

INTRODUCTION

Canada is a plural nation with a variety of ethnic, cultural, religious, and national identities. Some societies possess more diversity than others; Canada is among the most multi-ethnic. While Canadian history contains instances of intolerance and oppression, it also contains measures that have tried to accommodate Canada's multi-ethnic population. For this reason, Canada is often called a pluralist state.

Taken together, the concepts of group power and equality can be seen as forming the core of pluralist thinking. There are, however, no sustained studies in which Aboriginal self-government is discussed specifically in terms of the set of concepts that characterize the analytical tradition of pluralist thought. These concepts, in turn, are closely related to the political ideas of participation and self-definition at individual and community levels.

While the idea of Aboriginal self-government now receives broad support within Aboriginal communities and from Canadian governments,¹ it nevertheless remains controversial. The Aboriginal claim to self-government challenges non-Aboriginal Canadians to adopt new ways of thinking about the relationship between themselves and Aboriginal peoples. Ultimately, the claim rests on the idea that Aboriginal peoples should be able to choose their own destiny within Canada, free of external compulsion. Put this way, the claim seems to be straightforward enough, yet it compels all Canadians

to confront the most fundamental of moral and political questions. My purpose in this book is to answer some of those questions.

Aboriginal self-government is usually discussed as an issue of cultural preservation or national self-determination. The most commonly held assumption shared by both approaches is that self-government arises from the Aboriginal desire to safeguard a list of cultural and national traits of community identity. Put most simply, identity is understood to refer to those traits of culture and nationhood unique to an Aboriginal community. Community survival is then understood to depend on the preservation of those traits, and self-government is seen as the principal means by which this is to be accomplished.

The theoretical perspective presented here arises from consideration of the following question: is the understanding of the motivation for Aboriginal self-government promoted by the cultural preservation and national self-determination approaches accurate? Or do these approaches trace a truncated picture, yielding an incomplete understanding of the complex phenomenon that Aboriginal self-government represents? For example, culture-based approaches tend to start from the assumption that Aboriginal cultural affiliations are at root primordial and fixed. But does this assumption not neglect the possibility that the Aboriginal struggle for self-government may be about Aboriginal individuals engaging in conflict with one another over what expressions of Aboriginal culture really mean? Nation-based approaches, meanwhile, tend to start from the assumption that Aboriginal nations are the primary source of all Aboriginal political identity and relations. But is this assumption not also challenged by the fact that many Aboriginal individuals today possess complex, layered, and overlapping political identities in which national affiliation may be but one element?

In my view, these questions and others have created the need for a perspective on Aboriginal self-government that does not accept unequivocally the arguments of either the cultural preservation or the national self-determination approach. I attempt here to offer such a perspective, one that takes its point of departure from the analytical tradition of pluralism. The political tradition of pluralism, while aiding in an understanding of Aboriginal self-government, also has the internal coherence and practical flexibility to reflect light back on questions surrounding the self-government debate

that have not been dealt with elsewhere in a succinct fashion. A pluralist approach compels us to think again about the phenomena that we call Aboriginal culture and nationhood, their components and characteristics, and the relation that each has to the Aboriginal individual. It also leads us to think again about a perennial political problem, the question of identity. Which characteristics distinguish Aboriginal communities from non-Aboriginal ones and members from nonmembers? And what is the nature of the relationship between Aboriginal communities and non-Aboriginal governments that the Aboriginal right to self-government is intended to protect? It is my view that dealing with these questions through concepts central to pluralist thought allows for an analysis that reaches into the very centre of the Aboriginal self-government debate.

At the same time, it is important to make distinctions within the tradition of pluralism, for not all instances of pluralist theory are alike. Pluralism is often viewed as a public arrangement in which distinct groups live side by side in conditions of mutual recognition and affirmation, but what precisely this “recognition” and “affirmation” consist of depends on the pluralist perspective that one adopts. I perceive three contemporary faces of pluralism, which may be distinguished by the labels “communitarian,” “individualist,” and “relational.” Within this triad of pluralisms, the communitarian and individualist faces provide normative assessments of Aboriginal self-government that rely on understandings that equate the source of Aboriginal identity with specific cultural and national traits. I am convinced, however, that this is an undersophisticated response to the complex reality that Aboriginal identity represents.

Clearly, the topic of Aboriginal self-government is complex. What follows, then, is a conceptual and normative analysis of this complexity, an attempt to establish a framework in which the relation between Aboriginal identity, pluralist theory, and Aboriginal self-government can be appreciated. The major hypothesis suggests that Aboriginal self-government issues and their resolution are better understood if we adopt an “identification” perspective on Aboriginal identity as opposed to a “cultural” or “national” one and if we link that to a relational theory of pluralism as opposed to a communitarian or individualist theory. Essentially, I examine how an identification approach leads to a discussion of Aboriginal identity not in terms of possessing cultural or political attributes but in terms of identification

with, and political commitment to, an Aboriginal community and the way of life promoted by that community. In addition, I examine how framing Aboriginal self-government issues within the context of relational pluralism leads to a discussion of Aboriginal politics in terms of a problem of power differences within Aboriginal communities and between Aboriginal communities and the Canadian state. Framed in this way, Aboriginal politics involves demands to equalize current imbalances of power so that Aboriginal communities and the individuals within them can construct Aboriginal identities according to their own designs. Less conspicuous in this approach is the idea that Aboriginal self-government should be seen as a tool to preserve cultural and national differences on the purported premise that these are goods in and of themselves. I believe that finding morally defensible and politically viable answers to questions raised by the Aboriginal assertion to power is a more accurate way of framing one of the greatest political challenges facing Canada today.

In what follows, I am concerned less with technical problems of detailed political models than with addressing some fundamental moral and political questions associated with the Aboriginal right to self-government. Specifically, three sets of questions motivate my analysis. The first set concerns the basic question of identity. What currently constitutes Aboriginal identity? Is it primarily cultural? Is it primarily nation-based? Or is it broader than its cultural and national expressions? And, if broader, should this make a difference to how one should think about the Aboriginal right to self-government?

The second set concerns questions of justification and intent. What justifies self-government? Is it the Aboriginal desire to protect culture? Is self-government justified because it flows from historical nationhood? Are culture- and nation-based justifications comprehensive enough? Or should self-government be justified in more comprehensive terms, perhaps with respect to criteria that relate the right to self-definition?

The third and final set confronts the question of limitations on Aboriginal political power. On what grounds should the right to self-government be constrained? Is individual freedom of choice the criterion to be used here? Or does this liberal criterion diminish the capacity of Aboriginal communities to preserve their cultural distinctiveness? Should non-Aboriginal Canadians revise their conceptions of individual freedoms and collective

rights so that questions of political restraint are framed in a different way?

In August 1991, in the aftermath of the 1990 Oka crisis, the Canadian government set up the Royal Commission on Aboriginal Peoples (RCAP). From April 1992 to December 1993, the commission toured the country garnering opinions from Aboriginal and non-Aboriginal organizations and individuals to define problems and propose solutions in all aspects of Aboriginal life. It is the official transcripts of the commission's public hearings that form the basis of this book. These hearings constitute the most extensive gathering of public opinion ever undertaken on Aboriginal life in Canada. It became apparent in my examination of these transcripts that questions about Aboriginal identity and the nature and extent of Aboriginal political power were of central concern. I will emphasize those aspects of the hearings that deal specifically with self-government.

Furthermore, while "Aboriginal" generally refers to the Indian, Inuit, and Métis peoples of Canada, I will focus on the testimony of Native Indians, specifically on those who identify themselves as members of what are commonly referred to as First Nations. My analysis is thus concentrated at the level of on-reserve Indian peoples. Of the 811,400 persons who identify with their Aboriginal ancestry, 438,000 are registered Indians.² Of these, 254,600 (58.1 percent) live on reserves, while an estimated 183,400 (41.9 percent) live in nonreserve areas, mostly in urban settings. It is therefore important to keep in mind that the on-reserve population on which I focus constitutes a minority of the total Aboriginal population in Canada.

By extension, I will devote limited attention to the specific and often unique political aspirations of the nonidentifying Aboriginal population (375,000), the Inuit (38,000), the Métis (139,000), the off-reserve status Indian (183,400) and nonstatus Indian populations (estimated at 112,600), as well as the 100,000-plus status Indians recently reinstated under Bill C-31, most of whom do not live in reserve communities (recognizing, of course, that there is some overlap between these categories). Where I do discuss off-reserve Indians, I do so almost entirely in terms of their links with reserve-based communities.

As a generalization of the hearings, it can safely be said that many of the Indian, Inuit, and Métis witnesses employed concepts and categories that call for an understanding of self-government based on modified approaches to Aboriginal identity and political power. Where positions converge, I

believe that the central insights of political pluralism can be applied to the respective quests for self-government pursued by the Inuit and Métis as well as Indians. Yet there is a real variety of emphasis in the philosophical and historical positions of the three constitutionally recognized Aboriginal peoples as well as in the political interests that flow from those positions. More so than the others, for example, Indians tend to lodge their political claims within the normative language of original occupancy, nation-to-nation equivalency, and treaty entitlement. Taken together, these concepts connote claims to maximum political autonomy for self-governing Aboriginal nations within Canada. It is toward the moral and political questions raised by these kinds of fundamental principles that I will direct my attention. My intent is to demonstrate how the central categories of political pluralism can help us to respond to these fundamental questions.

In Chapter 1, I examine the major existing approaches to the study of ethnic identity and then discuss the three main types of pluralism. I address the question of identity politics from the perspectives of what I call “difference” and “identification” approaches and then seek to relate the findings of these approaches to normative concerns about justice that typically preoccupy pluralist scholars.

Chapter 2 examines some of the theoretical literature that explores the theme of Aboriginal identity. It looks at what it means to have an Aboriginal identity and examines the relative merits of analyzing that identity in terms of difference and identification-based approaches. The first two chapters together provide the theoretical background against which the rest of the book should be interpreted.

I then shift in Chapter 3 to an examination of the politics of Aboriginal identity as expressed in the public hearings of RCAP. This material forms the empirical basis for the remaining chapters. Chapter 3 provides an analysis and critique of the communitarian idea that the Aboriginal claim to self-government possesses normative force because it safeguards an Aboriginal right to cultural and political difference. The focus here is on relations between Aboriginal communities and the Canadian state and on the question of which principles ought to guide those relations.

In Chapter 4, I shift from relations between Aboriginal communities and the Canadian state to relations within Aboriginal communities. I address the problem of political power from the perspective of the individual

and evaluate the individualist ideal that, when there is conflict between Aboriginal individuals and the cultural and political projects undertaken by their communities, the individual right to freedom of choice should prevail.

Chapters 5 and 6 advance the idea that Canadians have not been well served by the terms of the present debate on Aboriginal self-government because it so often pits the rights of Aboriginal individuals against those of their communities and the rights of Aboriginal communities against those of the Canadian polity. These chapters then develop an alternative framework based on evaluative criteria that assess self-government in terms of relational pluralism.

Finally, the Conclusion summarizes and evaluates the arguments and data presented and speculates about the future direction of Aboriginal self-government in Canada in light of the fundamental moral and political questions posed in the book. It also includes an assessment of how the experience of Canadian citizenship for Aboriginal peoples can be cast in a more positive light when filtered through the lens of relational pluralism.