

Facing the Challenge of Freedom: Dene Nationalism and the Politics of Cultural Recognition

by

Glen Sean Coulthard
B.A., University of Alberta, 2000

A Thesis Submitted in Partial Fulfillment of the
Requirements for the Degree of

MASTER OF ARTS

in the Indigenous Governance Program

We accept this thesis as confirming
to the required standard



Dr. Gerald Taiiiake Alfred, Supervisor (Indigenous Governance Programs)



Dr. James Tully, Departmental Member (Indigenous Governance Programs)



Dr. Michael Asch, Outside Member (Department of Anthropology)



Dr. Matt James, Outside Member (Department of Political Science)



Dr. Warren Magnusson, External Examiner (Department of Political Science)

© Glen Sean Coulthard, 2003
University of Victoria

All rights reserved. This thesis may not be reproduced in whole or in part, by photocopy or other means, without the permission of the author.


Supervisor: Dr. Gerald Taiaiake Alfred


Abstract


Through an examination of relevant literature, this thesis explores the potential utility of “the politics of cultural recognition“ for providing an alternative to the colonial relationship currently maintained between Indigenous peoples and the Canadian state. I argue that while contemporary recognition-based models of liberal pluralism reflect an advance over Canada’s previous policy of non-recognition, unless they are willing to fully embrace the underlying political objectives that often constitute Indigenous peoples’ demands for recognition — like the desire to determine their own cultural, economic and political development in a context free from colonial domination — then they will likely serve to legitimize the unjust structures of power that they aim to subvert. Consequently, I contend that the politics of cultural recognition must be willing to abandon its attempt at reconciling Indigenous nationhood with the existence of the Canadian capitalist state, for Indigenous groups often demand recognition for their cultural identities as a means of countering the exploitive nature of Canadian capitalist social and economic relations.

Examiners:


Dr. Gerald Taiaiake Alfred, Supervisor (Indigenous Governance Programs)


Dr. James Tully, Departmental Member (Indigenous Governance Programs)


Dr. Michael Asch, Outside Member (Department of Anthropology)


Dr. Matt James, Outside Member (Department of Political Science)


Dr. Warren Magnusson, External Examiner (Department of Political Science)

TABLE OF CONTENTS

ABSTRACT	ii
TABLE OF CONTENTS	iii
ACKNOWLEDGEMENTS	v
DEDICATION	vi
CHAPTER ONE – INTRODUCTION: DENE NATIONALISM AND THE POLITICS OF CULTURAL RECOGNITION	1
Cultural Recognition and Freedom.....	1
Two Forms of Recognition: Transformative and Selective.....	5
Dene National Identity Formation, Transformative Recognition, and the State.....	7
Domestication, Selective Recognition, and Liberal Political Theory.....	11
An Anarcho-Indigenist Challenge to Selective Recognition.....	13
A Note on Rationale: The Tragedy of Non/Mis-Recognition.....	16
CHAPTER TWO – TRADITIONAL DENE NATIONHOOD AND TRANSFORMATIVE RECOGNITION	19
Introduction.....	19
Conceptualizing Dene Nationhood and Nationalism.....	21
“Our Land, Our Life”: The People of Denendeh.....	22
Resisting Colonial Development: The Emergence of Contemporary Dene Nationalism...28	28
“That is Not Our way”: The Dene Speak-Out Against Colonial-Capitalist Development.37	37
The Dene Nation, Recognition, and Self-Determination: A Transformative Approach....40	40
Conclusion.....	47

**CHAPTER THREE –THE DOMESTICATION OF DENE NATIONHOOD,
SELECTIVE RECOGNITION, AND LIBERAL POLITICAL THEORY.....49**

Introduction.....	49
Domestication: Removing the “Politics” from the “Politics of Cultural Recognition”.....	51
Selective Recognition and Liberal Political Theory.....	63
Challenging Kymlicka’s Culturalism: Indigenous Peoples as National Minorities?.....	67
Kymlicka on Indigenous Self-Determination and Distributive Justice.....	71
Conclusion.....	77

**CHAPTER FOUR – CONCLUSION: ANARCHO-INDIGENISM AS THE
PRACTICE OF FREEDOM..... 80**

Introduction.....	80
The Pervasiveness of Selective Recognition.....	83
Indigenous Nationhood and the State: Conflicting Ideologies.....	85
Anarchism and Indigenous Peoples.....	90
Conclusion.....	93

BIBLIOGRAPHY.....95

ACKNOWLEDGEMENTS

During my time spent in the IGOV Program at the University of Victoria I have accumulated an intellectual debt to many amazing individuals. Among these people, I would like to first and foremost thank my thesis committee, Professors Taiaiake Alfred, Jim Tully, Michael Asch, and Matt James, for their superior guidance and unlimited academic support. What follows is a testament to their unrelenting activism and astounding commitment to scholarship. I would also like to thank Professor Warren Magnusson for taking on the job of external examiner at the last possible minute.

For their support and friendship both inside and outside of the classroom, I owe a great deal of thanks to Susanne Thiessen, Sheila Watts, Stella Spak, Isabelle Schulte-Tenckhoff, Shauna McRanor, Mark Munsterhjelm, Natasha Powers, Amanda Dowling and John Munro.

Most importantly, however, I would like to thank my mother and father, Christine and Richard Coulthard, and especially my loving partner and amazing son, Amanda Dowling and Hayden Dowling-Coulthard. I could not have completed this project without your unconditional love and committed support. *Mahsi Cho.*

DEDICATION

For Amanda and Hayden..

CHAPTER ONE – INTRODUCTION: DENE NATIONALISM AND THE POLITICS OF CULTURAL RECOGNITION

But we have to be careful about it, because there are two kinds of nationalism, and the government and Indian Affairs know exactly what kind of nationalism to push. They push what we call 'cultural nationalism' which in fact is designed to hold us trapped. It is a dead end thing.... We must make sure our nationalism is tied to a progressive ideology and a progressive political movement that will lift us out of our oppression and into freedom.¹

Howard Adams, 1974.

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.²

Dene Nation, 1977.

Cultural Recognition and Freedom

At the outset of his paper, "The Struggles of Indigenous Peoples for and of Freedom," James Tully poses the following question: "In what ways can political theory help or hinder the liberation of Indigenous peoples?"³ For Tully, Western political theory⁴ can serve two functions: it can either privilege the interests of settler-states built on the "territories and ruins of Indigenous societies"⁵ by providing an imperialist language used to justify the process of colonization, or it can be used as a powerful "discursive technique in a practice of resistance."⁶ Part of the problem, however, lies in the fact that these

¹ Howard Adams, "Two Kinds of Nationalism," *This Magazine* 8, Number 2 (1974), 17.

² Quoted in Gurston Dacks, *A Choice of Futures* (Toronto: Methuen Publications, 1981), 55. [hereafter, Dacks, *A Choice of Futures*]

³ James Tully, "The Struggle of Indigenous Peoples for and of Freedom," in *Political Theory and the Rights of Indigenous Peoples*, eds. Duncan Ivison, Paul Patton, and Will Sanders (Cambridge: University of Cambridge Press, 2001), 36. [hereafter Tully, "Struggle of Indigenous Peoples"]

⁴ For Tully, Western political theory includes the "political, legal, and social theories ... written by European, North and South American, Australian, and New Zealand non-indigenous authors from the beginning of the modern period in Europe to the present." *Ibid.*

⁵ *Ibid.*, 38.

⁶ *Ibid.*, 43.

categories often bleed into one another, making it very difficult to distinguish between the two. It is important, then, to be able to differentiate between theories that resist, and theories that function (perhaps unintentionally) to preserve the structures of domination that currently reign over the land and lives of Indigenous peoples.

With this said, the following thesis will assess the liberatory potential of what Paul Havemann has called “a new politics of cultural recognition” for providing a post-colonial alternative to the current “paradigm of settler-governance” in Canada.⁷ Here, I generally take “a politics of cultural recognition” to refer to the expansive range of recognition-based models of liberal pluralism that seek to overcome the colonial character of Indigenous/state relations by recognizing and affirming the value of Aboriginal cultural identities, usually through some form of renewed relationship with the dominant society and/or its political institutions.⁸ I argue that while recognition-based models of this sort definitely reflect an advance over Canada’s previous policy of forced assimilation and cultural genocide,⁹ unless these models are willing to fully embrace the underlying *political* objectives that often constitute Indigenous peoples’ demands for cultural

⁷ Paul Havemann, “Indigenous Peoples, the State and the Challenge of Differentiated Citizenship,” in *Indigenous Peoples Rights in Australia, Canada and New Zealand*, ed. Paul Havemann (New York: Oxford University Press, 1999), 469. [hereafter, Havemann, *Indigenous Peoples’ Rights*]

⁸ The literature in this field of political theory is now quite extensive. For examples exemplifying the work being done in the Canadian context, see: Charles Taylor, “The Politics of Recognition,” in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutman (Princeton: Princeton University Press, 1994) [hereafter, Taylor, “The Politics of Recognition”]; Charles Taylor, *The Malaise of Modernity* (Toronto: Anansi Press, 1991) [hereafter, Taylor, *The Malaise of Modernity*]; Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Don Mills: Oxford University Press, 1995) [hereafter, Kymlicka, *Multicultural Citizenship*]; Will Kymlicka, *Finding our Way: Rethinking Ethnocultural Relations in Canada* (Don Mills: Oxford University Press, 1998) [hereafter, Kymlicka, *Finding Our Way*]; Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Don Mills: Oxford University Press, 2001) [hereafter, Kymlicka, *Politics in the Vernacular*]; Patrick Macklem, *Indigenous Difference and Constitution of Canada* (Toronto: University of Toronto Press, 2001) [hereafter, Macklem, *Indigenous Difference*]; James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995) [hereafter, Tully, *Strange Multiplicity*]; James Tully, “Aboriginal Peoples: Negotiating Reconciliation,” in *Canadian Politics 3rd Edition*, eds. James Bickerton and Alain G. Gagnon (Toronto: Broadview Press, 2000) [hereafter, Tully, “Aboriginal Peoples”]

⁹ For two analyses that examine the relationship between Indigenous peoples and the settler-states of the Western Hemisphere as an instance of genocide, see, Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (Winnipeg: Arbeiter Ring Publishing, 1998); and David Stannard, *American Holocaust: The Conquest of the New World* (New York: Oxford University Press, 1992).

recognition — like the desire to be fully recognized as a *free* and *equal* people, with a right to determine one’s own cultural, economic and political development in a context liberated from colonial-capitalist domination¹⁰ — then they will likely serve to legitimize the very relations of power they profess to subvert.¹¹ Consequently, I contend that the “politics of cultural recognition” must be willing to “traverse the fantasy”¹² of simply reconciling Indigenous nationhood with the existence of the Canadian capitalist state, otherwise it may find itself in the precarious position of having to *selectively* determine which Indigenous identities, or aspects of identities, are worthy of affirmation, and which are not. However, for those who would like to see a truly just relationship forged between Aboriginal and non-Aboriginal peoples — one built on equality and mutual aid, rather than greed and discrimination — this selective form of recognition will likely prove troublesome for at least two reasons. First, the failure to have one’s cultural identity fully acknowledged is widely recognized as a form of injustice or political oppression.¹³ And second, many Indigenous communities seek the recognition of identities articulated in opposition to certain assumptions underlying liberal state sovereignty. Note, however, that I am not referring here to those cultures that may reject the liberal state’s professed commitment to tolerance, or individual freedom and equality, but rather to the Indigenous

¹⁰ I want to be explicit about my meaning here. I am not advancing an argument that views “liberation” or “freedom” as the overcoming of certain “historical, economic, and social processes” that serve to alienate a people from their *essential*, collective sense of self. Instead, I am suggesting that Indigenous peoples often seek recognition of their cultural identity as a way of transcending a relationship of colonial “domination.” This type of relationship effectively “blocks” Indigenous peoples’ ability to develop (or construct) their identity (social/economic/political/cultural) in a way that they deemed appropriate. For a similar discussion of freedom and domination, see, Michel Foucault, “The Ethics of the Concern of the Self as a Practice of Freedom,” in *Ethics, Subjectivity and Truth*, ed. Paul Rabinow (New York: The New Press, 1997).

¹¹ For similar arguments, see, Michael Asch, “From Calder to Van der Peet: Aboriginal Rights and Canadian Law, 1973-1996,” in *Indigenous Peoples’ Rights in Australia, Canada and New Zealand*, ed. Paul Havemann (New York: Oxford University Press, 1999) [hereafter, Asch, “From Calder to Van der Peet”]; and, Tully, “The Struggle of Indigenous Peoples.”

¹² Richard Day and Tonio Sadik, “The BC Land Question, Liberal Multiculturalism and the Spectre of Aboriginal Nationhood,” *BC Studies* Number 134 (Summer 2002), 7. [hereafter, Day and Sadik, “The BC Land Question”]

¹³ For two succinct examples in this respect, see, Tully, *Strange Multiplicity*, 5; and Taylor, “The Politics of Recognition,” 25.

ways of thinking, speaking, and acting that challenge the state's equally prevalent, but often ignored commitment to capitalism, capitalist forms of resource development, and private property relations.¹⁴

To illustrate the above argument, I have chosen to examine the ongoing self-determination struggle of the Dene peoples inhabiting what is now known as the Northwest Territories, Canada. In 1975 the Indian Brotherhood of the Northwest Territories (IB-NWT) unanimously adopted the “Dene Declaration” – a statement of rights wherein the Dene make a passionate demand for the full recognition of their identity as a distinct and self-determining nation:

We the Dene of the Northwest Territories 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 as a distinct people and the recognition of the Dene Nation....

What we seek then is independence and self-determination within the country of Canada. This is what we mean when we call for a just land settlement for the Dene Nation.¹⁵

The Dene Declaration would come to signify the beginning of a new era in Dene political activism. From this point onward, national self-determination – that is, the internationally recognized “right of a ‘people’ to freely determine their political status and freely pursue

¹⁴ For a discussion of the relationship between capitalism and contemporary liberal settler-states, see: Taiaiake Alfred, *Peace Power Righteousness* (Don Mills: Oxford University Press, 1999) [hereafter, Alfred, *Peace Power Righteousness*]; Richard Day, *Multiculturalism and the History of Canadian Diversity* (Toronto: University of Toronto Press, 2000), Chapter 9 [hereafter, Day, *Multiculturalism*]; Richard Day, “Who is this ‘we’ that gives the gift: Native American Political Theory and the Western Tradition,” *Critical Horizons* 2, Number 2 (2001) [hereafter, Day, “Native American Political Theory”]; Day and Sadik, “The BC Land Question”; Frank Harrison, *The Modern State: An Anarchist Analysis* (Montreal: Black Rose Press, 1984); Tully, *Strange Multiplicity*; and Tully, “Struggle of Indigenous Peoples.”

¹⁵ Dene Nation, “Dene Declaration,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 3-4. [hereafter, Dene Nation, “Dene Declaration”]

their economic, social and cultural development”¹⁶ – would shape the direction and content of Aboriginal politics in the north.¹⁷ However, as the Dene clearly explained in their statement of rights, they were not looking to exercise their right of self-determination via the establishment of an independent nation-state. Rather, the Dene were seeking *recognition* of their distinct cultural identity, or *nationhood*, within the federal structure of Canada. As Dene leader George Barnaby wrote in 1976: “our fight [is] 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.”¹⁸ To appreciate the political implications associated with this form of cultural recognition, it is important to remember that the identity for which the Dene sought recognition “is multidimensional and touches on most aspects of their lives – religious, economic, political, aesthetic, familial.”¹⁹ A just and meaningful recognition for the Dene people, then, must be able to *fully* accommodate the multifaceted, intertwined, and, as we shall see, irreducibly political nature of Dene identity expressions and demands for cultural recognition.

Two Forms of Recognition: Transformative and Selective

By drawing on the struggle of the Dene Nation I intend to differentiate between two forms of cultural recognition.²⁰ First, there is what I term *transformative* recognition, which

¹⁶ Quoted in Macklem, *Indigenous Difference*, 35.

¹⁷ Self-determination would not only determine the content and direction of Indigenous politics in Canada, but across the globe as well. For an example of the literature in this area, see; James Anaya, *Indigenous Peoples in International Law* (New York: Oxford University Press, 1996); and Sharon Helen Venne, *Our Elders Understand our Rights: Evolving International Law Regarding Indigenous Rights* (Penticton: Theytus Books, 1998).

¹⁸ George Barnaby et al., “The Political System and the Dene,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 120. [hereafter, Barnaby et al. “The Political System and the Dene”]

¹⁹ Dacks, *A Choice of Futures*, 51.

²⁰ Nancy Fraser also differentiates between radical and liberal approaches to questions of cultural recognition and distribution. See, Nancy Fraser, *Recognition or Redistribution?*

aspires to *transcend* the unjust colonial social, political and economic relations of power that currently hinder the free expression and equal development of Indigenous cultural identities vis-à-vis their respective colonial nation-states. This form of recognition acknowledges the multidimensional and irreducibly political nature of Indigenous cultural identity expressions and subsequent demands for cultural recognition, and was the type sought by the Dene over the course of their unified struggle. Thus, as the Dene Nation insinuated in 1977, a transformative approach to the recognition of “‘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.”²¹ Simply put, I contend that by coupling their demand for cultural recognition with the right of self-determination the Dene put forth a strategy in which they equated the survival of their cultural identity with the realization of their collective freedom.

The *transformative* aspirations of the Dene Nation contrast with what I term *selective* recognition, which seeks the “reconciliation” of Indigenous cultural identities with the existence of the Canadian capitalist state. As a result, however, this form can only acknowledge a more familiar and convenient articulation of Aboriginality, one that does not disrupt or challenge the political and economic foundation of Canadian sovereignty. Thus, as we shall see, selective recognition typically involves the affirmation of a group’s “culture” or “way of life,” but in a manner removed from its highly charged political context.²² In other words, the demand for cultural recognition is effectively separated from the more radical political aspirations that inform it. I contend that because selective recognition views the liberal capitalist nation-state as a legitimate and unproblematic actor in negotiations for cultural recognition — or, as Richard Day puts it,

²¹ Ibid., 55.

²² For a similar argument, see, Asch, “From Calder to Van der Peet.”

“the state somehow ‘inherently’ occupies a pole of universality, [providing an] appropriate ground for dialogue between ethnic groups, regions and so on”²³ — it can not begin to acknowledge the full breadth of those Indigenous identities articulated in a manner opposed to the characteristics of liberal state sovereignty noted previously: that is, capitalism, capitalist forms of resource development, and private property relations. However, as I will demonstrate, this is precisely the type of identity that the Dene were demanding “the government and peoples of Canada” recognize and affirm.²⁴

Dene National Identity Formation, Transformative Recognition, and the State

Most recognition-based models of liberal pluralism assume that there is a direct correlation between cultural membership, and the freedom, choice and well being of individuals.²⁵ The pioneering work of Charles Taylor provides an excellent example of this line of reasoning. In “The Politics of Recognition,” Taylor challenges the orthodox liberal notion that individuals should be construed as the only legitimate bearers of political rights. Countering this argument, Taylor offers a “non-procedural” approach to liberalism that seeks to justify the protection of cultural difference through the allocation of collective rights aimed at providing “distinct societies” with what they “really aspire to, which is survival.”²⁶ According to Taylor, political recognition and protection of cultural communities is warranted because it is through culture that humans come to make sense of their lives, their relations with others, and the options they encounter as they move through life. This, Taylor claims, reflects the “fundamentally *dialogical* character” of identity formation. He continues:

²³ Day, *Multiculturalism*, 222.

²⁴ Dene Nation, “Dene Declaration,” 3.

²⁵ Duncan Ivison, *Postcolonial Liberalism* (Cambridge: University of Cambridge Press, 2002), 61-71. [hereafter, Ivison, *Postcolonial Liberalism*.]

²⁶ Taylor, “The Politics of Recognition,” 60-61.

We become full human agents, capable of understanding ourselves, and hence of defining our identity, through our acquisition of rich human languages of expression...

Thus my discovering my own identity doesn't mean I work it out in isolation, but that I negotiate it through dialogue, partly overt, partly internal, with others. That is why the development of an ideal of inwardly generated identity gives a new importance to recognition. My own identity crucially depends on my dialogical relations with others.²⁷

According to Taylor, then, human beings form their identities in relation to their cultural communities. In other words, “[f]or each individual to discover in himself [sic] what his humanity consists in, he needs a horizon of meaning, which can only be provided by some allegiance, group membership, [or] cultural tradition.”²⁸ Once it has been established that humans derive meaning and dignity from their lives via their membership in different cultures, it follows that cultural diversity should be recognized as a politically significant condition worthy of protection in democratic societies. To do otherwise, as Taylor suggests, could “inflict damage”²⁹ on those who are denied recognition.

In his influential book, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Will Kymlicka advances a similar approach to liberalism and applies it in a defence of differentiated citizenship rights for certain minorities, including Aboriginal people, living in culturally diverse societies. In a manner similar to Taylor, much of Kymlicka's work attempts to simultaneously defend the liberal principles of individual “freedom and equality,” while promoting the idea that some minority groups should be afforded differential treatment in the form of state recognition of their “societal cultures”:

that is, a culture that provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life,

²⁷ Ibid., 32-34.

²⁸ Charles Taylor, “Why do Nations Have to Become States?” in *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism* (Montreal: McGill-Queens University Press, 1991), 46.

²⁹ Taylor, *Malaise of Modernity*, 49.

encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language.³⁰

For Kymlicka, then, the institutional apparatus of one's societal culture is "profoundly important to liberalism"³¹ because it provides the background that enables individuals to derive meaning from their lives and actions, thus making "meaningful individual choice...possible."³² Seen from this perspective, "[g]roup differentiated measures that secure and promote [access to our societal cultures] may...have a legitimate role to play in a liberal theory of justice."³³ The bulk of Kymlicka's work sets out to justify this form of cultural recognition.

It is important to note that, although they vary in their approaches, both Kymlicka and Taylor suggest that the *nation-state* provides an appropriate framework within which to negotiate the recognition and accommodation of cultural diversity. Put simply, both contend that liberal states should facilitate the protection of cultural diversity within their borders because human beings forge their identities, and thus develop their conceptions of freedom and choice, within and across the framework of culture. Subsequently, it is in the best interest of individuals to have their vulnerable cultures protected and promoted by the state. Duncan Ivison has recently suggested that the correlation between the survival of one's cultural community, and his/her freedom and well being, informs part of the reasoning behind contemporary liberal justifications for the state itself.³⁴ According to this line of reasoning, the institutional apparatus of the state "is best able to provide for the flourishing of a diverse range of cultures within a political community."³⁵

³⁰ Kymlicka, *Multicultural Citizenship*, 76.

³¹ Kymlicka, *Politics in the Vernacular*, 53.

³² Kymlicka, *Multicultural Citizenship*, 84.

³³ *Ibid.*

³⁴ Ivison, *Postcolonial Liberalism*, 63.

³⁵ *Ibid.*

But what if the cultural dialogues through which we form our identities are conceptualized in a non-anthropocentric manner? For example, what if the land and animals, rock and trees, and the spirits of past generations are included as interlocutors in our ongoing, identity-shaping dialogues?³⁶ And what if one's conception of freedom and choice is derived within a system of reciprocal social/cultural relations that includes all elements of Creation, and not just human beings? In Chapter Two, I intend to provide an account of Dene national identity formation that exposes the limits of selective recognition for providing the Dene with an effective political discourse of resistance. In this sense, I suggest that it is useful and accurate to conceptualize Dene nationhood as forged dialogically vis-à-vis all of Creation, including not only other peoples but the land and animals as well. As I will illustrate, this profoundly spiritual collective understanding informed the Dene nationalist struggle for recognition and self-determination throughout the 1970s, providing an ethical/political frame from which it challenged the exploitative nature of capitalism, private property relations, and capitalist modes of resource development on Dene territory. Because the Dene viewed the land and animals as integral aspects of their nationhood, they naturally viewed the threat posed to the land and environment by excessive capitalist non-renewable resource development as a *literal* attack against their freedom, identity, and way of life. Louis Caesar expresses the correlation between Dene freedom, identity and way of life in the following statement:

The land is just like our blood because we live off the animals that feed off the land. That is why we are brown. We are not like white people. We worry about our land because we make our living off our land. The white people, they live on money. That's why they worry about money.³⁷

³⁶ Taylor himself suggests the possibility of non-human interlocutors in our dialogical relations. For example, in *The Malaise of Modernity* he speaks of the "hermit" who forges his/her identity in dialogue with God, and the artist who does it through his/her own artistic creations. Taylor, *The Malaise of Modernity*, 35.

³⁷ Quoted in Thomas Berger, *Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry, Volume One* (Ottawa: Minister of Supply and Services Canada, 1977), 94.

From the perspective of the Dene, then, if a politics of cultural recognition is to be effective – that is, if it is to promote the freedom and well being of the Dene people – then it must be willing to transcend the goal of reconciling Indigenous nationhood with the economic and political framework of Canadian state capitalism.

Domestication, Selective Recognition, and Liberal Political Theory

In Chapter Three, I discuss Canada's response to the Dene demand for transformative cultural recognition. As I will demonstrate, rather than answer the Dene Nation's call to be fully recognized as a free and equal people with a right to develop and express their identity in an atmosphere liberated from colonial-capitalist exploitation and domination, both the Governments of the Northwest Territories and Canada chose to selectively recognize certain aspects of Dene "culture" without significantly altering, let alone fundamentally challenging, the unjust power relations that prompted the Dene demand for cultural recognition to begin with. Here, I will align Canada's proposal to recognize a limited set of Dene "cultural rights" via a land claim settlement within the boundaries of Canadian state sovereignty, with what has become known in international circles as the "domestication" of Indigenous nationhood. According to a recent United Nations' study, "domestication" is the process whereby the political rights and claims of Indigenous nations are shorn from the realm of international law and placed squarely under the internal jurisdiction of colonial nation-states.³⁸ In the case of Canada, I will argue that the domestication of Dene nationhood was at least partly accomplished through the selective

³⁸ 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, 51st Session, (22 June 1999), 30.

recognition of cultural rights to be exercised under the absolute authority of the Canadian capitalist state.

When the Dene first leveled their demand for cultural/national recognition in the 1970s, liberal political theory had little to say about the merits of recognizing and accommodating cultural diversity within the framework of democratic nation-states. Now, however, there exists an extensive body of literature that not only supports the liberal recognition of cultural diversity, but also the specific recognition of *Indigenous* cultural diversity. Thus, it is reasonable to ask whether the advances made in recent recognition-based political theory can provide a more just form of cultural recognition, one that advocates the transformation of colonial power relations via the equal and full recognition of all aspects of Indigenous nationhood, rather than the selective recognition of an arbitrary bundle of Aboriginal cultural traits within the colonial power structure. In the second half of Chapter Three, I examine regularities between the ineffective recognition offered to the Dene by the Canadian state, and the immensely popular liberal recognition-based theory of Canadian philosopher, Will Kymlicka. Kymlicka has published widely on issues such as nationalism, multiculturalism, and federalism, and his liberal recognition-based theory of minority rights is considered by many to be a strong justification for Aboriginal self-government.³⁹ The popularity of Kymlicka's work in this regard should not be underestimated. For as Ronald Beiner and Wayne Norman have commented: "Few political philosophers of *any* nationality have enjoyed as much discussion and citation of their work over the past decade – and around the world – as Will Kymlicka. Kymlicka is widely credited with forcing liberal thinkers to come to grips with the problems of culture, identity, and ethnicity...[and] almost everyone writing on these topics...has had to begin

³⁹ See, Kymlicka, *Multicultural Citizenship*; and, *Finding our Way*; and, *Politics in Vernacular*.

by explaining where they stand in relation to Kymlicka's work."⁴⁰ For the purposes of this thesis, the profound influence of Kymlicka's writings in terms of the relationship between Indigenous peoples and the role of liberal political theory and multicultural state policy makes his work a worthy target of critique.

Kymlicka contends that because Indigenous people constitute a "national minority," they face unfair pressures to abandon their cultural institutions, and to assimilate into the dominant society. However, as noted above, because our ability to exercise individual freedom and choice is intricately connected to the security of our cultural institutions, or "societal cultures," it is incumbent upon liberal states to protect (within reason) the cultures of threatened national minorities. Kymlicka's theory, then, attempts to set forth a justification for according Indigenous communities a range of special rights so they can access and promote their cultural institutions within the bounds of settler-state sovereignty. However, I contend that by conceptualizing Indigenous rights as "cultural" rights to be exercised within the jurisdiction of larger capitalist settler-states, Kymlicka's theory leaves in place the same colonial-capitalist relations of power that the Dene demand for cultural recognition rendered problematic.

An Anarcho-Indigenist Challenge to Selective Recognition

The argument I have briefly outlined thus far is built on the previous work of a group of committed scholar/activists who continue to develop and push their vision of a truly just and post-colonial North American society. For example, what I have termed "transformative recognition," which stresses the irreducibly political nature of Indigenous cultural identity expressions and subsequent demands for cultural recognition, has been

⁴⁰ Ronald Beiner and Wayne Norman, "Introduction," in *Canadian Political Philosophy: Contemporary Reflections*, eds. Ronald Beiner and Wayne Norman (Don Mills: Oxford University Press, 2001), 7-8.

amply documented in the work of James Tully. In *Strange Multiplicity*, for instance, Tully suggests that *all* demands for cultural recognition are in fact deeply political in that they often reflect the aspiration of subaltern cultures to free themselves from domination, and to govern themselves in accordance with their “culturally diverse ways of speaking, thinking and acting.”⁴¹ Also, in his more recent work, Tully highlights the profound structural implications associated with many demands for cultural recognition. In this respect, Tully contends that struggles for cultural recognition are never “merely symbolic”, for they often seek to alter “in complex” and “massive ways” the unjust “social, economic and political relations of power” that define a current system of social-political organization.⁴² Similarly, when an Indigenous community demands that its identity be fully recognized and affirmed, it is usually seeking to transform the unjust *colonial* relations of power (social, political, economic) that currently function to maintain the *unfreedom* of that community vis-à-vis the nation-state.⁴³ In the end, a political relationship can seek to unjustly “impose one cultural practice, one way of rule following, or it can recognize a diversity of cultural ways of being a citizen, *but it cannot eliminate the cultural dimension of politics* [emphasis added].”⁴⁴

Also, Michael Asch has written at length on a process similar to what I have termed “selective recognition.” In several of his essays, Asch clearly illustrates the preference of both the Canadian federal government and the Supreme Court of Canada to deny, rather than recognize and affirm, the “fundamental political rights” of Aboriginal

⁴¹ Tully, *Strange Multiplicity*, 5-6.

⁴² James Tully, “Introduction,” in *Multinational Democracies*, eds. Alain G. Gagnon and James Tully (Cambridge: Cambridge University Press, 2001), 15.

⁴³ For a description of the tactics used by colonial nation-states to maintain social, economic and political domination over the lands and lives of Indigenous peoples, see, Tully, “The Struggle of Indigenous Peoples.”

⁴⁴ Tully, *Strange Multiplicity*, 6. The sentiment underlying this statement is remarkably similar to the views expressed by the Dene Nation in the 1970s. For example, notice the similarities between Tully’s comments and those expressed by the Dene Nation in the quotation used at the outset of this chapter.

peoples.⁴⁵ Instead, the courts have insisted on conceptualizing Aboriginal rights as “way-of-life”⁴⁶ rights based on the “cultural distinctiveness” of Aboriginal societies.⁴⁷ Although “way-of-life” rights have granted Indigenous communities a substantial degree of protection for their cultural practices *within* the Canadian state, they nevertheless fail to challenge the colonial origin of Canada’s assumed jurisdiction over the lives and lands of Aboriginal peoples. Even beyond the specific context of the Dene, it appears that Canada is only willing to grant limited recognition for those aspects of Indigenous cultural identities that pose no threat or challenge to the economic and political sovereignty of the Canadian capitalist state.

In Chapter Four, my concluding chapter, I advocate a more contentious and anarchistic politics of cultural recognition, one that faces the challenge of freedom by openly resisting the colonial-capitalist state’s seemingly universal role in negotiations for the recognition of Indigenous cultural identities. Thus, following the pioneering and anti-authoritarian work of scholars such as Richard Day and Taiaiake Alfred, I will argue that instead of seeking recognition within the framework of the Canadian capitalist state, Indigenous peoples must actively resist domestication by rejecting the politics of selective recognition altogether. Alternatively, Indigenous communities must begin looking beyond the economic and political imagination of the liberal state for a more appropriate framework within which to negotiate a truly just and free relationship between Indigenous and non-Indigenous peoples. In doing so, I intend to broaden my investigation to show that the Dene Nation’s struggle for transformative recognition does not, signify a “radical”

⁴⁵ Michael Asch, “Aboriginal Rights,” in *International Encyclopedia of Social and Behavioural Sciences*, eds. M. Galanter and L. B. Edelman (forthcoming); Asch, “From Calder to Van der Peet;” Michael Asch and Norman Zlotkin, “Affirming Aboriginal Title: A New Basis for Comprehensive Claims Negotiations,” in *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect For Difference*, ed. Michael Asch (Vancouver: University of British Columbia Press, 1997);

⁴⁶ According to Asch, “way of life rights” typically include rights associated with the protection of traditional cultural and economic activities such as hunting, fishing and trapping. *Ibid.*, 432-433

⁴⁷ Asch, ‘From Calder to Van der Peet,’ 436.

anomaly in an otherwise moderate and conformist Indigenous rights movement (although this conformist element does exist). For as Richard Day has pointed out, although many Indigenous communities have “reservedly” and “pragmatically” accepted the state’s “gift” of selective recognition, most believe that doing so constitutes the best and/or *only* option “possible at this particular stage in a continuing struggle.”⁴⁸ Many other Indigenous voices, however, have steadfastly refused to accept the legitimacy of the colonial state and its gift of selective recognition, and are instead pursuing their freedom through the re-articulation of Indigenous cultural traditions and identities that radically oppose state forms of economic and political organization.⁴⁹ While these claims to identity and recognition may be “expressed in the language of the past,” they “nevertheless have their departure in the present and represent projects to be realized in the future”.⁵⁰ It is the beginnings of this future that I wish to briefly explore in my concluding chapter.

A Note on Rationale: The Tragedy of Non/Mis-Recognition

There are several reasons why I chose to examine the decolonization struggle of the Dene Nation as the topic for my thesis project. For one, I believe that the Dene struggle for national recognition and self-determination reveals the radically transformative potential of recognition-based politics for providing an appropriate framework for the future of Aboriginal/non-Aboriginal relations in what is now Canada and elsewhere. Conversely, however, the Dene struggle also uncovers the dark side of recognition, illustrating how

⁴⁸ Day, “Native American Political Theory,” 182.

⁴⁹ Roxann Prazniak and Arif Dirlik, “Introduction: Cultural Identity and the Politics of Place,” in *Places and Politics in an Age of Globalization* (New York: Rowman and Littlefield Publications, 2001), 9.

⁵⁰ *Ibid.*, 4.

liberal multiculturalism can manifest as “a form of domination” between Indigenous subjects and their respective colonial nation-states.⁵¹

More importantly, the main motivation driving this study is my concern, as a member of the Yellowknives Dene First Nation, over the cumulative and adverse effects that selective and/or non/misrecognition has had on contemporary Dene society. As suggested by theorists as diverse as Charles Taylor,⁵² Axel Honneth,⁵³ James Tully,⁵⁴ Frantz Fanon,⁵⁵ and Albert Memmi,⁵⁶ non/misrecognition can have a disastrous psychological effect on the collective well being of subaltern cultures and societies. Charles Taylor, for instance, has suggested that “nonrecognition or misrecognition” can actually “inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.”⁵⁷ And in a similar vein, Tully suggests that

A demeaning or degrading form of misrecognition tends to undermine the basic self-respect and self-esteem that are necessary to empower a person to develop the degree of autonomy and sense of self-worth that is required to participate equally in the public and private life of her society, often leading to well-known psychological and sociological pathologies.⁵⁸

Georges Erasmus describes the internalized devaluation of self spawned by the colonizers’ misrecognition of Dene society this way:

With the coming of the Europeans, our experience as a people changed. We experienced relationships in which we were made to feel inferior. We were treated as incompetent to make decisions for ourselves. Europeans would treat us in such a way as to make us feel that they knew, better than we ourselves, what was good

⁵¹ Elizabeth Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham: Duke University Press, 2002), 6.

⁵² Taylor, “The Politics of Recognition.”

⁵³ Axel Honneth, “Integrity and Disrespect: Principles of a Conception of Morality Based on the Theory of Recognition,” *Political Theory* 20, Number 2 (May 1992).

⁵⁴ See Tully, *Strange Multiplicity*.

⁵⁵ See in particular, Frantz Fanon, *Black Skin, White Masks* (New York: Grove Press, 1967), Chapters 5 and 7.

⁵⁶ Albert Memmi, *The Colonizer and the Colonized* (Boston: Beacon Press, 1991).

⁵⁷ Taylor, “The Politics of Recognition,” 25.

⁵⁸ James Tully, “Struggles over Recognition and Distribution,” *Constellations* 7, Number 4 (2000), 470.

for us. Those who presented themselves as superior began to define what was good for us. They began to define our world for us. They began to define us as well.⁵⁹

Unfortunately, the collective experience described by Erasmus has spawned all of the psychological and sociological problems referred to by Tully, including: disproportionately high rates of alcoholism, infant mortality, incarceration, drug abuse, family violence, intoxicant-related accidental deaths, and suicide.⁶⁰

With this said, although I would like to be able to claim that I have taken on this project solely because it coincides with my academic and creative interests, unfortunately I feel that we still live in a society that makes a project like this one more of a necessity, rather than an intellectual exploration of a purely personal nature.

⁵⁹ Georges Erasmus, "We the Dene," in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 178.

⁶⁰ Dacks, *A Choice of Futures*, 36.

CHAPTER TWO – TRADITIONAL DENE NATIONALISM AND TRANSFORMATIVE RECOGNITION

[T]he Dene Declaration is the expression of our collective decision after years of colonialism to resist further assimilation and instead to struggle to regain our freedom as a people.¹

Georges Erasmus, 1977.

Introduction

In Chapter One I claimed that a politics advocating transformative recognition seeks to *transcend* the unjust social, political, and economic relations of power that hinder the free expression and equal development of Indigenous cultural identities vis-à-vis the colonial nation-state. Consequently, this form of recognition must be willing to acknowledge the irreducibly political nature of Indigenous cultural identity expressions and demands for cultural recognition. In this respect, I contend that transformative recognition is consistent with the analysis provided by James Tully, when he suggests that all struggles for cultural recognition constitute struggles for *freedom*, and as such usually seek to alter, “in complex and often massive ways,” the unjust “social, economic and political relations of power that constitute [a] present system of social cooperation.”² In the context of Indigenous peoples’ struggles, then, when an Aboriginal nation demands that a settler-state recognize and accommodate for its cultural ways of being, speaking and acting, it is often seeking to transform the unjust colonial relations power that impede that community’s ability to freely develop what it perceives to be the full nature of its identity (cultural, economic,

¹ Georges Erasmus, “We the Dene,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 179.

² James Tully, “Introduction,” in *Multinational Democracies*, eds. Allan G. Gagnon and James Tully (Cambridge: Cambridge University Press, 2001), 15. [hereafter, Tully, “Introduction”]

political, spiritual). Seen in this light, Indigenous struggles for cultural recognition are best understood as “struggles for ‘liberty’ in the remarkably enduring sense of the term.”³

In this chapter I intend to illustrate the anti-colonial and deeply political nature of transformative recognition by providing an example. Specifically, I will examine the Dene struggle for national recognition and self-determination as it was expressed in the 1970s. Over the course of this period the Dene leveled several formal demands for the full recognition of their nationhood by the Canadian federal government. However, in demanding recognition of their *cultural* identity the Dene were seeking a radical *political* transformation of colonial power relations in northern Canada. I contend that the radical nature of the Dene demand for cultural recognition was a direct reflection of the particular expression of cultural identity that they wanted Canada to recognize and affirm. Here I suggest that it is useful and accurate to conceptualize Dene nation formation as a dialogical process, forged in relation to the land and all of Creation. As discussed below, this profoundly spiritual and relational understanding of nationhood informed the Dene struggle for national recognition and self-determination throughout the 1970s, providing an ethical/political frame from which the Dene challenged the exploitive nature of capitalism, capitalist modes of resource development, and private property relations on their territory. From the perspective of traditional Dene nationhood, then, a truly effective politics of cultural recognition must be willing to recognize and accommodate not only Dene “culture” (as is the case with selective recognition, as argued in the following chapter), but also the wider system of reciprocal social relationships (a non-anthropocentric “societal culture,” so to speak) that renders Dene cultural identity, and thus their conception of freedom and choice, meaningful.

³ Ibid., 6.

Conceptualizing Dene Nationhood and Nationalism

In *Heeding the Voices of Our Ancestors: Kahnawake Politics and the Rise of Native Nationalism*, Gerald Taiaiake Alfred presents a theory of Native nationalism that provides a framework useful for conceptualizing the type of national identity upon which the Dene struggle for recognition and self-determination was built. According to Alfred, Native expressions of nationalism 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 environment.”⁴ In this sense, Native political identities are neither based on clearly delineated essences, nor are they merely invented to correspond with arising political needs. Rather, Indigenous national/political identities are best understood as emerging from existing “cultural complexes,”⁵ upon which Indigenous peoples base the course of their current political actions and institutions. Contrary to many other forms of “ethnic”-nationalism, however, most Indigenous peoples do not seek national “self-determination ... through the creation of a new state, but through the achievement of a cultural sovereignty and a political relationship based on autonomy...and cooperation with existing state institutions.”⁶

The expression of Dene nationalism that emerged in the 1970s is best understood within a similar framework – that is, as a dynamic revival of traditional Dene political concepts framed in a manner to meet the economic and political goals of contemporary Dene society. In this sense, while Dene nationalism of this period was firmly rooted in the political values of previous generations, it also actively incorporated “new social and

⁴ Gerald (Taiaiake) Alfred, *Heeding the Voices of Our Ancestors: Kahnawake Politics and the Rise of Native Nationalism* (Don Mills: Oxford University Press, 1995), 14. [hereafter, Alfred, *Heeding the Voices of Our Ancestors*]

⁵ *Ibid.*, 178.

⁶ *Ibid.*, 14.

political opportunities to enrich [older Dene traditions].”⁷ I contend that the “relatively stable core” (to borrow Alfred’s phrase) that shaped the Dene struggle for national recognition and self-determination during this period was constituted by their historical relationship with the land and Creation. To fully understand what the Dene were demanding when they insisted that Canada recognize their identity as a self-determining nation, one has to first comprehend the symbiotic relationship between the Dene and their environment. As we shall see, Dene nationhood and nationalism of this era only makes sense within this context.

“Our Land, Our Life”: The People of Denendeh

According to their oral historiography, the Dene have always used and occupied lands within and immediately surrounding what is now the Northwest Territories (NWT), Canada. The Dene call this vast homeland *Denendeh*, or “Land of the People,” which covers an area that spans well over one million square kilometres from the mouth of Dehcho (Mackenzie River), southward to the northern tip of the provinces, and east to Hudson Bay.⁸ Over the course of thousands of years, the vast geographical conditions of Denendeh created several smaller cultural groups that now comprise the Dene Nation. These peoples identify themselves as *Tlicho* (Dogrib), *T’atsaot’ine* (Yellowknives), *Denesoline* (Chipewyan), *Deh Gahgot’ine* (Slavey), *Shihtagot’ine* (Mountain), *K’ashot’ine* (Hare), and *Dinjii Zhuh* (Gwich’in).⁹ Although relatively (and flexibly) separated in terms of geography, all Dene people speak related languages of the northern

⁷ Kerry Abel, *Drum Songs: Glimpses of Dene History* (Montreal: McGill-Queen’s University Press, 1993), 231. [hereafter, Abel, *Drum Songs*]

⁸ Dene Nation, *Denendeh: A Dene Celebration* (Yellowknife: Published by the Dene Nation, 1984), 7. [hereafter, Dene Nation, *Denendeh*]

⁹ *Ibid.*,

Athapaskan family and share many similar spiritual beliefs, artistic expressions, laws, and forms of governance and economics.¹⁰

Prior to the devastation caused by European colonization, the Dene lived a difficult but rewarding life on the land, “which maintained them economically, spiritually, socially and politically.”¹¹ During this time, the land provided everything the Dene needed to sustain a vibrant society – including not only necessary items such as food, shelter, tools, and clothing, but also the framework that guided their spiritual, political and economic relationships. In this respect, Leroy Little Bear has insightfully suggested that the land originally served as a form of “social contract” for Aboriginal societies, governing their relations with all aspects of Creation. In his own words: “Rousseau and Locke refer to a social contract to explain the origins of society and government. But their social contract refers to human beings only. If the idea of a social contract is applied to native people, one finds that it includes not only human beings but all other living things.”¹² Within this cosmological framework, all elements of the natural world are viewed as equals in an expansive system of social/political relations.¹³

According to the Dene, the land itself is viewed as a living entity, embodying both spirit and agency. This understanding is captured in the meaning of the Dene word *dè*. In casual conversation *dè* is usually translated as “land” or “ecosystem,” but where “ecosystem is based on the idea that living things exist in association with non-living elements, the [Dene] term *dè* is based on the idea that everything has life and spirit. *Dè* includes both the spiritual and physical aspects of the land, people, animals and their

¹⁰ Ibid., 11.

¹¹ Joan Ryan, *Doing Things the Right Way: Dene Traditional Justice in Lac La Martre, NWT* (Calgary: University of Calgary Press, 1995), 1. [hereafter, Ryan, *Doing Things the Right Way*]

¹² Leroy Little Bear, “Statement to the Mackenzie Valley Pipeline Inquiry,” in *Past and Future Land: An Account of the Berger Inquiry into the Mackenzie Valley Pipeline*, ed. Martin O’Malley (Toronto: Peter Martin and Associates Limited, 1976), 240-41. [hereafter, Little Bear, “Pipeline Statement”]

¹³ See the work of Taiaiake Alfred for a similar discussion of Indigenous social/political philosophy, *Peace Power Righteousness: An Indigenous Manifesto* (Don Mills: Oxford University Press, 1999).

habitats.”¹⁴ Because the Dene viewed their identity as inseparable from the land and environment, they treated both with a profound degree of respect. Hence, human relations with the natural world traditionally adhered to a strict ethic of mutual aid and reciprocity.¹⁵

The importance of maintaining balanced, healthy, and reciprocal relations between human beings and the environment is often transmitted through the medium of storytelling. Stories depict ancient values of the past in order to guide one’s conduct in the present. Take, for example, the following tale told by Dene elder, George Blondin, where he recounts an experience his brother had while hunting moose.

Edward [George’s brother] 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.¹⁶

¹⁴ Sally Anne Zoe, Madelaine Chocolat and Allice Legat, “Tlicho Nde: The Importance of Knowing,” unpublished research paper prepared for the Dene Cultural Institute, Dogrib Treaty 11 Council and BHP Diamonds Inc. (1995), 5.

¹⁵ For literature describing Dene social relations, see: Michael Asch, “The Dene Economy,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977) [hereafter, Asch, “Dene Economy”]; Thomas Berger, *Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry, Volume One* (Ottawa: Minister of Supply and Services Canada, 1977) [hereafter, Berger, *Northern Frontier, Northern Homeland*]; Gurston Dacks, *A Choice of Futures* (Toronto: Methuen Publications, 1981) [hereafter, Dacks, *A Choice of Futures*]; Dene Nation, *Denendeh*; Lesley Malloch, *Dene Government: Past and Future* (Yellowknife: Published by the Western Constitutional Forum, 1984) [hereafter, Malloch, *Dene Government*] Ryan, *Doing Things the Right Way*.

¹⁶ George Blondin, *When the World Was Knew: Stories of the Sahtu Dene* (Yellowknife: Outcrop Publishers, 1990), 155-156.

Notice how Blondin's tale 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 relations with the environment.

The ethic of mutual aid and reciprocity that traditionally governed the relationship between human beings and *dè* also provided the framework for establishing Dene national/political relations. Although each Dene nation generally used and occupied a designated territory, it did so while maintaining "strict laws against excluding anyone access from the [land's] resources."¹⁷ This was often accomplished through the negotiation of treaties, where two or more nations would agree to peacefully coexist on a shared territory with finite resources.¹⁸ It was within this context that the Dene chose to negotiate treaties of peace and friendship with representatives of Canada in 1899/1900 (Treaty 8) and 1921 (Treaty 11).¹⁹ Because the Dene perceived the land to be a "gift" provided to them by the Creator for the benefit of *all* living things, they naturally approached the growing non-Native society to establish a fruitful living relationship. In this respect, Little Bear has suggested that the "Indian concept of land ownership is

¹⁷ Leon Sadownik and Heather Harris, "Dene and Inuit Traditional Knowledge: A Literature Review," unpublished research paper prepared for the Canadian Circumpolar Institute (1995), 4. [hereafter, Sadownik and Harris, "Dene and Inuit Traditional Knowledge"]

¹⁸ Sharon Venne, "Treaty-Making with the Crown," in *Nation to Nation: Aboriginal Sovereignty and the Future of Canada*, eds. John Bird, Lorraine Land, and Murray Macadam (Toronto: Irwin Publishing, 2002), 51. Like any society, the Dene experienced their share of internal conflict and outbursts of cross-cultural violence. However, from the perspective of the Dene, adjusting one's relations in accordance with the spirit of mutual aid and sharing served to remedy instances of disharmony and conflict. In other words, conflict was viewed as an outcome of the breakdown of these cultural norms and rules.

¹⁹ For a discussion of Treaty 8 (1899) and Treaty 11 (1921) see: Rene Fumoleau, *As Long as This Land Shall Last: A History of Treaty 8 and Treaty 11* (Toronto: McClelland and Stuart Limited, 1974) [hereafter, Fumoleau, *As Long as This Land Shall Last*]. For a discussion of the events and conflicts that lead to the signing of Treaty 8 see: Richard Daniel, "The Spirit and Terms of Treaty 8," in *The Spirit and Intent of the Alberta Indian Treaties*, ed. Richard Price (Edmonton: University of Alberta Press, 1999), 47-100.

certainly not inconsistent with sharing with an alien people.”²⁰ Rather, once the “Indians recognized [the settlers] as human beings, they gladly shared with them. They shared with Europeans in the same way they shared with the animals.”²¹ The Dene simply widened the existing social contract to include the European visitors.

In the context of traditional Dene nationhood, then, to ensure that everyone prospered off the land, national autonomy was always held in check by a profound degree of respect for relations outside of one’s immediate group. Traditionally, treaties provided a means of facilitating this by outlining the “use of specific areas...by consensus so that all could be provided for.”²² Chief Daniel Sonfrere expresses the delicate balance between national autonomy and reciprocity this way:

Even before the white people came, or even since the white people came, when people were making their living trapping and hunting, although the boundaries are not written on maps and not drawn out on maps, the people from each [nation had] respect [for] other peoples’ areas; although they are not written, although they are not drawn on maps, they have respect for each other’s areas, but when it comes to helping each other [the boundaries do] not matter, they help each other.²³

I believe that chief Sonfrere’s statement brings to light a crucial element underlying how the Dene traditionally conceived their national identity. Although the political, economic, and social relations of one’s immediate nation preoccupied the daily existence of traditional Dene life, when times of social crisis or economic hardship emerged, the boundaries of Dene national identity slackened so as to temporarily include those in need of help or support. However, as food became more plentiful and life returned to normal,

²⁰ Little Bear, “Pipeline Statement,” 241.

²¹ Ibid.

²² Sadownik and Harris, “Dene and Inuit Traditional Knowledge,” 4.

²³ Dene Nation, *Denendeh*, 9.

the boundaries of each Dene national community would return to their original, more parochial and less permeable state.

Although the Dene agreed to share Denendeh with the emergent settler society, they did not construe this as giving up their national rights and title to the land;²⁴ nor did they expect the non-Natives to abuse their gesture of good will. Why would they have? From the perspective of the Dene, the Creator did not grant Denendeh to the Europeans; it was provided to the Dene on the condition that they treat it with care and respect, as well as share it with all other living things. In this respect, the Dene did not conceptualize the land as something that could be privately owned, let alone “surrendered” to another person or group for their exclusive use and enjoyment.²⁵ In the words of Dene leader George Barnaby, “no one person owns the land, it belongs to all of us.”²⁶ Furthermore, the Dene also had no reason to doubt the intentions of the non-Natives, for as Stephen Kakfwi put it, they did “not conceive that they did not see the world as they do... The Dene had no experience of a people who would try to control us, or who would say that somehow they owned the land that we always lived on.”²⁷ Similarly, Philip Blake has suggested that because the Dene perceived non-Natives as mere “visitors” to Denendeh, it never registered “to us that our guests would one day claim that they owned our whole house. [Now] they claim that we have no right to call it Indian land, land which we have occupied

²⁴ For the purpose of this thesis, I borrow the definition of Aboriginal (and/or Dene) title articulated by Michael Asch and Norman Zlotkin in “Affirming Aboriginal Title: A New Basis for Comprehensive Claims Negotiations,” in *Aboriginal and Treaty Rights in Canada*, ed. Michael Asch (Vancouver: University of British Columbia Press, 1997), 214. Here Asch and Zlotkin define Aboriginal title as “a very broad concept that encompasses much more than rights to use and occupy ancestral lands. It includes rights to self-government and jurisdictional rights to make laws, rendering it equivalent to the concept of underlying title in Canadian legal theory. [However, unlike the concept of Canadian title,] Aboriginal people most often speak of Aboriginal title as something which is given to them by the Creator and is dependent on their relationship with the land.”

²⁵ Little Bear, “Pipeline Statement,” 241-242.

²⁶ George Barnaby et al., “The Political System and the Dene,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 121. [hereafter, Barnaby et al. “The Political System and the Dene”]

²⁷ Dene Nation, *Denendeh*, 4.

and used for thousands of years and just recently the white man has come to visit.”²⁸ Most Dene unequivocally reject Canada’s insistence that Treaties 8 and 11 reflect the surrender of political rights and title to their land and resources, and instead view them as a verification of their status as an equal and self-determining nation under international law.²⁹

In accordance with their cosmology, then, the Dene have always viewed themselves as one element of a larger system of interdependent and reciprocal relations. From this perspective, I suggest that Dene identity (individual, community, and national) only makes sense if it is framed in reference to their relationship with the land and all of Creation (Dè).³⁰ As I will demonstrate, the social/political values and responsibilities built into this relationship would come to form the ideological basis of their understanding and critique of colonial social relations in Denendeh. The following section will briefly examine the historical context in which this critique emerged.

Resisting Colonial Development: The Emergence of Contemporary Dene Nationalism

The 1950s and 1960s witnessed several profound changes in the economic and political landscape of Denendeh. During this period, the Dene found themselves having to escalate their involvement in the cash economy of the dominant society, due to an increase in the cost of trade goods and a drop in the price of furs following World War II.³¹ Consequently,

²⁸ Philip Blake, “Statement to the Mackenzie Valley Pipeline Inquiry,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 7. [hereafter, Blake, “Pipeline Statement”]

²⁹ See Fumoleau, *As Long as This Land Shall Last*.

³⁰ The significance of “place” in the role of Indigenous identity formation and identity politics is explored in detail in Keith Basso, *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (Albuquerque: University of New Mexico Press, 1996). In the specific context of Dogrib society, see: Thomas Andrews, John Zoe, and Aaron Herter, “On Yamozhah’s Trail: Dogrib Sacred Sites and the Anthropology of Travel,” in *Sacred Lands: Aboriginal World Views, Claims and Conflicts* (Edmonton: Canadian Circumpolar Institute, 1998).

³¹ Martha Johnson and Robert A. Ruttan, *Traditional Dene Environmental Knowledge* (Hay River: Published by the Dene Cultural Institute, 1993), 98-99. [hereafter, Johnson and Ruttan, *Traditional Dene Environmental Knowledge*]

by the 1950s many Dene individuals had to supplement their hunting, trapping and fishing activities with a combination of paid labor and welfare.³² Believing 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, paternalistically arguing that this would create greater employment opportunities for adults, while at the same time raise education levels for children.³³ By the late 1960s, however, welfare had become a dominant source of income in many communities, with few Dene working full-time either in the bush or as industry laborers.³⁴

Even though, by the late 1960s, the Dene were living in permanent settlements and having to engage more actively in the wage economy of the NWT, they still found themselves largely excluded from effectively participating in the development of the north's political institutions, which, as Kerry Abel notes, were clearly "evolving to meet the needs of the non-Native population."³⁵ Perhaps the clearest example of this came in 1967, when Canada announced that it would transfer the administrative centre of the NWT from Ottawa to Yellowknife, without ever consulting the north's majority Aboriginal population. Prior to this, the sole political authority over issues concerning the NWT rested with the federal government in Ontario. After the transfer, however, 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

³² Asch, "The Dene Economy," 56-57.

³³ Johnson and Ruttan, *Traditional Dene Environmental Knowledge*, 99.

³⁴ For an excellent discussion on the effects of increased welfare on Dene society, see: Asch, "The Dene Economy," 56-58.

³⁵ Abel, *Drum Songs*, 244.

employees working in the region.”³⁶ During the same period, the operating and capital budgets of the GNWT rose from \$14,584,000 to \$282,167,000 – “almost a twenty-fold increase.”³⁷ 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 1971.³⁸ As the above numbers indicate, a significant percentage of this increase can be attributed to the newly formed northern bureaucracy. As the settler populace 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. All of this, however, would generate feelings of discontent and alienation among the Dene, who soon found that they were becoming a minority in their homeland, with little influence over issues pertinent to the well being of their land and way of life.³⁹

Given the north’s culturally diverse population, opinions tended to vary over questions concerning northern economic and political development. From the perspective of many non-Native northerners, the devolution of powers from Ottawa to Yellowknife simply reflected an honest 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

³⁶ Mark Dickerson, *Whose North? Political Change, Political Development, and Self-Government in the Northwest Territories* (Vancouver: University of British Columbia Press, 1992), 89-90. [hereafter, Dickerson, *Whose North?*]

³⁷ *Ibid.*, 90.

³⁸ Statistics Canada, *2001 Census Analysis Series – A Profile of the Canadian Population: Where We Live* (Ottawa: The Government of Canada, 2001), 1.

³⁹ Dene Nation, *Denendeh*, 19.

splitting the district into two independent units.⁴⁰ Over the following year, the Commission documented the testimony of 3,039 residents in fifty-one communities scattered across the region.⁴¹ In 1966, the Commission published its finding, which suggested that Canada should keep the NWT intact, but “locate the government of the Territories within the Territories, to decentralize its operations as far practicable, to transfer administrative functions from the central to 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.”⁴² 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.

From the standpoint of the Dene, the path chosen for northern economic and political development reflected anything but the promotion of legitimate and responsible government in the north. Instead, for them, the influx of multinational energy and mining corporations, government officials, and non-Native settlers that occurred after 1967, better reflected a continuation of Canada’s profoundly *illegitimate* colonial exploitation of Denendeh’s land and original inhabitants. 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.”⁴³

⁴⁰ Dickerson, *Whose North?*, 83.

⁴¹ 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.

⁴² Dickerson, *Whose North?*, 86.

⁴³ Dene Nation, *Denendeh*, 19.

The Dene were not the only ones to view northern development in this light. In 1977, the Yellowknife-based group, the Institute for Psycho-Political Research and Education, published a paper supporting the Dene position. Unlike the Report of the Carrothers Commission, the Institute argued that the transfer of Canada's "colonial bureaucracy" from Ottawa to Yellowknife served to strategically *undermine*, rather than facilitate the development of democratic political institutions in Denendeh. According to the study, by simply creating a "bureaucracy and shipping them north by the thousands"⁴⁴, Canada was able to manipulate the direction of northern economic and political development so as to "ensure that the colony [evolved] along lines compatible with the powers-that-be in [Ottawa]."⁴⁵ In this respect, colonial hegemony was simultaneously legitimized and maintained through the creation of an "equal" non-Native settler class, which immediately assumed "the right as citizens to voice their opinions [over economic and political development issues] in all of the Northwest Territories."⁴⁶ Unfortunately, however, in exchange for Canada's "gift" of northern equality, "the [Dene were] expected to pay with real inequality, the denial of their national identity, and, with that, the uniqueness and 'separateness' of the native peoples."⁴⁷ In this sense, the granting of equality to *all* "northerners," played an extremely "important role in the colonization of the Northwest Territories."⁴⁸

A less discursive example of Canada's colonial approach to northern development can be seen in the capitalist economic initiatives advanced in the years immediately following the release of the Carrothers Commission's recommendations. Again, as noted

⁴⁴ 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 [hereafter, IPPRE, "Political Development"]

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid., 319.

⁴⁸ Ibid.

by the Institute for Psycho-Political Research and Education, as the federal government prepared to establish its colonial bureaucracy in Yellowknife, widespread excitement was mounting over the possibility of future petroleum discoveries off the northern shores of Canada and the United States.⁴⁹ 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 enthusiastically started fielding plans from a consortium of corporations to construct a pipeline that would transport the gas via the Mackenzie River Valley to markets throughout southern Canada and the United States.⁵⁰ As the federal government stated in 1969: “From the first realization of the magnitude of the Prudhoe Bay find, it has been considered likely that...gas from the field would...find its way to markets in the USA by a pipeline through Canada.”⁵¹ At the time the Mackenzie Valley pipeline was said to be the largest proposed private sector development project in the history of Canada, and quite possibly the world.

From the standpoint of the Canadian government the economic significance of the Prudhoe Bay discovery could not be underestimated. In 1968, the largest importer of Canadian oil and natural gas was the United States. In fact, at this time Alberta crude oil did not have a market outside of the United States due to its high cost relative to oil exported out of the Middle East and Venezuela. Consequently, when oil was struck off the shores of Alaska “it was feared that the United States might no longer buy Canadian oil when it had full access to Alaskan supplies.”⁵² Canada was immediately forced to think of a way to prevent the closure of American markets. The federal government

⁴⁹ Ibid., 318.

⁵⁰ Gerald Sutton, “Aboriginal Rights,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977) 149.

⁵¹ 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.

⁵² Edgar Dosman, *The National Interest: The Politics of Northern Development 1968-75* (Toronto: McClelland and Stuart Limited, 1975), xv. [hereafter, Dosman, *The National Interest*]

responded by establishing the Task Force on Northern Oil Development in 1968.

According to Edgar Dosman, the Task Force's "chief purpose" from the beginning

was the successful promotion of a Mackenzie pipeline corridor rather than the two most probable transportation alternatives for Alaskan oil and gas: tanker transportation via the Northwest Passage; or a trans-Alaska pipeline to the port of Valdez with tanker shipments to Cherry Point refineries in the state of Washington, near the British Columbia border. If Prudhoe Bay oil were transported across Canada, linking up with Alberta's existing pipeline system, Canada's bargaining position would be improved. It would provide an argument for freer entry for Alberta crude at least during the pipeline construction period. More important, once in existence, such a pipeline would make it much more difficult for Washington to turn off the tap when Alaskan oil began to flow in quantity. The United States would, of course, demand political concessions but they could scarcely be higher than the alternative: a *de facto* United States embargo on Alberta crude.⁵³

By 1969, it looked as though the development of a Mackenzie Valley pipeline was inevitable. Quite simply, if Canada wanted to prevent the collapse of its oil and gas industry it had to remain connected to United States' markets. The construction of a Mackenzie Valley pipeline would provide the surest way to maintain such a connection.

Unfortunately for the Dene, Inuit, and Metis, the proposed Mackenzie Valley pipeline was to cut south across the entire western half of their homeland. As discussed in the previous section, the land in question has sustained the life and culture of the Dene for as long as anyone can remember.⁵⁴ This, however, meant little to the federal government and its business partners, all of which would maintain their "tradition of ignoring native demands in the north."⁵⁵ The majority of Denendeh's Aboriginal population overwhelmingly rejected the idea of an imposed pipeline development from the outset, but they were not initially provided with a means to formally voice their opposition. As

⁵³ Ibid., 24.

⁵⁴ Kenneth Coates and Judith Powell, *The Modern North: People, Politics and the Rejection of Colonialism* (Toronto: James Lorimer and Company, 1989) xi. [hereafter, Coates and Powell, *The Modern North*]

⁵⁵ Dosman, *The National Interest*, xiii.

Dosman put it: “no channels existed for the articulation of [Dene, Inuit and Metis] 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 [emphasis added].*”⁵⁶

The federal government’s ability to ignore the collective voice of the Dene would soon suffer a severe blow. In 1969, when sixteen Dene chiefs convened at Tthebachaghè (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 concerns. It was at this meeting that the leaders established the Indian Brotherhood of the Northwest Territories (IB-NWT) – the political organization that would officially become the “Dene Nation” in 1978.⁵⁷ The mandate of the Indian Brotherhood was simple:

- a. To uphold the rights and interests of the Indian People of the NWT, in reference to their treaties or otherwise.
- b. To develop, discuss, and promote policies for the Indian People of the NWT.
- c. To conduct, foster and support programs and policies for the economic, social, educational, and cultural benefit of the Indian People of the NWT.
- d. To give voice to the opinions of the Indian Peoples of the NWT.
- e. To cooperate with other organizations of similar or friendly purpose.⁵⁸

Almost immediately the Dene were renewed with a sense of cultural confidence and group solidarity. As one elderly Dogrib woman stated: “They could ignore some of us, and beat

⁵⁶ Ibid., 25.

⁵⁷ Dene Nation, *Denendeh*, 34-35.

⁵⁸ Ibid., 24.

some of us, and steal from some of us...but they will never be able to do that to us again, because we have our Indian Brotherhood now.”⁵⁹

As one of its first orders of business, the IB-NWT decided to take the federal government to court in an attempt to try and stop the construction of the proposed Mackenzie Valley pipeline. The Dene made their move in the spring of 1973, when chief Francois Paulette filed a “caveat” with the Northwest Territories registrar of land titles, claiming a Dene interest in over one million square kilometres of the NWT.⁶⁰ 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.”⁶¹ In his subsequent ruling, Justice Morrow sided with the Dene, claiming that the “indigenous people” had a definite interest in the land covered by the caveat, and that “they have what is known as aboriginal rights.”⁶² More importantly, however, Morrow concluded that the Dene had never likely extinguished their title to the lands covered by Treaties 8 and 11.⁶³ Although the case was eventually appealed and subsequently thrown out on a technicality, the existence of Aboriginal title was never challenged in court.

Realizing that it could no longer simply ignore the rights of Denendeh’s Aboriginal peoples, the Crown agreed to sponsor a “commission of inquiry” to investigate the potential environmental and social impacts posed by the construction of a Mackenzie Valley Pipeline. Under political pressure from the NDP, the Trudeau administration reservedly selected Justice Thomas Berger – an outspoken environmentalist and Native rights advocate – to head the Mackenzie Valley Pipeline Inquiry. Beginning in the

⁵⁹ Ibid., 25.

⁶⁰ Abel, *Drum Songs*, 250.

⁶¹ Ibid.

⁶² Quoted in Miggs Wynne Morris, *Return to the Drum: Teaching Among the Dene in Canada’s North* (Edmonton: NeWest Press, 2000), 138. [hereafter, Miggs, *Return to the Drum*]

⁶³ Ibid.

summer of 1975, “Berger and his commission, accompanied by a brigade of journalists, lawyers, government officials, representatives from Native organizations, and ‘interveners’ (the scientists, economists, sociologists, and anthropologists who commented on the political impact of the proposed pipeline)”⁶⁴ traveled across Canada and the north, recording the statements, opinions and concerns of over a thousand individuals, both Native and non-Native, who would likely be affected by the proposed project.⁶⁵ After listening to twenty-one months worth of testimony, Berger released his two-volume report, *Northern Frontier, Northern Homeland*, which recommended that no pipeline be built along the Mackenzie Valley until environmental and Native claims issues had been resolved.⁶⁶

“That Is Not Our Way”: The Dene Speak-Out Against Colonial-Capitalist Development

By the mid-1970s the Dene had developed a radical analysis of colonial development in the north, and effectively utilized both the Indian Brotherhood of the NWT and the Berger Inquiry to voice their critique. Put simply, many Dene had come to view the destruction of their culture, land, and way of life as a by-product of extensive northern capitalist non-renewable resource development.⁶⁷ During this period, one of the more vocal critics of capitalist resource development was Rádeli Kó (Fort Good Hope) chief Frank T’Seleie. In his presentation to the Berger Inquiry in 1975, T’Seleie linked the ongoing “genocide” of

⁶⁴ Coates and Powell, *The Modern North*, xii

⁶⁵ Dene Nation, *Denendeh*, 32.

⁶⁶ Berger, *Northern Frontier, Northern Homeland*, xxvi-xxvii.

⁶⁷ The Dene were extremely well supported in this claim, see: Michael Asch, “Capital and Economic Development: A Critical Appraisal of the Recommendation of the Mackenzie Valley Pipeline Inquiry,” in *Native People, Native Land*, ed. Bruce Alden Cox (Ottawa: Carleton University Press, 1991); IPPRE, “Political Development;” Mel Watkins, “From Underdevelopment to Development,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977); Norman Zlotkin and Donald Cleburne, “Internal Canadian Imperialism and the Native People,” in *Imperialism, Nationalism, and Canada*, ed. The Marxist Institute of Toronto (Toronto: New Hogtown Press, 1977).

the Dene Nation with the actions of southern corporate executives looking to profit off the exploitation Denendeh's land and resources: "There will be no pipeline because we have plans for our land. There will be no pipeline because we no longer intend to allow our land and our future to be taken away from us so that we are destroyed to make someone else rich."⁶⁸ Philip Blake leveled an analogous line of criticism when the Berger Inquiry arrived at Teetl'itzheh (Fort McPherson):

We are threatened with genocide only so that the rich and powerful can become more rich and powerful. Mr. Berger, I suggest that in any man's view, that is immoral. If our Indian Nation is being destroyed so that poor people of the world might get a chance to share this world's 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 land so that those few people who are the richest and the most powerful in the world today can maintain and defend their own immoral position of privilege? That is not our way.⁶⁹

Many Dene also came to view their relative poverty and subsequent state of dependency as a direct outcome of the northern capitalist system. As Dene trapper Edward Diamond put it: "20 years ago, we used to be able to make a fairly good existence, but since exploration got into the north, we're getting poorer but no doubt the oil outfits are getting richer."⁷⁰ And Harry Deneron: The [Dene] people are angry, for the simple reason that somewhere the [white] people are getting rich and the people down below, the Indian people around the lake shoreline, is getting poorer and poorer every day, not in the sense of losing money, but because the game is disappearing."⁷¹ Even the development of the north's "democratic" political institutions was seen as an expression of colonial economic privilege. This sentiment was expressed well by Betty Menicoche when she told the

⁶⁸ Frank T'Seleie, "Statement to the Mackenzie Valley Pipeline Inquiry," in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 13. [hereafter, T'Seleie, "Pipeline Statement"]

⁶⁹ Blake, "Pipeline Statement," 7-8.

⁷⁰ "The People Speak," in *This Magazine* 10, Number 3 (June/July 1976), 19. [hereafter, *This Magazine*, "The People Speak"]

⁷¹ *Ibid.*

Berger Inquiry that northern “Democracy is really government for the rich and select few, with the excuse of it being for all the people.”⁷² The views expressed above enjoyed considerable currency among the Dene throughout the 1970s and into the 1980s.

Although the political and economic analyses provided by the Dene during this period employed a Marxist rhetoric similar to that of anti-colonial nationalist movements elsewhere, I contend that the ideological basis of this critique was informed by a traditional system of values rooted in a particular understanding of what it meant to be Dene. Not surprisingly, these values were often expressed in direct contrast to values imposed on the Dene by southern Canada. As George Barnaby wrote in 1976:

Under Dene law there is freedom and equality. The system from the south is oppression and exploitation, where a few have a lot and a lot of people have very little. ... Where the Dene work together in times of need, the southern way is to exploit that need. Where the Dene share, only profit moves people in the southern system. Where the Dene law gives freedom for the Individual to do what he [sic] decides and take responsibility for his actions, the system from the south passes an ordinance which forces a person's action and takes away responsibility. Where our system is set up to serve the people, the people from the south serve their system.⁷³

Also, because the Dene conceptualized their identity as an inseparable element of *dè*, any harm inflicted on the land, animals, and environment was viewed as a literal attack against their freedom, well being, and collective way of life as a people. In the words of Richard Nerysoo: “To the Indian People our land is really our life. Without our land we cannot exist as a people. If our land is destroyed, we too are destroyed.”⁷⁴ I contend it was this symbiotic relationship between the Dene and their homeland that provided the foundation of their radical critique of colonial-capitalist development in the north. As I

⁷² Ibid.

⁷³ Barnaby et al., “The Political System and the Dene,” 122.

⁷⁴ Richard Nerysoo, “Statement to the Mackenzie Valley Pipeline Inquiry,” in *Past and Future Land: An Account of the Berger Inquiry into the Mackenzie Valley Pipeline*, ed. Martin O'Malley (Toronto: Peter Martin Associates Limited, 1976), 53.

will demonstrate in the following section, the same foundation would shape the Dene Nation's demand for recognition and self-determination in the years to follow.

The Dene Nation, Recognition, and Self-Determination: A Transformative Approach

The Dene officially declared their nationhood at the second annual Joint General Assembly of the Indian Brotherhood of the NWT and the Metis and Non-Status Association of the NWT, held at Liidi Kóé (Fort Simpson) on July 19, 1975. At this meeting, over three hundred Aboriginal delegates unanimously voted to adopt the “Dene Declaration” – a statement of rights wherein the Dene passionately demand the full recognition of their identity as a self-determining nation:

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. ...

What we seek then is independence and self-determination within the country of Canada. This is what we mean when we call for a just land settlement for the Dene Nation.⁷⁵

In demanding that Canada recognize their national right to self-determination, the Dene were not seeking the establishment of an independent nation-state, as formulated in international law. Instead, they wanted Canada to recognize and accommodate their distinct national identity within its federal structure. As Frank T'Seleie stated to the Berger Inquiry: “All we are asking for now [is for Canada] to let us live our own lives, in our own way, on our own land, without forever being threatened by invasion or

⁷⁵ Dene Nation, “Dene Declaration,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 3. [hereafter, Dene Nation, “Dene Declaration”]

extinction.”⁷⁶ To fully grasp the political implications of this seemingly simple request, however, we must remember that the Dene viewed their national identity as imbedded in a system of reciprocal relations with the land, animals, and all other living things (*Dè*). Furthermore, in order to maintain the delicate balance of these relations, the Dene had to conduct themselves in accordance with certain ethical/political norms, which stressed the importance of sharing, respect, egalitarianism, conservation, equality, and so on.⁷⁷ Any form of recognition and/or structural accommodation for Dene nationhood must be willing to accommodate the relational, multifaceted, and deeply political nature of this expression of Dene national identity.⁷⁸

In 1976 and 1977, the Dene provided the federal government with two proposals, both of which were designed to accommodate the robust type of recognition outlined in their statement of rights. Although the Dene agreed to pursue their self-determination efforts through the negotiation of land claims, they had strong reservations about doing so from the outset. From the perspective of Crown, “the thrust of the [1973] Comprehensive Claims Policy, which was reaffirmed in 1981, is to exchange claims to undefined Aboriginal rights for a clearly defined package of rights and benefits set out in a settlement agreement.”⁷⁹ The Dene, however, viewed this position as problematic for two interrelated reasons: first, they “were not prepared to surrender their identity in exchange for [what they perceived to be] a share certificate”;⁸⁰ and second, as suggested by the phrase itself, “land claims” incorrectly implied that their struggle was “about land and nothing else.”⁸¹ Rather, the Dene wanted their identity and rights *as an equal and self-*

⁷⁶ T’Seleie, “Pipeline Statement,” 14.

⁷⁷ For a discussion of these values in the context of Dene governance, see, Malloch, *Dene Government*.

⁷⁸ Dacks, *A Choice of Futures*, 51.

⁷⁹ Department of Indian Affairs and Northern Development, “Comprehensive Claims Policy and Status of Claims” (March 2002), available online at: www.ainc-inac.gc.ca/ps/clm/brieff_e.pdf.

⁸⁰ IPPRE, “Political Development,” 314.

⁸¹ Dacks, *A Choice of Futures*, 51.

determining nation to be the focus for a land settlement: “Political rights, not property rights, were the issue.”⁸²

It was within this context that the Indian Brotherhood of the NWT submitted its first proposal to the Government of Canada on October 25, 1976, under the title “Agreement in Principle between the Dene Nation and Her Majesty the Queen, in Right of Canada.”⁸³ In the Agreement’s Preamble, the Dene call upon the federal government to negotiate with the Dene Nation in accordance with a list of principles set-forth in the proposed Agreement. The bulk of these principles include:

- The Dene right to recognition, self-determination, and self-definition as a people and as a nation.
- The Dene right to retain ownership of so much of their traditional territories and exercise political jurisdiction over such territories.
- The Dene right to practice and preserve their languages, customs, traditions, and values.
- The Dene right to develop their own political/economic institutions and exercise their rights as a people within the framework established by such institutions.
- That all these rights will be realized within Confederation in the form of a Dene government with political jurisdiction over a defined land-base, and over subject matters within the jurisdiction of the Government of Canada and the Government of the Northwest Territories.⁸⁴

In terms of economic development, the Dene proposed several simple, but radical changes.⁸⁵ They argued that “true” Dene development would not only promote self-

⁸² IPPRE, “Political Development,” 314.

⁸³ Indian Brotherhood of the Northwest Territories (Dene Nation), “A Proposal to the Government and People of Canada,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 182-187. [hereafter, IB-NWT, “Agreement in Principle”]

⁸⁴ *Ibid.*, 185-187.

⁸⁵ Michael Asch provides an excellent discussion of the feasibility of the Dene Nation’s self-determination vision in “The Economics of Dene Self-determination,” in *Challenging Anthropology*, eds. D. Turner and G. Smith (Toronto: McGraw-Hill Ryerson, 1979). Doug Daniels also provides a discussion of the Dene economic strategy in his “Dreams and Realities of Dene Government,” *The Canadian Journal of Native Studies* 7, Number 1 (1987). Although Daniel supports the Dene critique of northern capitalist social

sufficiency, but do so in a manner consistent with their cultural beliefs and values. To this end, the Dene envisioned an economy that would encourage “continued renewable resource activities, such as hunting, fishing and trapping,” as well as “community-scale activities designed to meet [their] needs in a more self-reliant fashion.”⁸⁶ However, contrary to the “externally initiated economy”⁸⁷ imposed on the Dene by non-Native society: “true Dene development will entail political control, an adequate resource base, and continuity with our past. ... *Dene development will not permit a few to gain at the expense of the whole community* [emphasis added].”⁸⁸ In keeping with their culture’s emphasis on equality, egalitarianism, and sharing, the Dene agreed to structure their relationship with Denendeh’s non-Native population according to the principles of mutual recognition and mutual self-determination.⁸⁹ Subsequently, the Dene Nation agreed to uphold the political and existing property rights of all non-Native northerners. However, with regard to private property, the Dene would only respect fee-simple title to lands acquired before October 15, 1975; after this date, land would be held collectively by the Dene Nation in accordance with their traditional values, and the principles set-forth in the Agreement.⁹⁰

The Dene Declaration together with the proposed Agreement in Principle evoked a range of responses. On the one hand, the Dene were greeted with an enormous display of support by several left-leaning academics and political organizations, including economist Mel Watkins and political scientist Peter Russell, as well as the Canadian Labor Congress, the Oil, Chemical and Atomic Workers International Union, Oxfam Canada, The United

relations, he advises the Dene Nation to include specific economic and political measures aimed at countering the possibility of replicating exploitative power relations in its own nationalist movement.

⁸⁶ IB-NWT, “Agreement in Principle,” 184.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid., 187.

Steelworkers of America, and the New Democratic Party's 'Waffle' movement, known particularly for its "strident socialism."⁹¹

On the other hand, there were also those that were openly hostile to the "radical" message underlying the Dene position. 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."⁹² 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. With that tainted declaration as their guide, I fear that the Indian people of the Northwest Territories may well find themselves in a needless battle with the federal government; a futile battle fought for purposes foreign to their own, a battle that can only serve to divert their attention and energies away from their true goals.⁹³

Much of the criticism leveled at the Dene during this time was premised on the belief that they were somehow being manipulated by southern radicals, or simply not acting in their own interests. As one *Edmonton Report* columnist wrote following the release of Berger's *Northern Frontier, Northern Homeland*: "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?"⁹⁴ The north's general public expressed a similar point of view. As one gentleman stated to the Berger Inquiry: "Most of this hollering is done by the Indian Brotherhood, and this is a group of people controlled by whites, not the majority of

⁹¹ Abel, *Drum Songs*, 254.

⁹² 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. [hereafter, O'Malley, *Past and Future Land*.]

⁹³ Harold Cardinal, *The Rebirth of Canada's Indians* (Edmonton: Hurtig Publishers, 1977), 15.

⁹⁴ Quoted in Peter Puxley, "A Model of Engagement: Reflections of the 25th Anniversary of the Berger Report," available online at: www.cprn.org (Ottawa: Canadian Policy Research Networks Inc., 2002), 9.

Indians. [The Dene] figured they made a good deal [with Treaty 11], until the Indian Brotherhood with white backing started stirring things up.”⁹⁵ The Government of the Northwest Territories also added to the hysteria by suggesting that the “Indian Brotherhood should be renamed the Radical Left.”⁹⁶ At one point there were even rumors circulating across the north that the Dene were being trained in tactics of “guerilla warfare,” and that the Royal Canadian Mounted Police (RCMP) had employed “undercover operatives to infiltrate the Brotherhood.”⁹⁷ These McCarthy-like accusations held a great deal of currency to many non-Natives during the 1970s.⁹⁸

Aside from allegations of radicalism and leftist extremism, many government officials rejected the Dene proposal on the basis that it violated the liberal value of equality underlying Canadian democratic and 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. The paper explicitly denounced the Dene claim, arguing that it would amount to the establishment of a race-based “native state” in northern Canada:

There can be no institution of government in Canada which denies minorities freedom of movement within and without the Territories which Canadians enjoy in other parts of the country. Nor can any person be denied the right to participate in local political institutions in his [sic] country, having fulfilled a reasonable residency requirement in his region. This is why the “native state” concept is, and always will be, totally unacceptable to the people of the Northwest Territories. To speak of “our political right to self-determination, to self-government, through institutions of our own choosing” and for “recognition as a People

⁹⁵ Quoted in O’Malley, *Past and Future Land*, 98.

⁹⁶ Coates and Powell, *The Modern North*, 112.

⁹⁷ Dene Nation, *Denendeh*, 29.

⁹⁸ Coates and Powell, *The Modern North*, 113.

and as a Nation” and at the same time wistfully claim membership in Confederation is, put simply, a contradiction in terms.⁹⁹

In response to the GNWT’s charge of discrimination, the Dene submitted a second proposal to the federal government in July of 1977. Like its predecessor, “The Metro Proposal” stressed the importance of recognition and self-determination for the Dene Nation. However, appreciating that many people “misinterpreted” their original position as racist, the Dene sought to “make it clear” in their new proposal that they were seeking self-determination for *all* people of the north, and an “end to racial oppression – whether it be oppression of Dene by non-Dene, or oppression of non-natives by Dene.”¹⁰⁰

To implement their proposal, the Dene recommended that the north adopt a “Metropolitan” or “United Nations” governance structure. They proposed the following:

1. That the present NWT be divided into three separate geographical boundary 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.
2. Each territory would recognize the political rights of all its citizens regardless of race.
3. Each new territory would have a government with a direct relationship with the Federal Government, as the provinces have a direct relationship.
4. The powers of each new territory would resemble the present federal/provincial division of power in the South.
5. Each territory would set up a legislature according to the democratic decision of its respective populace (a reasonable assumption would be that the non-native territory government

⁹⁹ Government of the Northwest Territories, “Priorities for the North: A Submission to the Honorable 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), 260. [hereafter, GNWT, “Priorities for the North.”]

¹⁰⁰ Indian Brotherhood of the Northwest Territories (Dene Nation), “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), 265. [hereafter, Dene Nation, “Metro proposal.”]

would continue along the lines of the Territorial Council, and the Dene and Inuit would institute traditional forms of government).

6. There would be no more single governing structure like the NWT Council surviving the recognition of self-determination of northern people.
7. Instead of the NWT Council, we would propose that a form of government could still exist for the whole of the North. We would propose that a Metro, or United Nations model, of government be organized by the three new governments to deal with matters, issues, and programs of common concern. Like the UN each new government would send representatives to negotiate with representatives from the other two governments, meet as equals and negotiate with each other until an agreement was reached on any joint activity.
8. Possibly a joint civil service could deal with the resulting programs, etc. This could be decided by the representatives of the governments.¹⁰¹

In accordance with Dene custom, economic relations between the three governments would not be dictated by the reign of capital. Rather, all principles and values set-forth in the previous Agreement, specifically regarding issues such as private property, culturally appropriate sustainable development, and a more equitable distribution of wealth and resources, were to apply to the Metro Proposal as well.

Conclusion

As one might gather, the type of recognition sought by the Dene Nation would require the granting of an unprecedented degree of economic and political autonomy from the Canadian capitalist state. Because the Dene perceived their nationhood as embedded in a wider system of reciprocal relations, effective recognition would have to be willing to accommodate the moral/political values that flow from the nature of that system. This is why, for instance, the Dene Nation proposed that limits be set in terms of private property

¹⁰¹ Ibid., 266.

rights and capitalist resource development, and instead promoted collective land ownership in accordance with Dene values, and a more equitable distribution of wealth and resources within a framework of traditional sustainable development. Simply put, these practices were seen as an integral aspect of Dene nationhood.

To summarize, I contend that when the Dene demanded that Canada recognize their identity as an equal and self-determining nation, they were ultimately seeking to *transcend* the unjust colonial-capitalist relations of power that had come to define Dene/state relations in northern Canada. In this respect, the Dene viewed the survival of their *cultural* identity as the realization of their *political freedom*: freedom from colonial-capitalist exploitation and domination; freedom from what they perceived to be development-related environmental destruction; and freedom to live their lives in a manner consistent with their values, spirituality, political traditions, economic system, and, most importantly, their relationship with the land and Creation. “It is within this context”, wrote Peter Puxley in 1976, “that the Dene assertion of nationhood must be understood, as providing the collective support and mobilizing idea in facing the challenge of freedom.”¹⁰²

In the following chapter, I examine the somewhat different form of recognition offered to the Dene by both the territorial and federal governments. As we shall see, both levels of government offered to recognize certain aspects of Dene “culture,” but flatly refused to acknowledge the more problematic political aspirations that informed the Dene Nation’s demand for cultural recognition. Ultimately, this *selective* form of recognition would serve to further entrench and legitimize the profoundly unjust colonial-capitalist power relations that the Dene were struggling to overcome.

¹⁰² Puxley, “The Colonial Experience,” 114.

CHAPTER THREE – THE DOMESTICATION OF DENE NATIONHOOD, SELECTIVE RECOGNITION, AND LIBERAL POLITICAL THEORY

*The avoidance of questions of political economy, has serious implications in addressing questions of relations between societies; not least among which are questions of colonialism and neo-colonialism that were crucial historically to the redefinition of cultural identities.*¹

Arif Dirlik and Roxann Prazniak, 2001.

Introduction

In his essay, “The Struggles of Indigenous Peoples for and of Freedom,” James Tully argues that one of the aims of a colonial nation-state’s governing apparatus is “to ensure that the territory on which the settler [society] is built is effectively and legitimately under its exclusive jurisdiction and open to settlement and capitalist development.”² The Canadian state, including all of its provinces and territories, is no different in this respect. Thus, when the Dene leveled their demand to be recognized as a *free* and *equal* people, with a right to determine *their own* cultural, economic, and political development, and they articulated this in a manner that challenged the colonial-capitalist relations of power that had come to obstruct the free expression of Dene nationhood, it was imperative that the Crown find a way to “domesticate” the Dene claim that had rendered Canada’s economic and political sovereignty problematic. “Domestication,” according to a recent United Nations study, is the process whereby the political rights and claims of Indigenous peoples are effectively removed “from the sphere of international law“ and placed “squarely under the exclusive competence of the internal jurisdiction of non-Indigenous

¹ Roxann Prazniak and Arif Dirlik, “Introduction: Cultural Identity and the Politics of Place,” in *Places and Politics in an Age of Globalization* (Lanham: Roman and Littlefield Publishers, 2001), 5.

states.”³ In this chapter I argue that, rather than recognize the Dene Nation as a free and equal political entity (transformative recognition), Canada offered to selectively recognize an *apolitical* set of “cultural rights,” which the Dene could exercise *under* the absolute and unproblematic authority of the colonial capitalist state (selective recognition). Thus, at least in the context of the Dene struggle, the selective form of cultural recognition offered to the Dene people by Canada seemed to miss the point – that is, it failed to challenge the very colonial-capitalist relations of power that threatened the cultural survival of the Dene people to begin with. As we shall see, the Dene unfortunately chose to pursue their struggle via the same system that Canada would adopt to “domesticate” their claim to freedom and equality: that is, through the implementation of land claim agreements.

Once I have discussed Canada’s proposal to recognize Dene “cultural rights” instead of acknowledging the full breadth of their identity as an equal and self-determining nation, I will illustrate a similar trend in the extensive work of liberal theorist, Will Kymlicka. As we shall see, Kymlicka’s liberal theory of minority rights also accords Indigenous people with an array of rights aimed at preserving their threatened cultures. However, I contend that by conceptualizing Indigenous rights as “cultural rights” to be exercised within the boundaries of larger capitalist settler-states, Kymlicka’s liberal justification for cultural recognition may unintentionally function to preserve the same colonial-capitalist power relations that the Dene were struggling (twenty years previously) to overcome. If Kymlicka is indeed committed to advancing a theory that justifies the recognition and protection of Indigenous cultural identities because of the function culture

² James Tully, “Struggles of Indigenous Peoples for and of Freedom,” in *Political Theory and the Rights of Indigenous Peoples*, eds. Duncan Ivison, Paul Patton, and Will Sanders (Cambridge: Cambridge University Press, 2001), 41. [hereafter, Tully, “The Struggle of Indigenous Peoples”]

³ 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, 51st Session, (22 June 1999), 30. [hereafter, UN, *Study on Treaties*]

plays in providing the context for freedom and meaningful choice, then his work must be willing to challenge the capitalist state's role as an unproblematic arbiter in the recognition of cultural identities. As illustrated in the previous chapter, the vast cultural system of relations that provided the context for Dene freedom and choice (*Dè*) was presented as an alternative to the colonial-capitalist social relations and forms of economic development that the Dene perceived to be a threat to their cultural survival. Seen from this perspective, then, offering the Dene cultural recognition within the framework of a capitalist settler-state seems to defeat the purpose of demanding recognition to begin with

Domestication: Removing the “Politics” from the “Politics of Cultural Recognition”

In 1973 the Government of Canada established its policy for the settlement of Aboriginal land claims. Because the Dene asserted that they had never extinguished their political rights and/or legal title to Denendeh, the Crown proceeded with their claim under its Comprehensive Claims Policy, which deals with cases “based on the assertion of continuing Aboriginal title to lands and resources.”⁴ As mentioned in Chapter Two, the thrust of the Crown's Comprehensive Claims policy is to “exchange the claims to undefined Aboriginal rights for a clearly defined package of rights and benefits set out in a settlement agreement.”⁵ When the Dene began negotiating their claim in the 1976, Canada still required the explicit “surrender” of Aboriginal rights and title prior to the resolution of any land settlement. Although the Crown has since changed the terminology of its land claim policy,⁶ I contend that its underlying incentive remains the same: to do

⁴ Department of Indian Affairs and Northern Development, “Comprehensive Claims Policy and Status of Claims,” (March 2002), 1. [hereafter, DIAND, “Comprehensive Claims Policy”]

⁵ Ibid.

⁶ In 1986 the Crown changed its Comprehensive Claims Policy to allow “for the retention of Aboriginal rights on land which Aboriginal people will hold following the conclusion of a claim settlement, to the extent that such rights are not inconsistent with the settlement agreement.” In 1995 the Crown softened the

away with the problematic political rights of Indigenous nations by exchanging them for a limited and less politicized set of rights and privileges clearly defined by the colonial government.⁷

Here the Dene struggle provides a case in point. Rather than heed the Dene demand for recognition as an equal and self-determining people, both Canada and NWT offered to selectively recognize and protect certain aspects of Dene “culture” within the “existing” institutional framework of the Canadian state.⁸ In “Priorities of the North,” for example, the NWT Legislative Assembly suggested that land claims be utilized as the medium through which to negotiate the recognition and protection of Aboriginal “cultural rights.” These rights would serve two purposes: first, they would “preserve native languages and cultures in some form of immutable legislation”; and, second, they would “guarantee those rights of native people which touch on their traditional use and enjoyment of the lands, waters, animal and bird life.”⁹ Regarding the scope and content of settlement negotiations, however, the Legislative Assembly strongly recommended that the federal government remove all political and constitutional issues from the negotiation

language of comprehensive claim settlements. Instead of requiring the “surrender” of Aboriginal rights, the Crown now claims to require “certainty” with regard to lands and resources. *Ibid.*, 2.

⁷ For analogous arguments, see, Taiaiake Alfred, “Deconstructing the British Columbia Treaty Process,” (December 2001), available online at: www.taiaiake.com [hereafter, Alfred, “Deconstructing the BC Treaty Process”]; Ward Churchill, “The Tragedy and the Travesty: The Subversion of Indigenous Sovereignty in North America” in *Struggle for the Land: Native North American Resistance to Genocide, Ecocide and Colonization* (Winnipeg: Arbeiter Ring Press, 1998); Isabelle Schulte-Tenckhoff, “Reassessing the Paradigm of Domestication,” *Review of Constitutional Studies* 1, Number 2 (1998); UN, *Study of Treaties*.

⁸ See, 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) [hereafter, GNWT, “Priorities for the North”]; 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) [hereafter, Office of the Prime Minister, “Political Development in the NWT”].

⁹ GNWT, “Priorities in the North,” 259.

table; particularly the “repugnant” idea of allocating self-determination and self-government rights along ethnic lines.¹⁰ The Assembly wrote:

The Federal Government must enunciate a consistent policy with respect to the negotiations of land claims in the Territories. That policy should state that while recognizing that there is an interaction between land claims, economic development and constitutional development, in order to deal with them sufficiently, constitutional matters should be separated [from the negotiation of claims].¹¹

According to the Assembly, the recognition of a “native Bill of Rights” within the constitution of the NWT would provide an adequate means of promoting Aboriginal cultural diversity, without having to create “separate enclaves, which divide people on the basis of race alone and which deny minorities their political rights.”¹² “This is why”, the Assembly continued, “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 participating in political institutions by any Canadian citizen who chooses to live in the Territories.”¹³ From the territorial government’s vantage point, cultural rights, not political rights, were to be the subject of claims negotiations.

Ottawa advanced a similar, albeit more tactful position, in its paper “Political Development in the Northwest Territories.”¹⁴ In 1977 the Office of the Prime Minister announced that the federal Government would be appointing Mr. Charles (Bud) Drury as Special Representative for Constitutional Development in the Northwest Territories. “Political Development in the Northwest Territories” was to provide a “detailed terms of

¹⁰ Ibid., 260.

¹¹ Ibid., 262.

¹² Ibid., 260.

¹³ Ibid., 260, 262.

¹⁴ Office of the Prime Minister, “Political Development in the NWT.”

reference” for Drury’s investigation.¹⁵ At the outset of the paper, the federal government stated that it was willing to negotiate the settlement of land claims as one way of “safeguarding” the cultural identities of the Dene and Inuit people.¹⁶ To this end the Crown suggested that comprehensive claims would offer Aboriginal communities enough “local autonomy” to secure their identities, and enable them to pursue their “traditional” practices “to the extent that they may wish to do so.”¹⁷ As a result, Canada agreed to work closely with Native groups to develop programs within the following limited areas:

- The protection and promotion of Indian and Inuit languages and other cultural interests.
- The protection of rights to traditional activities such as hunting, fishing and trapping.
- Aboriginal control over education at the community level.
- The encouragement of economic development.
- Advancing housing and infrastructure development.
- Providing Aboriginal communities with managerial training.
- The decentralization of authority and transfer of resources from government to Aboriginal communities.¹⁸

Like the NWT Legislative Assembly, however, the federal government was unwilling to endorse the Dene Nation’s call for the establishment of political jurisdictions allocated “on grounds that differentiate between people on the basis of race.”¹⁹ In other words, Aboriginal self-determination would *not* be the subject of land claims.²⁰ Instead, Ottawa directed Drury to consider the “possible division of the Northwest Territories on the basis of functional factors, including economic, socio-cultural, and other relevant factors,” but

¹⁵ Office of the Prime Minister, “Special Government Representative for Constitutional 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). [hereafter, Office of the Prime Minister, “Special Government Representative.”]

¹⁶ Office of the Prime Minister, “Political Development in the NWT,” 278.

¹⁷ *Ibid.*, 280.

¹⁸ *Ibid.*, 280.

¹⁹ Immediately after denouncing the Dene claim to self-determination as discriminatory, the federal government contradictorily stated that it would not establish racially determined “political divisions” and

excluding “political divisions and structures” based on racial difference.²¹ Thus, if the Dene wanted to participate in the development of the north’s political system, they would have to do so at a “local and subordinate” level, within the common (and presumably legitimate) institutions of the Northwest Territories.²² Once again, cultural rights, not political rights, were the issue at hand.

But what about the unjust colonial-capitalist power relations that the Dene viewed as a threat to their cultural identity, and subsequently their freedom? After all, as suggested in the previous chapter, Dene nationalism emerged as a means to counter these oppressive power relations. Would Canada’s gift of recognition enable the Dene to challenge or effectively alter these forces?

Both the federal government and the NWT Legislative Assembly had relatively little to say about the Dene Nation’s critique of colonial-capitalist social relations in their respective position papers.²³ Besides briefly mentioning the “leftist”²⁴ and “extreme”²⁵ tendencies of some Aboriginal organizations, both governments generally ignored the Dene critique of capitalist resource development and resultant social relations, and simply stated that business would proceed as usual in the north. The Legislative Assembly, for example, argued that the “long term economic development of the Northwest Territories will almost certainly depend on the further exploration and utilization of its natural

“governmental structures” “*unless* the Indian and Inuit claimants are seeking the establishment of reserves under the Indian Act [emphasis added]”. Ibid., 280.

²⁰ Ibid.

²¹ Office of the Prime Minister, “Special Government Representative,” 275.

²² 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.

²³ This is a rather interesting point since it was quite favourable to label the Dene as socialists, communists, and radicals when the Berger hearings were being conducted. See my comments in Chapter Two.

²⁴ Wayne Haimilia, “Directions and Tendencies of the Council of the Northwest Territories with regard to Native Claims: January 1972 to May 1977,” 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), 307.

resource base.”²⁶ Land claims could be used as a means to enhance the capacity of Native groups to actively participate in the north’s “predominantly private enterprise” resource-based economy, but they would not be permitted to challenge it.²⁷

Similarly, the federal government advanced the position that while land claims would provide “native groups” with financial compensation for any infringement of their property rights (like any other group or citizen would be compensated), Canada’s “national interest” dictated “that the Federal Government maintain its ownership and control of the potentially significant non-renewable resources in the Northwest Territories.”²⁸ In other words, Canada’s sovereignty in the north was non-negotiable and absolute. 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-renewable resource development.”²⁹ Land claims, according to the Crown, would enable the Dene to effectively “play a part” in and “benefit” from the exploitation of the north’s lands and resources.³⁰ However, Native groups would not be accorded the political power to challenge capitalist non-renewable resource development, nor would they be provided with the economic and political freedom to effectively cultivate a non-exploitative alternative to it. Under the federal government’s model of development, then, it appears that “overcoming [Canada’s colonial] past...is...limited to

²⁵ Office of the Prime Minister, “Political Development in the NWT,” 277.

²⁶ GNWT, “Priorities of the North,” 262.

²⁷ Ibid.

²⁸ Office of the Prime Minister, “Political Development in the NWT,” 278.

²⁹ Ibid.

³⁰ Ibid.

allowing indigenous peoples to become active subjects, rather than passive objects, of domination and exploitation.”³¹

The Dene Nation responded to the federal government’s position paper in a press release following the announcement of Drury’s investigation. The statement provides an acute diagnosis of the colonial motivation underlying the Crown’s proposed selective recognition of Dene cultural rights: “The Cabinet document suggests that there is no relationship between political rights and the survival of a culture. Such a statement is absurd. ... How can a culture exist and grow without self-determination? ... The Cabinet [clearly] endorses the view of the North as a frontier to be exploited, rather than a homeland.”³²

Instead of participating in Drury’s investigation, “which would allow for non-native interests in the North to become involved in deciding the future of the Dene”,³³ the Dene Nation, along with the Metis Association of the NWT, concentrated on advancing their political efforts through a joint settlement proposal titled *Public Government for the People of the North*, which they submitted to the federal government in 1981.³⁴ The document, like the Metro Proposal before it, called for the establishment of three “province-like” territories in the north, one of which would be named “Denendeh.”³⁵ Although the Dene refrained from invoking the language of national self-determination common in their previous proposals, the spirit of the document was much the same. It

³¹ Richard Day, “Who is this ‘we’ that gives the gift? Native American Political Theory and the Western Tradition” *Critical Horizons*, Volume 2, Number 1 (2001), 184.

³² Dene Nation, *Denendeh: A Dene Celebration* (Yellowknife: Published by the Dene Nation, 1984), 34. [hereafter, Dene Nation, *Denendeh*.]

³³ Indian Brotherhood of the Northwest Territories (Dene Nation), “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), 266. [hereafter, IB-NWT, “Metro Proposal”]

³⁴ 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). [hereafter, Dene Nation and Metis Association, *Public Government*.]

³⁵ *Ibid.*, 3.

demanded that power be distributed between the Dene and the federal government in manner similar to that of the provinces.³⁶ It called for a return of much of the Dene peoples' traditional territory, which they would maintain economic and political jurisdiction over. And to protect the political rights and freedoms of the Dene people in perpetuity, the Dene Nation demanded that a "senate" be established with guaranteed Dene representation.³⁷

In terms of economic development, however, the Denendeh proposal recommended that some very *non*-province-like changes be adopted. For example, the document suggests that all land 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".³⁸ Thus, the Dene stated that all natural resource-use would be determined "on the basis of a 'conservator society'" with a "firm commitment to renewables."³⁹ Furthermore, the exploration and development of Denendeh's resources would not be permitted if it were to create "undo social dislocation" in Dene communities.⁴⁰ Instead development would seek to "ensure the total well-being of the people and resources of Denendeh (*as opposed to the economic benefit of the developers*) [emphasis added]."⁴¹ And to ensure economic self-sufficiency, the Dene Nation proposed to collect 10 percent of *all* resource revenues derived on Dene lands, which would be paid into a "Dene Heritage Fund."⁴² Like its predecessors, the Denendeh proposal stated that private property rights would be respected for all lands acquired prior to the implementation of the

³⁶ Ibid.

³⁷ Ibid., 17.

³⁸ Ibid., 9.

³⁹ Ibid., 11.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

agreement, but after that, the Government of Denendeh would hold land collectively for the benefit of all.⁴³

Also unlike provincial governments, the Dene recommended that a direct democracy or “consensus” approach to political decision-making be implemented. This was conceived as a culturally appropriate alternative to the elitist and adversarial form of government imposed on them from the south.⁴⁴ The spirit and intent of consensus decision-making was described as follows:

The consensus style of decision-making involves a lot more than the absence of political parties. Things are not that simple. There are many single party or no party states in the world where there is no consensus just as there are many multiparty states where there is no real democracy.

Consensus begins with respect for one’s own rights and assuming the responsibility to achieve these rights. Therefore, the limits on the amount of responsibility and authority that can be delegated to others is very real. Alongside the respect for one’s own rights there must be respect for the rights of others. This means that in order for consensus to work, rights must be protected and for rights to be protected they cannot be abused. Therefore, people must become collectively responsible for protecting and achieving the rights of all. This simply cannot be done if some people insist on, or are allowed to, ignore or undermine the rights of others. ...

There is no reason why discussion cannot replace debate. Discussion, underpinned by the concept of a respect for rights and recognition that differences are a fact of life, makes it possible for everyone to contribute, to share, to learn and, on this basis reach decisions. There may, and likely will, be disagreements but the chances of disagreements reaching discord and open hostility are minimized because, if nothing else, people will at least have an understanding of the reasons why people decide to do certain things.⁴⁵

In order to protect the interests of everyone, the Dene proposed that a ten-year residency period be implemented, after which the political rights of *all* Denendeh citizens would be

⁴³ Ibid.

respected. However, regardless of any residency requirement, the Dene Nation agreed to respect 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.⁴⁶

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.⁴⁷ Some even suggested that the proposal's recommended ban on private property could be interpreted as violating what many non-Native people have come to consider an "inalienable right" to own property.⁴⁸ 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."⁴⁹

The federal government was among those that were not impressed by the Denendeh proposal. Unlike its own position, the Denendeh claim adamantly opposed the surrender or exchange of Dene political rights and title as a prerequisite for settlement. This caused negotiations to drag on until 1988, when, finally, an agreement-in-principle was reached between the Dene Nation, the Metis Association, and the Government of Canada. The proposed Dene-Metis claim offered the Aboriginal peoples "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

⁴⁴ For a discussion of Dene direct democracy and consensus decision-making compared to the political institutions of the Northwest Territories, see June Helm, *The People of Denendeh: An Ethnohistory of the Indian of the Northwest Territories* (Montreal: McGill-Queen's University Press, 2001), 267

⁴⁵ Dene Nation and Metis Association, *Public Government*, 21-22.

⁴⁶ *Ibid.*, 9-10.

⁴⁷ Dene Nation, *Denendeh*, 42.

⁴⁸ 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.

land use in the past.”⁵⁰ In return, the Crown required the Dene and Metis to surrender their Aboriginal rights and title to the remaining lands of the Northwest Territories. After receiving the Crown’s offer, community representatives from across Denendeh convened at a special Dene General Assembly to discuss their concerns with the claim’s extinguishment clause. In the end, the majority of Dene voted to reject the agreement on the grounds that they were not willing to surrender their identity as a nation for what seemed to be an elaborate real-estate transaction.⁵¹ However, no doubt frustrated with the non-negotiable nature of the Crown’s offer, the Gwitch’in Dene opposed the majority decision and formally withdrew from the General Assembly. Following their lead, the Sahtu Dene of the Great Bear Lake region withdrew several weeks later. The Crown, recognizing an opportunity when it sees one, officially stopped funding the Dene Nation’s claims secretariat after the withdrawal of the Gwitch’in and Sahtu, and instead offered to negotiate with these groups independently. In 1992 and 1994 the Gwitch’in and Sahtu, along with the Metis, extinguished their political rights and title by signing comprehensive claims agreements with the federal government. These settlements signify the official split of the Dene Nation, and end of a unified Dene national self-determination movement.⁵²

The unyielding position of the federal government with regard to requiring the surrender or exchange of Aboriginal rights and title for a depoliticised set of rights and benefits laid out in land settlements, has led Taiaiake Alfred to suggest that the Crown’s Comprehensive Claims process is not so much about achieving a just resolution to the

⁴⁹ Dene Nation, *Denendeh*, 42.

⁵⁰ Kerry Abel, *Drum Songs: Glimpses of Dene History* (Montreal: McGill-Queen’s University Press, 1993), 256-57.

⁵¹ This sentiment was expressed most clearly in a speech delivered by George Erasmus at the Dene Assembly gathering. See, Dene Nation, “Dene General Assembly: Hay River July 5-10, 1988” (Yellowknife: Published by the Dene Nation, 1988).

Canada's Aboriginal "land question," as it is about creating a stable context for private investment and capitalist resource development on what is left of Native land.⁵³ As Alfred explains:

Canada's final solution to the problem of reconciling indigenous nationhood with state sovereignty is to force indigenous peoples to do what no other people in the world must do: formally define themselves and seal their rights in a document which is not subject to evolution or alteration as the group responds to the shifting realities of the political and economic environment. This form of certainty is required to satisfy the Canadian government's interest in securing an economic and political climate that promotes corporate investment and a stable context for business on indigenous lands. *In Canada, the right of self-determination exists only when it coincides with the interests of the state as defined by its non-indigenous constituents and corporate funders* [emphasis added].⁵⁴

Alfred's analysis rings particularly true in the context of Aboriginal claims in northern Canada. In the north, the "extinguishment" of Aboriginal rights and title represents "the *sine qua non* of the entire land-claims process", thus "ensuring that the North would be truly open for future development."⁵⁵ Instead of recognizing the right of the Dene people to live their own lives, on their own land, in accordance with their own political values, laws and traditions (and therefore throwing into question Canada's economic and political sovereignty over the Dene people and homeland) Canada and the NWT chose to selectively recognize certain aspects of Dene "culture," but without acknowledging the political claim to freedom and equality that informed their demand for cultural recognition.

⁵² For a discussion of the fragmentation of the Dene Nation and nationalist movement, see, Marina Devine, "The Dene Nation: Coming Full Circle," *Arctic Circle* (March/April 1992).

⁵³ Alfred, "Deconstructing the BC Treaty Process";

⁵⁴ Alfred, "Deconstructing the BC Treaty Process," 7.

⁵⁵ Judith Powell and Kenneth Coates, *The Modern North: People, Politics and the Rejection of Colonialism* (Toronto: James Lorimer and Company, 1989), 124.

Selective Recognition and Liberal Political Theory

So far my argument has been this: in demanding the recognition of their cultural identity, the Dene sought to transcend what they saw as a system of unjust colonial power relations (social, economic, political) that rendered their freedom unattainable. In response to this profoundly transformative demand, however, Canada offered up a less politicised form of “cultural” recognition, which failed to challenge the very relations of power that prompted the Dene demand for recognition to begin with. In the remainder of this chapter, I will expose what I see as similarities between the selective recognition advanced by Canada, and the recognition-based political theory of Will Kymlicka. Here I will argue that while Kymlicka’s liberal theory of minority rights accords Indigenous communities with a substantial degree of political autonomy within the framework of existing settler-states (especially when compared to the proposition advanced by Canada in the 1970s) his theory nonetheless fails to challenge the type of colonial-capitalist relations of power that the Dene were struggling to overcome thirty years ago.

Much of Kymlicka’s work attempts to simultaneously defend the liberal principles of individual “freedom and equality,” while promoting the idea that some minority groups should be afforded differential treatment in the form of special cultural rights. According to Kymlicka, insofar as “orthodox” liberal theorists have been able to justify minority rights, “they have generally advanced a principle of ‘non-discrimination’ as the key to justice in ethnocultural relations.”⁵⁶ In other words, orthodox liberals can only justify a “minority right” as the right of an individual to be free from discrimination, and that is all. In this sense, so long as the state promotes the ideals of freedom of

religion, freedom of association, and freedom of speech in the public sphere, minority groups should “neither be helped nor hindered”⁵⁷ by state institutions. Kymlicka’s brand of liberalism, on the other hand, defends a “positive” conceptualization of minority rights, arguing instead that state institutions should “take an active role in the reproduction”⁵⁸ of certain minority cultures — a position seemingly at odds with liberalism’s commitment to the individual. Kymlicka uses his concept of “culture” to overcome this apparent discrepancy.

“Culture” plays a crucial role within Kymlicka’s theory of minority rights, for it provides the “conditions” that are “conducive to acquiring an awareness of different views of the good life, and to acquiring the ability to intelligently examine and re-examine these views.”⁵⁹ In other words, Kymlicka views culture as the background that enables individuals to make rational and informed decisions about their lives. In his more recent writings, Kymlicka hones down his conception of culture to what he calls “societal culture.” He argues that one’s societal culture provides the *institutions* required to exercise individual freedom.⁶⁰ He defines societal culture as:

a set of institutions, covering both public and private life, with a common language, which has historically developed over time on a given territory, which provides people with a wide range of choices about how to lead their lives.⁶¹

From this perspective, societal cultures are incredibly important to liberalism because

⁵⁶ Will Kymlicka, “Do we need a Liberal Theory of Minority Rights?” in *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. (Don Mills: Oxford University Press, 2001) 50. [hereafter, Kymlicka, “Liberal theory of Minority Rights?”]

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Quoted in Dale Turner, “Liberalism’s Last Stand: Aboriginal Sovereignty and Minority Rights,” in *Aboriginal Rights and Self-Government: The Canadian and Mexican Experience from a North American Perspective*, eds. Curtis Cook and Juan Lindau (Montreal: McGill-Queen’s University Press, 2000), 139. [hereafter, Turner, “Liberalism’s last Stand”]

⁶⁰ Kymlicka’s conception of “institution” is rather broad. For example, an institution could include one’s language, education system, traditional justice models, and customary laws.

⁶¹ Kymlicka, “Liberal Theory of Minority Rights?”, 53.

liberalism rests on the value of individual autonomy—that is, the importance of allowing individuals to make free and informed choices about how to lead our lives—but what enables this sort of autonomy is the fact that our societal culture makes various options available to us. Freedom, in the first instance, is the ability to explore and revise the ways of life which are made available by our societal cultures.⁶²

Following this line of reasoning, Kymlicka views membership and participation in a societal culture as a virtue in itself. Because societal culture provides the context required by individuals to make free and informed choices, it is in the best interest of the individual to have his/her cultural institutions protected and promoted by the state. For the state to act otherwise would unnecessarily and illiberally disadvantage minorities.

But Kymlicka's argument does not stop here, for he goes on to claim that not all minorities should be afforded the same protections for their societal cultures. In accordance with liberalism's emphasis on non-discrimination, once Kymlicka had established "societal culture" as the medium for informed and meaningful choice, he had to justify why some minority groups should have their cultural institutions actively promoted while others should not. He accomplishes this by distinguishing between what he calls "national minorities" and "immigrant" minorities. The status of national minorities arise when:

groups that [form] functioning societies, with their own institutions, culture and language, concentrated in a particular territory, [are] incorporated into a larger state. The incorporation of such national minorities is usually involuntary, as a result of colonization, conquest, or the ceding of territory from one imperial power to another, but may also occur voluntarily, through some treaty or some other federative agreement.⁶³

⁶² Ibid.

⁶³ Will Kymlicka, "Human Rights and Ethnocultural Justice," in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Don Mills; Oxford University Press, 2001), 72. [hereafter, Kymlicka, "Ethnocultural Justice."]

Thus, for Kymlicka national minorities are previously self-governing societies which had fully functioning societal cultures prior to being unjustly “incorporated” into a larger state. Some examples of national minorities include: Indigenous peoples, the Scottish and Welsh in the UK, the Puerto Ricans and Quebecois of North America, and the Catalans and Basques in Spain.⁶⁴

Immigrant cultures, on the other hand, differ from national minorities because they “left behind the set of institutionalized practices, conducted in their mother tongue, which actually provided culturally significant ways of life to peoples in their original homeland. They bring with them a ‘shared vocabulary of tradition and convention’, but they have uprooted themselves from the social practices which this vocabulary originally referred to and made sense of.”⁶⁵

For Kymlicka, then, understanding which category a minority group falls under is pivotal to understanding the type and extent of recognition they are entitled to. Because most national minorities were incorporated into a state against their will it is “neither necessary nor fair” to expect them “to integrate into the institutions of the dominant culture.... Freedom for the members of national minorities involves the ability to live and work in their own societal culture.”⁶⁶ Immigrants, on the other hand, left behind their societal cultures when they immigrated;⁶⁷ therefore, the best option for them is to “learn” the societal culture of the place they now inhabit. In his own words:

⁶⁴ Ibid.

⁶⁵ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Don Mills: Oxford University Press, 1995), 77. [hereafter, Kymlicka, *Multicultural Citizenship*]

⁶⁶ Kymlicka, “Liberal Theory of Minority Rights?,” 55.

⁶⁷ In his later work Kymlicka admits that certain immigrant groups, such as African Americans and refugee populations, do not “choose” to leave behind their societal cultures or their homelands. See, Will Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (Don Mills: Oxford University Press, 1998), 75-78 [hereafter, Kymlicka, *Finding Our Way*]; also see, Iris Marion Young, “A Multicultural Continuum: A Critique of Will Kymlicka’s Ethnic-Nation Dichotomy.” in *Constellations* Volume 4, Number 1 (1997). 48-53.

Freedom and equality for immigrants, therefore, requires freedom and equality within mainstream institutions. And this, I argue, is a twofold process: first, it involves promoting linguistic and institutional integration, so that immigrant groups have equal opportunity in the basic educational, political institutions of society; and second, it involves forming those common institutions so as to accommodate the distinctive ethnocultural practices of immigrants, so that linguistic and institutional integration does not require denial of their ethnocultural identities.⁶⁸

In sum, the aim of Kymlicka's liberal theory of minority rights "is to define fair terms of integration for immigrants [multiculturalism], and enable national minorities to maintain themselves as distinct societies [multinationalism]."⁶⁹

Challenging Kymlicka's Culturalism: Indigenous Peoples as National Minorities?

Indigenous peoples constitute a "national minority" within Kymlicka's theory. Because Indigenous people were previously self-governing, with their own societal cultures prior to being unjustly "incorporated" into larger states, Kymlicka argues that they should be accorded special rights aimed at promoting their cultural institutions. Furthermore, as a minority group, Indigenous people are often disadvantaged in the "cultural marketplace" and therefore "require considerable protection" in the form of "reserved lands and self-governing powers."⁷⁰ For Kymlicka, self-government powers should specifically cover issues necessary for the "cultural survival"⁷¹ of Indigenous peoples, including rights to a defined land-base, language rights, guaranteed group political representation, education rights, and veto powers over cultural matters.⁷² Self-government powers need not extend beyond issues directly relating to the preservation of one's "societal culture," however,

⁶⁸ Kymlicka, "Liberal Theory of Minority Rights?," 54.

⁶⁹ Ibid., 55.

⁷⁰ Will Kymlicka, "Indigenous Rights and Environmental Justice," in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Don Mills: Oxford University Press, 2001), 147. [hereafter, Kymlicka, "Indigenous Rights"]

⁷¹ Kymlicka, "Ethnocultural Justice," 77.

because culture is what provides the necessary institutional framework for exercising individual freedom and choice.⁷³ According to Kymlicka the special right of self-government should adequately compensate “for unequal circumstances which put members of... [Indigenous cultures] at a systematic disadvantage in the cultural marketplace.”⁷⁴

A number of scholars have taken exception to Kymlicka’s portrayal of Indigenous peoples as “national minorities” accorded a limited set of cultural rights to be exercised within the framework of existing settler-states. Legal scholar Patrick Macklem, for example, has suggested that by lumping Indigenous peoples within a broad theory of minority rights, which characterizes “Aboriginal nations as ‘previously self-governing’ groups that have been ‘incorporated’ into a larger state,” Kymlicka’s argument “presupposes the legitimacy of state sovereignty that purported to accomplish such an incorporation.”⁷⁵ Furthermore, by

viewing the moral and political issue implicated by indigenous difference as one that requires the justification of unequal distributions of political rights and responsibilities *within* a particular nation-state, Kymlicka includes indigenous peoples within the very political structure from which they seek a measure of autonomy.⁷⁶

As seen in the case of the Dene struggle, although Indigenous nations do not always seek the establishment of their own independent nation-states, many do seek a considerable

⁷² Ibid. Note the similarities between Kymlicka’s conception of Aboriginal self-government powers, and the cultural rights offered by the Northwest Territories and Canada in the case of the Dene.

⁷³ Joel Oestiech uses Kymlicka’s liberal theory of minority rights to explicitly exclude Indigenous peoples from claiming a right to self-determination. According to the Oestiech, so long as the state promotes the recognition and protection of Aboriginal “cultural rights,” political rights need not even enter into the debate. See, Joel E. Oestiech, “Liberal Theory and Minority Group Rights,” *Human Rights Quarterly* 21, Number 1 (1999).

⁷⁴ Kymlicka, “Indigenous Rights,” 147.

⁷⁵ Patrick Macklem, *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001), 73. [hereafter, Macklem, *Indigenous Difference*]

⁷⁶ Macklem quoted in, Richard Spaulding, “Peoples as National Minorities: A Review of Will Kymlicka’s Arguments for Aboriginal Rights from a Self-Determination Perspective” *University of Toronto Law Journal* Volume 47 (1997), 50.

level of political freedom and economic autonomy from the institutional structure of the surrounding state. According to Macklem, Kymlicka's limited conceptualization of Aboriginal rights as "cultural" rights is unable to accommodate for this degree of freedom and autonomy. To compensate for this shortcoming, Macklem contends that constitutional recognition for First Nations should extend beyond protection of Aboriginal "cultural" difference, to include "interests associated with Aboriginal territory, Aboriginal sovereignty, and the treaty-making process."⁷⁷ All of these characteristics -- culture, sovereignty, territory, and histories of treaty-making -- constitute what Macklem terms "Indigenous difference," and all subsequently deserve legal recognition.

In an analogous line of criticism, Anishinabe philosopher Dale Turner has also suggested that Kymlicka's theory of minority rights may be incapable of accommodating many of the political demands advanced by Indigenous peoples. Turner contends that the definition of "national minority," at least in principle, implicitly assumes that at some time in the past Indigenous peoples constituted sovereign entities (as previously self-governing societies with their own political institutions, laws, territories, and so on). Thus, since Kymlicka readily admits that Indigenous peoples were "incorporated" into state structures against their will, it follows that they remain sovereign peoples because they never relinquished their status as such.⁷⁸ Here, Turner arrives at a conclusion similar to that of Macklem: that is, Kymlicka's classification of Indigenous peoples as "national minorities" who have a right to a limited degree of self-government because of

⁷⁷ Macklem, *Indigenous Difference*, 75.

⁷⁸ Turner, "Liberalism's Last Stand, 142.

their *cultural vulnerability* within a larger state, fails to recognize Indigenous claims or rights that extend beyond culture and are founded on their status as sovereign entities.⁷⁹

In a somewhat different approach, Duncan Ivison has recently challenged Kymlicka's theory on the grounds that Aboriginal peoples may not even constitute "national minorities" in accordance with the definition provided by Kymlicka himself. Because Kymlicka's theory stresses the importance of recognizing and accommodating the *institutional* apparatus provided by societal cultures, most Indigenous societies fail to match this working definition. Ivison writes:

If Kymlicka is wedded to a conception of societal in which a culture is said to be 'more or less institutionally complete', and that it must be comprehensively 'embodied in schools, media, economy, government, etc.'...then he actually undermines the claims for minority rights of a much larger number of vulnerable cultural minorities than he thinks – including Aboriginal peoples. For example, Aboriginal cultures emerged long before modernization and few of their political communities have the capacity to maintain their languages or build and support a societal culture in the manner Kymlicka suggests (as much as they would like to).⁸⁰

Even though Ivison concludes that Kymlicka's conception of societal culture is "deeply problematic," he does not suggest that we give up on the underlying "notion that the basic interests of persons are sometimes tied to their identity-related differences."⁸¹ Rather, Ivison contends that a "postcolonial liberalism" should focus on preserving those "aspects of [Indigenous] cultural structures" that are "relevant to securing certain of the fundamental interests of their members."⁸² However, like Macklem and Turner, Ivison reminds us that one cannot institutionally protect the fundamental interests of Indigenous peoples via the allocation of "culture-based" rights alone. One also has to give serious

⁷⁹ Ibid., 143.

⁸⁰ Duncan Ivison, *Postcolonial Liberalism* (Cambridge: Cambridge University Press, 2002), 67.

⁸¹ Ibid.

⁸² Ibid.

consideration to Indigenous political claims “based on prior occupancy and sovereignty, not culture.”⁸³

To summarize, Kymlicka developed his theory in an effort to illustrate that upholding the liberal principles of “individual freedom and equality” requires that we treat some cultural groups differently than others. He sees his theory as a necessary break from “orthodox” liberalism because it promotes the idea that groups should be the beneficiaries of special cultural rights in order to overcome inequalities. However, as Turner, Macklem and Ivison suggest, Kymlicka’s treatment of Indigenous peoples as “national minorities” entitled to cultural rights within existing settler-states, fails to recognize Indigenous peoples identities as equal nations, which would thus throw into question the very legitimacy of colonial-state sovereignty itself.

Kymlicka on Indigenous Self-Determination and Distributive Justice

The critical analyses provided by Ivison, Macklem, and Turner, all generally comment on Kymlicka’s treatment of Indigenous peoples in his earlier and most popular book, *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Kymlicka’s more recent work, however, appears (on first reading) to deal with Indigenous peoples and their claims in a manner reflective of their status as equal and sovereign nations. For example, in *Finding our Way: Rethinking Ethnocultural Relations in Canada*, Kymlicka argues that Indigenous groups have a legitimate claim as national minorities to self-determination under international law.⁸⁴ And in “Indigenous Rights and Environmental Justice,” Kymlicka tackles the problematic issue of Aboriginal peoples’ “incorporation” into surrounding states by suggesting that it is “*only* legitimate if it is a voluntary act of

⁸³ Ibid.

⁸⁴ Kymlicka, *Finding Our Way*, 6.

federation [emphasis added].”⁸⁵ However, even though Kymlicka’s later work utilizes the language of national “self-determination” and “federalism” when discussing the scope and content of Indigenous rights, I contend that he still manages to frame Indigenous claims in a very limited manner. For example, in describing the potential form that Indigenous self-determination might take, Kymlicka all but rejects the option of independent statehood because of the relatively small size and territorially scattered nature of Indigenous communities.⁸⁶ And indeed, perhaps Kymlicka is right – independent statehood may not be a “viable” or “desirable” option for Indigenous peoples.⁸⁷ However, my point is that in judging the viability of Indigenous independence against the backdrop of already existing settler-states, Kymlicka seems to except settler-state sovereignty *de facto*, even though it was the process of state formation that displaced and scattered Indigenous nations to begin with.

What, then, is a more “viable” and “desirable” option for Indigenous peoples? Kymlicka contends that it is some form of multinational federalism or federacy that recognizes Indigenous peoples’ “inherent right of self-government.”⁸⁸ And what, according to Kymlicka, might this self-government encompass? Well, as it turns out, it would consist of the exact same scope of powers outlined in his earlier work: that is, an array of “cultural” rights aimed at facilitating the preservation of Aboriginal societal cultures within the surrounding settler-state.⁸⁹ Thus, in a manner reminiscent of the

⁸⁵ Kymlicka, “Indigenous Rights,” 149.

⁸⁶ Will Kymlicka, “Minority Nationalism and Multination Federalism,” in *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Don Mills: Oxford University Press, 2001), 110.

⁸⁷ Kymlicka, “Indigenous Rights,” 149.

⁸⁸ *Ibid.* Kymlicka often uses (problematically, I might add) national “self-determination” and “self-government” interchangeably. At one point, for example, Kymlicka states that all peoples have the right to “self-government” under international law. While the international right to national self-determination would naturally include self-government rights, they are not limited to this. Self-determination also guarantees the freedom to develop other aspects of one’s collective identity, including cultural and economic issues, not just political self-government. For an example of Kymlicka using self-determination and self-government interchangeably, see, *Finding our Way*, 131.

⁸⁹ Kymlicka, “Indigenous Rights,” 149.

strategy employed by Canada and the Northwest Territories, Kymlicka shifts the discourse of Indigenous cultural recognition from self-determination and freedom, to one that advocates the limited recognition of “cultural” rights to be exercised against the backdrop of seemingly universal colonial nation-states.

Kymlicka is even less clear as to whether his conception of Indigenous self-determination/self-government would grant or deny Indigenous peoples the freedom and autonomy to develop economies that challenge the capitalist forms of development and social relations indicative of most colonial liberal nation-states. For instance, at two different points in *Finding our Way*, Kymlicka simply assumes that “national minorities” seek a greater degree of *inclusion* into the capitalist economies of surrounding states. In fact, according to Kymlicka, enabling this inclusion is one of the benefits of multinational federalism: that is, it not only establishes constitutional protection of national minority “self-government,” but also provides the “economic, military, and socio-cultural benefits” of participation in larger state and trans-state economic and political systems.⁹⁰ And for those few national minorities that have a justifiable claim to a state of their own, they can access “economic markets” and gain “military security” in international arrangements such as the European Community and the North American Free Trade Agreement (NAFTA).⁹¹ Here Kymlicka seems to situate the demands of national minorities within capitalism, not against it.

However, with regard to Indigenous national minorities, Kymlicka contradictorily suggests that participation (via self-government) within a large and powerful nation-state may constitute the only effective means of *countering* the oppressive tendencies of “global

⁹⁰ Kymlicka, *Finding Our Way*, 135.

⁹¹ *Ibid.*, 171.

economic and political trends.”⁹² So for some national minorities, participation in larger states and state systems can enable better access into global capitalist economies, and for other national minorities (Indigenous peoples, for example) participation in larger capitalist states can serve as protection against global markets.

Given his obfuscated and seemingly contradictory approach to the subject, I believe that the extent to which Kymlicka’s theory offers a way to protect Indigenous peoples and territories against capitalist exploitation and modes of economic resource development can be better understood through an analysis of the distributive quality of his argument. Put simply, Kymlicka frames the national minority rights of Indigenous groups within a theory of distributive justice.⁹³ Generally speaking, the primary goal of any distributive justice theory is to lay down the principles required to distribute the benefits and burdens of society in a more just and equitable manner. Following this logic, before any special rights can be assigned (in this case, Indigenous peoples’ rights to land and resources) to a specific cultural group, it first has to be shown that the “actual operation of the economic [or cultural] marketplace works to the disadvantage”⁹⁴ of the group in question. Once this burden of proof has been met, special protective rights can be provided to the disadvantaged group as a means of rectifying the inequalities they face. However, concerning territorial rights afforded to Indigenous peoples, Kymlicka adds:

The equality argument for special rights and resources is not unlimited. At some point, additional resources assigned to indigenous peoples would not be necessary to protect them against vulnerabilities, but rather would simply provide unequal opportunities to them. In these circumstances—which may not exist anywhere on the globe—indigenous peoples would have an obligation to redistribute some of their wealth to other peoples. Even in these circumstances, the exact form of redistribution is important. Given the dependence of indigenous peoples on their

⁹² Kymlicka, “Indigenous Rights,” 143.

⁹³ Kymlicka, *Multicultural Citizenship*, 110; Turner, “Liberalism’s Last Stand,” 143.

⁹⁴ Kymlicka, “Indigenous Rights,” 147.

land, a radical redistribution of resources could have devastating effects of the sustainability of the culture. Indigenous peoples should be given the time to 'progressively economize' on their use of resources, and thereby adapt their cultures to the requirements of justice.⁹⁵

Thus, Indigenous peoples as minorities are entitled to special land rights so long as those rights do not unjustly disadvantage other groups in the cultural marketplace, including the cultures of the surrounding setter-state. This has led Dale Turner to suggest that Kymlicka's reliance on a distributive model of justice for Indigenous peoples "leads to a weaker form of [Indigenous] sovereignty, because the rights [to land and] governance are recognized only to the extent that they do not trump the sovereignty of the state."⁹⁶ Also, if Kymlicka accepts economic trade agreements like NAFTA, one can reasonably assume that his model of distributive justice works in concert with global capitalism, rather than in opposition to it.

Although Kymlicka's self-government model seems to imply that Indigenous peoples would maintain control over their lands and institutions, his commitment to a capitalist model of distributive justice may actually serve to undermine any claims that an Indigenous group might have to exclusive jurisdiction over their territorial resource base. If this is the case, Indigenous peoples will likely find themselves powerless and unable to stop unwanted settlement and capitalist development if it is shown that by preventing such activities Indigenous groups are "unjustly" denying the state or other cultural groups access to scarce land and resources. In this sense, Indigenous cultural rights are always subject to, and weighed against, the demands of the colonial society.

In *Peace Power Righteousness: An Indigenous Manifesto*, Taiaiake Alfred identifies a core problem with utilizing distributive models of justice as a means of

⁹⁵ Ibid.

⁹⁶ Turner, "Liberalism Last Stand," 143.

addressing the economic and political claims of Indigenous peoples. According to Alfred, the “form of distributive or social justice promoted by the state today depends on the development of industry and enterprises to provide jobs for people and revenue for government institutions. Most often – especially on Indigenous lands – those industries and enterprises centre on the extraction of resources. Trees, rocks and fish become commodities whose value is calculated solely in monetary terms without reference to the spiritual connection between them and indigenous peoples. From a traditional point of view, this is an extreme devaluation of nature.”⁹⁷ It is unclear as to whether Kymlicka’s distributive theory is capable of providing any more protection than the capitalist/statist model condemned by Alfred. On the contrary, Kymlicka appears to situate Indigenous struggles for recognition and distribution directly within a capitalist framework.⁹⁸

As illustrated by the testimony of Philip Blake in the previous chapter, the Dene were willing to consider sacrificing their nationhood if it meant that the world would benefit from the lands and resources of the Dene people. In Blake’s own words: “If our Indian nation is being destroyed so that poor people of the world might get a chance to share this world’s riches, *then as Indian people*, I am sure we would seriously consider giving up our resources [emphasis added].”⁹⁹ In the context of 1970s Dene nationalism, then, we can safely assume that Dene were willing to abide by some form of distributive justice. The problem with Kymlicka’s distributive model, however, is *the disrespectful manner* in which Indigenous lands and resources would be treated in the process of

⁹⁷ Taiaiake Alfred, *Peace Power Righteousness: An Indigenous Manifesto* (Don Mills, Oxford University Press, 1999), 61.

⁹⁸ Nancy Fraser has argued that liberal distributive justice remedies like the one advanced by Kymlicka, tend to seek a limited redistribution of resources in a manner that leaves intact the deep structures of economic domination that prompt demands for recognition and redistribution to begin with. Nancy Taylor, “From Redistribution to Recognition: Dilemmas of Justice in a ‘Postsocialist’ Age,” in *Justice Interruptus: Critical Reflections on the ‘Postsocialist’ Condition* (New York: Routledge, 1997).

⁹⁹ Philip Blake, “Statement to the Mackenzie Valley Pipeline Inquiry,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University Of Toronto Press, 1977), 8.

(re)distribution. From the perspective of the Dene it was simply immoral to exploit the land and other living elements of Creation for profit and personal gain, regardless of whether this occurred at an individual or collective level. Thus, in the 1970s, the Dene were not merely seeking a more just and equitable distribution of resources in the current model of capitalist economic development – they were looking to *transform* the meaning and practice of development itself.¹⁰⁰ For the Dene, the clearest path to the realization of this transformation was the full recognition of their identity as a self-determining nation.

Conclusion

As noted at the outset of Chapter One, James Tully has suggested that western political theory can “serve to either legitimize or delegitimize the colonization of indigenous peoples and their territories.”¹⁰¹ Unfortunately, however, with “a few notable exceptions, western political theory has played the role of legitimation in the past and continues to do so today.”¹⁰² The purpose of this chapter has been to illustrate how the theory and practice of “cultural recognition” can serve to perpetuate state hegemony over the lives and territories of Indigenous peoples, and can therefore function to legitimize their continued colonization.

Although Kymlicka rejects the “domestication” of Indigenous rights and nationhood in its most obvious manifestation – that is, he opposes Canada’s unjust policy of requiring the surrender of Aboriginal rights and title in exchange for land and self-government settlements¹⁰³ – I contend that his theory nevertheless supports a more subtle type of domestication by advocating a weaker form of Aboriginal self-government to be

¹⁰⁰ See Peter Puxley, “The Colonial Experience,” in *Dene Nation: The Colony Within*, ed. Mel Watkins (Toronto: University of Toronto Press, 1977), 114-115.

¹⁰¹ Tully, “The Struggle of Indigenous Peoples,” 43.

¹⁰² *Ibid.*

carved out of the political and economic jurisdiction of colonial capitalist nation-states. Although he uses the vernacular of self-determination and federalism, which suggests that he is willing challenge the legitimacy of colonial-capitalist state sovereignty over the land and lives of Indigenous peoples, he does so in manner that still positions Indigenous claims to freedom and equality against the backdrop of the seemingly universal settler-state. The unfavourable positioning of Indigenous claims against the interests of colonial states occurs both directly and indirectly: directly via the allocation of cultural rights to self-government within the boundaries of existing state sovereignty; and indirectly via a model of distributive justice that situates the claims of Indigenous peoples against the demands of larger, more populated colonial-capitalist states and societies.

Thus, even though Kymlicka employs the language of “equality” and “distributive justice” in his defence of differentiated rights for Indigenous “national minorities,” he does so in a manner that limits the ability of Indigenous peoples to claim rights and recognition beyond the realm of culture. As demonstrated earlier, Canada and the Northwest Territories also utilized the language of “equality,” but with the intent of denying the recognition of Dene nationhood and self-determination on the grounds that this would discriminate against other “Canadians” on the basis of race. Interestingly enough, by framing the debate solely in terms of cultural rights, *both* Kymlicka and the Governments of Canada and the NWT systematically deny Indigenous peoples the right to effectively assert jurisdiction over aspects of their identity not directly related to “cultural survival,” *as defined by others*. This type of argument fails to effectively question the legitimacy of settler-state sovereignty, and by extension the unjust nature of colonization itself. In this sense, although framing “Aboriginal rights in the politics of [cultural] difference (without the universal demand for freedom that underlies and

¹⁰³ Kymlicka, “Ethnocultural Justice,” 76.

justifies it) has thus ushered in a higher degree of internal autonomy for indigenous peoples within the colonial system.... [it nevertheless,] denies indigenous peoples the right to appeal to universal principles of freedom and equality in struggling against injustice, precisely the appeal that would call into question the basis of internal colonization.¹⁰⁴ As I have amply demonstrated, although Kymlicka's argument for self-government appears to provide Indigenous groups a greater degree of "internal autonomy," I contend that by denying Indigenous peoples the right to appeal to universal principles of justice based on their status as equal and self-determining peoples, Kymlicka's self-government model will always be subject to the will and demands of the colonial-capitalist state and society.

¹⁰⁴ Tully, "The Struggle of Indigenous Peoples," 47.

CHAPTER FOUR – CONCLUSION: ANARCHO-INDIGENISM AS THE PRACTICE OF FREEDOM

Instead of freeing indigenous peoples from [the] long standing structure [of internal colonization], the struggle for recognition has tended to reproduce it in an altered and ameliorated form, without effectively challenging, negotiating, and modifying the deeply sedimented forms of colonial conduct on part of both non-indigenous and indigenous peoples, which in fact sustain it. If indigenous peoples are to foster and manifest an indigenous ways of being in the world, then formal [recognition] in itself is not enough: it must be accompanied by the appropriate strategy of freedom.¹

James Tully

I myself am an anarchist, but of another type.²

Mahatma Gandhi

Introduction

So far this thesis has demonstrated the limited utility of a politics of *selective* recognition for transforming the colonial relations of power that currently maintain the *unfreedom* of the Dene people vis-à-vis the Canadian nation-state. As illustrated in the previous chapters, when the Dene leveled their demand to be recognized as a free and equal nation, with a right to fully develop their multifaceted identity in a context liberated from the disintegrating effects of colonial-capitalist exploitation and domination, they were in effect stabbing at the heart of Canada's assumed economic and political jurisdiction over the land and people of Denendeh. However, rather than enter into a mutual and meaningful dialogue with the Dene Nation, Canada declared its superiority by stating that it would

¹ James Tully, "Democracy and Globalization: A Defeasible Sketch," in *Canadian Political Philosophy: Contemporary Reflections*, eds. Ronald Beiner and Wayne Norman (Don Mills: Oxford University Press, 2000), 54.

² Mahatma Gandhi, *The Essential Gandhi: An Anthology of His Writings on His Life, Work, and Ideas*, ed. Eknath Easwaran (New York: Vintage Books, 2002), 114.

grant limited recognition and protection for certain aspects of Dene “culture,” but within its unproblematic political framework (domestication), and without challenging capitalist economic/social relations.

A similar trend was identified in the work of Will Kymlicka. Although Kymlicka’s recognition-based theory of minority rights justifies the allocation of self-government rights aimed at preserving the “societal cultures” of threatened “national minorities,” several scholars have suggested that his over-emphasis on promoting recognition and protection for “cultural difference” alone, fails to seriously consider identity-based political claims founded on Indigenous peoples’ status as equal and self-determining nations. And with regard to economic relations, although Kymlicka suggests that *intra*-state recognition of Indigenous cultural difference provides the surest means of protecting Indigenous peoples from global economic forces,³ in the end he still appears to situate the claims of Indigenous peoples within the overall economic structure of capitalism. Thus, although Kymlicka’s liberal theory of recognition “allows for diversity of cultures 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 ‘national’ status will thereby acquire a *subordinate* articulation with a *capitalist state*.”⁴

However, because the Dene viewed the land and environment (*dè*) as an integral aspect of their collective sense of self, they logically considered the profoundly disrespectful and destructive treatment of *dè* under state-sanctioned forms of capitalist development as a literal attack against their identity, freedom, and way of life.

³ For a refutation of this type of claim – that the liberal nation-state offers “protection” from global capitalism – see Richard Day, “Who is this ‘we’ that gives the gift? Native American Political Theory and the Western Tradition,” in *Critical Horizons* 2, Number 2 (2001), 187, 189 [hereafter, Day, “Native American Political Theory”]; and Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2000), 304-350.

⁴ Day, “Native American Political Theory,” 187.

Subsequently, I conclude that the selective form of cultural recognition offered to the Dene by Canada, and the recognition-based model of liberal pluralism later theorized by Kymlicka, *both* fail to challenge the very imperial relations of power that the Dene demand for cultural recognition initially rendered problematic.

With this said, my final chapter will provide a preliminary exploration of a more freedom-orientated, contentious and anarchistic politics of cultural recognition, one that does not posit the contemporary liberal-capitalist nation-state as a “natural backdrop” to, or necessary party in, negotiations for the recognition of Indigenous identities. This is an important strategy to consider for two reasons, both of which I will discuss at length below. First, since the emergence of the Dene nationalist movement in the 1970s, not a single Indigenous community in Canada has been able to negotiate their freedom via the *full and equal* recognition of their nationhood vis-à-vis the Canadian state. And second, today numerous Indigenous activists and communities are demanding recognition for cultural traditions and identities articulated in opposition to oppressive practices linked with contemporary liberal state forms of social, economic, and political organization. As Richard Day aptly demonstrates in his essay, “Who is this ‘we’ that gives the gift? Native American Political Theory and the Western Tradition,” these re-articulated traditions and identities not only defy capitalism and capitalist forms of economic development (as the Dene did in the 1970s), but also oppose notions of power and authority founded on the statist concept of “sovereignty;” hierarchical structures of bureaucracy and decision-making associated with mass-representative democracies; and the pervasiveness of colonial-gender oppression in Indigenous communities.⁵ Thus, for a politics of cultural recognition to be truly effective, it must be willing and able to accommodate the free

⁵ Ibid., 182-186.

articulation of these radical expressions of Aboriginality – a project the liberal colonial nation-state is not likely to fully endorse.

The Pervasiveness of Selective Recognition

Canada's use of the theory and practice of "cultural recognition" to maintain and justify colonial hegemony over the land and lives of Indigenous peoples has not been limited to the struggle of the Dene Nation. In fact, Michael Asch has written extensively on a process analogous to what I have termed "selective recognition" in the context of Aboriginal rights in Canada.⁶ In "From Calder to Van der Peet: Aboriginal Rights and Canadian Law, 1973-96," for example, Asch exposes Canada's *repeated* attempts at separating Indigenous demands for cultural recognition from the constitutive political foundation that informs such demands.⁷ Here Asch contends that, between 1973 and 1996, the Canadian federal government and the Supreme Court of Canada both consistently denied recognizing the "fundamental political rights" of Indigenous nations, and instead opted to recognize certain "way-of-life" rights based largely on the cultural "distinctiveness" of Aboriginal societies. Even though these "way-of-life" rights (which typically include rights associated with the protection of traditional cultural and economic activities such as hunting, fishing and trapping)⁸ have garnered an unprecedented amount of protection for Aboriginal cultural practices *within* the Canadian state, they nevertheless

⁶ It is interesting to note that Asch worked closely with the Dene people during the formative years of their struggle for national recognition and self-determination.

⁷ Michael Asch, "From Calder to Van der Peet: Aboriginal Rights and Canadian Law, 1973-1996," in *Indigenous Peoples' Rights in Australia, Canada, and New Zealand*, ed. Paul Havemann (New York: Oxford University Press, 1999). [hereafter, Asch, "From Calder to Van der Peet"]

⁸ *Ibid.*, 432-433

fail to challenge the profoundly racist and colonial origin of Canada's assumed sovereignty over the lives and territories of Indigenous peoples.⁹ Thus,

despite such crucial events as the patriation of the Constitution and constitutional conferences on Aboriginal rights, the Aboriginal rights discourse of this period has achieved *no progress with respect to fundamental political rights flowing from abstract principles*. ... The problem may be described in this way: on the basis of abstract principles, indigenous peoples must be presumed to hold fundamental political rights from their original self-determining status. Therefore, it is incumbent upon those who would deny them these rights to demonstrate either that indigenous peoples, unlike other peoples, never held them or that the rights were legitimately extinguished after European settlement [emphasis added].¹⁰

Although Canada and its courts have shown a willingness to recognize and protect Aboriginal "cultural difference" through the allocation of cultural rights, they have nevertheless overwhelmingly proved that they are unwilling to do so if such recognition threatens or challenges the economic and political sovereignty of the state.

Perhaps the most lucid example of Canada's arrogant refusal to recognize the equal and self-determining status of Indigenous peoples was expressed in the defence submitted by the Attorney General of Canada in 1991's *Delgamuukw v. R.* In response to the Gitksan-Wet'suwet'en peoples' demand for the full recognition of their right to govern themselves and their traditional territories, the Attorney General wrote: "Ownership and jurisdiction constitute a claim to sovereignty. If the Plaintiffs ever had sovereignty, it was extinguished completely by the assertion of sovereignty by Great Britain."¹¹ And when the Supreme Court of Canada finally had its say on the matter in its 1997 decision *Delgamuukw v. British Columbia*, it declared that any residual Aboriginal rights and title that may have survived the assertion of Crown sovereignty could be infringed upon by the

⁹ Asch argues that Canadian sovereignty rests on the bigoted assumption that Indigenous peoples were too primitive to have fundamental political rights (self-determination) worthy of recognition at the time of contact.

¹⁰ *Ibid.*, 438.

¹¹ Quoted in Asch, "From Calder to Van der Peet," 444.

federal and provincial governments, as long as such infringement “(1) furthers a compelling and substantial legislative objective, and is (2) consistent with the special fiduciary relationship between the Crown and the aboriginal peoples.”¹² What “substantial objectives” might justify infringement? According to the Court, virtually any profitable 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”.¹³ So, today it appears, much as it did in the context of the Dene struggle thirty years ago, that Canada will only recognize the rights and identities of Indigenous people if it does not jeopardize the state’s ability to exploit the land and resources within “its” borders.

Indigenous Nationhood and the State: Conflicting Ideologies

The second reason why I think it is important that Indigenous peoples consider adopting a more anarchistic approach to the politics of cultural recognition is that many Indigenous scholars, activists, and communities are beginning to demand recognition for cultural traditions and identities that radically oppose liberal state forms of economic and political domination. One of the most prominent Indigenous theorists involved in this political project is Kanien’kehaka scholar Taiaiake Alfred. In his *Peace Power Righteousness: An Indigenous Manifesto*, for example, Alfred outlines a self-determination strategy that largely opposes the use of colonial-state constructs in Indigenous political struggles.¹⁴ Instead, Alfred calls for the revitalization and implementation of traditional systems of

¹² Quoted in James Tully, “Aboriginal Peoples: Negotiating Reconciliation,” in *Canadian Politics 3rd Edition*, eds. James Bickerton and Alain G. Gagnon (Peterborough: Broadview Press, 1999), 413.

¹³ Ibid.

¹⁴ Taiaiake Alfred, *Peace Power Righteousness: An Indigenous Manifesto* (Don Mills: Oxford University Press, 1999), 59-69. [hereafter, Alfred, *Peace Power Righteousness*]

governance, based on “values that challenge the destructive and homogenizing force of Western liberalism and free market capitalism; that honour the autonomy of individual conscience, non-coercive authority, and the deep interconnection between human beings and the other elements of creation.”¹⁵

Of particular concern for Alfred is the current tendency of Indigenous communities to organize their political struggles around the statist concept of “sovereignty.” Whereas Indigenous political philosophies generally stress the importance of maintaining free, equal, and reciprocal relations between human beings, the land, and all other elements of Creation, “state sovereignty” emphasizes the state’s absolute and hierarchical authority over a defined territory and constituency.¹⁶ The “traditional Aboriginal nationhood” envisioned by Alfred, however, stands “in sharp contrast to the dominant understanding of ‘the state’: there is no absolute authority, no coercive enforcement of decisions, no hierarchy, and no separate ruling entity.”¹⁷ According to Alfred, when Indigenous peoples uncritically make claims to sovereignty, they tend to implicitly accept “the state as their model” and thus allow “indigenous political goals to be framed and evaluated according to a ‘statist’ pattern.”¹⁸ When this happens, Indigenous peoples run the risk of simply replicating the worst manifestations of state domination within their own communities and governance structures.

On a related issue, many Indigenous identity claims also challenge those instances of “rational-bureaucratic domination” that occur through Aboriginal forms of “self-government.”¹⁹ Day makes this point well, when he quotes Marie Smallface Marule’s

¹⁵ Ibid., 60.

¹⁶ Menno Boldt and J. Anthony Long, “Tribal Traditions and European-Western Political Ideologies,” in *The First Ones: Readings in Indian/Native Studies*, eds. David Miller, Carl Beal, James Dempsey, and R. Wesley Heber (Piapot Indian Reserve: Saskatchewan Indian Federated College Press, 1992), 277-280.

¹⁷ Alfred, *Peace Power Righteousness*, 56.

¹⁸ Ibid., 56.

¹⁹ Day, “Native American Political Theory,” 185.

suggestion that “there is a belief among some of our Indian people that by replacing the white bureaucrats...with brown people, we will remedy all that is wrong with our situation.”²⁰ The Dene were also very cognizant of this tendency during the formative years of their self-determination movement. In the words of George Barnaby: “If we go through a whole Dene movement and we end up with native people just giving orders to their own people, we’re no better off than now, when white people order us around.”²¹ As an alternative to self-government models that merely mimic the “imposed timetables, political hierarchy, and parliamentary rule”²² of state bureaucracies, some Indigenous communities have demanded the re-implementation of “direct democracy,” or “consensus”-based approaches to political organization. Leroy Little Bear, for example, would like to see consensus decision-making adopted “in all aspects of Aboriginal life, including decisions governing external relations, the utilization of resources, movements within the Aboriginal territory, and the education of the younger generation.”²³ As Day has insightfully identified, these Indigenous voices advance “a line of thought that is consonant with the Weberian critique of rationalization” in suggesting that the “structures and processes of bureaucracies are oppressive and inefficient as such, regardless of whether they are imposed from the outside, or chosen from inside the community.”²⁴

Where Indigenous communities have not abandoned mobilizing around the “sovereignty” concept altogether, many have appropriated and re-defined it in a manner consistent with their particular traditions and values. Thus, instead of adopting a statist notion of sovereignty with its presumed relations of power, many Indigenous communities

²⁰ Ibid.

²¹ Quoted in June Helm, *The People of Denendeh: Ethnohistory of the Indians of Canada's Northwest Territories* (Montreal: McGill-Queen's University Press, 2000), 267.

²² Ibid.

²³ Leroy Little Bear, “Jagged Worldviews Colliding,” in *Reclaiming Indigenous Voice and Vision*, ed. Marie Battiste (Vancouver: University of British Columbia Press, 2000), 80.

²⁴ Richard Day and Tonio Sadik, “The BC Land Question, Liberal Multiculturalism, and the Spectre of Aboriginal Nationhood,” *BC Studies* Number 134 (Summer 2002), 26.

advance a concept similar to “popular sovereignty” in their liberation efforts. Popular sovereignty situates political power in the hands of the people, rather than the nation-state. According to Diné scholar Robert Yazzie, in the context of Indigenous struggles, this articulation of sovereignty “starts from within” and involves “nothing more than taking control of our personal lives, our families, our clans, and our communities. To do that we must return to our traditions, because they speak to right relationships, respect, solidarity, and survival.”²⁵

Patriarchy is yet another manifestation of oppression that many Indigenous women have come to view as inseparable from the liberal-colonial state.²⁶ In this respect, Kanien’kehaka scholar Patricia Monture-Angus has argued that the Canadian state – with its *Indian Act*, residential schools, and reserve system – is the ultimate “invisible male perpetrator [of violence against Aboriginal women] who unlike Aboriginal men does *not* have a victim face.”²⁷ Here, Monture-Angus argues against the Native Women’s Association of Canada (NWAC), which maintains the position that Aboriginal self-government must be accountable to the state’s *Charter of Rights and Freedoms*. While Monture-Angus shares with the NWAC a commitment to ending *all* acts of violence against Aboriginal women, she nevertheless challenges the organization’s apparent acceptance of the colonial state as an appropriate vehicle for achieving gender emancipation. According to Monture-Angus, NWAC’s reliance on the state for the protection of Aboriginal women’s rights simply fails to acknowledge Canada’s history of

²⁵ Robert Yazzie, “Indigenous Peoples and Postcolonial Colonialism,” in *Reclaiming Indigenous Voice and Vision*, ed. Marie Battiste (Vancouver: University of British Columbia Press, 2000), 47.

²⁶ Day, “Native American Political Theory,” 186.

²⁷ Patricia Monture-Angus, *A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 1995), 175.

“legally sanctioned violence” against Aboriginal women,²⁸ and that racism, sexism and colonialism form an entwined system of domination and exploitation.²⁹

Monture-Angus’ insightful suggestion that the colonial state represents a manifestation of patriarchal domination is supported by much non-Native feminist literature as well. Wendy Brown, for example, provides an excellent critical assessment of contemporary state-centred feminist politics in her book, *States of Injury: Power and Freedom in Late Modernity*.³⁰ Here, Brown exposes a paradox in feminism’s “turn toward the state” in its effort to redress practices of male domination: when women seek their emancipation by employing “the state” as a guardian and/or protector of their rights and interests, they run the risk of further entrenching the patriarchal “mechanisms and configurations of power” that they seek to oppose.³¹ According to Brown, at least one reason why this tends to happen is because “domination, dependence, discipline and protection, the terms marking the itinerary of women’s subordination in vastly different cultures and epochs, are also characteristic effects of state power [emphasis added]”.³² Thus, when women turn to the state in their liberatory efforts, they risk the “possibility of reiterating rather than reworking the condition and construction of women [and women’s oppression] [emphasis added].”³³

I have included the above discussion of contemporary Indigenous perspectives on “traditional Aboriginal nationhood” in an effort to further expose the constraint that any politics of cultural recognition that seeks to reconcile Indigenous expressions of nationhood with colonial-capitalist state sovereignty will encounter. As this discussion

²⁸ Ibid.

²⁹ Day, “Native American Political Theory,” 186.

³⁰ Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (New Jersey: Princeton University Press, 1995).

³¹ Ibid., 3

³² Ibid., 173

³³ Ibid.

has demonstrated, for a politics of cultural recognition to facilitate the freedom and well being of *all* Indigenous people – specifically, freedom from capitalist, rational-bureaucratic, and patriarchal forms of domination and exploitation – it must be willing and able to challenge the liberal-capitalist state’s seemingly universal role in negotiations for the recognition of Indigenous identities. If it does not, Indigenous peoples will likely never be recognized for the full, free, and equal nations that they are.

Anarchism and Indigenous Peoples

Given the insurmountable disparities that seem to exist between Indigenous and state perspectives on the politics of cultural recognition, along with the fact that selective recognition seems to be the norm and not the exception when Indigenous peoples choose to negotiate the recognition of their identities with the state, I suggest that Indigenous communities reject the state’s role as arbiter in recognition-based politics altogether. Put differently, I recommend that Indigenous peoples adopt an anarchist, or rather “anarcho-indigenist,”³⁴ approach to the politics of recognition.

As a diverse field of political theory and practice, anarchism “does not offer a fixed body of doctrine based on one particular world-view.”³⁵ Instead, it is better understood as an “open-ended” and “thematic” philosophy, “identified by certain orientations and concerns, rather than through the presentation of a special brand of metaphysics and rounded system of politics.”³⁶ For the purposes of this thesis, however, several important “thematic” characteristics of socialist anarchist thought resonate in the contemporary identity-related political struggles and discourses of many North American Indigenous peoples. For example, anarchists, like those advocates of “traditional Aboriginal

³⁴ I thank Taiaiake Alfred for introducing me to the term anarcho-indigenism.

³⁵ Frank Harrison, *The Modern State: An Anarchist Analysis* (Montreal: Black Rose Press, 1983), 13.

³⁶ *Ibid.*

nationhood” discussed above, view freedom from domination as the ultimate objective of political struggle; both seek alternatives to hierarchical and coercive forms of governmental authority; both deny that the state can be effectively used as a vehicle to end social ills;³⁷ both understand capitalism as a hindrance to human freedom and environmental well being;³⁸ as of late, both emphasize the absolute necessity of ending the domination of women; and finally, both aspire to construct social, political, and economic relationships based on model of federalism that emphasizes mutual aid and reciprocity, as well as freedom and autonomy.³⁹

The obvious overlap between anarchist and Indigenous discourses on these matters has inspired Richard Day to propose for a very interesting and radical politics of cultural recognition based on a revamped construction of Proudhonian anarchist-federalism.⁴⁰ Aligning Proudhon’s federalist ideal with the Haudenosaunee concept of *kaswentha*, or “Two-Row Wampum,” Day suggests that Proudhon advocates what liberal recognition-based theories of multinationalism have failed to: that is, political relationships based on the “*equal and reciprocal*” recognition of diverse identities, where each contracting party retains “more sovereignty and a greater scope of action than they give up.”⁴¹ According to Proudhon, the point of “progressive federalism” is to order political relationships from the

³⁷ Even though recent anarchist theory has attempted to provide a more thorough and intricate account of power relations, one which does not posit “the state” and/or “power” as universally oppressive and pyramidal in structure, I contend that the *universal* treatment of oppressive state power in classical anarchist thought carries significant weight when used to analyse the *particular* relationship between Indigenous peoples and *colonial* states. For as Peter Kropotkin correctly observed over a century ago, the process of *state formation* has historically served to “displace the *free* confederations of tribes, communities, tribal groups, [and] villages...and [has given] minorities terrible support in enslaving the masses.” Quoted in Martin Buber, *Paths in Utopia* (Syracuse: Syracuse University Press, 1996), 38. For a contemporary anarcho-poststructuralist approach to power relations, see, Todd May, *The Political Philosophy of Poststructuralist Anarchism* (University Park: Pennsylvania State University Press, 1994).

³⁸ Murray Bookchin, *The Philosophy of Social Ecology: Essays on Dialectical Naturalism* (Montreal: Black Rose Press, 1990).

³⁹ For a comprehensive discussion of the tenants of anarchism alluded to here, see, Peter Marshall, *Demanding the Possible: A History of Anarchism* (London: Fontana Press, 1992). [hereafter, Marshall, *Demanding the Impossible*]

⁴⁰ Day, “Native American Political Theory,” 191-193.

⁴¹ Proudhon quoted in *Ibid.*, 191.

bottom up, thus ensuring “more powers for the citizen than for the state, and for municipal and provincial authorities than for the central power”.⁴² As Murray Bookchin has commented, in such an arrangement “no policy...is democratically legitimate unless it has been proposed, discussed, and decided upon by the people directly”.⁴³ If this principle is ignored, the “confederated states are reduced to administrative districts, branches or local offices...[and] will no longer be...constituted by a plenitude of anomalies, it will no longer be a confederation... the republic will become unitary...and will be on the road to despotism.”⁴⁴ As Day notes, unlike liberal multinational federalism, anarcho-federalist systems have no “hovering sovereign” imbued with the power to bestow rights upon subordinate identities.⁴⁵ In fact, quite the opposite is the case, for in anarchist federal arrangements each autonomous entity grants rights “to the larger and broader levels of the federation.”⁴⁶

Also unlike liberal recognition-based theories of multinationalism, anarchist federal arrangements reject capitalism as both a desired and legitimate mode of social and economic organization. Alternatively, Proudhon suggests that economic relations be organized into “agro-industrial federations” that stress mutualism, individual and collective economic equality, equalization of taxes, and education for all citizens. According to Proudhon, political reform without radical economic change will destabilize and ultimately destroy federal relationships. In his own words:

However impeccable in its logic the federal constitution may be, and whatever practical guarantees it may supply, it will not survive if economic factors tend persistently to dissolve it. In other words, political right requires to be buttressed by economic right. If the production and distribution of wealth are given over

⁴² Pierre-Joseph Proudhon, *The Principle of Federation*, ed. Richard Vernon (Toronto: University of Toronto Press, 1979), 45.[hereafter, Proudhon, *The Principle of Federation*]

⁴³ Murray Bookchin, *Remaking Society* (Montreal: Black Rose Press, 1989), 175.

⁴⁴ Quoted in Day, “Native American Political Theory,” 191

⁴⁵ Day, “Native American Political Theory,” 191.

⁴⁶ *Ibid.*

to chance; if the federal order serves merely to preserve the anarchy of capital and commerce; if, as a result of this misguided anarchy, society becomes divided into to classes – one of landlords, capitalists, and entrepreneurs, the other of wage-earning proletarians, one rich the, other poor – then the political order will still be unstable. The working class, the most numerous and poorest of the classes, will eventually regard it as nothing but a trick; the workers will unite against the bourgeois, who will in turn unite against the workers; and federation will degenerate into unitary democracy, if the people are stronger, or, if the bourgeoisie is victorious, into a constitutional monarchy.⁴⁷

Thus, for Proudhon one of the purposes of “progressive federalism” is to protect “the citizens of the federated states from capitalist and financial exploitation, both within them, and from the outside.”⁴⁸ As one might gather, this is a far different conceptualization of federalism than that advanced by Kymlicka, who problematically situates national minority struggles within capitalism.

Conclusion

Although it can and has been argued that radically decentralized federal systems such as the one proposed by Proudhon are utopian, unrealistic, and cannot withstand or even co-exist with centralized forms of political organization,⁴⁹ I believe that such arguments miss the truly inspiring message underlying the anarchist vision: that is, effective social transformation can and will only occur if one makes it happen. In this respect, an anarcho-indigenist strategy seeks to end colonial state-sanctioned violence, exploitation and domination, *not* by demanding more protection and rights within the institutional and discursive structure of the colonial-capitalist state, but by *creating* new relationships that

⁴⁷ Proudhon, *The Principle of Federation*, 67.

⁴⁸ *Ibid.*, 70.

⁴⁹ Day discusses these objections in “Native American Political Theory,” 192. Will Kymlicka also makes a similar argument when he suggests that “too much decentralization of [state] power may result, not in the empowering of small communities, but simply in leaving everyone powerlessness in the face of global economic and political trends.” Will Kymlicka, “Indigenous Rights and Environmental Justice,” in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Don Mills: Oxford University Press, 2001), 143.

simply refuse to involve the state altogether.⁵⁰ Thus, in this last chapter it has not been my intention to comprehensively map out the structure of an anarcho-indigenous theory of recognition. Rather, my purpose here has been to briefly introduce what I see as the beginnings and possibilities for a new direction in the politics of cultural recognition. My reasoning for this is simple: if the politics of cultural recognition views the state as the ultimate adjudicator in negotiations for the recognition of Indigenous identities, then it will never be able to fully recognize the growing number of Indigenous nations that demand recognition for identities that challenge liberal state forms of economic, social, and political organization. The Canadian state's role in a radicalized politics of cultural recognition, therefore, would be to simply back off, and provide Indigenous and other people a space of "free-play" in which they can truly negotiate the mutual recognition of each other's identities.⁵¹ Until such a politics occurs, I contend that Indigenous peoples must assertively practice their freedom by resisting their further incorporation into colonial-capitalist state structures.

⁵⁰ In this respect, several Dene communities have begun to successfully initiate "back to the land" programs that have simultaneously reduced their dependence on financial support from the state and have also served to facilitate the re-introduction of traditional philosophical values. Also in the context of the Dene, another traditionally-consistent way to avoid exploitative modes of state organization might be to revisit the northern Aboriginal co-operative movement.

⁵¹ Richard Day, *Multiculturalism and the History of Canadian Diversity* (Toronto: University of Toronto Press, 2000), 225.

Bibliography

- Abel, Kerry. *Drum Songs: Glimpses of Dene History*. Montreal: McGill-Queen's University Press, 1994.
- Aboriginal Rights and Constitutional Development Secretariat. "Discussion Paper on the Denendeh Government Proposal." Working paper prepared for the Special Committee of the Legislative Assembly of Constitutional Development, 1982.
- Adams, Howard. "Two Kinds of Nationalism." *This Magazine* 8, Number 2 (1974): 13-19.
- Alfred, Taiaiake. *Heading the Voices of our Ancestors: Kahnawake Politics and the Rise of Native Nationalism*. Don Mills: Oxford University Press, 1995.
- . *Peace, Power, Righteousness: An Indigenous Manifesto*. Don Mills: Oxford University Press, 1999.
- . "From Sovereignty to Freedom: Toward and Indigenous Political Discourse." 2000, <http://www.taiaiake.com> (4, June 2003).
- . "Deconstructing the British Columbia Treaty Process." 2001, <http://www.taiaiake.com> (4 June 2003).
- Anaya, James. *Indigenous Peoples in International Law*. New York: Oxford University Press, 1996.
- Andrews, Thomas and John Zoe and Aaron Herter. "On Yamozhah's Trail: Dogrib Sacred Sites and the Anthropology of Travel. In *Sacred Lands, Claims and Conflicts*. Edmonton: Canadian Circumpolar Institute, 1998.
- Asch, Michael, "The Dene Economy." In *Dene Nation: The Colony Within*, edited by Mel Watkins, 47-61. Toronto: University of Toronto Press, 1977.
- . "The Economics of Dene Self-Determination." In *Challenging Anthropology*, edited by David Turner and Gavin Smith, 339-351. Toronto: McGraw-Hill Publishers, 1979.
- . *Home and Native Land: Aboriginal Rights and the Canadian Constitution*. Toronto: Methuen Publications, 1984.
- . "Capital and Economic Development: A Critical Appraisal of the Recommendations of the Mackenzie Valley Pipeline Commission." In *Native Peoples, Native Lands: Canadian Indians, Inuit and Metis*, edited by Bruce Alden Cox, 232-240. Ottawa: Carleton University Press, 1991.

- . "From Calder to Van der Peet: Aboriginal Rights and Canadian Law, 1973-1996." In *Indigenous Peoples' Rights in Australia, Canada, and New Zealand*, edited by Paul Havemann, 428-446. New York: Oxford University Press, 1999.
- . "First Nations and the Derivation of Canada's Underlying Title: Comparing Perspectives on Legal Ideology." In *Aboriginal Rights and Self-Government*, edited by Curtis Cook and Juan Lindau, 148-167. Montreal: McGill-Queen's University Press, 2000.
- . "Aboriginal Rights." In *International Encyclopedia of Social and Behavioural Sciences*, edited by M. Galanter and L. B. Edelman, 1-9. Forthcoming.
- Asch, Michael and Norman Zlotkin. "Affirming Aboriginal Title: A New Basis For Comprehensive Claims Negotiations." In *Aboriginal and Treaty Rights in Canada*, edited by Michael Asch, 208-229. Vancouver: University of British Columbia Press, 1997.
- Barnaby, George, George Kurszewski, and Gerry Cheezie. "The Political System and the Dene." In *Dene Nation: The Colony Within*, edited by Mel Watkins, 120-129. Toronto: University of Toronto Press, 1977.
- Basso, Keith. *Wisdom Sits in Places: Landscape and Language Among the Western Apache*. Albuquerque: University of New Mexico Press, 1996.
- Battiste, Marie ed. *Reclaiming Indigenous Voice and Vision*. Vancouver: University of British Columbia Press, 2000.
- Beiner, Ronald and Wayne Norman. "Introduction." In *Canadian Political Philosophy*, edited by Ronald Beiner and Wayne Norman, 1-14. Don Mills: Oxford University Press, 2001.
- Berger, Thomas. *Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry, Volume One*. Ottawa: Minister of Supply and Services Canada, 1977.
- Blake, Philip. "Statement to the Mackenzie Valley Pipeline Inquiry." In *Dene Nation: The Colony Within*, edited by Mel Watkins, 5-9. Toronto: University of Toronto Press, 1977.
- Blondin, George. *When the World Was New: Stories of the Sahtu Dene*. Yellowknife: Outcrop Northern Publishers, 1991.
- . *Medicine Power*. Hay River: Dene Cultural Institute, 1996.
- . *Yamoria the Lawmaker: Stories of the Dene*. Edmonton: NeWest Publishers, 1997.

- Boldt, Menno and J. Anthony Long. "Tribal Traditions and European-Western Political Ideologies: The Dilemma of Canada's Native Indians." In *The First Ones: Readings in Indian/Native Studies*, edited by David Miller, Carl Beal, James Dempsey, and R. Wesley Heber, 276-284. Saskatoon: SIFC Press, 1992.
- Bookchin, Murray. *Remaking Society*. Montreal: Black Rose Press, 1989.
- . *Philosophy of Social Ecology: Essays on Dialectical Naturalism*. Montreal: Black Rose Press, 1990.
- Brown, Wendy. *States of Injury: Power and Freedom in Late Modernity*. (New Jersey: Princeton University Press, 1995).
- Buber, Martin. *Paths in Utopia*. Boston: Beacon Press, 1958.
- Cardinal, Harold. *The Rebirth of Canada's Indians*. Edmonton: Hurtig Publishers, 1977.
- Catt, Helena and Michael Murphy. *Sub-State Nationalism: A Comparative Analysis of Institutional Design*. New York: Routledge, 2002.
- Chiste, K.B. "Aboriginal Women and Self-Government: Challenging Leviathan." *American Indian Research and Culture Journal* 19, Number 3 (1994): 19-43.
- Churchill, Ward. *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present*. Winnipeg: Arbuter Ring Press, 1998.
- . "The Tragedy and the Travesty: The Subversion of Indigenous Sovereignty in North America." In *Struggle for the Land: Native North American Resistance to Genocide, Ecocide and Colonization*. Winnipeg: Arbeiter Ring Press, 1998.
- Coates, Kenneth and Judith Powell. *The Modern North: People, Politics, and the Rejection of Colonialism*. Toronto: James Lorimer and Company, 1989.
- Cox, Bruce Alden. "Changing Perceptions of Industrial Development in the North." In *Native Peoples, Native Lands*, edited by Bruce Alden Cox, 223-231. Ottawa: Carleton University Press, 1991.
- Dacks, Gurston. *A Choice of Futures*. Toronto: Methuen Publications, 1981.
- Daniel, Richard. "The Spirit and Terms of Treaty 8." In *The Spirit and Intent of the Alberta Indian Treaties*, edited by Richard Price, 47-100. Edmonton: University of Alberta Press, 1999.
- Daniels, Doug. "Dreams and Realities of Dene Government." *The Canadian Journal of Native Studies* 7, Number 1 (1987): 95-110.

- Day, Richard F. *Multiculturalism and the History of Canadian Diversity*. Toronto: University of Toronto Press, 2000.
- . "Who is this we that gives the gift? Native American Political Theory and the Western Tradition." *Critical Horizons* 2, Number 2 (2001): 173-201.
- Day, Richard and Tonio Sadik. "The BC Land Question, Liberal Multiculturalism, and the Spectre of Aboriginal Nationhood." *BC Studies*, Number 134 (Summer 2002): 5-34.
- Dene Nation. *The Dene: Land and Unity for the Native People of the Mackenzie Valley*. Yellowknife: Dene Nation, 1975.
- . "A Proposal to the Government and People of Canada." In *Dene Nation: The Colony Within*, edited by Mel Watkins, 182-187. Toronto: University of Toronto Press, 1977.
- . "Dene Declaration." In *Dene Nation: The Colony Within*, edited by Mel Watkins, 3-4. Toronto: University of Toronto Press, 1977.
- . "Metro Proposal." In *Northern Transitions Volume II: Second National Workshop on People, Resources and the Environment North of 60*, edited by Robert Keith and Janet Wright, 265-266. Ottawa: Canadian Arctic Resource Committee, 1978.
- . *Denendeh: A Dene Celebration*. Yellowknife: Dene Nation, 1984.
- . "Dene General Assembly: Hay River July 5-10, 1988." Yellowknife: Published by the Dene Nation, 1988.
- Dene Nation and the Metis Association of the NWT. "Public Government For the People of the North." Yellowknife: Published by the Dene Nation and the Metis Association of the Northwest Territories, 1981.
- Department of Indian Affairs and Northern Development. "Comprehensive Claims Policy and Status of Claims." March 2002, http://www.ainc-inac.gc.ca/ps/clm/brieff_e.pdf (21 June 2003).
- Devine, Marina. "The Dene Nation: Coming Full Circle." *Arctic Circle* (March/April 1992).
- Dickerson, Mark. *Whose North? Political Change, Political Development, and Self-Government in the Northwest Territories*. Vancouver: University of British Columbia Press, 1992.
- Dirlik, Arif. *Post Modernity's Histories: The Past as Legacy and Project*. Lanham: Rowman and Littlefield, 2000.
- Dosman, Edgar. *The National Interest: The Politics of Northern Development, 1968-75*. Toronto: McClelland and Stuart Limited, 1975.

- Erasmus, George. "We the Dene." In *Dene Nation: The Colony Within*, edited by Mel Watkins, 177-181. Toronto: University of Toronto Press, 1977.
- Evans, Garth M. "The Carrothers Commission Revisited." In *Northern Transitions Volume II: Second National Workshop on People, Resources and the Environment North of 60*, edited by Robert Keith and Janet Wright, 299-305. Ottawa: Canadian Arctic Resources Committee, 1978.
- Fanon, Frantz. *The Wretched of the Earth*. New York: Grove Press, 1963.
- . *Black Skin, White Masks*. New York: Grove press, 1967.
- Foucault, Michel. "The Ethics of the Concern for Self as the Practice of Freedom." In *Ethics, Subjectivity and Truth*, edited by Paul Rabinow. New York: The New Press, 1997.
- Fraser, Nancy. "From Redistribution to Recognition?" In *Justice Interruptus: Dilemmas of Justice in a "Postsocialist" Age*. New York: Routledge, 1997.
- Fumoleau, Rene. *As Long as This Land Shall Last*. Toronto: McClelland and Stuart Publishers, 1974.
- Gandhi, Mahatma. *The Essential Gandhi: An Anthology of His Writings on his Life, Work, and Ideas*, edited by Eknath Easwaran. New York: Vintage Books, 2002.
- Government of the Northwest Territories. "Priorities for the North: A submission to the Honorable 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*, edited by Robert Keith and Janet Wright, 259-264. Ottawa: Canadian Arctic Resource Committee, 1978.
- Gutmann, Amy ed. *Multiculturalism: Examining the Politics of Recognition*. Princeton: Princeton University Press, 1994.
- Haimilia, Wayne. "Directions and Tendencies of the Council of the Northwest Territories with Regard to Native Claims: January 1972 to May 1977." In *Northern Transitions Volume II: Second National Workshop on People, Resources and the Environment North of 60*, edited by Robert Keith and Janet Wright, 306-312. Ottawa: Canadian Arctic Resource Committee, 1978.
- Harrison, Frank. *The Modern State: An Anarchist Analysis*. Montreal: Black Rose Press, 1992.
- Hardt, Michael and Antonio Negri. *Empire*. Cambridge: Harvard University Press, 2000.
- Havemann, Paul. "Indigenous Peoples, the State and the Challenge of Differentiated Citizenship." In *Indigenous Peoples' Rights in Australia, Canada, and New Zealand*, edited by Paul Havemann. New York: Oxford University Press, 1999.

- Helm, June. *The People of Denendeh: Ethnohistory of the Indians of the Northwest Territories*. Montreal: McGill-Queens University Press, 2001.
- Honneth, Axel. "Integrity and Disrespect: Principles of a Conception of Morality Based on a Theory of Recognition." *Political Theory* 20, Number 2 (May 1992).
- Institute for Psycho-Political Research and Education. "Political Development in the Northwest Territories." In *Northern Transitions Volume Two: Second National Workshop on People, Resources, and the Environment North of 60*, edited by Robert Keith and Janet Wright, 314-321. Ottawa: Canadian Arctic Resource Committee, 1978.
- Iverson, Duncan. *Postcolonial Liberalism*. Cambridge: Cambridge University Press, 2002.
- Iverson, Duncan, Paul Patton, and Will Sanders. *Political Theory and the Rights of Indigenous Peoples*. Cambridge: Cambridge University Press, 2001.
- Kymlicka, Will. *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.
- . "Do we need a Liberal Theory of Minority Rights?" In *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Don Mills: Oxford University Press, 2001.
- . "Human Rights and Ethnocultural Justice." In *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Don Mills: Oxford University Press, 2001.
- . "Indigenous Rights and Environmental Justice." In *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Don Mills: Oxford University Press, 2001.
- . "Minority Nationalism and Multination Federalism." In *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Don Mills: Oxford University Press, 2001.
- . *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Don Mills: Oxford University Press, 2001.
- Little Bear, Leroy. "Statement to the Mackenzie Valley Pipeline Inquiry." In *Past and Future Land*, edited by Martin O'Malley, 238-243. Toronto: Peter Martin Associates Limited, 1976.

- . "Aboriginal Rights and the Canadian Gundnorm." In *Arduous Journey: Canadian Indians and Decolonization*, edited by Rick Ponting, 243-259. Toronto: McClelland and Stuart, 1991.
- . "Jagged Worldviews Colliding." In *Reclaiming Indigenous Voice and Vision*, edited by Marie Battiste, 77-85. Vancouver: University of British Columbia Press, 2001.
- Macklem, Patrick. *Indigenous Difference and the Constitution of Canada*. Toronto: University of Toronto Press, 2001.
- Malloch, Lesley. *Dene Government Past and Future*. Yellowknife: Western Constitutional Forum, 1984.
- Maracle, Lee. "Racism, Sexism and Patriarchy." *Our Lives* 2/5. 1988.
- . *I Am Woman: A Native Perspective on Sociology and Feminism*. Vancouver: Press Gang Publishers, 1996.
- Marshall, Peter. *Demanding the Impossible: A History of Anarchism*. London: Fontana Publishers, 1992.
- May, Todd. *The Political Philosophy of Post-Structuralist Anarchism*. University Park: Penn University Press, 1994.
- . "Poststructuralist Anarchism: An Interview with Todd May." *Perspectives on Anarchist Theory* 4/2. 2000.
- McCaskill, Don, Peter Kulchyski and David Newhouse eds. *In the Words of Elders: Aboriginal Cultures in Transition*. Toronto: University of Toronto Press, 1999.
- McFarlane, Peter. *Brotherhood to Nationhood: George Manuel and the Making of the Modern Indian Movement*. Toronto: Between the Lines, 1993
- Memmi, Albert. *The Colonizer and the Colonized*. Boston: Beacon Press, 1991.
- Monture-Angus, Patricia. *Thunder in My Soul: A Mohawk Woman Speaks*. Halifax: Fernwood, 1995.
- . *Journeying Forward: Dreaming First Nations Independence*. Halifax: Fernwood, 1999.
- Morris, Miggs Wynne. *Return to the Drum: Teaching Among the Dene in Canada's North*. Edmonton: NeWest Press, 2000.
- Nerysoo, Richard. "Statement to the Mackenzie Valley pipeline Inquiry." In *Past and Future Land: An Account of the Berger Inquiry into the Mackenzie Valley Pipeline*, edited by Martin O'Malley, 53-54. Toronto: Peter Martin Associates Limited, 1976.

- Oesteich, Joel. "Liberal Theory and Minority Group Rights." *Human Rights Quarterly* 21, Number 1 (1999): 108-132.
- Office of the Prime Minister. "Political Development in the Northwest Territories." In *Northern Transitions Volume Two: Second National Workshop on People, Resources, and the Environment North of 60*, edited by Robert Keith and Janet Wright, 277-283. Ottawa: Canadian Arctic Resource Committee, 1978.
- . "Special Government Representative for Constitutional Development in the Northwest Territories." In *Northern Transitions Volume Two: Second National Workshop on People, Resources, and the Environment North of 60*, edited by Robert Keith and Janet Wright, 275-76. Ottawa: Canadian Arctic Resource Committee, 1978.
- O'Malley, Martin ed. *The Past and Future Land: An Account of the Berger Inquiry into the Mackenzie Valley Pipeline*. Toronto: Peter Martin Associates Limited, 1976.
- Povinelli, Elizabeth. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham: Duke University Press, 2002.
- Prazniak, Roxann and Arif Dirlik. "Introduction: Cultural Identity and the Politics of Place." In *Places and Politics in and Age of Globalization*, edited by Roxann Prazniak and Arif Dirlik, 3-13. Lanham: Rowman and Littlefield Publishers, 2001.
- Proudhon, Pierre Joseph. *The Principle of Federation*, edited by Richard Vernon. Toronto: University of Toronto Press, 1974.
- Puxley, Peter. "The Colonial Experience." In *Dene Nation: The Colony Within*, edited by Mel Watkins, 103-119. Toronto: University of Toronto Press, 1977.
- . "A Model of Engagement: Reflections on the 25th Anniversary of the Berger Report." 2002, <http://www.cprn.org> (26 July 2003).
- Johnson, Martha and Robert A. Ruttan. *Dene Traditional Environmental Knowledge Project*. Hay River: Published by the Dene Cultural Institute, 1993.
- Russell, Peter. "An Analysis of Prime Minister Trudeau's Paper on Political Development in the Northwest Territories." In *Northern Transitions Volume Two: Second National Workshop on People, Resources, and the Environment North of 60*, edited by Robert Keith and Janet Wright, 294-298. Ottawa: Canadian Arctic Resource Committee, 1978.
- Ryan, Joan. *Doing Things the Right Way: Dene Traditional Justice*. Calgary: University of Calgary Press, 1995.
- Salee, Daniel. "Identities in Conflict: The Aboriginal Question and the Politics of Recognition in Quebec." *Ethnic and Racial Studies* 18/2. 1995.

- Scott, James C. *Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press, 1998.
- Sadownik, Leon and Heather Harris. "Dene and Inuit Traditional Knowledge: A Literature Review." Unpublished paper prepared for Dr. Marc Stevenson and Dr. Cliff Hickey of the Canadian Circumpolar Institute, 1995.
- Schulte-Tenckhoff, Isabelle. "Reassessing the Paradigm of Domestication: The Problematic of Indigenous Treaties." *Review of Constitutional Studies*. 4, Number 2 (1998): 239-289.
- Spaulding, Richard. "Peoples as National Minorities: A Review of Will Kymlicka's Arguments for Aboriginal Rights from a Self-Determination Perspective." *University of Toronto Law Journal* 47 (1997): 35-113.
- Stannard, David. *American Holocaust: the Conquest of the New World*. New York: Oxford University Press, 1992.
- Statistics Canada. *2001 Census Analysis Series – A Profile of the Canadian Population: Where we Live*. Ottawa: The Government of Canada, 2001.
- Sutton, Gerald. "Aboriginal Rights." In *Dene Nation: The Colony Within*, Edited by Mel Watkins, 149-162. Toronto: University of Toronto Press, 1977.
- Taylor, Charles. *The Malaise of Modernity*. Toronto: Anansi Press, 1991.
- . "The Politics of Recognition." In *Multiculturalism: Examining the Politics of Recognition*, edited by Amy Gutmann, 25-73. Princeton: Princeton University Press, 1994.
- . *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism*. Montreal: McGill-Queen's University Press, 1994.
- . "Why do Nations have to Become States?" in *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism*. Montreal: McGill-Queen's University Press, 1994.
- This Magazine. "The People Speak." *This Magazine* 10, Number 3 (June/July 1976): 13-19.
- T'Seleie, Frank. "Statement to the Mackenzie Valley Pipeline Inquiry." In *Dene Nation: The Colony Within*, edited by Mel Watkins, 12-17. Toronto: University of Toronto Press, 1977.
- Tully, James. *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge: Cambridge University Press, 1995.

- . "Aboriginal Peoples: Negotiating Reconciliation." In *Canadian Politics, Third Edition*, edited by James Bickerton and Alain-G Gagnon, 413-431. Toronto: Broadview Press, 2000.
- . "Struggles over Recognition and Distribution." *Constellations* 7, Number 4 (2000): 469-482.
- . "The Struggles of Indigenous Peoples for and of Freedom." In *Political Theory and the Rights of Indigenous Peoples*, eds. Duncan Ivison, Paul Patton, and Will Sanders. Cambridge: Cambridge University Press, 2000.
- . "Democracy and Globalization: A Defeasible Sketch." In *Canadian Political Philosophy*, edited by Ronald Beiner and Wayne Norman, 36-62. Don Mills: Oxford University Press, 2001.
- . "Introduction." In *Multinational Democracies*, edited by Alain-G. Gagnon and James Tully, 1-33. Cambridge: Cambridge University Press, 2001.
- Turner, Dale. "From Valladolid to Ottawa: The Illusion of Listening to Aboriginal Peoples." In *Sacred Lands: Aboriginal World Views, Claims and Conflicts*. Edmonton: Canadian Circumpolar Institute, 1998.
- . "Liberalism's Last Stand: Aboriginal Sovereignty and Minority Rights." In *Aboriginal Rights and Self-Government*, edited by Curtis Cook and Juan Lindau, 135-147. Montreal: McGill Queen's University Press, 2000.
- . "Vision: Toward and Understanding of Aboriginal Sovereignty." In *Canadian Political Philosophy*, edited by Ronald Beiner and Wayne Norman, 318-331. Don Mills: Oxford University Press, 2001.
- 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, 51st Session, (22 June 1999).
- Venne, Sharon Helen. *Our Elders Understand Our Rights: Evolving International Law Regarding Indigenous Rights*. Penticton: Theytus Books, 1998.
- . "Treaty-Making with the Crown." In *Nation to Nation: Aboriginal Sovereignty and the Future of Canada*, edited by John Bird, Lorraine Land and Murray Macadam, 44-61. Toronto: Irwin Publishing, 2002.
- Watkins, Mel ed. *Dene Nation: The Colony Within*. Toronto: University of Toronto Press, 1977.
- Watkins, Mel. "From Underdevelopment to Development." In *Dene Nation: The Colony Within*, edited by Mel Watkins, 84-99. Toronto: University of Toronto Press, 1977.

Yazzie, Robert. "Indigenous Peoples and Postcolonial Colonialism." In *Reclaiming Indigenous Voice and Vision*, edited by Marie Battiste, 39-49. Vancouver: University of British Columbia Press, 2000.

Young, Iris Marion. "A Multicultural Continuum: A Critique of Will Kymlicka's Ethnic-Nation Dichotomy." *Constellations* 4, Number 1 (1997): 48-53.

Zlotkin, Norman and Donald Cleburne. "Internal Imperialism and the Native People." In *Imperialism, Nationalism, and Canada*, edited by the Marxist Institute of Toronto, 161-185. Toronto: New Hogtown Press, 1977.

Zoe, Sally Anne and Madelaine Chocolat and Alice Legat. "Tlicho Nde: The Importance of Knowing." Unpublished research paper prepared for the Dene Cultural Institute, Dogrib Treaty 11 Council, and BHP Diamonds Inc, 1995.

VITA

Surname: Coulthard

Given Names: Glen Sean

Place of Birth: Yellowknife, Northwest Territories, Canada

Educational Institutions Attended:

University of Victoria

2001 to 2003

University of Alberta

1997 to 2000

Degrees Awarded:

B.A.

University of Alberta

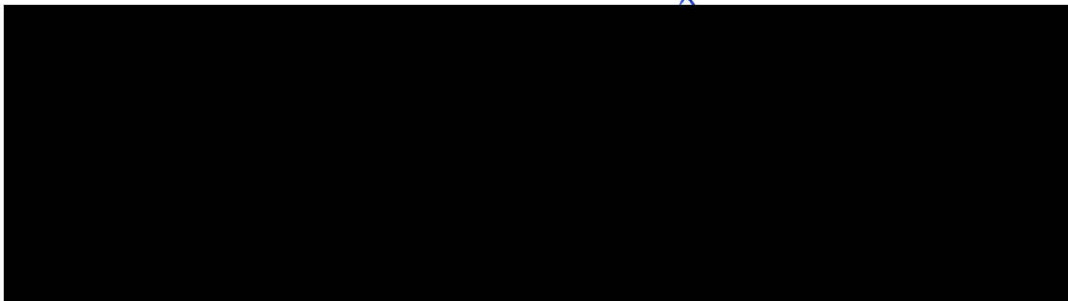
2000

Honours and Awards:

Norton Fellowship in Indigenous Governance, University of Victoria, 2002.

Bruce Wilson Memorial Bursary in Native Studies, University of Alberta, 2000.

Johnny Samson Prize In Native Studies, University of Alberta, 1999.



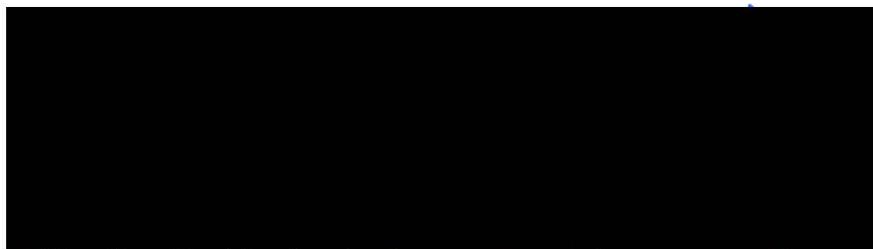
UNIVERSITY OF VICTORIA COPYRIGHT LICENSE

I hereby grant the right to lend my thesis to users of the University of Victoria Library, and to make single copies only for such users or in response to a request from the Library of any other university, or similar institution, on its behalf or for one of its users. I further agree that permission for extensive copying of this thesis for scholarly purposes may be granted by me or a member of the university designated by me. It is understood that copying or publication of this thesis for financial gain by the University of Victoria shall not be allowed without my written permission.

Title of Thesis:

Facing the Challenge of Freedom: Dene Nationalism and the Politics of Cultural Recognition

Author



Glen Sean Coulthard
August 20, 2003