier, *Frantz Fanon: A Critical Study* (New York: Vintage, 1974), 44; David Macey, *Frantz Fanon: A Life* (London: Granta, 2000), 186.

substance of these critiques are examined in detail, it is apparent that Fanon became *more* rather than *less* sympathetic to negritude with the passing of time.”<sup>6</sup> And yet other commentators have refused to draw a sharp distinction between early and late Fanon’s views on negritude altogether, instead arguing that, although the specifics of Fanon’s complex views altered as his analysis moved from the Antilles to the Algerian contexts, he nevertheless always remained simultaneously a rigorous critic and critical advocate of certain features (and certain proponents) of the movement.<sup>7</sup>

The interpretation advanced below is indebted to this third reading and analysis of Fanon. I too contend that Fanon’s view of negritude remained relatively consistent over time, particularly with respect to the relation he saw it having to decolonization. As demonstrated in the first two sections of this chapter, although Fanon always questioned the specifics of negritude based on its, at times, essentialist and bourgeois character, he nevertheless viewed the associated practices of individual and collective self-recognition through the revaluation of Black culture, history, and identity as a potentially crucial feature of the broader struggle for freedom against colonial domination. This potential hinged, however, entirely on negritude’s ability to transcend what Fanon saw as its

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<sup>6</sup> Jock McCulloch, *Black Soul, White Artifact: Fanon’s Clinical Psychology and Social Theory* (Cambridge: Cambridge University Press, 2003), 36.

<sup>7</sup> I attribute this third interpretation to Nigel Gibson, *Fanon: The Postcolonial Imagination* (Cambridge: Polity, 2003); Robert Benasconi, “The Assumption of Negritude: Aimé Césaire, Frantz Fanon, and the Vicious Circle of Racial Politics”, *Parallax* 8:2 (2002); Lou Turner, “Marginal Note on Minority Questions in the Thought of Frantz Fanon”, *Philosophia Africana* 4:2 (2001); and to a slightly less extent, Anita Parry, “Resistance Theory/Theorizing Resistance or Two Cheers for Nativism” in Nigel Gibson (ed.) *Rethinking Fanon: The Continuing Dialogue* (Amherst: Humanity Books, 1999). Within this third approach authors tend to situate Fanon more in line with the “subjectivist” conception of negritude advanced by Césaire – which conceptualizes Black subjectivity as a “construction” representing “the colonized condition and its refusal” – as opposed to the “objectivist” notion promulgated by Senghor, where negritude is aligned with a “biologically determined notion of blackness as a distinctive mode of being and collective identity”. Anita Parry, “Resistance Theory/Theorizing Resistance”, 230.

largely *subjective* orientation by grounding itself in the peoples' struggle against the *material* structure of colonial rule.

In this chapter I argue that, although Fanon's notion of self-recognition clearly remains an innovative and important contribution to the history of anti-colonial thought and practice generally, when related back to the specific struggles of Indigenous peoples in contemporary settler-states like Canada it fails to push us far enough. My main concern is that although Fanon saw the critical revaluation of Indigenous cultural forms as an important means of temporarily breaking the colonized free from the incapacitating effects of being exposed to structured patterns of colonial (mis)recognition, he was decidedly less willing to explore the role that these forms might play in providing *substantive alternatives* to the oppressive social relations that produce colonized subjects in the first place. This has led Katherine Gines to correctly conclude that while Fanon recognized the importance of affirming cultural difference as form of individual and collective self-empowerment, he was decidedly less clear as to whether these differences ought to be substantively retained in the course of decolonization.<sup>8</sup> In this specific sense, then, it will be shown that Fanon clearly shared Sartre's view that negritude's emphasis on cultural self-affirmation constituted a "means" but "not an ultimate end" of anti-colonial struggle, even though both authors arrived at this analogous conclusion via different paths.

This chapter is organized into five sections and a conclusion. In part one, I sketch the theory of intersubjective recognition that Sartre develops in *Being and Nothingness*, *Anti-Semite and Jew*, and *Black Orpheus*. As Sonia Kruks and others have noted, Fanon's

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<sup>8</sup> Katherine Gines, "Fanon and Sartre 50 Years Later: To Retain or Reject the Concept of Race", *Sartre Studies International* 9:2 (2003).

work was “for better and for worse”<sup>9</sup> deeply influenced by Sartre’s philosophical and political writings, particularly as these writings pertain to issues of recognition, reciprocity and freedom. Thus, to fully understand what I characterize as the limited *transitional* function that Fanon attributes to practices of self-recognition and cultural empowerment in the course anti-colonial struggle, we must first unpack Sartre’s earlier views on these and similar matters. In section two, I examine the relation Fanon draws between self-recognition and anti-colonial struggle in four texts, *Black Skin, White Masks*, “West Indians and Africans,” “Racism and Culture,” and *The Wretched of the Earth*. These first two sections will pave the way for my discussion in the second half of the chapter, which will examine the relationship between self-recognition and anti-colonialism in the context of contemporary Indigenous thought and struggles for self-determination in Canada. Contra the distinction Fanon’s work tends to draw between the means and ends of anti-colonial struggle, I demonstrate the ways in which radical Indigenous thought and activism in Canada have called for a collapse of this distinction by advocating a transformative politics of recognition that emphasises the need for Indigenous peoples to empower themselves through critically self-affirmative cultural practices that aim to *prefigure* alternatives to the structural relations that tend to subtly produce colonize subjects in the first place.

### **I. Passing from the Particular to the Universal: Sartre, Identity Politics, and the Colonial Dialectic**

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<sup>9</sup> Sonia Kruks, *Retrieving Experience*, 98. Also see, Azzedine Haddour, “Sartre and Fanon on Negritude and Political Empowerment”, *Sartre Studies International* 2:1 (2005).

Sartre's *Anti-Semite and Jew* provides an analysis of the nature of French anti-Semitism in the wake of World War II.<sup>10</sup> Although many scholars have since criticized Sartre's hyper-constructivist account of Judaism and Jewish identity as a mere *effect* of anti-Semitism – reflected in Sartre's famous assertion that it is the anti-Semite “who creates the Jew”<sup>11</sup> – in the following section I want to bracket these well-warranted criticisms. Instead I want to focus on the logic underwriting Sartre's argument in order to demonstrate the transitional role he attributes to the recognition and self-affirmation of identity/difference in the struggle for freedom and equality on the one hand, and the ways in which Fanon simultaneously adapts and critiques this position in his writings on decolonization on the other.

Sartre's project in *Anti-Semite and Jew* is best read as a practical reworking of his prior engagement with Hegel's dialectic of recognition in *Being and Nothingness*, only this time cast, like Fanon's later intervention in *Black Skin*, through the lens of European racism. In stark contrast to Hegel's “optimistic”<sup>12</sup> portrayal of intersubjective recognition in the *Phenomenology of Spirit*, Sartre's rendition of the master-slave relation in *Being and Nothingness* denies the possibility of reciprocal relations of affirmative recognition. Although Sartre, like Hegel, acknowledges the role played by recognition in constituting subjectivity, unlike Hegel, Sartre portrays this constitution as a theft, as objectification, and as such the “death of [one's] possibilities.”<sup>13</sup> For Sartre recognition

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<sup>10</sup> Jean-Paul Sartre, *Anti-Semite and Jew: An Exploration of the Etiology of Hate* (New York: Schocken Books, 1974).

<sup>11</sup> *Ibid.*, 69,143.

<sup>12</sup> Jean Paul Sartre, *Being and Nothingness* (New York: Washington Square Press, 1956), 324-329.

<sup>13</sup> *Ibid.*, 362.

constitutes a form of enslavement, of being “fixed” by “the look” of another.<sup>14</sup> As Sonia Kruks observes, “the Other”, in Sartre’s account, “is always a threat to my own experience of self, having the power to objectify me and to cause me to flee into self-objectification.”<sup>15</sup> According to Sartre, the only way out of this situation is for the objectified to make the other into the object of *one’s own look*, to “turn back”<sup>16</sup> the gaze, thereby reversing the process of objectification.<sup>17</sup> At the heart of Sartre’s theory of intersubjectivity, then, is the notion that recognition is forever mired in a power struggle, “a constant unending conflict between subjects who seek to make each other objects of the gaze as the pre-condition of reclaiming their inner freedom”.<sup>18</sup> Conflict thus constitutes the core of Sartre’s account of “being-for-others.”<sup>19</sup>

However, when applied to the concrete situation of the Jew in an anti-Semitic society, the option of reversing the gaze and thus one’s objectified status is denied by Sartre. This is because the Jew is not only objectified in the ontological sense of “being-for-others” – as the condition of his or her “fundamental relation” to others – but also *as*

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<sup>14</sup> Ibid., 340-400, 471-474.

<sup>15</sup> Sonia Kruks, “Sartre, Fanon and Identity Politics” in Lewis Gordon, T. Denean Sharpley-Whiting, and Renee T. White (eds.), *Fanon: A Critical Reader* (Malden MA: Blackwell, 1996), 124.

<sup>16</sup> Sartre, *Being and Nothingness*, 473

<sup>17</sup> For a helpful discussion of Sartre’s “pessimistic” reading of Hegel, see, Majid Yar, “Recognition and the Politics of Human(e) Desire”, *Theory, Culture and Society* 18; 2-3 (2001), 58-62. Also see Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Cambridge: MIT Press, 1995), Chapter 7 and Robert Williams, *Hegel’s Ethics of Recognition* (Berkeley: University of California Press, 1997), Chapter 15.

<sup>18</sup> Yar, “Recognition and the Politics of Human(e) Desire,” 60-61.

<sup>19</sup> Sartre, *Being and Nothingness*, 475. For a less pessimistic account of Sartre’s theory of recognition, see T. Storm Heter, “Authenticity and Others: Sartre’s Ethics of Recognition”, *Sartre Studies International* 12:2 (2006). Sartre scholars generally agree that Sartre eventually sought to establish the foundation for an existential ethics that recognizes, within the frame of authenticity, the freedom of others. To act authentically would under this formulation require that one respect the freedom of others. The beginnings of Sartre’s existential ethics are sketched in Jean-Paul Sartre, *Notebooks for an Ethics* (Chicago: University of Chicago Press, 1992).

*a Jew*.<sup>20</sup> This is what Sartre means when he states that the Jew “is overdetermined.”<sup>21</sup> Overdetermination fundamentally undermines the Jew’s ability to cast the gaze back. Anti-Semitism thus constitutes a relationship in which the gaze works unilaterally between the one who objectifies (the anti-Semite) and the one who is objectified (the Jew).

What, then, are the options available to the Jew in the context of anti-Semitic racism? Here Sartre introduces two concepts fundamental to his existentialism: authenticity and inauthenticity. The most common response explored in *Anti-Semite and Jew* is represented by the actions of the *inauthentic* Jew. According to Sartre, the inauthentic Jew is one who chooses to *flee* from his or her *situation as a Jew*. For Sartre, the Jew’s *situation* is the “ensemble of limits and restrictions”<sup>22</sup> - social, economic, political, cultural - that “forms [the Jew] and determines his possibilities.”<sup>23</sup> Yet the Jew’s situation is also given meaning through the choices he or she makes “within and by it.”<sup>24</sup> In short, the Jew’s situation is the inherited field within which he or she must act, make choices, and derive meaning - and this context is, whether one likes it or not, an anti-Semitic one. Sartre suggests that, when faced with the painful burden of living in this situation, the inauthentic Jew will choose to “runaway” from it, to “deny it, or choose to deny their responsibilities”<sup>25</sup> to positively act within it. Inauthenticity here is equated by Sartre with assimilation, the process whereby the Jew, suffering from an

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<sup>20</sup> Sartre, *Anti-Semite and Jew*, 79.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*, 60.

<sup>23</sup> *Ibid.*, 59-60.

<sup>24</sup> *Ibid.*, 60.

<sup>25</sup> *Ibid.*, 92.

“inferiority complex,”<sup>26</sup> seeks to reject his or her particularity by either appealing to abstract universal principles (what today we might call “difference-blind” equality), or by trying to eradicate one’s particularity as such (through religious conversion, secularization, inter-marriage, and so on).<sup>27</sup> Although Sartre’s portrait of the inauthentic Jew is not meant to cast “moral blame”<sup>28</sup> on the Jew for his or her evasive actions, Sartre is nonetheless quick to suggest that these actions serve to double-back and reinforce the anti-Semitic propaganda which prompted the evasive conduct in the first place. In short, the inauthentic Jew “has allowed himself to be persuaded by the anti-Semites; he is the first victim of their propaganda. He admits with them that, *if there is a Jew*, he must have the characteristics with which popular malevolence endows him.”<sup>29</sup>

The conduct of the inauthentic Jew is then contrasted by Sartre with the actions of the Jew who acts authentically in their situation. Faced with his or her situation the authentic Jew actively commits to *affirming* his or her Jewish identity against the objectifying gaze of the anti-Semite. The authentic Jew refuses to let the racist propaganda of the anti-Semite determine from the outside his or her actions, his or her being. Instead “he stakes everything on human grandeur [and in accepting] the obligation to live in a situation that is defined precisely by the fact that it is unliveable [...] he derives pride from his humiliation.”<sup>30</sup> It is through this gesture of self-affirmation that the Jew strips anti-Semitism of its discursive power and virulence. As Sartre explains:

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<sup>26</sup> Ibid., 94.

<sup>27</sup> Ibid., 90-135.

<sup>28</sup> Ibid., 93.

<sup>29</sup> Ibid., 94-95.

<sup>30</sup> Ibid., 137.

The inauthentic Jew flees Jewish reality, and the anti-Semite makes him a Jew in spite of himself; but the authentic Jew *makes himself a Jew*, in the face of all and against all. He accepts all, even martyrdom, and the anti-Semite, deprived of his weapon, must be content to yelp at the Jew as he goes by, and can no longer touch him. At one stroke the Jew, like any authentic man, *escapes description*.<sup>31</sup>

For Sartre, then, authentic self-affirmation provides an important weapon in the Jew's fight against the objectifying and alienating effects of anti-Semitic overdetermination.

But given that anti-Semitism is a *socially constituted* phenomenon, Sartre is quick to point out that, while authenticity may serve as an important means through which to work over the individualized effects of objectification, on its own it will do little to undercut the *social relations* constitutive of anti-Semitism as such. "The choice of authenticity *is not a solution* of the social aspect of the Jewish problem", writes Sartre.<sup>32</sup> Rather it "appears to be a *moral* decision, bringing certainty to the Jew on the ethical [or subjective] level but in no way serving as a solution on the social or political level".<sup>33</sup> For Sartre, the transformative potential of affirming one's difference will always be limited insofar as it leaves intact the generative conditions that serve to reproduce anti-Semitic conduct on the one hand, and the effects that this conduct has in shaping the subjectivity of Jews on the other. Ending anti-Semitism thus requires that existential self-affirmation be cashed-out in a transformative engagement with these generative conditions; it requires that the Jew's *situation* be transformed "from the bottom up."<sup>34</sup> For the increasingly Marxist Sartre of the mid-1940s, the generative structures identified as most important in the fight against anti-Semitic racism were those associated with

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid., 138; emphasis added.

<sup>33</sup> Ibid., 141.

<sup>34</sup> Ibid., 148.

capitalism and class conflict. In Sartre's (overly simplistic) formulation, anti-Semitism served to ideologically mask the root cause of class conflict by positing the Jewish community as the source of class antagonism instead of the capitalist mode of production.<sup>35</sup> Seen in this light, anti-Semitism represents "a mythical, bourgeois representation of the class struggle, and [as such] could not exist in a classless society."<sup>36</sup> Following this logic, once the "social and economic causes"<sup>37</sup> of anti-Semitism have been eliminated, the affirmation of Jewish difference will no longer be required; indeed, after the revolution has created a world stripped of the economic/social pluralism within which anti-Semitic racism flourishes, affirming Jewish difference would be at best redundant, or worse, it might serve to ideologically reproduce its own divisions and thus foreclose the possibility of a society free from conflict and social stratification. Here the politics of difference is implicitly posited as an important *stage* in the struggle against anti-Semitic racism, but in no way should it be conceived as an end in itself.

Similar themes are further developed and elaborated by Sartre in *Black Orpheus*, his well known preface to Leopold Senghor's 1948 anthology of negritude poetry, *Anthologie de la nouvelle poésie nègre et malgache de langue française*.<sup>38</sup> However, unlike the situation sketched in *Anti-Semite and Jew* two years previous, Sartre, now explicitly Marxist in orientation, begins *Black Orpheus* with an important distinction drawn between the situation faced by the Jew in his or her encounter with anti-Semitism, and that of the colonized Black in the context of anti-Black racism. Like the condition of the Jew vis-à-vis anti-Semitic racism, and now the "white worker" vis-à-vis the capitalist

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<sup>35</sup> Ibid., 149.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Jean-Paul Sartre, "Black Orpheus", 115-142.

mode of production, Sartre locates the oppression of colonized Blacks “in the capitalist structure of [...] society.”<sup>39</sup> However, unlike the situations of the Jew and the white worker, the Black finds him or herself a victim of capitalist exploitation and domination “*insofar as he is black* and by virtue of being a colonized native or deported African.”<sup>40</sup> In other words, for the colonized Black, capitalist exploitation and domination is *mediated* through the lens of race and through the lived experience of racism. Now, as we saw previously, for Sartre, the victimization of Jews by capitalism is also mediated through anti-Semitism and their experience *as Jews*, but he then goes on to explain that, unlike the Jew, “there is no means of evasion” for the Black; “no ‘passing’ that he can consider: a Jew – a white man among white men – can deny that he is a Jew, can declare himself a man among men. The [N]egro cannot deny that he is a [N]egro, nor can he deny that he is part of some abstract colorless humanity: he is black.”<sup>41</sup>

What does this mean for the Black who chooses to act authentically in his or her situation? Here Sartre claims that the Black essentially has “his back up against the wall of authenticity”<sup>42</sup>. As he explains:

having been insulted and formally enslaved, [the Black] picks up the word ‘nigger’ which was thrown at him like a stone, he draws himself erect and proudly proclaims himself as black, in the face of the white man. The unity which will come eventually, bringing all oppressed peoples together in the same struggle, must be preceded in the colonies by what I shall call the moment of separation or negativity; this anti-racist racism is the only road that will lead to the abolition of racial differences.<sup>43</sup>

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<sup>39</sup> Ibid., 118.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

In positing negritude as an “anti-racist racism” that will eventually lead to the abolition of racial and class differences altogether, Sartre is situating Black consciousness in relation to a distinction, often attributed to Marx, between a class that exists “in-itself” and one that exists “for-itself.”<sup>44</sup> Without going into too much detail here, a class that exists in-itself represents the objective, structural positioning of a group in relation to the capitalist mode of production. Whereas a class that exists for-itself is one that has become *conscious* of itself *as a class* and then proceeds to struggle *for-itself* and thus in its own shared interests. And, of course, the primary agenda of a class that struggles for-itself is to root out the conditions (capitalist production) that determine its existence *as a class*. However, since the lived, subjective experience of race and racism occupies a mediating position in the exploitation and domination of Blacks by capitalism, “recognizing that socialism is the necessary answer to [the] immediate local claims” of Blacks, first requires that they “learn to formulate these claims jointly; therefore they must [first] think of themselves *as [B]lacks*.”<sup>45</sup> Hence, Sartre concludes that “becoming conscious” for Blacks “is different from that which Marxism tries to awaken in the white worker.”<sup>46</sup> In the case of the European proletariat, “class consciousness” is “based on the objective characteristics of the *situation* of the proletariat. But since the selfish scorn

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<sup>44</sup> The most commonly cited passage by Marx which is thought to make this distinction can be found in *The Poverty of Philosophy* (New York: Prometheus Books, 1995), 188-189. The passage reads: “The economic conditions have in the first place transformed the mass of the people of the country into wage-workers. The domination of capital has created for this mass of people a common situation with common interests. This mass is already a class, as opposed to capital, but not yet for itself. In the struggle [...] this mass unites, and constitutes itself as a class for itself. The interests which it defends are the interests of its class. But the struggle of class against class is a political struggle.” Whether or not it is correct to read this distinction into Marx is a matter of debate. See, for example, Edward Andrew, “Class in itself and Class against Capital: Karl Marx and His Classifiers” *Canadian Journal of Political Science* 16:3 (1983), 577-584. What is important for us to note here is that, for Sartre, Marx *does* make this distinction, and this in turn shapes Sartre’s views on the role played by negritude in the struggle against capitalist imperialism.

<sup>45</sup> Sartre, “Black Orpheus”, 119.

<sup>46</sup> *Ibid.*

that whites display for [B]lacks [...] is aimed at the deepest recesses of the heart, [Blacks] must oppose it with a more exact view of [B]lack *subjectivity*.<sup>47</sup> For Sartre, developing this subjective opposition is the critical role played by *negritude* in anti-capitalist and anti-racist struggle.

So, then, for Sartre, becoming conscious of one's *objective* class position in the context of racialized capitalism requires that Blacks first work over the *subjective* dimension of race and racism. One cannot hope to uproot the social relations that give rise to both class exploitation and racial domination without first coming to grips with the corrosive effects that white supremacy has had on those subject to it. This is why Sartre attributes *negritude* a revolutionary "function"<sup>48</sup> in the struggle against capitalist imperialism. In short, disalienation through the affirmative reconstruction of Black subjectivity, which, as Aimé Césaire once noted, strikes at the core of what the *negritude* movement was all about,<sup>49</sup> serves as the precondition for establishing broader bonds of social solidarity and collective struggle. However, like the Marxist notion of a class that exists for-itself, the moment that Black consciousness comes to fruition and affirms its worth as such, it must immediately seek to abolish itself as a form of individual/collective identification. In doing so, Sartre claims that the "subjective, existential, ethnic notion of *negritude* 'passes,' as Hegel says, into the objective, positive, and precise, notion of the *proletariat*."<sup>50</sup>

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<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> René Depestre and Aimé Césaire, "An Interview with Aimé Césaire" in Aimé Césaire, *Discourse on Colonialism* (New York: Monthly Review Press, 2000), 89-90.

<sup>50</sup> Sartre, "Black Orpheus," 137.

At this point we arrive at Sartre's infamous characterization of negritude as a transitional phase in a dialectical move from the particularity of identity politics to the universality of class struggle.<sup>51</sup> "Negritude appears", writes Sartre, "as a minor moment of a dialectical progression: the theoretical and practical affirmation of white supremacy is the thesis; the position of Negritude as the antithetical value is the moment of negativity. But this negative moment is not sufficient in itself, and these [B]lacks who use it know this perfectly well; they know that it aims at preparing the synthesis or realization of the human in a raceless society."<sup>52</sup> Sartre then goes on to conclude that "Negritude is [thus] for destroying itself, it is a passage and not an outcome, *a means and not an ultimate end*."<sup>53</sup> Once again, here Sartre appears to portray the politics of difference much like he did in *Anti-Semite and Jew*: as an important (even necessary) *stage* in the struggle against capitalist exploitation and racial domination, but ultimately insufficient as an end in itself.

## **II. Fanon on Negritude and Self-Recognition from *Black Skin, White Masks* to *The Wretched of the Earth*.**

As discussed previously in Chapter 2, one of the central concerns animating Fanon's analysis in *Black Skin* is the problem of recognition in situations marked by colonial racism. In this sense, I argue that *Black Skin* ought to be interpreted much like Sartre's *Anti-Semite and Jew* and *Black Orpheus*: as a practical reworking of Hegel's master/slave relation in contexts where the possibility of achieving affirmative relations of mutual recognition appears foreclosed. Like Sartre's portrayal of intersubjectivity discussed

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<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid; emphasis added.

above, Fanon's phenomenological account of "being-for-others" in *Black Skin* emphasizes the ultimately objectifying and alienating character of intersubjective recognition, especially when these relations are played out in contexts structured by racial/cultural inequality. Indeed, throughout his text, Fanon describes the experience of colonial recognition in profoundly negative terms, like being "fixed"<sup>54</sup> or "walled in" by the violating "gaze" of another.<sup>55</sup> Far from being emancipatory and self-confirming, recognition is instead cast as a "suffocating reification",<sup>56</sup> a "hemorrhage"<sup>57</sup> that causes the colonized to collapse into *self-objectification*.<sup>58</sup> However, unlike the situation of Sartre's Jew in *Anti-Semite and Jew*, when fixated on the colonized Black the gaze takes on a new significance for Fanon: "I am not given a second chance. I am *overdetermined from the outside*. I am a slave not to the 'idea' that others have of me, but to my appearance."<sup>59</sup> This leads Fanon to declare that the "[B]lack man", unlike the Jew, "has no ontological resistance in the eyes of the white man."<sup>60</sup> Here Fanon appears to be making a qualification in line with the distinction Sartre came to make in *Black Orpheus* regarding the difference between the situation of the Jew vis-à-vis anti-Semitic racism, and that of the colonized Black vis-à-vis anti-Black racism.

How do colonized populations tend to respond to this situation? According to Fanon, like Sartre's Jew, the colonized Black's most common response is that of

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<sup>54</sup> Ibid., 89,95

<sup>55</sup> Ibid., 97.

<sup>56</sup> Ibid., 89.

<sup>57</sup> Ibid., 92.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid., 95; emphasis added.

<sup>60</sup> Ibid., 90.

“flight.”<sup>61</sup> As Fanon describes, colonial recognition will often provoke within the oppressed a desire to “escape”<sup>62</sup> their particularity, to negate the differences that mark them as morally deficient and inferior in the eyes of the colonizer.<sup>63</sup> “The Negro is an animal, the Negro is bad, the Negro is wicked, the Negro is ugly [...]”<sup>64</sup> Once internalized, these derogatory images often produce a pathological yearning to “be recognized *not as Black, but as White*.”<sup>65</sup> Fanon uses a number of terms to describe the result of this process: “inferiority complex,” “psycho-existential complex”, “neurosis”, and “alienation” being the most common. All of these designations are used by Fanon to describe the subjectifying hold that colonial power can have on those within its reach. Seen in this light, there is nothing “inherent” about the perceived “inferiority” attributed to colonized subjects by the dominant society, nor is their anything “natural” about the so-called “complexes” they suffer as a result.<sup>66</sup> Both are the product of colonial social relations. “If there is a flaw, it lies not in the ‘soul’ of the [colonized] individual, but in his environment.”<sup>67</sup>

This, then, is the problematic that Fanon sets out to address in the bulk of his work: namely, what forms of anti-colonial praxis must one individually and collectively

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<sup>61</sup> Sartre, *Anti-Semite and Jew*, 93. For a discussion of the similarities between Sartre and Fanon on this matter, see Kruks, “Sartre, Fanon and Identity Politics,” 128-129.

<sup>62</sup> Fanon, *Black Skin, White Masks*, 42.

<sup>63</sup> *Ibid.*, 157.

<sup>64</sup> *Ibid.*, 93.

<sup>65</sup> *Ibid.*, 45.

<sup>66</sup> This is main argument that Fanon develops in Chapter 5 of *Black Skin*, titled “The So-Called Dependency Complex of the Colonized.” Here Fanon takes aim at Octave Mannoni’s *Prospero and Caliban: The Psychology of the Colonized* (Ann Arbor: University of Michigan Press, 1990), in which Mannoni suggests that the tendency to accept colonial relations of dependency exhibited by some non-Western societies vis-à-vis their colonizers reflects an *inherent* or *natural* disposition of certain non-Western peoples to accept imposed forms of authority and rule.

<sup>67</sup> Fanon, *Black Skin, White Masks*, 188.

undertake to subvert the interplay between structure and subjectivity that sustain colonial relations over time. Fanon's complex engagement with negritude is best understood when examined against this dual-structured conception of power. Fanon argued that insofar as the negritude movement sought to undercut the incapacitating effects of internalized racism by discursively reinscribing value and worth to those identity-related differences which colonial discourse had hitherto characterized as savage, dirty, and evil,<sup>68</sup> it constituted a potentially powerful first move in the struggle for freedom.<sup>69</sup> The logic here being that one can not hope to restructure the social relations of colonialism if the "inferiority complex" produced by these relations is left in place.<sup>70</sup> But Fanon's endorsement of negritude's approach to self-recognition was by no means absolute. Indeed, as his narrative continues it becomes apparent that the very attributes of negritude which he saw as potentially the most empowering in the subjective sphere - namely, the rehabilitation of the colonized subject based on a reevaluation of Black history and culture - are also the ones which threaten to undercut the movement's transformative potential in the structural sphere. What is important to keep in mind, then, is a distinction Fanon highlights between what Nigel Gibson has called, negritude's "objective" limitations, "and its subjective necessity".<sup>71</sup>

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<sup>68</sup> Ibid., 157.

<sup>69</sup> Practices of desubjectification which tactically deploy "reverse" discourses as a means of disrupting a hegemonic field of power is discussed by Michel Foucault in *The History of Sexuality, Volume One* (New York: Vintage, 1990), 101. The transformative potential of reverse discourse in the context of anti-colonial "nativist" movements is critically endorsed by Benita Parry in "Resistance Theory/Theorizing Resistance", 221-250.

<sup>70</sup> Robert Benasconi, "Eliminating the Cycle of Violence: The Place of A Dying Colonialism within Fanon's Revolutionary Thought", *Philosophia Africana* 4:2 (2001), 19.

<sup>71</sup> Gibson, *Fanon: The Postcolonial Imagination*, 81.

In *Black Skin*, negritude's subjective worth is expressed most in Chapter 5, "The Lived Experience of the Black Man."<sup>72</sup> At this point in the text Fanon is faced with the realization that appealing "to the [white] Other" for recognition is a lost cause and as a result decides to instead "assert *himself* as a BLACK MAN."<sup>73</sup> "Since the Other was reluctant to recognize me, there was only one answer: *to make myself known*."<sup>74</sup> In doing so, Fanon found himself fervently excavating "black antiquity" and what he "discovered left [him] speechless"<sup>75</sup>: not only was the white man wrong, Blacks were not "primitive or subhuman,"<sup>76</sup> but they belonged to a civilization in its own right - with its own history, values, traditions, and achievements. This discovery, made possible by the path forged by the negritude poets, left Fanon feeling empowered, confident, and mobilized: it provided, if only momentarily, the sense of self-worth, dignity, and respect that recognition from the dominant society had not only failed to deliver, but undercut at every step of the way. Subsequently, Fanon was no longer willing to be recognized on terms imposed by the colonizer: "accommodate me as I am; I'm not accommodating anyone."<sup>77</sup>

Later in the chapter negritude's subjective significance is again emphasised, this time in relation to Sartre's controversial portrayal of the movement as a mere "phase"<sup>78</sup> in the unfolding trajectory of class struggle. Fanon writes: "When I read this [...] I felt they had robbed me of my last chance. [...] We had appealed to a friend of the colored

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<sup>72</sup> Fanon, *Black Skin, White Masks*, 89-119.

<sup>73</sup> *Ibid.*, 95; emphasis added.

<sup>74</sup> *Ibid.*, 95; emphasis added.

<sup>75</sup> *Ibid.*, 109.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*, 110.

<sup>78</sup> *Ibid.*, 111.

peoples, and this friend had found nothing better to do than demonstrate the relativity of [our] actions.”<sup>79</sup> After being denied affirmative recognition from the colonial society, Fanon now found himself having to defend his self-affirmative actions against the position of a self-professed ally. All approaches seemed to cash out in a loss: “I couldn’t hope to win”, writes Fanon; “I wanted to be typically black – that was out of the question. I wanted to be white – that was a joke. And when I tried to claim my negritude intellectually as a concept, they snatched it away from me.”<sup>80</sup> Consequently, the foundation upon which Fanon had managed to carve out a constructive relation-to-self was again cut from under him: “I sensed my shoulders slipping from this world, and my feet no longer felt the caress of the ground. Without a black past, without a black future, it was impossible for me to live my blackness. Not yet white, no longer completely black, I was damned.”<sup>81</sup> In characterizing negritude’s reconstruction of Black subjectivity as a temporary moment in the historical narrative of class struggle, Sartre effectively stripped Fanon of his newly won consciousness.

If it were not for the concluding chapter of *Black Skin*, it would be easy to see how Fanon’s quite visceral response to Sartre’s interpretation could be read as an unqualified endorsement of negritude’s “plunge” into the “absolute” of Black history, identity and consciousness.<sup>82</sup> However, as his narrative continues at least three problems/limitations with negritude are revealed. The first has to do with the power of negritude resting on a simple inversion of colonial discourse. Insofar as the negritude movement sought to undo colonial subjection by reversing the binary terms of

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<sup>79</sup> Ibid., 112.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid., 117.

<sup>82</sup> Ibid., xviii, 113.

domination – by reinscribing what was once denigrated and demeaned with worth and value - it remained, for Fanon, pathologically fixated around a value-structure ultimately predetermined by colonial society. Thus, even though it might appear as though the empowerment derived from this process reflects an *authentic* instance of *self-affirmation/determination*, in reality this expression of resistance is still, for Fanon, “overdetermined from the outside.”<sup>83</sup> Left as is, the colonizer remains the “actional” subject locked in their position of superiority as the creator of values, and the colonized remain the subject of “reaction” locked in their subordinated position whose values remain inversely bound by those of their masters.<sup>84</sup> As Fanon explains elsewhere, in this “initial phase,” it is “the action, the plans of the occupier that determine the centres of resistance around which [the] peoples’ will to survive becomes organized. [...] It is the white man who creates the Negro. But is the Negro who creates negritude.”<sup>85</sup> Instead of disrupting the Manichean value-structure of savage/civilized, colonizer/colonized itself, negritude’s attempt to restore the Native subject as an agent of history through an inversion of colonial discourse remains comfortably within the very binary logic that has played such a crucial role in justifying the colonial relation in the first place.

The second contentious issue identified by Fanon involves what we might today call negritude’s “essentialist” conception of Black subjectivity. It is generally recognized among Fanon scholars that this angle of Fanon’s analysis is directed largely at the “objectivist” strand within negritude, represented clearest in the work of Léopold

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<sup>83</sup> *Ibid.*, 95.

<sup>84</sup> *Ibid.*, 19, 28, 132, 197.

<sup>85</sup> Frantz Fanon, ‘Algeria Unveiled’ in Azzedine Haddour (ed.) *The Fanon Reader* (London: Pluto Press, 2006), 108.

Senghor.<sup>86</sup> Fanon's anti-essentialist critique has two elements. The first is empirical: in Fanon's view the unified and undifferentiated "Black" or "African" subject hailed by Senghor simply does not exist. "The black experience is ambiguous," writes Fanon, "for there is not *one* Negro - there are *many* black men."<sup>87</sup> Seen in this light, it is clearly nonsense to speak of negritude as the "totality of values" representing Black "civilization" as such; "not only [the values] of the peoples of black Africa, but also of the black minorities of America, or even Asia or the South Sea Islands."<sup>88</sup> There are "Blacks of Belgium, French and British nationality, and there are Black republics", writes Fanon. "How can we claim to grasp *the essence* when such facts demand our attention?"<sup>89</sup> Fanon's second criticism has more to do with power. His concern here is that many of the specific characteristics and supposed cultural traits which Senghor targets for re-inscription - irrationality, rhythm, animism, oneness with nature, sensuality - seem to be more the product of racist stereotyping disseminated through colonial discourse than empirically verifiable attributes of pre-contact African societies.<sup>90</sup> What negritude refers to as "the black soul" is in Fanon's view "a construction by white folk."<sup>91</sup> Fanon's point here is that if the structural foundation of colonial rule is at least in part justified through the ideological propagation of racially essentialized binaries, then, in the long run, the logic of negritude's own essentialist "revaluation of values" could undermine its emancipatory potential.

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<sup>86</sup> See note 3 above.

<sup>87</sup> Fanon, *Black Skin, White Masks*, 115.

<sup>88</sup> Léopold Senghor, "Negritude and Modernity or Negritude as a Humanism for the Twentieth Century" in Robert Benasconi (ed.), *Race* (New York: Blackwell, 2001), 144.

<sup>89</sup> Fanon, *Black Skin, White Masks*, 150; emphasis added.

<sup>90</sup> *Ibid.*, 101-111.

<sup>91</sup> *Ibid.*, xviii.

Fanon's third criticism is directed squarely at negritude's elitism and therefore its questionable relevance to those struggling against colonial-capitalist domination and exploitation on the ground. According to Fanon, one of negritude's main problems was that it tended to inadvertently displace or downplay contemporary questions of colonial political economy by focussing too narrowly on revaluing the historical achievements of colonized cultures and societies. Relating this issue back to the exploited Blacks of Martinique's sugarcane plantations, Fanon writes: "It would never occur to us to ask these men to rethink their concept of history."<sup>92</sup> Indeed, the "few worker comrades that I have had the opportunity to meet in Paris have never thought to ask themselves about discovering a black past. They knew they were black, but, they told me, that didn't change a thing. And damn right they were."<sup>93</sup> For Fanon, the required solution for this community is to "fight," to focus their struggle against the "ossified" structure of bourgeois, colonial society directly.<sup>94</sup> For Fanon, it is by taking a "stand against this living death" that we can hope to bring about decolonization in a truly substantive sense.<sup>95</sup>

Taken together, then, these three limitations inform Fanon's conclusion in *Black Skin* that, although the process of self-affirmative recognition at the core of projects like negritude represents a potential source of empowerment for colonized populations suffering the effects of internalized racism, this potential hinges on its ability to motivate praxis that is attentive to the structural as well as the subjective domain of colonial rule. Understood this way, I suggest that Fanon's position in *Black Skin* is not entirely unlike

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<sup>92</sup> Ibid., 199.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

that of Sartre's in *Black Orpheus*, although they arrive at their respective views via markedly different paths. When Fanon reprimands Sartre for characterizing the self-affirmative reconstruction of Black subjectivity as a phase in the unfolding dialectic of anti-colonial class struggle, he is challenging Sartre's deterministic understanding of *the dialectic*, not his claim that this process represents "a stage" in a broader struggle for freedom and equality.<sup>96</sup> Indeed, by the time we reach Fanon's conclusion to *Black Skin*, it is clear that the cluster of practices associated with self-recognition are valuable only insofar as they re-establish the colonized as historical protagonists oriented towards a change in the colonial social structure.<sup>97</sup> The moment that this process takes hold, however, the emphasis placed on revaluing pre-colonial culture and history proceeds to either lose its critical purchase in the fight for freedom, or becomes an impediment to freedom as such. This leads Fanon to assert: "In no way do I have to dedicate myself to reviving a black civilization unjustly ignored. I will not make myself the man of any past. I do not want to sing my past to the detriment of my present and future."<sup>98</sup> Although Fanon concedes that articulating a positive vision of the future requires some prior effort to break the hold of colonial subjection, and that this step often involves revaluing those historical and cultural forms which colonialism sought to denigrate and destroy, in the end it is only by moving beyond these "historical and instrumental"

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<sup>96</sup> Gibson, *Fanon: The Postcolonial Imagination*, 73-78. Fanon's main charge was that Sartre had ignored or downplayed the importance of the *experiential* worth of negritude for Blacks living under the gaze of colonial racism. Sartre had "intellectualized" the lived experience of Blackness, and in doing so "destroyed Black zeal" and "impulsiveness." Fanon, *Black Skin, White Masks*, 113-114. In this sense, Nigel Gibson suggests that Fanon's main criticism of Sartre was that he had largely abandoned the insights of his phenomenological existentialism for a crude Marxist determinism.

<sup>97</sup> Fanon, *Black Skin, White Masks*, 80.

<sup>98</sup> *Ibid.*, 201.

gives that one can truly initiate the “cycle of freedom.”<sup>99</sup> Like Sartre before him, Fanon portrays the identity politics of negritude as an important means to achieving anti-colonial struggle, but not an end to the struggle itself.

In Fanon’s post-*Black Skin* writings similar themes are developed and explored. For example, in his 1955 article “West Indians and Africans”<sup>100</sup> Fanon begins by reiterating his earlier concern regarding negritude’s essentialist portrayal of an undifferentiated Black subject. “When one says ‘Negro people,’ one systematically assumes that all Negroes agree on certain things, that they share a principle of communion.”<sup>101</sup> However, “the truth”, writes Fanon, “is that there is nothing, *a priori*, to warrant the assumption that such a thing as a Negro people exists.”<sup>102</sup> Again, here Fanon is not content with simply challenging the *empirical* validity of such a characterization; rather the problem is fundamentally one of power. “The object of lumping Negroes together under the designation of ‘Negro people’ is to *deprive* them of any possibility of individual expression” and “to put them under the *obligation* of matching the idea one has of them.”<sup>103</sup> Here it appears that where Fanon was initially concerned in *Black Skin* with the ways in which self-essentialized constructions of Black identity could inadvertently feed back into and justify hierarchical relations between colonized Blacks and the settler society, now he seems to be equally attentive to how similar processes can work to constrain freedom *within* the colonized population itself.

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<sup>99</sup> Ibid., 206.

<sup>100</sup> Frantz Fanon, “West Indians and Africans” in *Toward the African Revolution* (Boston: Grove Press, 1967), 17-27.

<sup>101</sup> Ibid., 18.

<sup>102</sup> Ibid., 17

<sup>103</sup> Ibid., 17; emphasis added.

The problem with essentialism thus cuts in two directions for Fanon: it can serve to naturalize relations of dominance not only between but also within social groups.

Yet by grounding his analysis in the concrete operation of specific power relations Fanon is again able to maintain a critical stance toward negritude without denying its significance outright. This is made clear over the course of “West Indians and Africans” as Fanon begins to emphasize the social function played by negritude in mobilizing Antillean Blacks against French racism in Martinique. Until this point, Fanon’s endorsement of negritude rested largely on the transformative effects he saw the practice of self-affirmation having on the psychology of individuals, using his own experience in *Black Skin* as an example. This stance undergoes a slight revision in “West Indians and Africans” as Fanon begins to historicize the movement’s influence at the societal level. This is clearest in Fanon’s discussion of Césaire, whose work he claims served to radicalize the local Black population in ways that would have been unheard of prior to the popularization of his poetry and political activism. Indeed, it was Césaire’s “scandalous”<sup>104</sup> assertion that being Black was a “good” thing, that it was not only “beautiful”<sup>105</sup> but also a “source of truth”<sup>106</sup> that provided Blacks a counter-discourse to mobilize around and deploy in their efforts to collectively combat the heightened racism that came to plague Martinique as thousands of French sailors descended on the island during the Second World War. “Without Césaire this would have been difficult”,<sup>107</sup> writes Fanon, for prior to this period “the West Indian identified himself with the white

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<sup>104</sup> Ibid., 21.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid., 22

<sup>107</sup> Ibid., 23.

man, adopted a white man's attitude, was 'a white man.'"<sup>108</sup> This came to a grinding halt in 1939, however, for the colonized were now forced into a situation where they had to defend themselves against the derogatory images of Blacks hurled at them by the stationed French troops. Césaire provided the discursive ammunition used in this defence, and as a result, "a new generation came into being."<sup>109</sup> Blackness was no longer considered an irrelevant category of identification (as Blacks had convinced themselves it was prior to the influx of French sailors), nor was it seen as "a stain";<sup>110</sup> it was now a source of strength, an emergent consciousness, and a foundation for collective action.

The social significance of negritude is also explored by Fanon in "Racism and Culture," which was originally presented at the Paris meeting of the First Congress of Negro Writers and Artists in September 1956.<sup>111</sup> Written with the Algerian context in mind, this groundbreaking essay traces the historical evolution of racism as a systematized form of oppression oriented around crude assumptions of biological inferiority to a more subtle form grounded on notions of cultural inferiority. What Fanon here calls the emergence of "cultural racism"<sup>112</sup> anticipates what contemporary critical race scholars have termed the "culturalization of racism."<sup>113</sup> Simply put, under this new guise, the "object of racism" shifts from those genetically identifiable

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<sup>108</sup> Ibid., 26.

<sup>109</sup> Ibid.

<sup>110</sup> Fanon, *Black Skin, White Masks*, 63.

<sup>111</sup> The text of Fanon's talk was subsequently published under the same title in the posthumous collection of Fanon's political essays, *Toward the African Revolution* (Boston: Grove Press, 1967), 31-44.

<sup>112</sup> Ibid., 32.

<sup>113</sup> Sharene Razack, *Looking White People in the Eye: Gender, Race and Culture in Courtrooms and Classrooms* (Toronto: University of Toronto Press, 2006), 60; also see Philomena Essed, *Understanding Everyday Racism: An Interdisciplinary Theory* (London: Sage Publishing, 1991), 14.

characteristics once thought to mark certain individuals or groups as inferior, to what Fanon calls entire “form[s] of existing” or “way[s] of life.”<sup>114</sup> In colonial situations, this cultural variant of racism is what historically served to rationalize the host of repressive colonial practices associated with policies of forced assimilation. The underlying rationale being that, if the perceived inferiority of non-European peoples does not appear to be attributable to innate characteristics, it then follows that these groups can, in theory, be elevated to the more “civilized” status of their European colonizers. In order to accomplish this, however, one has to first “destroy” the primitive “cultural values” thought to impede the so-called “development” of the colonized vis-à-vis the more “advanced” settler society. According to this scheme, colonial rule was (and for some, still is) thought to be justified insofar as it serves to facilitate the moral and cultural development of the colonized group.<sup>115</sup>

Witnessing first hand the destructive effects of cultural racism in the Algerian context appears to have prompted a slight shift in the dismissive stance that Fanon adopts in his conclusion to *Black Skin* toward strategies that seek to revalue pre-colonial history and culture as an ongoing feature of the decolonization process. This change is

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<sup>114</sup> Fanon, “Racism and Culture”, 32.

<sup>115</sup> Fanon does not mean to suggest that racism’s crude biological variant has “disappeared” however. To be sure, as Fanon continues, he points out that during his day organizations as prominent as the World Health Organization were still conducting studies which advanced “scientific arguments” in “support a physiological lobotomy of the African Negro.” What Fanon is attempting to do, rather, is highlight the capacity of racial discourse to modify itself over time and context. In the early days of “pure” exploitation, such as slavery, the biological articulation of racism served to justify the domination and exploitation of Blacks just fine. But with the gradual advance of scientific and other evidence undermining assumptions about race-based inferiority/superiority, it became increasingly difficult to defend the exploitation of Blacks in biological terms. As a result, such “affirmations, crude and massive, [gave] way to a more refined argument” which established a new means to “camouflage” the “techniques by which man is exploited.” Racism’s turn to culture provided this camouflage. Fanon, “Racism and Culture”, 32.

reflected in "Racism and Culture" and then again in the fourth chapter of *The Wretched of the Earth*, titled "On National Culture." Fanon's argument in both texts can be stated like this: because colonialism tends to solidify its gains by normalizing the injustices it has perpetrated against the colonized population through a full frontal attack on the integrity of pre-contact history and culture, it follows that strategies that attempt to break the strangle hold of this subjection through practices of cultural self-affirmation can play an important role in anti-colonial struggle as long as they remain grounded and oriented toward a change in the social structure of colonialism itself. What distinguishes Fanon's previous position in *Black Skin* from the position articulated in "Racism and Culture" and *The Wretched*, however, is that the arguments developed in the two latter texts were based on observations Fanon made while in Algeria, where expressions of cultural self-affirmation appeared to emerge organically among the colonized population as a whole, as opposed to being articulated solely among the elites of negritude. This is an important distinction to recognize because I think it alleviates to some degree Fanon's previous concern regarding the disassociation of cultural revitalization movements from questions of political economy and grassroots struggle. This is why in "Racism and Culture" and *The Wretched* we see Fanon's most biting criticisms directed more squarely at negritude as a specific practice of cultural self-affirmation, and less toward these types of practices as such.

However, even though Fanon is willing to assign a slightly more substantive value to practices of cultural self-recognition in his post-*Black Skin* writings, he does so without out abandoning his previous apprehensions entirely. Indeed, one of Fanon's lingering concerns is that the cultural forms and traditions exuberantly reclaimed and affirmed by the colonized no longer reflect the dynamic systems that existed prior to the

colonial encounter: rather, “this culture, once living and open to the future, [has become] closed, fixed in the colonial status.”<sup>116</sup> The problem here is that the cultural practices that the colonized passionately cling onto as a source of pride and empowerment can easily become a cluster of “exotic” attachments that divert attention away from the present and future needs of the Indigenous population.<sup>117</sup> In other words, what was initially empowering can quickly become a source of pacifying nostalgia. This problem is compounded further in the activism of negritude elites like Senghor, whose work, Fanon claims, racializes and abstracts the past cultural achievements of the colonized to such a degree that it bears little resemblance to the specificity of struggles occurring at the local, national level.<sup>118</sup> What ultimately needs to be realized in both cases, then, whether it be in relation to the self-affirmative activities undertaken by the colonized intellectual or the grassroots community member, is that the “native’s hand to hand struggle with his culture” must be geared toward “the total liberation of the national territory.”<sup>119</sup> According to Fanon, it is only under these radically transformed material conditions that a truly *national culture* can emerge;<sup>120</sup> a “fighting culture”<sup>121</sup> that “does not leave intact either the *form* or *substance*”<sup>122</sup> of previous cultural practices, but instead strives toward the construction of a *totally new set of social, cultural and economic relations*.<sup>123</sup> Insofar as

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<sup>116</sup> Ibid., 34.

<sup>117</sup> Fanon, *The Wretched of the Earth*, 158.

<sup>118</sup> Ibid., 154.

<sup>119</sup> Fanon, “Racism and Culture,” 148.

<sup>120</sup> Fanon, *Wretched of the Earth*, 170.

<sup>121</sup> Gibson, *Fanon: The Postcolonial Imagination*, Chapter 6.

<sup>122</sup> Fanon, *The Wretched of the Earth*, 178; emphasis added.

<sup>123</sup> Ibid., 178-179.

the “plunge into the chasm of the past”<sup>124</sup> provides a possible means of achieving this ultimate end, then Fanon is more willing than he was in his conclusion to *Black Skin* to attribute cultural self-affirmation a progressive function in the fight for freedom against colonial domination.

### **III. Self-Recognition and Decolonization in Contemporary Indigenous Theory and Practice**

By now it should be clear that although Fanon saw the revaluation of Indigenous cultural forms as an important means of temporarily breaking the colonized from the interpellative stranglehold of colonial (mis)recognition, he was less willing to explore the substantive role that critically revitalized cultural practices might play in the construction of alternatives to the social relations that work to produce colonized subjects in the first place. In this sense, I would suggest that Fanon failed to “stretch” the Marxist paradigm far enough. As a result, his work tends to treat “the cultural” in a manner inappropriately similar to how Marxists treat the category of “class”: as a *transitional* form of identification that subaltern groups must struggle to overcome as soon as they become conscious of its existence as a distinct category of identification.

Below I want to sketch the emergence of an alternative approach to thinking about the relationship between cultural self-recognition and decolonization through the lens of three Indigenous scholars, Howard Adams, Kim Anderson, and Taiaiake Alfred.<sup>125</sup> I have called this a *pefigurative* approach to the politics of recognition and it

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<sup>124</sup> Ibid., 43.

<sup>125</sup> I have chosen these three authors because of the emphasis each of their work places on questions of colonial subjection, cultural self-empowerment, and decolonization. Each of these authors’ contributions are also indebted to insights derived from Fanon’s previous work on these questions; Adams and Alfred directly, and Anderson indirectly through the foundational Black feminist analysis provided by Patricia Hill Collins in *Black Feminist Thought* (New York: Routledge, 1991).

has two interrelated features. First, it privileges “direct action” over what Richard Day has referred to as a “politics of demand.”<sup>126</sup> For Day, a “politics of demand” constitutes a “mode of social action” that seeks to persuade the state to alter its dominating conduct by delegating redistributive forms of recognition and accommodation to the subordinate identities and communities now situated within its assumed jurisdiction.<sup>127</sup> As argued in previous chapters, the demand orientation to the politics of recognition has proven itself increasingly ineffective against colonial power in at least the following two ways, both of which I argue were anticipated by Fanon:

(a) When delegated exchanges of recognition occur in real world contexts of colonial domination the supposedly rectifying terms of redistributive accommodation offered to subaltern communities usually end up being determined by and in the interests of the dominant power in the relationship. Subsequently, a radically asymmetrical structural constraint is placed on the field of available recognition/redistribution from the outside, making it virtually impossible to achieve anything close the reciprocity envisioned by most Indigenous communities.

(b) We have also seen the ways in which some subaltern individuals and communities can develop subjective attachments to the circumscribed terms offered within the dominant field of recognition, thus rendering the asymmetry less pronounced over time. According to Fanon, these subjective attachments are thus essential in maintaining the economic and political structure of colonial relations when these relations are not maintained by force alone.

The second feature of the prefigurative approach posits that the means adopted to achieve one’s objectives ought to be consistent with the ends or objectives of struggle itself. To my mind, the significance of this feature is based on a relatively simple yet profound insight: that the things *we do* to achieve social change can subtly inform *who we*

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<sup>126</sup> Richard Day, *Gramsci is Dead: Anarchist Currents in the Newest Social Movements* (Ann Arbor: Pluto Press, 2005), 14.

<sup>127</sup> *Ibid.*, 14-15.

*become* as a result of these efforts. The ways in which one's method of struggle can come to inform its outcome will be examined further below; for now, however, I simply want to suggest that, in the context of Indigenous decolonization, a prefigurative approach is one that explicitly seeks to collapse the distinction often drawn between the "means and ends" of self-determination.<sup>128</sup> I suggest that this distinguishes the prefigurative position from not only the liberal recognition paradigm, but also the approach to self-recognition advocated by the likes of Sartre and Fanon. As argued in Sections 1 and 2 above, although Sartre and Fanon advocated forms of grassroots struggle which posited the colonized as the primary agents of their own emancipation, it is clear in their discussions of negritude that neither saw the cultural dimension of this struggle in a prefigurative light; they saw it as a "means" of empowering colonized people and communities against the internalized effects of colonial rule, but not as an "end" – that is, as a alternative to colonial rule itself.

Out of the three authors examined below, Fanon's impact has, for better and for worse, most influenced the work of the late Métis historian and Red Power activist Howard Adams (1921-2001). Adams was born on September 8, 1921 to a French-Cree mother and English-Cree father in the poverty-stricken Métis community of St. Louis, Saskatchewan. As a child growing up in rural Saskatchewan, Adams witnessed the convergence of economic exploitation with anti-Native and anti-Métis racism first hand, and this experience would have a lasting impact on his political activism. The influence of these early life experiences on Adams' intellectual and political development was

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<sup>128</sup> For a discussion of the means/ends distinction in radical activism generally, see Richard Day, *Gramsci is Dead*; Benjamin Franks, *Rebel Alliances: The Means and Ends of Contemporary British Anarchisms* (San Francisco: AK Press, 2007). For an analysis of the distinction in the contemporary context of Indigenous-state relations in Canada, see Taiaiake Alfred, *Wasase*.

compounded by his graduate school experience at the University of California, Berkeley, during the tumultuous decade of 1960s radical student activism.<sup>129</sup> It was during this period that Adams was first introduced to the literature of the Black Power movement (Malcolm X, Eldridge Cleaver), the Third World decolonization struggles (Kwame Nkrumah and Albert Memmi), as well as the existential Marxism of Sartre and Fanon.<sup>130</sup> The combination of these experiences would come to significantly shape the theoretical/historical analyses developed in Adams' two major political works, his 1975 text *Prison of Grass: Canada from a Native Point of View* and his 1995 follow-up, *Tortured People: The Politics of Colonization*.<sup>131</sup>

Out of all of Adams' literary influences, the most obvious (aside from perhaps Marx) is that of Fanon. Indeed, the structure of both *Prison of Grass* and *Tortured People* is heavily indebted to what Ato Sekyi-Oto has called the "dramatic dialectical narrative"<sup>132</sup> form deployed by Fanon in many of his writings. Like Fanon, then, the "initial stimulus" of Adams' work emerged from the *lived experience* of being a colonized Native; a Métis "who had witnessed [...] the forces of colonization in all dimensions."<sup>133</sup> Grounding his analysis in a specific examination of "history and autobiography and their intersection

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<sup>129</sup> Ron Laliberté, "Howard Adams, 1921-2001", *The Encyclopaedia of Saskatchewan*. Available online at: [http://esask.uregina.ca/entry/adams\\_howard\\_1921-2001.html](http://esask.uregina.ca/entry/adams_howard_1921-2001.html).

<sup>130</sup> For a discussion of Adams' many influences during this formative period, see Harmut Lutz, Murray Hamilton, and Donna Heimbecker (eds.), *Howard Adams: Otapaway!* (Saskatoon: Gabriel Dumont Institute, 2005).

<sup>131</sup> Howard Adams, *Prison of Grass: Canada From a Native Point of View* (Saskatoon: Fifth House Publishers, 1989) and *Tortured Peoples: The Politics of Colonization* (Penticton: Theytus Books, 1999).

<sup>132</sup> Ato Sekyi-Oto, *Fanon's Dialectic of Experience* (Cambridge: Harvard University Press, 1996), 4. Also see Deborah Simmons, "In Tribute to Howard Adams", *Studies in Political Economy* 68 (Summer 2002), 6.

<sup>133</sup> Adams, *Prison of Grass*, 6.

with colonization"<sup>134</sup> allows Adams to then move outward in an attempt to develop a "comprehension of [the colonial] condition at the level of totality."<sup>135</sup>

Adam's point of departure in both *Prison of Grass* and *Tortured People* is thus autobiographical, resulting in an excruciating portrayal of his own experience of oppression at the hands of a racist, colonial-capitalist state and society. In recounting his childhood experience of growing up in a "half-breed ghetto"<sup>136</sup> - in a world "divided in two",<sup>137</sup> to borrow Fanon's Manichean terminology - Adams vividly depicts the all-too-common effects of internalized racism. It is through this process, Adams argues, that colonialism is able to secure its hegemony over Indigenous lands and people by warping the conduct and self-image of colonized individuals and communities in ways that make their dispossession appear natural, as an appropriate response to their supposed "inferiority." As Adams writes in *Prison of Grass*:

As a youngster at home in my ghetto, I saw this image [Métis savagery] very clearly. I tried to gain assurance from my mother that I was not stupid and that I was not inferior to others. If I did not get these assurances I would act bitterly against my Indian heritage. [...] Whenever I spoke to whites, I was extremely self-conscious about my looks, manners and speech. I was very sensitive about my inferiority because I knew that whites were looking at me through their racial stereotypes and I too began to see myself as stupid, a dirty breed, drunken and irresponsible. [...] Not only did my sense of inferiority become inflamed, but I came to hate myself for the image that I could see in their eyes. Everywhere white supremacy surrounded me. Even in solitary silence I felt the word "savage" deep in my soul.<sup>138</sup>

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<sup>134</sup> Ibid.

<sup>135</sup> Simmons, "In Tribute to Howard Adams", 6.

<sup>136</sup> References to St. Louis as a "half-breed ghetto" is deployed numerous times throughout both *Prison of Grass* and *Tortured People*.

<sup>137</sup> Adams, *Tortured People*, 110; also see *Prison of Grass*, 40-41.

<sup>138</sup> Adams, *Prison of Grass*, 16.

At this point in Adams narrative two recognizably Sartrean/Fanonian pathways emerge as options for the colonized in their effort to come to grips with their internalized self-hatred: to either try and “escape”<sup>139</sup> the reach of the colonial gaze through practices of *self*-assimilation; that is, by attempting to traverse the Manichean divide that separates the savage Native from white man’s world of purity, happiness and civilization; or by trying to forge out an “authentic” Métis or Native existence upon which the colonized might begin to develop a nationalist program of Indigenous liberation.<sup>140</sup>

What does an “authentic” response entail in Adams’ writings? Here Adams can be quite ambiguous. Like Fanon, an authentic response begins with the colonized society’s struggle to undo their subjected/alienated existence through transformative practices of cultural *self*-empowerment. Adams refers to this process as “cultural nationalism” in both *Prison of Grass* and *Tortured People*.<sup>141</sup> Also like Fanon, given that Adams identifies the psycho-affective or subjective effects of colonialism as a derivative of the racial-structural asymmetries “inherent in capitalism,”<sup>142</sup> the utility of struggle in the “cultural” sphere appears to depend entirely on its ability to generate forms of praxis oriented toward making transformative changes in the realm of social structure. When cultural nationalism is directed at a change in the social structure of colonialism it then

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<sup>139</sup> Ibid., 15

<sup>140</sup> Ibid., 6. Although references analogous to the Sartrean notion of authenticity are made throughout *Prison of Grass*, the explicit language of authenticity does not appear regularly in Adams work until *Tortured People*. On the development of Adams’ conception of national liberation see, *Prison of Grass*, Chapters 15-16 and *Tortured People*, 115-116.

<sup>141</sup> For Adams’ discussion of “cultural nationalism” see, *Prison of Grass*, 167-171 and *Tortured People*, 115-116.

<sup>142</sup> Adams, *Prison of Grass*, 11.

becomes a of program of “radical nationalism.”<sup>143</sup> At first blush, then, it would seem that Adams inherits Fanon’s dialectical interpretation of the significance of cultural self-recognition, where the reconstruction of an authentic cultural-national consciousness is posited as a mobilizing *phase* in what ultimately must become a socialist struggle against capitalist imperialism. As Adams writes in *Tortured People*:

Encouraging Indian and Métis to explore their identity could be helpful providing that it includes the possibility of political consciousness. [...] A genuine liberating nationalism must promote revolutionary and socialist ideologies; these are essential and perhaps the greatest weapons Natives need to win self-determination. Nationalism in its subjective, ideological, and even spiritual forms should provide Aboriginals with a sense of solidarity and pride that moves them forward, not backward.<sup>144</sup>

Seen from this perspective, the desubjectifying effects of cultural nationalism are useful only insofar as they function to “motivate” Indigenous peoples to change the “institutions of capitalism” and form “a new society of freedom, equality and justice.”<sup>145</sup> According to Adams, when the process of cultural self-empowerment fails to develop in this distinctly dialectical manner it can too easily relapse into another form of imperialism; it can become an “oppressive, colonizing force.”<sup>146</sup>

However, at other points in his work, Adams seems to view certain acts of Indigenous cultural reconstruction and self-transformation as something much more. Consider, for instance, the following passage from *Prison of Grass*:

The growing nationalism among Indians and Métis that specifies that we are a distinct group with our own interests has been accelerated with our political and cultural awakening. The examples of Third World liberation struggles have also fostered this native nationalism. We must be careful,

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<sup>143</sup> On the distinction Adams makes between “cultural” and “radical” nationalism see, *Prison of Grass*, 167-171 and *Tortured People*, 116.

<sup>144</sup> *Ibid.*, 118.

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*, 116.

however, that our efforts toward political and social advancement do not imitate those of mainstream [colonial] society. We need to define our *native ethic* according to those principles *inherent in our culture* that are strongly opposed to the capitalist ethic.<sup>147</sup>

Here the struggle for decolonization seeks to “revive” those “native cultural traditions that give security and stability to the nation and discard those that oppress the people.”<sup>148</sup> In this passage, then, “cultural nationalism” appears to take on a slightly more substantive meaning as the “ends” and “means” distinction begins to break down; it serves as both a mobilizing force – as a sense of pride and critical consciousness – and an ethical framework to guide the construction of non-imperialist alternatives to the colonial present.

There are a number of insights to be gleaned from Adams’ engagement with the work of Fanon, of which the following two are particularly relevant here. First, I think that the Fanonian distinction he makes between cultural and radical forms of anti-colonial nationalism draws our attention to the ways in which Indigenous practices of cultural self-empowerment can be captured or co-opted by the state apparatus and directed toward neo-colonial ends. In both of his texts Adams discusses this in the context of the state-funded cultural “industry,” where Indigenous ceremonies, dances, and forms of artistic production are able to garner support and funding by the state in the name of “multiculturalism” and out of “respect for diversity,” but only if the cultural practices in question are divorced from political-economic critique and/or genuinely anti-colonial sentiment. In a way, identifying a similar process with respect to my community is what I attempted to do in Chapter 3. As we saw there, what we might call

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<sup>147</sup> Adams, *Prison of Grass*, 11.

<sup>148</sup> *Ibid.*, 169.

the “cultural nationalism” of the 1970s Dene self-determination movement was at least partially captured by the state apparatus through a politics of liberal recognition that insisted that any institutionalized accommodation for Dene nationhood be divorced from alternative visions of sovereignty and non-capitalist modes of economic development. Second, Adams’ concern about cultural practices that may be used to justify oppressive conduct by elites within Indigenous communities under the banner of “tradition” remains applicable to contemporary circumstances as well. This is what I take Adams to mean when he suggests in *Prison of Grass* that we ought to revive those traditions and practices that empower people, and discard those that may be used to justify new relations of exploitation and domination. Again, we saw a similar process at play in Chapter 4 with respect to the fight of Indigenous women against the patriarchal legacy of Canadian Indian legislation, and the manner in which this legacy came to shape the contemporary conduct of male-dominated Aboriginal organizations in their efforts to secure state recognition for a right to self-government.

Similar themes are picked-up and developed further in Métis/Cree historian Kim Anderson’s aptly titled book, *A Recognition of Being: Reconstructing Native Womanhood*, although with far more emphasis placed on the gendered dynamics that shape both colonial domination and the means by which Indigenous women resist it. Like Adams, Anderson’s narrative builds on insights derived from her personal struggle to overcome the internalized effects of her lifelong encounter with Canadian “racism, genocide, and policies that have encouraged Native people to abandon their heritage.”<sup>149</sup> Combining this experiential knowledge with interviews conducted with forty

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<sup>149</sup> Kim Anderson, *A Recognition of Being: Reconstructing Native Womanhood* (Toronto: Sumach Press, 2000), 23.

Indigenous women scholars, community leaders and grassroots activists from across Canada, *A Recognition of Being* explores the myriad ways in which Indigenous women have struggled to individually and collectively undo the psycho-affective harms inflicted on them over the course of their colonial experience through the positive reconstruction of Indigenous womanhood.

*A Recognition of Being* begins by asking the following two questions: How have Indigenous women struggled to maintain a constructive relation-to-self and community despite the colonial oppression and forms of sexual objectification that they continue to face at the hands of not only the settler-state and society but their own nations as well? And what have these women constructed as an alternative to these oppressive practices? In answering these questions, Anderson develops a process-oriented theory of self-determination which closely embodies the prefigurative approach to recognition advocated here. For example, in answering her first question, Anderson draws off her interview research to show how many Indigenous women have been able to resist the “negative definitions of being”<sup>150</sup> imposed on them from without by “reclaiming” those community traditions that colonial society had hitherto rendered degenerate. “Identity recovery for our people”, writes Anderson, “inevitably involves the reclaiming of tradition, the picking up of those things that were left scattered along the path of colonization.”<sup>151</sup> For Anderson, these acts of reclamation are of particular significance for Indigenous women, who have not only been forced to endure the aftermath of dispossession and colonial racism alongside Indigenous men, but also the effects of a

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<sup>150</sup> Ibid., 15

<sup>151</sup> Ibid., 157.

structure of domination that has functioned, to a significant degree, by specifically devaluing the lives and bodies of Native women.

This turn to “tradition” cannot be carried out uncritically, however. Like Fanon and Adams before her, Anderson is all too familiar with the problems that can arise when reclamation projects lead Indigenous people and communities down the uncritical “path of romanticizing, generalizing, or essentializing our heritage and traditions.”<sup>152</sup> Again, this is particularly relevant from the perspective of Indigenous women. Throughout her interview process, Anderson was struck by how many participants recounted stories of Native men using “tradition” and “culture” to further “exclude women, render them invisible, or [...] shame them by twisting traditions that are related to female power.”<sup>153</sup> For Anderson, it is thus important to recognize that “traditions” are fluid entities, subject to constant change and influence, some of which are not always positive. When we set out to reclaim these cultural practices, then, we must remain attentive to how and by whom they are being framed, to the contemporary context in which they are deployed, and to what effect. In this respect, I would suggest that Anderson’s approach to cultural self-recognition aligns nicely with what Anishinabe scholar Brock Pitawanakwat has referred to as “critical traditionalism”; a practice of self-determination that aims to regenerate Indigenous cultural forms in a manner that consciously struggles to avoid “replicating the structures of domination that we seek to transform.”<sup>154</sup>

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<sup>152</sup> Ibid., 34.

<sup>153</sup> Ibid., 37

<sup>154</sup> Brock Pitawanakwat, “Red-Baiting and Red-Herrings: Indigenous Labour Organizing in Saskatchewan”, *New Socialist* 58 (Sept-Oct, 2006), 33.

In answering her second question - What have Indigenous women proposed as alternatives to the oppressive social relations in which they currently live? - Anderson provides a number of concrete examples, ranging from the regeneration of traditional mothering practices which aim to restore healthy and balanced gender relations in the family, to the reconstruction of ceremonial practices that emphasize the centrality, power and responsibilities of Indigenous women vis-à-vis their communities and the natural world, to the re-institutionalization of traditional educational practices and governing structures that stress the essential role played by women in directing "the affairs of the community and nation."<sup>155</sup> The most interesting aspect about this part of Anderson's discussion is that it demonstrates how much of this kind of regenerative cultural activity is already taking place: on reserves, in urban centers, in our schools, and in a host of other community-based organizations. Also, what distinguishes these projects from the liberation programs endorsed by Fanon and in some respects Adams, is the *substantive* worth attributed to the revitalization of these practices in the development of non-imperialist ways of living and relating to each other in the present: they offer an alternative *way of being* in the world- an *indigenous* mode of existence that challenges the psycho-affective and structural features of power that converge to maintain colonial hegemony.<sup>156</sup>

Anderson's contribution is not without its shortcomings, however. Two in particular come to mind, and both have to do with the critical dimension of her project. First, recall that a truly critical approach to the reclamation of Indigenous traditional practices has to always remain attentive to the ways in which recourse to tradition can

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<sup>155</sup> Anderson, *A Recognition of Being*, 217.

<sup>156</sup> *Ibid.*, 137.

inadvertently serve to sanction or reproduce practices domination in relation to some other segment of society. We saw this occur during the self-government debates in the 1980s and 1990s, where the discourse of “tradition” was seized by certain male-dominated First Nations organizations in manner that functioned to further exclude and marginalize Indigenous women. Métis feminist Emma LaRoque has recently raised a similar concern with respect to the hetero-normative conception of Indigenous womanhood that underwrites certain aspects of Anderson’s own reclamation project.<sup>157</sup> Of particular concern to LaRoque is the manner in which Anderson at times foregrounds her particular views of Indigenous *motherhood* as “central to Aboriginal women’s epistemology” in general.<sup>158</sup> Although LaRoque recognizes that Anderson takes “great pains” to include as many *non*-mothers as possible within this epistemic frame, including extended family members and other Indigenous women caregivers that do not have children, Anderson’s normative privileging of “maternalization” nevertheless ends up being “totalizing and exclusionary.”<sup>159</sup> LaRoque explains:

Many women today choose not to be mothers, and they neither have desire nor appreciate being forced into what is essentially a heterosexual framework, even if a feminine one. Ultimately, motherhood implies biology, and, as deployed in Anderson, defines womanhood.<sup>160</sup>

LaRoque’s point here is not to dismiss the emancipatory potential of Anderson’s invocation a “maternal-based” ethical vision; rather, she is simply highlighting the way in which a specific practice of cultural empowerment can itself discursively rule out or

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<sup>157</sup> Emma LaRoque, “Métis and Feminist”, in Joyce Green (ed.), *Making Space for Indigenous Feminism* (Halifax: Fernwood, 2007), 63-64.

<sup>158</sup> *Ibid.*, 63

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*

constrain other equally legitimate and potentially empowering ways of being Indigenous in the present.<sup>161</sup>

The second shortcoming involves how Anderson at least implicitly conceptualizes colonialism as a structure of domination. One of the central problems with the work of Fanon and Adams was that they conceived of colonialism as a totalizing system in which racist, economic and state power converge, but paid less attention to the gendered dynamics underwriting this power configuration. I would suggest that Anderson does the opposite. While she does an excellent job showing how colonial relationships are always constituted through gender and racial asymmetries, she spends relatively little time explicitly teasing out the ways in which capitalism and the state-form inherently figure into this story. Although these dynamics of colonialism are not entirely absent in Anderson's text, in my opinion they do not figure prominently enough. In pointing this out, however, I do not mean to diminish the significance of Anderson's commitment to a gendered politics of Indigenous cultural self-empowerment. When critically carried out, these practices are important in their own right. My point rather is this: if these practices are to have a lasting effect in terms of both reconstituting Indigenous female subjectivity and changing the social relations that have worked so hard to undermine such subjectivity, then they will have to be informed by and integrated with struggles against capital and the state, just as the efficacy of struggles against capital and the state depend on their being informed by and integrated with those struggling against colonial-patriarchy.

The most explicit theorization of the prefigurative approach to the politics of recognition advocated here can be found in the work of Mohawk political scientist

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<sup>161</sup> Ibid.

Taiaiake Alfred, particularly in his 1999 book, *Peace, Power, Righteousness: An Indigenous Manifesto* and its 2005 follow-up, *Wasase: Indigenous Pathways of Action and Freedom*.<sup>162</sup> Born in Montreal, Alfred grew up in the neighboring Mohawk community of Kahnawake during the period of resurgent Indigenous nationalism and Red Power activism that spanned the late 1960s and 1970s. As discussed below, this period of regenerative cultural and national assertiveness began with the increased participation of Mohawk citizens in the rekindling of traditional cultural activities and values associated with the governing structure of the Longhouse. This process of cultural and national reawakening would come to deeply inform Alfred's views of colonialism and the means by which Indigenous people and communities might successfully mitigate its destructive effects.

Like Fanon's quasi-Nietzschean invocation of self-affirmation in *Black Skin*, both of Alfred's texts begin by explicitly calling on Indigenous people and communities to "turn away"<sup>163</sup> from the assimilative reformism indicative of the liberal recognition paradigm and to instead build a self-determination movement oriented around the revitalization of "traditional" political values and practices. "We [must] choose to turn away from the legacies of colonialism", writes Alfred in *Wasase*, "and take on the challenge of creating a new reality for ourselves and for our people."<sup>164</sup> Unlike Fanon's notion of self-affirmation in *Black Skin*, however, in Alfred's work creating a "new" reality for the colonized does not require that one dialectically transcend the practices of the past once the affirmation of these practices has served to re-establish the colonized as

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<sup>162</sup> Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (Don Mills: Oxford University Press, 1999) and *Wasase: Indigenous Pathways of Action and Freedom* (Peterborough: Broadview Press, 2005).

<sup>163</sup> Alfred, *Peace, Power, Righteousness*, xiii and *Wasase*, 19.

<sup>164</sup> Alfred, *Wasase*, 19.

historical protagonists. For Alfred, the struggle to regenerate “traditional values” is assigned a far more substantive value: “We have a responsibility to recover, understand, and preserve these values, not only because they represent a unique contribution to the history of ideas, but because renewal of respect for traditional values is the only *lasting solution* to the political, economic, and social problems that beseech our people.<sup>165</sup> In *Peace, Power, Righteousness*, Alfred refers to this practice of regeneration as a form “self-conscious traditionalism” - a self-reflective program of critical desubjectification that aims to undercut the interplay between alienation and structural domination that reproduce colonial relationships over time.<sup>166</sup>

What are the “political, economic, and social problems” that plague Indigenous communities for Alfred? In *Peace, Power, Righteousness* Alfred focuses most carefully on the political (state) and economic (capitalist) dimensions underwriting these problems. Again, in a manner reminiscent of Fanon’s critique of the Hegelian recognition paradigm, Alfred argues that the state’s turn to recognizing and accommodating a palatable form of Indigenous difference has allowed it to shed “the most onerous responsibilities of its rule while holding fast to the lands and authorities that are the foundations of its power.”<sup>167</sup> By redefining the colonial-relation without structurally transforming it, the politics of recognition has served the imperatives of capitalist accumulation by offloading many of the most “costly and cumbersome” features of colonial rule (in a typically neoliberal manner) while at the same time “further

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<sup>165</sup> Alfred, *Peace, Power, Righteousness*, 5; emphasis added.

<sup>166</sup> *Ibid.*, xviii, 66, 80-88.

<sup>167</sup> *Ibid.*, xiii

entrenching in law and practice the real bases of its control.”<sup>168</sup> In Alfred’s view, the state has been able to facilitate this process through a form of colonial governmentality: by advocating an ostensibly “new” or “post-colonial” set of relations premised on a circumscribed mode of recognition that structurally ensures continued access to Indigenous peoples’ lands and resources by producing “neo-colonial” political subjectivities which co-opt Indigenous people into becoming instruments of their own dispossession.<sup>169</sup> Like Fanon, for Alfred, contemporary colonialism thus governs through the limited forms of freedom afforded through recognition and accommodation: “In [the] ‘new’ relationship”, writes Alfred, “indigenous peoples are still bound to another power’s order. The rusty cage [of colonialism] may be broken, but a new chain has been strung around the indigenous neck; it offers more room to move, but it still ties our people to white men pulling on the strong end.”<sup>170</sup>

Like all of the authors discussed above, Alfred is also cognizant of the pitfalls associated with retreating into an uncritical essentialism when attempting to revitalize tradition and Indigenous cultural practices. As Alfred states in *Peace, Power, Righteousness*: “Working within a traditional framework, we must acknowledge the fact that traditions change, and that any particular notion that constitutes ‘tradition’ will be contested.”<sup>171</sup> Recognizing culture’s malleability, however, does not imply that one can not “still identify certain common beliefs, values and principles that form the persistent core of a community’s culture.”<sup>172</sup> It is this “traditional framework”, insists Alfred, “that

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<sup>168</sup> Ibid.

<sup>169</sup> Ibid., 30-38, 73-80

<sup>170</sup> Ibid., xiii.

<sup>171</sup> Ibid., xviii.

<sup>172</sup> Ibid.

we must use as the basis on which to build a better society.”<sup>173</sup> The “traditionalism” Alfred advocates is thus a critical one: an “intellectual, social, and political movement that will invigorate those values, principles and other cultural elements that are best suited to the larger contemporary political and economic reality.”<sup>174</sup>

Alfred’s later work hones and expands on the foundational critique developed in *Peace, Power, Righteousness* in a way that provides more depth to our understanding of both the complexity of power relations that give shape to colonialism and the types of practices we might engage into transform these relations. To my mind, one of the most important layers of complexity added to Alfred’s post-*Peace, Power Righteousness* writings has to do with the way in which gender has come to figure more prominently in his theorizing. I would suggest that the inclusion of this more rigorous gendered component to Alfred’s position is at least in part related to the explicit collapse of any end/means distinction we see in Alfred’s post-*Peace, Power, Righteousness* theory of decolonization. One of the central “problems” with Indigenous politics, writes Alfred in *Wasase*, “is that there is that there is no consistency of means and ends in the way that we are struggling to empower ourselves.”<sup>175</sup> Now drawing explicitly off the insights of anarchist theory and practice, Alfred suggests that we must always remain vigilant with respect to the methods we use in our fight against colonialism because these methods have the uncanny ability to discursively shape who we “become when the battle is over.”<sup>176</sup> The mainstream Aboriginal rights movement has demonstrated the problems that arise when one maintains a sharp distinction between the ends and means of anti-

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<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Alfred, *Wasase*, 22.

<sup>176</sup> Ibid., 23.

colonial struggle all too well. As Alfred states, the implication of the current “legalist” approach to the recognition of self-government is “entrenchment in the state system as citizens with rights defined with by the constitution of the colonial state, which is the defeat of the idea of an independent [Indigenous] existence.”<sup>177</sup> Whereas the implication of the current land claims/economic development strategy “is integration into the consumer culture of mainstream capitalist society, which is the defeat of the possibility of ways of life associated with [Indigenous] cultures.”<sup>178</sup> And of course the same can be said with respect to the militaristic and masculinist nature of more revolutionary articulations of Indigenous anti-colonialism. This is why Alfred is quick to insist that the struggles of Indigenous peoples today cannot hold onto a concept of struggle “that is gendered in the way it once was and that is located in an obsolete view of men’s and women’s roles.”<sup>179</sup> Instead Indigenous struggles must “be rethought and recast from the solely masculine view of the old traditional ways to a new concept of the warrior that is freed from colonial gender constructions.”<sup>180</sup> These observations align Alfred’s work more squarely with the recent outpouring of radical Indigenous feminist scholars and their critiques of “frontier culture”, “its views of Indigenous women’s bodies”, and how these views have served to reproduce gender oppression and “sexual violence against women in North American society today.”<sup>181</sup>

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<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid., 84.

<sup>180</sup> Ibid.

<sup>181</sup> Taiiaki Alfred, “Re-Dressing Racist Academics: A Review of Frances Widdowson and Albert Howard, *Disrobing the Aboriginal Industry: The Deception Behind Indigenous Cultural Preservation*.” Available online at: <http://www.taiiaki.com/42>.

Like Anderson's contribution discussed previously, Alfred's later work also does an excellent job demonstrating how these prefigurative practices of cultural self-recognition have come to manifest themselves in a host of recent direct action initiatives across Indian Country. Rather than speak to all of the examples discussed in Alfred's writings, I want to conclude by briefly expanding on the one that figures most prominently in his recent work – the warrior tactic – for it illustrates nicely certain features of the type of anti-colonial politics that I have attempted to draw our attention to here.

Although a longstanding tradition in many Indigenous societies in North America, the warrior tactic re-emerged on the political scene in the late 1960s and early 1970s among the Mohawk communities of Kahnawake and Akwasasne.<sup>182</sup> It has been suggested that the rise in Mohawk militancy during this period began with the increased participation of young Mohawk men in the revival of traditional cultural activities associated with the Longhouse. As one participant has described:

The movement started out as a *cultural* movement. It was a movement dedicated to cultural survival.[...] The movement has [since] changed [and] grown. Now it is a movement dedicated to both cultural and political survival. When we assert our rights to our territory, it's both a cultural statement about our identity as Mohawks, a way of traditional life, and it's a political statement about our identity and right to exist as a nation.<sup>183</sup>

Since the 1960s and 1970s, Mohawk warrior societies have embarked on a number of direct action campaigns which have sought to defend their nationhood from the

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<sup>182</sup> Geoffrey York and Loreen Pindera, *People of the Pines: The Warriors and the Legacy of Oka* (Toronto: Little, Brown and Company, 1992); Linda Pertusati, *In Defense of Mohawk Land: Ethnopolitical Conflict in Native North America* (Albany: State University of New York Press, 1997); Taiaiake Alfred and Lana Lowe, *Warrior Societies in Contemporary Indigenous Communities'* (Prepared for the Ipperwash Inquiry, 2006). [http://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy\\_part/research/pdf/Alfred\\_and\\_Lowe.pdf](http://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/research/pdf/Alfred_and_Lowe.pdf)

<sup>183</sup> Quoted in Pertusati, *In Defense of Mohawk Land*, 47-48.

continued dispossession and exploitation of their traditional territories by Canada and the United States. As Alfred's work for the recent Ipperwash Inquiry has documented, these direct actions have involved, among other things, the establishment of armed and unarmed barricades and roadblocks to stop constituted flows of Canadian and American power from both entering and leaving Mohawk territories; they have included the eviction of unwanted non-Natives who have settled on Mohawk reserve lands without the consent of the community; and, in a number of instances, they have also involved the physical reoccupation of Mohawk lands already expropriated for purposes of colonial settlement and capitalist development.<sup>184</sup> It is also important to keep in mind that, since the spectacular confrontation between Mohawk warriors and the Canadian state at Oka in 1990, similar movements have either crept-up or re-emerged among numerous other Indigenous communities in Canada - most notably among the Anishinabe (Okijida Warrior Society), Mi'kmaq (Mi'kmaq Warrior Society), and Nuu-Chah-Nulth (West Coast Warrior Society) nations.<sup>185</sup>

The activists involved in these types of movements have been central in carrying out other community projects as well. One such project involves a recent initiative taken on by a number of Nuu-chah-nulth activists in their efforts to curb the proliferation of sexual violence and other colonial-patriarchal practices occurring within their communities on Vancouver Island. Initiated by Chiinuuks Ogilvie and several other members of the now disbanded West Coast Warrior Society, this project seeks to not only raise awareness of the mutually constituting relationship between sexual violence and the reproduction of colonial relations of power, but to also undercut this

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<sup>184</sup> Alfred and Lowe, *Warrior Societies in Contemporary Indigenous Communities*.

<sup>185</sup> Ibid.

relationship by critically regenerating Nuu-chah-nulth teachings and traditions regarding the proper ordering of societal gender relations. Carried out originally as a combined intercommunity march and outreach program, this action was oriented around a traditional coming of age ceremony meant to “honour and hold up young Nuu-chah-nulth women.”<sup>186</sup> However, unlike most mainstream approaches to the problem of violence against Native women, which tend to call for more state intervention into the lives of Indigenous families and communities, these activists are explicitly attempting to undercut their nation’s dependence on the colonial state to redress problems that itself continues to play a fundamental role in reproducing. As Na’cha’uaht, one of the members involved in the project, explains:

For me, the colonial state system was never meant to liberate us or allow us to be ourselves and craft our futures as we see fit. [When we rely on the state,] well intentioned people and efforts get swallowed up by the band councils and government programs where they, at best, prop-up a corrupt social-safety net, or worse, fundamentally change who we are as [I]ndigenous peoples. [...] The benefit of organizing outside this system has been the opportunity to show people that we can achieve tangible results without relying on government funding or direction. It has been an awesome experience to see people realize that our ways, Nuu-chah-nulth ways and teachings, are still valid and can guide us in a way that could never be achieved within the state system.<sup>187</sup>

I have drawn our attention to these examples because I believe they build on two important insights which overlap with Fanon’s problematization of the recognition paradigm discussed throughout the previous chapters. Let us return to the first warrior society example: what I find most interesting about this tactic is that it clearly represents

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<sup>186</sup> Glen Coulthard, “Nuu-chah-nulth Struggles against Sexual Violence: Interview with Chiinuuks (Ruth Ogilvie) and Na’cha’uaht (Cliff Altleo Jr.)”, *New Socialist* 58 (Sept-Oct 2006), 29.

<sup>187</sup> *Ibid.*, 31.

an attempt among Indigenous people and communities to work through the psychological effects of centuries of colonial domination by revisiting and reconstructing the traditional role of warrior societies revamped for the contemporary period. Importantly, however, this form of cultural self-empowerment has explicitly been directed away from a politics of recognition oriented almost exclusively around claims-making and negotiation, and has instead focused its energies on developing an on-the-ground engagement with the sedimented relations of social, political and economic power that have helped foster the conditions of subjection and alienation under which many Indigenous people and communities continue to live.

When we turn to the Nuu-chah-nulth example, we see a similar logic at play. First, it identifies well the always potentially risky and assimilative lure of strategies that aim to harness too exclusively the institutions of the colonial state to address problems which the state has largely produced. This is what I take Na'cha'uaht to mean when he suggests that state-sanctioned forms of recognition, such as self-government and band council social programming, have served to "at best, prop-up a corrupt social-safety net, or worse, fundamentally change who we are as [I]ndigenous people." In Fanon's terms, these forms of recognition risk enticing certain segments of the community to come to identify more with "white liberty and white justice" than with Nuu-chah-nulth perspectives on these matters. And second, I think that their efforts (like those of the warrior society from which they were apart), attempt to address the dual-structured character of colonial power as well. On the one hand, these activists have begun to creatively deconstruct the subjective/psycho-affective terrain of colonialism by critically revaluing what their traditions have to say about gender parity, which has, on the other hand, cashed-out in the transformative practice of confronting the structural/material

realm of sexual violence in their communities. It is also crucial to note that this transformative practice emerged out of a critical dialogue amongst community members associated with the warrior society movement itself. In this sense, the prefigurative moment constituted a double gesture: not only did the revisiting of Nuu-chah-nulth teachings about gender equity emerge to address the material manifestation of inherited patriarchal practices within their communities, but also the ways in which these practices had been inherited and reproduced *within the warrior movement itself*. In the words of Na'cha'uaht:

After the disbandment of the West Coast Warrior Society (WCWS), I began to reflect a lot on the relative effectiveness of our actions. It didn't take a lot to realize that our approaches were deeply flawed, albeit well intentioned for the most part. Although many of us understood that disbanding was the right thing to do, we also knew that our communities still needed people committed to taking action. So we spent a lot of time sitting with family members and community elders in order to better understand the roles and responsibilities of our Wit-waak [warriors].

Among other teachings, we learned that the primary responsibility of a Wiiuk [warrior] was to ensure the safety of the home and to protect the most vulnerable in our communities from any threat, wherever it may come from. Unfortunately, issues such as suicide and domestic violence top the list of actual threats in our communities. This tends to contrast with the more "sexy" or "glorious" issues of resource access or land protection, but we realized that we couldn't legitimately call ourselves warriors if our homes are in such a deplorable state.

So essentially the men in the warrior movement backed up and the women stepped forward, and we began to dialogue. It's important to note, however, that we didn't "allow" the women to step forward, but for the most part just shut up and vacated some space. It's a constant struggle not to revert back to paternalistic or chauvinistic positions, but instead be quiet and listen and engage equally. The previous incarnation of the warrior movement mostly excluded or downplayed the roles of women. In retrospect, it's not hard to see why previous initiatives ultimately failed to leave any kind of lasting legacy.<sup>188</sup>

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<sup>188</sup> Coulthard, "Nuu-chah-nulth Struggles against Sexual Violence", 30.

## Conclusion

There are a number of insights that can be drawn from Fanon's critical engagement with negritude specifically and anti-colonial practices of cultural self-affirmation generally.

First, as argued in Chapter 2, I think that Fanon's conception of power and resistance discloses the complexity involved in contestations over recognition in situations structured by colonial hierarchy. Unlike the struggle between master and slave depicted in Hegel's *Phenomenology*, Fanon's multiracial/cultural conception of the colonial dialectic accentuates the multiplicity of recognitive relations that are at play in the construction of identities, and are work in creating or undermining the conditions required for human freedom. Colonial power is formidable, yes, but rarely total. The constellation of practices associated with cultural self-affirmation examined by Fanon clearly demonstrates that even in the most violent and asymmetrically power-laden contexts, Indigenous actors are never scripted to the floor by colonial power. Rather, it is better to think of the colonized and the colonizer as "caught up in a complex web of power relations; and though silenced, the native is [never] *completely* [silenced]. [...] Cultures that were practices before colonial domination have been destroyed, but just as importantly, they have remained."<sup>189</sup> Fanon's work demonstrates that those cultural referents that do remain often serve as a foundation from which to not only develop a critical understanding of oneself but also the power relations that work to subtly shape one's life.

Second, I think that Fanon's dual-structured conception of colonial power forces one to acknowledge the limits of anti-colonial cultural projects that fail to integrate their identity-related struggles with those that seek to radically transform the asymmetrical

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<sup>189</sup> Gibson, *Fanon: The Postcolonial Imagination*, 9.

distribution of power and resources that govern relationships within and between colonized communities and settler-states. Read in light of recent debates over the relative importance of recognition and redistribution in contemporary political struggles, I suggest that Fanon's work clearly implies that demands for recognition must be integrated with those that seek to subvert the hierarchical social relations that continue to undermine the self-determining capacities of many marginalized identities and communities.

Third, Fanon's interrogation of the self-essentialized constructions of identity that can come to inform culture-based practices of self-affirmation remains particularly relevant to present circumstances as well. As suggested above, Fanon was very concerned about the ways in which reified and exclusionary conceptions of racial and cultural identity can serve to sanction repressive demands for intra-group conformity on the one hand, and naturalize asymmetrical inter-group relations on the other. However, unlike the anti-essentialism of Seyla Benhabib's deliberative approach to identity/difference politics explored at length in Chapter 4, Fanon refused to reject cultural projects based solely on the observation that they seemed to deploy essentialist identity categories in their engagement with unjust power configurations. Fanon recognized that no discourse on identity should be prematurely cast as inherently transformative or inherently repressive prior to an engaged consideration of the ways in which these discursive systems influence the power relations within and against which they are deployed.

Fanon's analysis is not without its weaknesses, however. In particular, although Fanon saw the critical reevaluation of Indigenous traditions and cultural practices as a significant means of temporarily freeing the colonized from the subjectifying grasp of

colonial power, he did not appear to see these practices as a foundation upon which to construct lasting alternatives to the colonial project. In this sense, I have suggested that Fanon's analysis remained wedded to a rather *thin* conception of the worth of Indigenous difference in the struggle for self-determination. I have also suggested that Fanon's thin conception of the value of Indigenous difference distinguishes it from much of the best contemporary Indigenous thought and activism in Canada today, where freedom from colonialism is aligned with those practices that aim to reconstruct and deploy previously disparaged traditions in a manner that consciously seeks to prefigure lasting alternatives to the psycho-affective and structural relations that Fanon's work identifies so well.

## Chapter Six - Summary and Conclusion

This dissertation sought to accomplish two tasks. First, it set out to problematize the increasingly commonplace assumption that the colonial relationship between Indigenous peoples and the Canadian state can be reconciled via a liberal “politics of recognition.” I characterized the “politics of recognition” as a recognition-based approach to cultural pluralism that strives to “reconcile” Indigenous assertions of nationhood with Crown sovereignty via the accommodation of Indigenous identity-related claims through the negotiation of settlements over issues such as land, economic development, and self-government. I argued that this orientation to the reconciliation of Indigenous nationhood with state sovereignty can be characterized as *colonial* insofar as it remains structurally oriented around the dispossession of Indigenous peoples of their lands and self-determining authority.

My conceptualization of colonialism as a structure of domination oriented around dispossession drew extensively off of three critical sources: Karl Marx’s writings on the “primitive accumulation” of capital, Frantz Fanon’s critique of Hegel’s master/slave parable when applied to colonial contexts, and contemporary Indigenous anti-colonial criticism, theory and practice. With respect to the contribution of Marx, in Chapter 1, I argued that three issues must be addressed within Marx’s work to make his writings on colonial dispossession a more relevant lens for analyzing the relationship between Indigenous peoples and liberal settler polities such as Canada. These issues are:

- (1) His thesis on primitive accumulation must be stripped of its excessively temporalized character; that is, rather than positing primitive accumulation as some historically situated, inaugural set of events that set the stage for the development of the capitalist mode of production, it is better understood as an ongoing practice of

dispossession that never ceases to structure capitalist and colonial social relations in the present.

- (2) His thesis on primitive accumulation must be stripped of its early normative developmentalist character. While it is correct to view primitive accumulation as the condition of possibility for the development and ongoing reproduction of the capitalist mode of production, it is incorrect to view it as a *necessary* condition for developing the forms of critical consciousnesses and praxis that might aid in the construction of alternatives to capitalist imperialism. I argued that Marx himself came to acknowledge the problematic character of this early formulation of his thesis and worked to correct it in the last decade of his life.
- (3) I argued that the form of power associated with primitive accumulation need not be understood as strictly coercive, repressive, or explicitly violent in nature; rather, the practices of dispossession central to the maintenance of the colonial-capitalist enterprise relies as heavily on the “productive” character of colonial power as it does on sovereign force, especially in ostensibly liberal democratic contexts like Canada.

To address the first two issues I suggested that we conceptually shift our analysis from primitive accumulation’s primary emphasis on the *capital-relation* to the *colonial-relation*. Recall that Marx’s theory of primitive accumulation highlights a dual process: (1) the dispossession of non-capitalist producers, communities and societies from the means of production and subsistence, which eventually results in (2) proletarianization. I demonstrated that within this dual-structured frame, Marx’s work tends to privilege the proletarianization aspect of the thesis over the dispossession aspect. By contextually shifting our emphasis from the proletarian angle to the colonial dispossession angle, I argued that three insights into the colonial relationship between Indigenous peoples and the Canadian state begin to emerge.

First, I claimed that this shift in orientation correctly establishes the ongoing practice of colonial dispossession as a problem in its own right. When conceptualized this way, it becomes harder to justify the effects of colonial dispossession based on the

erroneous assumption that this dispossession will somehow redeem itself by bringing Indigenous workers into the productive fold of capitalist modernity and thus enlighten them regarding the true path of their emancipation: a difference-blind socialism built on the dispossessed territories of their previously self-determining nations. I made the claim that by shifting our analysis to an investigation of the inherent harms of colonial dispossession we can better identify the profoundly destructive loss that the violent assimilation of Indigenous forms of knowledge and life not only produces in the lives of Native peoples and communities, but also the ways in which this loss of diversity necessarily limits our possibilities in terms of both thinking of and potentially building non-exploitative and non-dominating alternatives to colonialism today.

Second, I suggested that focussing on the ongoing effects of colonial dispossession represents an empirically more accurate way to understand the structural dynamics that have shaped the relationship between Indigenous peoples and the Canadian state in two ways: first, as most political economists and historians have now recognized, colonial-capitalist development in Canada has historically relied far more on the dispossession of Indigenous lands than on the expropriation of Indigenous labour; and second, the experience of dispossession, not proletarianization, has tended to shape and inform the dominant modes of Indigenous critique and activism that primitive accumulation has produced.

The third insight that flows from my shift in analysis involves what many critics have characterized as classical Marxism's economic reductionism. Here I suggested that colonialism be understood not as some base or foundation from which oppressive gendered, racial and state power relations flow, but rather as the inherited background field within which these other relations of power converge to facilitate the continued

dispossession of Indigenous peoples of their lands and self-determining authority. Colonialism, in other words, is best understood as the sum-effect of the diversity of interlocking social relations that constitute it.

After identifying these three insights I then turned to the third issue I claimed needs to be addressed with respect to Marx's thesis: the unnecessarily strong correlation drawn in Marx between violent state power and primitive accumulation. I claimed that the character of colonial dispossession in post-White Paper Canada would appear to problematize this correlation insofar as it has undergone a shift from a more-or-less unconcealed and coercive structure of domination to one that is now reproduced through a more conciliatory set of languages and practices that emphasize the *recognition* and *accommodation* of Indigenous difference.

In Chapter 2, I drew extensively off Fanon's work in *Black Skin, White Masks* to explain in theoretical terms how this shift in the character of colonial relations of power was able to occur. There I argued that Fanon's critical engagement with Hegel's master/slave narrative convincingly identifies two problems associated with the politics of recognition when applied to colonial settings, and which remain relevant today. First, he convincingly argues that when delegated exchanges of recognition occur in real world contexts of colonial domination the terms of recognition and accommodation offered to Indigenous communities usually end up being structurally determined by and in the interests of colonial power. Second, Fanon then describes the ways in which colonized individuals and communities can come to develop "psycho-affective" attachments to the circumscribed, master-sanctioned forms of recognition offered to them by the colonial state and society, thus rendering the colonial relationship natural over time. Fanon argued that it was this interplay between structure and subjectivity

that served to reproduce colonial relations in contexts where these relations are not maintained by force alone.

In Chapters 3 and 4, I set out to elucidate empirically the largely theoretical insights drawn from my reading of Fanon through an examination of two case studies. Chapter 3 accomplishes this through an exploration of the changing political, economic, and cultural dynamics that helped shape the Dene Nation's struggle for recognition and self-determination in the 1970s and early 1980s. There I argued that Canada's comprehensive claims policy functioned to undermine Dene self-determination by limiting the terms of recognition the state was willing to make available to us through the negotiation of a land claim settlement. I then went on to highlight some of the troubling effects that negotiating within this circumscribed field of recognition has had in terms of shaping the trajectory of Indigenous politics in the north. The Dene example is followed in Chapter 3 with a discussion of how the historical dynamics of sexist (mis)recognition under the *Indian Act* came to shape the decade-long effort (1982-1992) of male-stream Aboriginal organizations to secure constitutional recognition for an Aboriginal right to self-government in a way that functioned to further dispossesses the rights of Indigenous women.

In Chapter 5, I set out to explore glimpses of what an alternative orientation to the politics of recognition might look like. There I suggested that Fanon's critique of Hegel's politics of recognition did not lead him to reject the recognition paradigm entirely. Indeed, like Hegel, Fanon ascribed to the notion that relations of recognition are constitutive of subjectivity and that when unequal can foreclose the realization of freedom. However, instead of advocating a politics fixated on attaining an affirmative and definitive form of recognition from the colonial state and society, Fanon turns our

attention to the forms of critical individual and collective *self-recognition* that individuals and subaltern communities often engage in to empower themselves in their struggles for self-determination

Although Fanon saw the self-affirmation revaluation of Native history and culture as a critical means of momentarily releasing colonized populations from the interpellative grasp of delegated forms of colonial recognition, I claimed that, in the end, his failure to explore the substantive role that critically revived cultural practices might play in the construction of lasting alternatives to colonialism puts his theory at odds with much contemporary Indigenous anti-colonial theory and practice. To correct this shortcoming, I concluded the chapter with a discussion of what I see as the underlying cultural logic informing radical Indigenous thought and activism in Canada, where practices of cultural self-affirmation/recognition are not thought of in a transitional light, as Fanon did, but rather as the foundational upon which Indigenous peoples might begin to attempt to build alternatives to the psycho-affective and structural relations of power that Fanon's work highlighted so well.

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