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Comment / Commentaire

The Sovereignty and Nationhood of Canadian Indians: A Comment on Boldt and Long*

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Menno Boldt and J. Anthony Long recently published in this JOURNAL an incisive analysis of the political thought of Canadian Indians.¹ In particular, they show that the term "sovereignty" is suited neither to the political traditions nor to the aspirations of Canadian Indians. The concept of sovereignty, which is a specific product of Western history, makes sense only in a territorial state ruled by a hierarchical authority structure of which sovereignty is the conceptual apex. Indian peoples, at least in Canada, had neither territorial states nor hierarchical authority systems before the coming of the Europeans. To adopt the Western concept of sovereignty not only distorts history but also encourages Indian communities to depart from the indigenous traditions which they wish to preserve. If some of their members attempt to exercise the sovereignty they now claim, they will destroy their native institutions of consensus democracy.

Thus far I am in complete agreement with Boldt and Long, but I believe they did not carry their analysis far enough. They suggest that, while Indians may not possess sovereignty, they consider themselves, and should be considered by us, as "nations":

Indian tribes, prior to colonization, held an independent self-governing status which is best defined as "nationhood," not "statehood." In place of the "myth of a state," they had a "myth of the nation." As *nations* of people they regulated their internal and external relations.²

Clearly, Indian tribes meet the criteria of nationhood. Indians' first loyalty is to their own group. They believe themselves to be nations.³

* I would like to thank Roger Gibbins and Neil Nevitte for their helpful comments.

1 Menno Boldt and J. Anthony Long, "Tribal Traditions and European-Western Political Ideologies: The Dilemma of Canada's Native Indians," this JOURNAL 17 (1984), 537-53.

2 Ibid., 545.

3 Ibid., 551.

Unfortunately, these statements do not do justice to a very difficult issue. That Indians are nations is a debatable point which needs to be argued, not asserted.

It was common in the eighteenth and early nineteenth centuries to refer to Indian peoples as nations. The Royal Proclamation of 1763 spoke of "the several Nations or Tribes of Indians with whom we are connected."⁴ The Selkirk Treaty of 1817 was made with the "Chiefs and warriors of the Chippeway or Saulteaux Nation and of the Killistine or Cree Nation."⁵ Chief Justice John Marshall often referred to "Indian nations"; in 1831 he coined the famous phrase "domestic dependent nations" to describe their status within the United States.⁶

Although this older usage occasionally reappeared in the later nineteenth century,⁷ it largely gave way to the appellation of Indians as "tribes." The Robinson Treaties of 1850, the Manitoulin Island Treaty of 1862, and the numbered treaties in Manitoba and the North-West Territories spoke of Indian tribes and bands but not nations. Only in the last 10 years have Canadian Indians generally started to refer to themselves in the public realm as "nations."⁸ As late as 1969, the term was absent from Harold Cardinal's pivotal book *The Unjust Society*, which emphasized pan-Indian co-operation in the National Indian Brotherhood. "When our people begin to call themselves Indians instead of Crees or Saulteaux or Mohawks, when intertribal cooperation no longer allows the government to threaten our individual treaties, then we will have the strength of unity. . . ."⁹ In 1974 George Manuel wrote that the terms "tribe" and "nation" were often interchangeable.¹⁰ The breakthrough came with the adoption in 1975 of the "Dene Declaration" whose first sentence reads: "We the Dene of the Northwest Territories insist on the right to be regarded by ourselves and the world as a nation."¹¹

Since then, the terminology of nation has rapidly gained ground. On April 20, 1982, the National Indian Brotherhood was replaced for all practical purposes by the Assembly of First Nations. In 1983, a breakaway group styled itself the Coalition of First Nations. These shifts

4 Derek G. Smith (ed.), *Canadian Indians and the Law: Selected Documents, 1663-1972* (Toronto: McClelland Stewart, 1975), 2.

5 Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Toronto: Belfords, Clarke & Co., 1880), 299.

6 *Cherokee Nation v. Georgia* (1831), 5 Peters 1, at 16.

7 See the entry under "nation" in the *Oxford English Dictionary*.

8 Of course the term never died out altogether; witness the "Six Nations." But for the most part Indian claims were not couched in the language of nationalism.

9 Harold Cardinal, *The Unjust Society* (Edmonton: Hurtig, 1969), 14.

10 George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (Don Mills: Collier Macmillan Canada, 1974), 268, footnote 12.

11 Mel Watkins (ed.), *Dene Nation: The Colony Within* (Toronto: University of Toronto Press, 1977), 3.

were highly expressive, for the “nation” in the title “National Indian Brotherhood” was Canada. That name symbolized the view that Indians were Canadians with a special interest of their own, like the National Farmers Union, whereas in the “Assembly of First Nations” or the “Coalition of First Nations,” the nations are Indian peoples, not Canada. The Report of the House of Commons Special Committee on Indian Self-Government repeatedly referred to Indians as “First Nations” and recommended that each of the 573 Indian bands in Canada be considered “First Nations,” although some might wish, and should be encouraged, to amalgamate themselves into larger tribal nations.¹² When John Munro, minister of Indian affairs and Northern Development, introduced the Indian Self-Government Bill into the Commons on June 27, 1984, he also spoke of “Indian Nations.”¹³ Ironically, the government of Pierre Trudeau, which had always rejected the proposition that Canada was composed of *deux nations*, consented in its expiring days to the idea that there might be hundreds of nations in Canada.

This matter is far from being a trivial word-game. To understand a people’s self-interpretation is the first step in political analysis.¹⁴ The nation-state is the paradigmatic form of political organization in the modern world. Whether Indians are nations, and in what sense, are questions of cardinal importance both to them and to Canada.

The issues have been obscured by frequent assertions that Indians call themselves “nations” in an apolitical sense. Harold Cardinal wrote in 1977: “Many of our own young people, and some academics, misunderstand as well [as Canadian politicians], by giving *nation a political interpretation*. . . . A declaration of nationhood by a group of traditional Indians is substantially and fundamentally different from a declaration of nationhood by a group of Quebec separatists.”¹⁵ This also seems to be the view of Boldt and Long when they say that “Indians also constitute nations of peoples according to social science criteria.”¹⁶ Citing chiefly the articles of Walker Connor,¹⁷ they emphasize the “cultural uniqueness and homogeneity of Indian peoples”¹⁸ as a source of separate identity.

The interpretation of Indians as “cultural nations” is, however, either disingenuous or naive. The claim of Indians to be nations has

12 House of Commons, Special Committee on Indian Self-Government, *Indian Self-Government in Canada* (Ottawa: Queen’s Printer, 1983), 7, 53-54.

13 Indian and Northern Affairs Canada, “Statement by the Honourable John C. Munro . . . on the Indian Self-Government Bill, June 27, 1984,” Release 3-8406, page 3.

14 Eric Voegelin, *The New Science of Politics* (Chicago: University of Chicago Press, 1952), 27.

15 Harold Cardinal, *The Rebirth of Canada’s Indians* (Edmonton: Hurtig, 1977), 141.

16 Boldt and Long, “Tribal Traditions and European-Western Political Ideologies,” 551.

17 Ibid., footnote 42.

18 Ibid.

arisen as part of a new vocabulary whose main terms are nation, sovereignty, self-determination, and aboriginal rights. Expressing the quintessentially political demand for self-rule of Indians on a fixed land base, this is the vocabulary of national self-determination and international law.

As a leading example, consider the rhetoric of the Dene Declaration:

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. . . .

Our plea to the world is to help us in our struggle to find a place in the world community where we can exercise our right to self-determination as a distinct people and as a nation.

What we seek then is independence and self-determination within the country of Canada. That is what we mean when we call for a just land settlement for the Dene Nation.¹⁹

The Declaration's disavowal of separatism is not convincing, for Canada is only a reality to which the Dene are "forced to submit." Even if total separation is impossible, the Declaration demands sufficient autonomy for the Dene that they would gain "recognition" as an actor on the international scene.

The rhetoric of subsequent Indian demands has sometimes been more muted than that of the Dene Declaration, but the international law vocabulary and the essential ideas have remained the same.²⁰ It is quite mistaken for white observers like Boldt and Long to chide Indians for talking about sovereignty as if their problem were that they did not know what sovereignty meant. Indian spokesmen know perfectly well what sovereignty means and they lay claim to it because it is indissolubly linked to nationhood.

This close interweaving of cultural and political themes around the concept of nation has been noted by all the most important authorities on nationalism. Carlton Hayes has pointed out that the Latin *natio* originally "meant birth or race and signified a tribe or social grouping based on real or fancied community of blood and possessed presumably of unity of language." Edmund Spenser could still speak of a "nation of birds" and Ben Jonson could call physicians a "subtile nation." But in the seventeenth century publicists began to call sovereign states nations, and the political connotations have never since been lost. In the nineteenth century the term "nationality" was coined to refer to groups

19 Watkins, *Dene Nation*, 4.

20 For example, Delia Opekokew, *The First Nations: Indian Government and the Canadian Confederation* (Saskatoon: Federation of Saskatchewan Indians, 1980). Although I do not deal with the Metis here, they, too, have adopted the rhetoric of nationalism. See, for example, Harry W. Daniels, *We Are the New Nation* (Ottawa: Native Council of Canada, 1979).

of persons “speaking the same language and observing the same customs” but not enjoying self-government. But as Hayes notes, “[a] nationality which is not politically independent and united is metaphorically styled an ‘oppressed’ or ‘subject’ or even ‘enslaved’ nationality.”²¹ In the language of the nineteenth century, a nationality becomes a nation when it acquires a state. Exactly the same view is present in the classic essay of Renan, “What is a Nation?” For him, not all states are nations, but nations do not fully exist unless they are self-governing.²²

This association between nation and state continues in the authors of our own century. Hans Kohn writes that “nationalism is a state of mind in which the supreme loyalty of the individual is felt to be due the nation-state,” or in other words, “that each nationality should form a state.”²³ Similarly for Karl Deutsch, “the coming together of the state and the people makes a modern nation. A nation is a people who have hold of a state or who have developed quasi-governmental capabilities for forming, supporting, and enforcing a common will.”²⁴ There may be a few writers, such as those cited by Boldt and Long, who have tried to write of “cultural nations” as apolitical entities, but they are outside the mainstream of authoritative contemporary usage. To cling to the older, apolitical or cultural sense of “nations” might be permissible in a purely academic setting, where one can operate with stipulative definitions. However, native demands in Canada are addressed to the government and to the general public, not just to a narrow circle of scholars. Thus their use of the term “nation” must be evaluated as a political demand according to current criteria of meaning.

Nation and state are inextricably bound together in at least three ways. First, as has repeatedly been noted, most nations have been created through a long period of state dominance that has melted down regional, ethnic, and class particularisms. As Renan showed, France would not have become a nation without the political ascendancy of Paris. Alternately, a people sensing some cultural and linguistic unity may be brought together by a sudden campaign of conquest and statesmanship, as in the creation of Germany and Italy. Again, a nation like the Basques may exist for centuries without any political unity or identity, but it is only taken seriously as a potential nation when it makes a claim for self-government. It is impossible to speak of a nation in

21 Carlton H. J. Hayes, *Essays on Nationalism* (New York: Russell & Russell, 1966; original ed. 1926), 4-5.

22 Ernest Renan, “What is a Nation?” in Mark O. Dickerson, Thomas Flanagan, and Neil Nevitte (eds.), *Introductory Readings in Government and Politics* (Toronto: Methuen, 1983), 41.

23 Hans Kohn, *Nationalism: Its Meaning and History* (rev. ed.: New York: Van Nostrand Reinhold, 1965), 9.

24 Karl W. Deutsch, *Nationalism and Its Alternatives* (New York: Alfred A. Knopf, 1969), 19.

modern usage without implying a vision of self-government, either past, present, or future.

This desire for self-government is the only common denominator of nations. Commentators have delighted in showing how nations exist in spite of racial heterogeneity (Brazil), linguistic diversity (Switzerland), religious differences (Germany), and so forth. What makes a nation is fundamentally an act of belief and will, what Renan called “a daily plebiscite”²⁵ affirming the community’s desire to be self-governing.

These reflections lead one to understand Indian nationalism as part of the wave of “mini-nationalism”²⁶ sweeping the world today. The mini-nationalism of small peoples like Basques and Corsicans who are presently incorporated into larger states is similar in principle to the traditional nationalism of large peoples like the Spanish or French. Nationalism, as Neil Nevitte has emphasized, is always a matter of “making claims.”²⁷ There is admittedly some difficulty in coming to grips with the claims now made on behalf of Indian “First Nations.” At a moderate level, the claims are sometimes interpreted as a demand for a share of sovereignty in a federal state. Indian communities would be analogous to provinces, legally able to govern themselves in constitutionally defined respects. This is the solution which the American authors Barsh and Henderson have called “treaty federalism”;²⁸ it was also perhaps what was proposed by the House of Commons Special Committee (the Penner Report).²⁹ But as Gibbins and Ponting have shown, the actual recommendations of the Penner Report would create self-governing Indian communities with powers far in excess of those held by provincial governments.³⁰ Indian First Nation governments could determine their own “citizenship” and would provide to their members almost all services now delivered by federal or provincial governments. Indian governments would furthermore be largely exempt from judicial review in the courts, including civil liberties protected in the Canadian Charter of Rights and Freedoms. The essence of a federal system is that the citizen is directly affected by two governments in a scheme of divided jurisdiction. By this criterion, Indian First Nations would virtually secede from Canadian federalism.

25 Renan, “What is a Nation,” 47.

26 Louis L. Snyder, *Global Mini-Nationalism: Autonomy or Independence* (Westport: Greenwood Press, 1982).

27 Neil Nevitte, “Nationalism, States, and Nations,” in Elliot J. Feldman and Neil Nevitte (eds.), *The Future of North America: Canada, The United States, and Quebec Nationalism* (Cambridge: Harvard Center for International Affairs, 1979), 344.

28 Russell Laurence Barsh and James Youngblood Henderson, *The Road: Indian Tribes and Political Liberty* (Berkeley: University of California Press, 1980), 270-82.

29 *Indian Self-Government in Canada*.

30 Roger Gibbins and J. Rick Ponting, “The Paradoxical Nature of the Penner Report,” *Canadian Public Policy* 10 (1984), 222-23.

They would become enclaves within the Canadian state, receiving fiscal subsidies but in other respects constituting *imperia in imperio*.

This departure from federalism fundamentally stems from the conceptualization of Indian communities as nations. Provincial governments, except sometimes that of Quebec, do not claim to represent nations and thus can be content with a share of divided sovereignty. True nations, as Indians now claim to be, may have to live with a diminished sovereignty *de facto*, but they do not accept it *de jure*, because of the principle of national self-determination. Thus Indian claims to be nations or "First Nations" are inevitably fraught with far-reaching political consequences. Any particular claimant may insist that he accepts the Canadian federal state and wishes to find a place within it for his people; but if his claims are couched in the terminology of nationhood, they carry the potential for further escalation, regardless of what the claimant's subjective intention may be at the moment.

One may object to Indian statements at the conceptual level. As Boldt and Long have done with "sovereignty," one can show that the current Indian use of "nation" is inconsistent with traditional Western usage. The first problem is that of numbers. According to Rupert Emerson, "it is a generally plausible assumption that the nation involves societies of substantial magnitude . . . from a million or so people to hundred of millions. . . ." ³¹ There are slightly more than 300,000 status Indians in Canada, plus an indeterminate number of nonstatus Indians and Metis, so that they might add up to a nation if they were all counted together; but current claims go in precisely the opposite direction. Each tribe, or even each band, is said to be a nation. There are 573 Indian bands in Canada, ranging in size (in 1980) from 2 to 10,367 members, with an average of about 550. ³² If current Indian terminology is accepted, Canada would have more "nations" than the rest of the world put together.

More fundamentally, the nation is understood to be a specific form of social order, the result of what Karl Deutsch has called "social mobilization." ³³ The nation creates a new identity for individuals cut loose from the traditional moorings of family, clan, tribe, caste, or village. Self-government is so important to the nation precisely because the other dimensions of identity have become attenuated. The nation can be understood as the people of a mass society who willingly constitute a state or would like to do so if the opportunity arose. As such, the nation is an open society because citizenship can be extended to those who have not acquired it by birth. Indian "nations," in contrast,

31 Rupert Emerson, *From Empire to Nation* (Cambridge: Harvard University Press, 1962), 99.

32 Indian and Northern Affairs Canada, *Native Peoples and the North: A Profile* (Ottawa, 1982), 3.

33 Deutsch, *Nationalism and Its Alternatives*, 21-25.

are closed societies based on birth and marriage. Indian tribes are defined by a myth of common ancestry, while Indian bands are administrative units artificially created by the Canadian government when it settled Indians on reserves. Neither is anything like the nation in the Western sense.

Because of the obvious disabilities under which they labour, Canada's native peoples naturally attract our sympathy. Certainly there are ways within Confederation to meet their legitimate aspirations for more local autonomy and emancipation from the tutelage of the federal bureaucracy. But sympathy should not make us forget the foundations of our own polity. Having withstood the assaults of Québécois *indépendantisme* and western separatism, it would be ironic indeed to casually transform Canada into a multinational state. From this perspective, it is as important to be clear about symbolic matters like terminology as it is to evolve workable institutional arrangements for native peoples. Symbolism incompatible with the Canadian political order will inevitably tend to produce institutional disarray, for accepted symbols form the matrix of ideas in which public policy is made.