

## INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

**The quality of this reproduction is dependent upon the quality of the copy submitted.** Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps.

ProQuest Information and Learning  
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA  
800-521-0600

UMI<sup>®</sup>



**On the Outside Looking In: Opening the Door to Indigenous Knowledge  
Contributions to Aboriginal Governance in Canada**

**Daniel A. Jetté**

**A Thesis  
In  
The Department  
Of  
Political Science**

**Presented in Partial Fulfillment of the Requirements  
For the degree of Master of Arts at  
Concordia University  
Montreal, Quebec, Canada**

**August 2002**

**© Daniel A. Jetté, 2002**



**National Library  
of Canada**

**Acquisitions and  
Bibliographic Services**

**395 Wellington Street  
Ottawa ON K1A 0N4  
Canada**

**Bibliothèque nationale  
du Canada**

**Acquisitions et  
services bibliographiques**

**395, rue Wellington  
Ottawa ON K1A 0N4  
Canada**

*Your file Votre référence*

*Our file Notre référence*

**The author has granted a non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of this thesis in microform, paper or electronic formats.**

**The author retains ownership of the copyright in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.**

**L'auteur a accordé une licence non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de cette thèse sous la forme de microfiche/film, de reproduction sur papier ou sur format électronique.**

**L'auteur conserve la propriété du droit d'auteur qui protège cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.**

0-612-72869-2

**Canada**

## ABSTRACT

### On the Outside Looking In: Opening the Door to Indigenous Knowledge Contributions to Aboriginal Governance in Canada

Daniel A. Jetté

In this study an attempt is made to show how the historical exclusion of Indigenous knowledge (IK) from the policy deliberation process in Canada has had a detrimental impact on Aboriginal peoples in Canada. A definition of the IK paradigm including sources and characteristics is developed, and the nature of the relationship between the marginalized IK paradigm and the dominant European scientific paradigm is examined. A review of the history of Aboriginal peoples in Canada shows how IK came to be marginalized by colonial and Canadian governments, and analyzes how marginalization has contributed to poor social conditions in Aboriginal communities, as well as the deterioration of the governance relationship between Aboriginal peoples and the government of Canada. An argument is developed for the reincorporation of IK into the policy process through the negotiation and implementation of Aboriginal self-government, and evidence is presented showing how self-government would be a more desirable and effective approach to encouraging IK inclusion than reforms to existing consultative and representative institutions.

## **Acknowledgements**

Throughout the writing process, I have had the unbelievable good fortune to be able to rely on the unwavering support of my many families.

First, many thanks go to my circle of friends from Concordia University, including especially my thesis supervisor, Dr. Daniel Salée, as well as Dr. Brooke Jeffrey, Dr. Margie Mendell, Perry Calce, Ligia Peña, Elizabeth Hunt, Maria Peluso, and Dawn Wiseman. Thank you all for your support, guidance, and kindness.

I owe a debt of gratitude to Dr. Gail Valaskakis, research director at the Aboriginal Healing Foundation, who among other things offered invaluable insights on my thesis and, even better, introduced me to my current place of work, the Policy Research Initiative. Special thanks go out to colleagues past and present from the PRI, including Laura Chapman and Vasanthi Srinivasan, who brought me into the PRI, Jeff Frank (give peace a chance, man!), Roger Roberge, Darlene McDougall, Heather Smeeton, and Clair Hardy. Thanks also to Dan Beavon from Strategic Research and Analysis at Indian and Northern Affairs Canada for some incredibly valuable advice, and to Marlene Brant Castellano, co-chair of the Aboriginal Scholars Project, and one of the most inspiring people I have ever had the pleasure to meet.

To my mother, Corinne; my father, Serge; and my brother, Bryan; thank you so much for your love, patience, support, patience, guidance, and patience. Finally, to my life partner Louise, words cannot begin to describe how lucky I am to have you by my side. You colour my world.

This paper is dedicated to the memory of my grandfather, Albert Donald Mount Pleasant.

## **Table of Contents**

I - Introduction: On the Outside Looking In	1
II - Understandings in Competition: IK and the European Scientific Paradigm	13
III - Wards of the State: Assessing the Impact of the Marginalization of IK	38
IV - Enriching the Debate: Self-government and Bringing IK Back Into the Policy Process	84
V - Conclusion	126
VI - Bibliography	140

## **I - Introduction: On the Outside Looking In**

The effectiveness of a policy, it can be argued, is dependent on the integrity of the policy process that created it. Certainly the success or failure of a policy can usually be traced to the quality and scope of the information used in the research, analysis, development and implementation of that policy. To the extent that the various government institutions and players that make up the policy process are in a position to act as gatekeepers for policy relevant information, the process can be blamed for a bad policy if it can be shown that the information used in the formation of the policy was false, biased or incomplete. If this happens repeatedly over an extended period of time, one has to wonder if the information gatekeepers are doing their jobs.



The thrust of this study, however, is not a loud diatribe about incompetence and corruption in bureaucracy, far from it. Rather, this study attempts to analyze the particular problem of minority or otherwise marginalized groups whose cultures, experiences and perspectives constitute bodies of knowledge that fall outside the parameters of conventional social scientific analysis. The study examines how these groups may come to experience persistent, systemic discrimination at the hands of governance institutions responsible for the formation of public policy. The study considers how this particular situation can be exacerbated by the overarching presence of an unequal, institutionalized power relationship between group and government, and how reorganizing the overarching power relationship can, under the right conditions, enhance access to the policy process and improve policy outcomes. The study looks at the experience of Aboriginal peoples in Canada.

For almost two hundred years, Aboriginal peoples in what we know now as Canada have been subjected to rule by governance institutions that, deliberately or otherwise, have consistently failed to include Aboriginal peoples' cultures, experiences and perspectives in the policy process. This pattern of discrimination and exclusion has been documented in excruciating detail by various academic studies and, through the Royal Commission on Aboriginal Peoples, the government of Canada. This unfortunate reality is characterized by two distinct, yet closely interrelated phenomena that will be the focus of this study: first, the systemic marginalization of Aboriginal peoples' knowledge, which will hereafter be referred to in this study as *Indigenous knowledge* or *IK*, by a society and polity dominated by Eurocentric, science-based knowledge paradigm; and second, the enduring presence of an imposed governance relationship, and of a power

dynamic between Aboriginal and non-Aboriginal societies that made the emergence of such a relationship possible. Recently, researchers interested in the plight of Aboriginal peoples both in Canada and in the United States have begun writing about the need to revisit and ultimately renegotiate governance relationships as a means of (a) ensuring the inclusion of Indigenous knowledge in the policy process, thereby (b) improving policy outcomes and ultimately (c) restoring integrity and legitimacy to the relationship between government and constituency. These researchers note that Aboriginal community development in Canada has been hampered by policy formation processes that exclude Indigenous knowledge, which was itself made possible by evolving power structures that gave the government of Canada absolute control over policy affecting Aboriginal peoples; as such, enhancing Aboriginal community development may only be possible through a re-structuring of the institutionalized power relationship between Aboriginal peoples and the government of Canada.

This may seem to be a daunting, if not impossible, task; certainly there is a great deal of literature that questions the ability of marginalized groups to effect real, lasting change on the power structures that immobilize them. In this case, however, there is cause for cautious optimism, and that optimism is rooted in the particular history of Canada's Aboriginal peoples, which we shall examine in some detail. Firstly, evidence is slowly mounting in Canada and in the United States that Aboriginal self-government can and does improve the probability that Aboriginal cultures, experiences, and perspectives - in short, IK - will be appropriately included in the policy process, which bodes well not only for policy outcomes, but for public confidence in the policy process as well. Further, the government of Canada does recognize in principle the Aboriginal right to self-

government, although in practice results have been mixed, negotiations slow. Finally, and most importantly, in addition to the growing number of examples of Aboriginal self-government leading to improved IK access to the policy process, increasingly one can also point to cases where even limited bilateral and trilateral arrangements, designed to support the transition to Aboriginal self-government, have been proven successful in improving IK inclusion, meaning that even if the overall power relationship does not change significantly, important opportunities for change remain at the micro level, although whether those opportunities can be realized in the short or medium term is another question. What must be kept in mind here is that the challenge here is not so much to find definitive answers, but rather to refine and expand on outstanding questions about the importance of Indigenous knowledge and the potential good of Aboriginal self-government.

This study represents an attempt to begin the process of refining those questions. In this study, an attempt is made to cultivate a clearer understanding of (a) what Indigenous knowledge constitutes and how and why it has been marginalized, (b) how the exclusion of Indigenous knowledge has impacted on Aboriginal peoples in Canada in terms of governance relationships, policy formation and social outcomes; and (c) why real participation in the policy process for Aboriginal peoples requires that major institutional reforms be undertaken to accommodate the IK paradigm. This somewhat ambitious set of goals requires a curious combination of epistemological examination, historical reflection and policy analysis.

The first chapter attempts to present IK as an alternative body of knowledge that conventional governance institutions tend to exclude or discriminate against. Starting

with a brief discussion of the nature of the dominant rational-linear policy process that finds its roots in European science, the chapter examines how bodies of knowledge that operate outside the dominant intellectual paradigm can come to be excluded from the policy process, and to analyze the consequences of those exclusionary practices. It is argued that IK does constitute not only a *distinct body of knowledge* consisting of items not necessarily captured by scientific investigation but indeed an *alternative knowledge paradigm*, distinct in character and approach from, though not necessarily incompatible with, the dominant European scientific knowledge paradigm. To that end a comprehensive definition of IK is developed, including a discussion of its content, its characteristics and its origins in relation to the European scientific paradigm.

In this chapter an attempt is also made to compare the experience of Aboriginal peoples' IK to that of women's experiential knowledge. While it stops well short of calling the two cases identical, the chapter does argue that analyses of the female experience developed by various feminist authors are consistent with the experience of the IK paradigm, even if the circumstances are clearly different: for example, it is shown how feminist critiques of the Weberian model of bureaucracy note the European scientific concept of *objectivity* – be it in the context of social science research or bureaucratic decision making – is fundamentally flawed in that it implicitly favours conventional scientific research methods and quantitative data, meaning that knowledge that is not readily translated into conventional social research terms (including women's experiential knowledge and indigenous knowledge) is inevitably marginalized by the social science research community and ignored by the bureaucracy. The particular importance of power relationships and of governance institutions is also underscored with a look at the work of

Nicos Poulantzas: he notes, for example that governance institutions are invariably organized so as to protect the power imbalance enjoyed by the dominant classes, meaning that marginalized groups such as Aboriginal communities lack the power to make themselves properly heard in government institutions, or to effect sustainable change.

The second chapter attempts to put the theoretical discussion of the first chapter into proper context – specifically, that of the Canadian Aboriginal experience. In Canada, Aboriginal peoples have been forced to live within a governance framework that actively excludes important aspects of indigenous knowledge from the policy process, including knowledge on health, the environment, and governance as well as Aboriginal people's perspectives on specific policy issues, including most importantly integration and interaction with non-Aboriginal society. The result of these exclusionary practices is a long history of policies that either actively sought to marginalize Aboriginal peoples in Canada, or simply failed to properly address their needs and concerns. As a result, Aboriginal peoples have largely come to reject the imposed governance framework, and are calling for drastic reforms to the relationship, including specifically the settlement of land and resource ownership claims and the expansion of Aboriginal self-government.

The *Final Report* of the Royal Commission on Aboriginal Peoples (RCAP) documents in painstaking detail the gradual emergence of a despotic relationship between Aboriginal peoples and non-Aboriginal governments. This chapter will analyze the evolution of the relationship between Aboriginal and non-Aboriginal peoples in Canada, drawing heavily, though certainly not exclusively, on research and analysis contained in the RCAP *Final Report*. It was originally intended that this chapter focus primarily on the era beginning with Confederation in 1867 and ending with the signing of the James Bay

and Northern Quebec Agreement in 1975; however in the course of researching the chapter it became obvious that many of the phenomena that contributed to the emergence of the current skewed relationship between Aboriginal and non-Aboriginal peoples in Canada became manifest many decades earlier. Ultimately, in order to fully appreciate the context in which most important Aboriginal policies were created, it is necessary to return to the earliest stages of contact between Aboriginal peoples and European settlers.

In this chapter it is argued that what to some may seem to be a constantly changing approach to Aboriginal peoples by European (more specifically, British) settlers is actually remarkably consistent: despite signing treaties that appeared to indicate the contrary, non-Aboriginal governments were never seriously interested in building a balanced governance relationship with their Aboriginal neighbours; rather their primary concern was always the expansion of their colony, even at the expense of Aboriginal peoples' sovereignty and well-being. In fact, as we shall see, until a series of court rulings in the early 1970s, including specifically the 1973 Calder decision and the 1974 Quebec appeals court ruling in favour of the James Bay Cree forced the government of Canada to begin to revisit its approach to Aboriginal peoples, successive federal, provincial and colonial governments were essentially unencumbered in their oppression of Aboriginal peoples and their denigration of IK.

The third chapter focuses on the question of how to help bring IK back into the policy process. Our emphasis here on the overall policy process rather than on specific policies is rooted in a recognition that the exclusion of the IK paradigm cannot be reduced to a series of policy decisions: various writings on government and administration by Weber and others note that for a government to be legitimate, the constituency must have

confidence in the terms of its relationship with the government, or more generically, the governance model practiced by that particular society, meaning that the confidence (or lack thereof) of the constituency in question lies not only with the government or its decisions, but the entire governance model. Evidence is presented underscoring the importance of the extent to which a constituency's local culture, perspectives and priorities are reflected in the structures and policies of the government, and it is argued that the exclusion of alternative bodies of knowledge such as IK constitutes a dysfunction in the governance model that leads to lost legitimacy.

In this chapter two distinct policy approaches to improving IK access to the policy process, and by extension, to renewing the governance relationship between Aboriginal communities and the government of Canada, are presented: first, reforms to existing institutions to improve representation and enhance consultation; and second, accelerated negotiation and implementation of self-government institutions for Aboriginal communities. It is argued that the latter proposal offers the best opportunity, both for restoring legitimacy to the governance relationship and for ensuring the meaningful incorporation of IK into the policy process. To support this argument, the chapter draws on various examples of Aboriginal self-government in North America, at various stages of implementation, for evidence demonstrating both the value of Aboriginal self-government and the intrinsic role of IK in effective self-government. It is argued that evidence of both improved legitimacy and enhanced IK access to the policy process can be found even in the very early transitional stages of Aboriginal self-government, such as in Clayoquot Sound, British Columbia; an understanding of the importance of effective and thoughtful implementation is also developed.

Unfortunately, in doing so I am also forced to respond to criticisms of the so-called “Aboriginal industry” by a group of authors that is providing intellectual leadership for a growing backlash against Aboriginal peoples and the regimes and programs that attempt to support them. These authors deny the existence of an IK paradigm, and accuse the government of Canada of caving in to rabid political correctness by embracing the principle of Aboriginal self-government and continuing to negotiate modern treaties with Aboriginal communities. The solution offered by these people to the crisis facing Aboriginal peoples consists mainly of a resurrection of the principles outlined in the 1969 White Paper on Indian Policy, which called for, among other things, the abolition of all special status provisions for Aboriginal peoples contained in the *Indian Act* and the abdication of treaty rights. Alas, little can be done to counter these challenges, which are rooted in value systems that are inherently unsympathetic to Aboriginal peoples’ claims. However, I do attempt to respond to their analyses, zeroing in on certain omissions, inconsistencies, and ignorant or misinformed statements that take away from their arguments. The chapter also examines the disturbing consistency of the arguments of these authors, who seek to lessen the tax burden of non-Aboriginal Canadians by eliminating Aboriginal peoples’ special status and abolishing Aboriginal social programs, with those of colonial and early Canadian policymakers, who sought to justify taking Aboriginal peoples’ lands without just compensation and ensuring that Aboriginal peoples could not share in any profits. Finally, the chapter takes a closer look at the problems of governance and accountability experienced by First Nation reserves, which are often cited by opponents of self-government as proof that self-government doesn’t work; it is argued here that these problems are in fact evidence of the need for enhanced



self-government, and in particular for increased emphasis on planning and implementation.

Finally, in the conclusion an attempt is made to move the discussion towards options for action, and to consider the potential for good of a wider application of the IK paradigm. The lack of a clear legislative framework for self-government negotiations has meant that such negotiations have largely been carried out on a case-by-case basis. It is noted that the current balance of power as well as the current political climate puts Aboriginal communities in a disadvantaged position both at the bargaining table and before the courts, and that in the absence of a clear statement from the federal government, perhaps in the form of framework legislation on the negotiation of Aboriginal land claims and treaty rights, the extremely undesirable status quo will persist. Further, framework legislation, in addition to providing clear guidelines for negotiations, would be able to provide clear provisions on the implementation of treaties, for as such cases as the James Bay Agreement and the Nisga'a Treaty illustrate, treaties alone are useless without binding implementation agreements to back them up.

If the self-government stalemate can be resolved, Canadians of all origins will be better able to step back and begin to understand how that including IK in the policy process benefits not Aboriginal peoples, but all Canadians as well. The amount of evidence supporting this position is growing and may encourage policy makers to take a second look at alternative bodies of knowledge such as IK. In this case there is an important precedent in the form of feminist analyses of the sociological method and of the marginalization of women's experiential knowledge, which have made some useful contributions to both the discipline of political science and the formation of public policy.

It is argued that the IK paradigm can provide the foundation for a new holistic and inclusive public policy ethic, based on a deep understanding of the interrelationship of individual, community, and environment. The inclusive policy ethic, while not eliminating efficiency and scientific evidence-based decision making as a policy goal, would force policymakers to define efficiency holistically, to balance social, fiscal, and environmental concerns more appropriately, and to be open to a wider range of input. The inclusive policy ethic would continue to require a high level of technical expertise from policymakers, but would also emphasize praxis, or wisdom, and thus would be better able to embrace the input of laypeople, including those who function within an alternative knowledge paradigm.

It cannot be stressed enough that this study does not presume to be exhaustive, but rather is intended only as an exploratory analysis that in practice barely scratches the surface in terms of both exploring the extraordinarily broad and frustratingly scattered body of work on the subject, and articulating the plethora of unasked questions that remain. Firstly, it should be noted that this study focuses primarily on the experiences of First Nations peoples (Aboriginal people who have legal Indian status under the *Indian Act*) living on reserves: this is largely a reflection of the relative wealth of published material examining these groups, and an unfortunate and unintended perpetuation of the assumed congruency between First Nations peoples and the totality of Aboriginal peoples in Canada. Some space is devoted to this problem in the conclusion. Secondly, although this becomes abundantly clear in the second chapter in particular, it should be stated at the outset that there is no attempt within this study to measure in quantifiable terms the relative effectiveness of exclusionary and non-exclusionary policy formation processes;

instead the study relies on evidence drawn from case studies and by analyses of governance institutions, as well as lessons drawn from the experiences of Aboriginal peoples in Canada, to make the case that enriching the policy process through the inclusion of IK is essential to improving outcomes for Aboriginal peoples, and that self-government is essential to ensuring that IK is indeed brought back into the policy process. Finally, I would acknowledge that while the theoretical foundation of this study draws heavily on analyses that present IK as constituting an alternative knowledge paradigm that has been unjustly marginalized, some might feel that the somewhat cursory review of these concepts attempted here is insufficient and possibly one-sided; to these valid concerns I can only respond that a proper and thorough epistemological analysis would ultimately be beyond the scope of this study, which is centered on understanding how IK and Aboriginal self-government can together contribute to renewing the Aboriginal governance relationship in Canada.

Overall though, it is hoped that this study will show how embracing IK and bringing it back into the policy process through meaningful reform is not only just, but good policy as well. It will be argued throughout that the future of Aboriginal peoples depends on the success or failure of attempts to bring IK back into the policy debate, be it through institutional reform, enhanced self-government, or a combination of the two. As we shall see, it remains ultimately the task of the government of Canada to take the next important step of recognizing the value of improving IK access to the policy process, and enhancing the negotiation and implementation of Aboriginal self-government.

## **II – Understandings in Competition: IK and the European Scientific Paradigm**

If power means everything, then so must the absence of power; more specifically, the systemic marginalization of an alternative knowledge paradigm from the policy process, and the inability of a minority group to mount a substantive challenge against that marginalization, can be explained by investigating the nature of the power relationship that exists between minority group and governing body. This is the essence of arguments put forth in feminist critiques of the scientific policy process, which in turn tend to draw on aspects of Marxist and neo-Marxist analyses of the subjugation of the working classes by a state dominated, in one way or another, by a self-interested capitalist class. In the Introduction, it was suggested that these arguments could apply to the particular experience of Aboriginal peoples in Canada, in that as a disenfranchised minority group

they lacked the power to resist the exclusion of their cultures, experiences and perspectives by governance institutions responsible for the deliberation and formation of policy.

In this chapter, an attempt is made to develop this theoretical context, and to explore the extent to which it accurately reflects the experiences of alternative knowledge paradigms, in terms of participation in, and exclusion from, the policy process. The goal here is to show: (a) that the integrity and effectiveness of a policy process is at least in part dependent on the government's systems of, and approaches to, information management; (b) that the scientific approach to policy deliberation that dominates contemporary liberal democracies is characterized by a biased approach to determining what constitutes credible, policy relevant information, including specifically an aversion to alternative knowledge paradigms, and (c) that this normative bias has brought about an observable pattern of exclusion by government actors of non-conventional sources of information, including indigenous knowledge. Of course, this theoretical premise is open to interpretation and challenge; however, it should provide a useful context for our analysis of the experience of Aboriginal communities in Canada, including the persistent and systematic exclusion of their particular indigenous knowledge (IK) paradigm.

The development of this theoretical context occurs in three stages. First, in a review of certain classical and contemporary works on public policy and administration, we will explore the nature of the policy process, including in particular the importance of information, and by extension of information management. Second, we will discuss various critiques of the state by feminist authors, which argue that disenfranchised minority groups are especially ill placed to defend against the marginalization of their

particular bodies of knowledge by government information gatekeepers, with the inevitable result that meaningful participation by these groups in the development of policies directly affecting them is restricted. Finally, we will attempt to compile a comprehensive definition of the IK paradigm, the goal here being to attempt to make the case that the experience of the IK paradigm is comparable to the feminist critique of the bureaucratic state.

To begin, let us examine what we know about the policy process, particularly in terms of the importance of information to policy deliberation and formation. Of course, it should be noted for clarity's sake that while in this study we will consider the policy process primarily in terms of government and "public policy," it is reasonable "to think of policy and the process of policy making within the context of any organization and not just government."<sup>1</sup> The reasons for making this distinction will become clear later on, when we begin to examine possible approaches to renewing the governance relationship between Aboriginal peoples and the government of Canada.

The policy process, David A. Rochefort and Roger W. Cobb explain, has typically been depicted as rational and linear:

Through the accumulation of information, a troubling social condition comes to light and is documented. Next it is the job of public officials to assess that problem and its causes and to respond as efficiently as possible through such means as new legislative enactments. Attention continues until the distressing concern is alleviated.<sup>2</sup>

---

<sup>1</sup> Michael S. Whittington and Richard J. Van Loon, *Canadian Government and Politics : Institutions and Processes* (Toronto : McGraw-Hill Ryerson, 1996), 21.

<sup>2</sup> David A. Rochefort and Roger W. Cobb, "Problem Definition, Agenda Access, and Policy Choice," in *Policy Studies Journal*, 21/1 (1993), 56.

With few exceptions, the “rational choice” model of decisionmaking is typically used as the backdrop for describing and analyzing all facets of the creation of public policy. The main reason for this is its simplicity: although several variations exist, when stripped down to its basic elements, the rational model essentially consists of an actor who, given the choice between two or more alternative actions, “makes a decision that generates certain outcomes [which,] in turn, produce consequences for the actor.”<sup>3</sup> As Landry explains, “rational choice models help to describe the conditions surrounding individual choices of actions as well as to explain and predict individual choices in terms of a few simple assumptions about how individuals determine their preferences.”<sup>4</sup> The credibility of this model, Lindblom notes, has only been enhanced by the success of “operations research, statistical decision theory, and systems analysis,” which themselves emphasize “clarity of objective, explicitness of evaluation, a high degree of comprehensiveness of overview, and, wherever possible, quantification of values for mathematical analysis.”<sup>5</sup>

In practice, of course, the rational decision making model “hardly ever occurs in government;”<sup>6</sup> however, it “remains important for analytic purposes” in that it provides an ideal to strive for within government, and “helps to identify barriers to rationality.”<sup>7</sup> It is the barriers to rationality, or at least to the effective handling of policy relevant information, that we are interested in. There are two types of barriers, which must be

---

<sup>3</sup> Réjean Landry, “Rational Choice and Canadian Policy Studies,” in L. Dobuzinskis, M. Howlett and D. Laycock, *Policy Studies in Canada* (University of Toronto Press, 1996), 170.

<sup>4</sup> *Ibid.*, 171.

<sup>5</sup> Charles Lindbloom, “The Science of Muddling Through,” in *Public Administration Review*, 19 (1959), 80.

<sup>6</sup> *Ibid.*

considered for the purpose of this analysis. First, there are what we shall call *practical barriers*, including organizational, political, economic and technical barriers, that are manifest in the normal day-to-day workings of a government, and that limit the policy choices of a government, and create a sort of economic scarcity of access to the policy process, with the obvious consequences. Second, we will consider what can be described as *normative barriers* which, according to feminist and other critics of the state, are rooted in structural imbalances that characterize modern liberal democracies, as well as in certain biases and assumptions that are part of the European social scientific paradigm, which of course provides the normative foundations for the rational decision making model. As we shall see, both types of barriers can have serious limiting effects on the capacity of certain groups to become engaged in the policy process.

In terms of practical barriers, we can refer to the various alternative decision making models, proposed by Lindblom, Allison, Lowi and others, and centered not on the rational model but rather on political realities, time pressures, knowledge gaps, or organizational limitations.<sup>8</sup> The reason for this, as we saw earlier, is in the impracticability of the rational choice ideal: empirical evidence, Rochefort and Cobb observe, “repeatedly refutes” the rational model.<sup>9</sup> As Lindblom notes, the rational model (or, as he prefers, the “rational-comprehensive” approach or “root” model) “assumes intellectual capacities and sources of information that men simply do not possess, and it is

---

<sup>7</sup> T. Dye, *Understanding Public Policy* (Englewood Cliffs, NJ : Prentice-Hall, 1984), 32; quoted in Rochefort and Cobb, 57.

<sup>8</sup> Rochefort and Cobb, 57.

<sup>9</sup> Ibid, 56.



even more absurd as an approach to policy when the time and money that can be allocated to a policy problem is limited, as is always the case.”<sup>10</sup> Lack of resources, time pressures, or political pressures force public administrators to “restrict their attention to relatively few values and relatively few alternatives among the countless alternatives that might be imagined.”<sup>11</sup>

The significance of these practical barriers lies in the fact that they create a situation where only a limited number of policy options may reasonably be considered, and more importantly, where only a limited number of policy issues may be addressed at any particular time. As such, priority determination,<sup>12</sup> with all the inherent difficulties of formulating a hierarchy of social values<sup>13</sup> to guide priority determination, becomes more important for public administrators, as they must choose which among the plethora of important policy issues should benefit from scarce government resources. This in turn creates a situation where policy issues or interested populations, through their respective representatives or advocacy groups, are forced to compete with one another for the attention of policy makers, and more importantly, government resources.

This is where the aforementioned scarcity of access to the policy process comes from, and it brings with it special responsibilities to be assumed by the government: most significant among these is the transformation of the policy maker into an “information gatekeeper.” These gatekeepers are charged with the ominous task of weeding out, reducing, and ordering in importance the vast quantity of information. As Whittington

---

<sup>10</sup> Lindblom, 80.

<sup>11</sup> Ibid.

<sup>12</sup> Whittington and Van Loon, 36.

and Van Loon note, in the contemporary Canadian context, information gatekeepers are positioned at various points in the hierarchy of Canadian government, including: “bureaucratic strategists” who know they have “a limited number of opportunities to get the attention of the prime minister and Cabinet;”<sup>14</sup> central agencies, such as the Treasury Board Secretariat, the Department of Finance and the Privy Council Office, which have a great deal of influence over policy direction in other departments; and at the very top, personal advisors and other staff of individual Cabinet ministers and of the Prime Minister.<sup>15</sup>

As Whittington and Van Loon argue, in Canada only information that reaches the executive has a real opportunity to become the “‘raw material’ of priority decisions;”<sup>16</sup> yet regardless of whether that assertion is entirely accurate, it is an accurate reflection of the power wielded by the information gatekeepers. As part of the rational ideal, policy makers are required to make choices between conflicting values.<sup>17</sup> It follows then that the integrity of the policy process is closely linked to the integrity of the gatekeepers: they are in a privileged position to advance or reduce the standing of a particular issue, and they are at least partially guided by their own values and biases. Lineberry notes that factors other than “objective conditions”<sup>18</sup> could influence an issue’s standing on the public agenda, including advocacy intensity, salience of competing social issues, and

---

<sup>13</sup> Lindblom, 81-82.

<sup>14</sup> Whittington and Van Loon, 37.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid, 38.

<sup>17</sup> Lindblom, 82.

<sup>18</sup> R. Lineberry, *Government in America* (Boston : Little, Brown, 1981), 301-304; quoted in Rochefort and Cobb, 56.

“leaders’ openness to the issue.”<sup>19</sup> What happens, then, when the values and biases of one of the gatekeepers lead him or her to a poor decision? The potential is certainly there for the impact of that poor decision to reverberate throughout the remainder of the process: Rochefort and Cobb note “mismatches often exist between measures of the seriousness of a problem and the level of attention devoted to it.”<sup>20</sup>

If we are satisfied that the role of the information gatekeepers in the policy process is significant, then we are better able to appreciate the impact of normative barriers to the effective management of information. As mentioned above, here we are concerned primarily with the values that guide decisions on what constitutes credible, relevant knowledge. Recall that the goal of this discussion is to provide a theoretical context that helps to explain the historical exclusion of the IK paradigm from the policy process: as Marlene Brant Castellano notes, IK has been “invisible as a research approach,”<sup>21</sup> which in the context of governance, it will be argued, has contributed to the introduction of counterproductive policies and the resultant negative outcomes for Aboriginal peoples.

Going down this path poses some serious risks. First, it should be noted that while public servants and ultimately the state as a whole are routinely vilified for their shortcomings by commentators who have taken an anti-government stance, that is most certainly not the objective here; in fact the opposite is true. The goal of this study is to show that the policy process, at least as it affects indigenous peoples, can be greatly

---

<sup>19</sup> Rochefort and Cobb, 56.

<sup>20</sup> Rochefort and Cobb, 56.

<sup>21</sup> Marlene Brant Castellano, remarks, Concurrent Session 3.7 : Indigenous Knowledge in Policy Formation, *Bringing Communities Together : 2001 National Policy Research Conference* (Ottawa Congress Centre, Ottawa, December 5-7, 2001).

improved if certain normative assumptions about the value of indigenous knowledge can be changed, and if those changes can subsequently be incorporated into the policy process. It must also be stressed at this time that the goal here is not to devalue the European scientific paradigm: although references will be made in this analysis to, for example, feminist critiques of the bureaucratic model and the social scientific community, our critique is limited to the failure of the information gatekeepers to include IK perspectives and analyses in the policy process; in this sense, the IK paradigm is not offered as an alternative to the social scientific paradigm, but rather as a complement.

A useful starting point for our discussion of the normative biases that permeate the European social scientific establishment is the analysis of bureaucracy by several feminist scholars. The bureaucratic model, according to Weber, is specifically designed to minimize subjectivity in the decision-making process, offering “the optimum possibility for carrying through the principle of specializing administrative functions according to purely objective considerations;”<sup>22</sup> yet the very concept of objectivity may be subject to questioning, and some feminist scholars have argued that implicit in the assumption of objectivity is a tacit acceptance of the subordination of women. Specifically, this assumption of objectivity, not only in bureaucracy but also within the entire social science community, belies the inherent subjectivity of its almost entirely male architects with regard to issues outside the realm of their experience. “Drawing on their own perspectives and visions, men have constructed the prevailing theories, written history,

---

<sup>22</sup> Max Weber, “Bureaucracy,” in Hans Gerth and C.W. Mills, eds., *From Max Weber : Essays in Sociology* (London: Routledge & Kegan Paul, 1970) 215.

and set values that have become the guiding principles for men and women alike.”<sup>23</sup> In doing so, “relatively little attention has been given to modes of learning, knowing, and valuing that may be specific to, or at least common in, women.”<sup>24</sup>

Dorothy Smith raises this issue in her analysis of the evolution of political thought, calling for an open-minded investigation of the marginalization of women’s roles in our model of society. The key question for Smith focuses on how so-called “traditional relevances” of thought “are shaped... by the gendered organization of ruling.”<sup>25</sup> The marginalization of women’s experiential knowledge is evident, she argues, in the historical failure of public policy to adequately understand the integral role of reproduction (and, by extension, of the reproductive role of women) to the economy.<sup>26</sup> Inevitably, Smith and others come to analyze bureaucracy “within the larger social context, thus taking a critical perspective of organizations.”<sup>27</sup> in a society where “relations between classes, races, and sexes are fundamentally unequal,” major social institutions such as bureaucracy act “as a filter for these... forms of domination, projecting them into an institutional arena that both rationalizes and maintains them.”<sup>28</sup> The bottom line is that the experiential knowledge of women is excluded from public debate, and policies are

---

<sup>23</sup> Mary Field Belenky et al., *Women’s Ways of Knowing : The Development of Self, Voice and Mind* (Basic Books, 1986), 5.

<sup>24</sup> Belenky et al., 6.

<sup>25</sup> Dorothy Smith, “Feminist Reflections on Political Economy,” *Studies in Political Economy* (30) (1989), 48.

<sup>26</sup> Ibid, 49.

<sup>27</sup> Kathleen P. Iannello, *Decisions Without Hierarchy : Feminist Interventions in Organization Theory and Practice* (New York : Routledge, 1992), 46.

<sup>28</sup> Kathy Ferguson, *The Feminist Case Against Bureaucracy* (Temple University Press, 1984), 8.

developed without taking into account the specific knowledge and concerns of an important segment of the population, with negative policy outcomes an inevitable result.

Arguably, important parallels can be drawn between the feminist analysis described above and the experience of indigenous peoples in Canada. First, it can be argued that in both cases we are dealing with epistemologies and bodies of knowledge that stand outside the dominant European scientific paradigm. Second, in both cases clear patterns of exclusion have emerged based on the alleged inferiority of these alternative knowledge paradigms, as considered by the social scientific community. Third, in both cases we can draw a line from the marginalization of the alternative knowledge paradigms, through the specific exclusion of that knowledge from the policy process, to negative outcomes for the marginalized populations. Finally, and most significantly, in both cases the marginalization of alternative knowledge paradigms has come through the exercise of power over the policy process by proponents of the dominant knowledge paradigm.

But this begs the question: does IK actually fit the description of an identifiable alternative knowledge paradigm, as the feminist critique requires? To answer this question, a comprehensive definition of the IK paradigm is needed. This may prove problematic, in that by its very nature indigenous knowledge tends to confound the European scientific understanding of knowledge. Battiste and Henderson note that in sharp contrast to European conceptions of knowledge and culture, “most Indigenous scholars choose to view every way of life from two different but complementary perspectives: first as a manifestation of human knowledge, heritage, and consciousness,

and second as a mode of ecological order.”<sup>29</sup> Thus right away we are dealing with a form of knowledge that is distinct from the European model. A second problem emerges in that the very notion of an IK paradigm may be misleading: as Battiste and Henderson observe, indigenous knowledge is “a diverse knowledge that is spread throughout different peoples in many layers;” in fact, forms of indigenous knowledge are so intimately connected with “the clan, band, or community, or even the individual, that it cannot be separated from the bearer to be codified into a definition.”<sup>30</sup> Accordingly, in developing a definition of the Indigenous knowledge paradigm, we must guard against the promotion of the notion of a singular Indigenous body of knowledge; rather, the paradigm must encompass all observations, postulates and arguments that draw on the various sources and forms of Indigenous knowledge.

Any attempt to develop a definition of the IK paradigm must begin with a brief look at the theoretical arguments behind alternative knowledge sets. Strictly speaking, a knowledge paradigm constitutes a particular view “of the natural order of the world,” incorporating “fundamental assumptions but also systems of theories, principles, and doctrines.”<sup>31</sup> The knowledge paradigm provides the foundation for the construction of a comprehensive understanding of the world: Henderson describes, for example, how major transitions in the evolution of the European scientific knowledge paradigm, “from the Copernican to the Newtonian, and from the Newtonian to the Einsteinian, demonstrate

---

<sup>29</sup> Marie Battiste and James Youngblood Henderson, “What is Indigenous Knowledge?” in *Protecting Indigenous Knowledge and Heritage: A Global Challenge* (Saskatoon : Purich Publishing, 2000), 35.

<sup>30</sup> Battiste and Henderson, 35-36.

<sup>31</sup> Henderson, “The Context of the State of Nature,” in Battiste, ed., *Reclaiming Indigenous Voice and Vision* (Vancouver, UBC Press, 2000), 12.

how scientists change their views about how the world works.”<sup>32</sup> What must always be kept in mind is that this understanding, or “context,” is conditional:

Certain humans, for example, created modern society. Modern society is a human artefact. It has been derived from an artificial context, and assumption about the “state of nature” that has been unquestioningly accepted by modern thinkers. Indigenous people must remember that modern thought is conditional upon this assumption. If this assumption about the state of nature is wrong, then Indigenous peoples have the right to reject modern thought and assert a new assumption for the state of nature and an Indigenous theory of society.<sup>33</sup>

Accordingly, the question of whether IK constitutes an alternative knowledge paradigm is dependent on our ability to provide for IK a definition that demonstrates the role of particular sources and characteristics of knowledge in contributing to the formation of an alternative contextual understanding of the world. In “Updating Aboriginal Traditions of Knowledge,” Castellano attempts to develop such a definition, by analyzing both the sources and the characteristics of knowledge that are “valued in aboriginal societies.”<sup>34</sup> As we shall see, what emerges is an approach to understanding that is indeed quite distinct than that fostered by the European scientific paradigm.

Castellano lists three sources of Aboriginal knowledge, the first of which is traditional knowledge, or knowledge that “has been handed down more or less intact from previous generations.”<sup>35</sup> Traditional knowledge “tells of the creation of the world and origin of clans in encounters between ancestors and spirits in the form of animals; it records

---

<sup>32</sup> Ibid.

<sup>33</sup> Henderson, 13.

<sup>34</sup> Marlene Brant Castellano, “Updating Aboriginal Traditions of Knowledge,” in G. Dei, B. Hall and D.G. Roseberg, eds., *Indigenous Knowledge in Global Contexts* (Toronto: University of Toronto Press, 2000), 23.

<sup>35</sup> Ibid.



genealogies and ancestral rights to territory; (...) it memorializes battles, boundaries and treaties... [and] it reinforces values and beliefs [which] in turn provide the substructure for civil society.”<sup>36</sup> It is by nature wary of radical change, which Brant Castellano notes may be a reflection of the “slow pace of change” of the natural environment in which traditional forms of knowledge took form.<sup>37</sup>

A second source of Aboriginal knowledge is empirical knowledge, though not the kind first envisioned by the European social scientific community. Referring to a study by James Waldrum in the *Saskatchewan Indian Federated College Journal*, this “indigenous science” is based not on controlled quantitative analysis but on a “convergence of perspectives from different vantage points, accumulated over an extended period of time.”<sup>38</sup> Finally, a third source of Aboriginal knowledge identified by Castellano is revealed knowledge, which is “acquired through dreams, visions, and intuitions that are understood to be spiritual in origin.”<sup>39</sup>

Clearly, these sources of knowledge are diverse, and would certainly vary from nation to nation; nevertheless there are certain unifying characteristics on which, as Brant Castellano notes, a “measure of consensus”<sup>40</sup> has emerged. These characteristics include, but are not limited to: personal nature, experiential nature, holistic nature, and oral transmission.<sup>41</sup> Each characteristic merits consideration.

---

<sup>36</sup> Ibid.

<sup>37</sup> Castellano (2000), 23.

<sup>38</sup> Ibid, 23-24.

<sup>39</sup> Ibid, 24.

<sup>40</sup> Ibid, 25.

<sup>41</sup> Ibid.

**1. Indigenous knowledge is personal knowledge.** As we saw above, an interesting and often problematic aspect of indigenous knowledge is its connectedness to community and to individual. As Battiste and Henderson observe, those who possess this knowledge do so, and use it, such that it becomes “a part of them and unidentifiable except in a personal context.” Accordingly, indigenous knowledge “lays no claim to universality;” rather the value of an individual’s knowledge is determined by assessing the “integrity and perceptiveness of the speaker,” and is “validated through collective analysis and consensus building.”

This characteristic has important implications for the policy process. Because IK is personal, contextual, situated as Castellano describes in a particular time and space,<sup>42</sup> it cannot simply be abstracted into universal truths for the purpose of informing policies. Instead, as Castellano explains, “the more you abstract from the particularities to create a policy, the more you risk” committing through their exclusion a form of violence against those particularities. As we shall see later, the historical failure of policymakers to properly take into account those particularities is one of the most important indictments against the government of Canada regarding Aboriginal affairs policies.

**2. Indigenous knowledge is experiential knowledge.** This second characteristic is highly compatible with the first, in that it emphasizes the personal, the practical, and the contextual. The experiential aspect of indigenous knowledge is key to defining the alternative paradigm in that it clearly sets indigenous knowledge apart from the European social scientific knowledge paradigm; more specifically, the IK paradigm appears to

---

<sup>42</sup> Castellano (2001).

value the qualitative/subjective over the quantitative/objective.<sup>43</sup> As Ermine explains, people who “seek knowledge on the physical plane... find their answers through exploration... solely on the corporeal level;” by contrast, “those who seek to understand the reality of existence and harmony with the environment by turning inward” reject the traditional European epistemology in favour of a more incorporeal epistemology.<sup>44</sup>

Thus, we see that the IK paradigm encompasses not only alternative bodies of knowledge, but an alternative way of knowing as well. In stark contrast to the social scientific paradigm, which emphasizes quantitative data and analysis, the IK paradigm emphasizes the personal, the experienced, and the contextual. The next two characteristics deepen the disconnect between the two epistemologies; later on we will analyze the implications of this disconnect between the IK paradigm and the dominant social scientific paradigm.

**3. Indigenous knowledge is holistic knowledge.** This characteristic refers to the recurring theme of interrelatedness in indigenous teachings, an approach that many would argue is marginalized within the social scientific knowledge paradigm. Battiste and Henderson describe the focus of traditional ecological knowledge as “the web of relationships between humans, animals, plants, natural forces, spirits, and land forms in a particular locality, as opposed to the discovery of universal ‘laws.’”<sup>45</sup> The holistic nature of traditional knowledge is also acknowledged in the RCAP report as being quite distinct from the scientific paradigm:

---

<sup>43</sup> Castellano (2000), 29.

<sup>44</sup> Willie Ermine, “Aboriginal Epistemology,” in Marie Battiste and Jean Barman, eds., *First Nations Education in Canada : The Circle Unfolds* (Vancouver: UBC Press, 1995). Quoted in Castellano, 26.

In Aboriginal societies, those who have this [traditional/spiritual] knowledge an 'see' in ways generally not possible in western societies, grounded as they are in a linear view that seeks understanding in terms of continuums, opposites and specific categories. The linear approach to knowledge leads one to think of isolated causes and effects, of what happened and in what order. The relational approach to knowledge sees the relationship among things as well as the unity and integrity of things.<sup>46</sup>

Freeman adds to this analysis, noting that the "methods of [western] science are essentially reductionist, that is to say, they seek to understand... nature by studying the smallest or simplest manageable part or sub-system in essential isolation," whereas traditional approaches to understanding attempt to "comprehend such complexity by operating from a different epistemological basis [that] eschews reductionism, placing little emphasis on studying small parts of the ecological system in isolation."<sup>47</sup> Castellano sees this emphasis on interconnectedness as part of the spiritual aspect of the IK paradigm, noting that such IK constructs as the medicine wheel of the Cree, Dakota and Blackfoot nations attempt to "encourage us to bring more balance to our own lives" and to societies through the "sharing of diverse gifts"<sup>48</sup> – in other words, to embrace interconnectedness both as a value and as an approach to learning. Holism also requires individuals to be "aware of knowledge from multiple sources," and to recognize the importance of human relationships to the growth of knowledge.<sup>49</sup>

---

<sup>45</sup> Battiste and Henderson, 44.

<sup>46</sup> Canada, Royal Commission on Aboriginal Peoples, *Final Report Volume 4 : Perspectives and Realities* (Ottawa : Minister of Supply and Service Canada, 1996), 115.

<sup>47</sup> Milton M.R. Freeman, "The Nature and Utility of Traditional Ecological Knowledge," in *Northern Perspectives 20/1* (Summer 1992), 9-10.

<sup>48</sup> Castellano (2000), 30.

<sup>49</sup> Ibid.

Thus, holism supports the contextual nature of indigenous knowledge, by requiring the observer to examine people, things, and concepts as they relate to their surrounding environment. In this sense, the IK paradigm certainly stands opposed to the non-contextual, impersonal social scientific epistemology.

**4. Indigenous knowledge is oral knowledge.** This aspect of IK is a natural extension of the characteristics we have discussed so far; specifically, the oral transmission of knowledge in indigenous cultures goes hand in hand with the premium placed on the personal, the experiential, and the interconnected. This characteristic is significant on two levels: first, it refers to the historical importance within Aboriginal societies of the relationship between pupil and teacher. Prior to the introduction of electronic media into indigenous communities, the teaching of oral knowledge “encompassed not only intellectual content but also the emotional quality of the [student-teacher] relationship,” and was “essentially nonprescriptive,”<sup>50</sup> whereas the scientific approach to teaching is prescriptive, and universalistic.

The second significant aspect of this oral characteristic is derived from the first: the oral tradition demonstrates the value of sharing knowledge as a means of growth. As Castellano observes, “individual knowledge is so puny,” as is the knowledge of individual societies. It is only through the sharing of knowledge that common understandings may grow; Larry Chartrand argues for example that social cohesion “can be facilitated between Aboriginal and non-Aboriginal societies if [Canadian]

---

<sup>50</sup> Castellano (2000), 27.

governments understand the need to reconcile the differences between Aboriginal and non-Aboriginal ways of doing things.”<sup>51</sup>

Finally, the oral characteristic also runs completely counter to the emphasis within the scientific knowledge paradigm on written, encoded knowledge. This is of utmost concern for our analysis: an essential aspect of our argument here is that the IK paradigm was excluded because it was seen as inferior. The evidence, it would seem, supports that position: Castellano notes there is even a term within social scientific circles for oral cultures and knowledge – “preliterate”<sup>52</sup> – that illustrates the formers rejection of the latter; in the next chapter we will take a closer look at how similar attitudes towards the traditional customs and wisdom of Aboriginal peoples led policy makers to conclude that Aboriginal peoples were uncivilized and in need of some form of salvation. Only recently has the assumed irrelevance of orally transmitted IK been successfully challenged in the public arena. Of these, the most significant is the 1997 Delgamuukw decision by the Supreme Court of Canada on the use of oral narratives in court proceedings, in which the justices ordered the legal profession to “include and respect Indigenous oral traditions in standards of evidence, overruling centuries of development of the British rules of evidence.”<sup>53</sup> Battiste considers the significance of this ruling:

The justices... held that Indigenous oral traditions are legitimate sources of evidence and ordered the courts to modify rules of evidence and procedures to acknowledge and value these traditions. This decision offers a powerful analogy for the interpretive monopoly of existing

---

<sup>51</sup> Larry Chartrand, remarks, Concurrent Session 3.7: Indigenous Knowledge in Policy Formation, *Bringing Communities Together : 2001 National Policy Research Conference* (Ottawa Congress Centre, Ottawa, December 5-7, 2001).

<sup>52</sup> Castellano (2000), 26.

<sup>53</sup> Battiste, “Introduction,” in Battiste, ed., xx.

standards of research scholarship. If the courts are required to consider oral traditions, then all other decision makers should likewise consider the validity of oral traditions, including oral dissemination within Aboriginal and non-Aboriginal communities, as significant sources for the distribution and dissemination of Aboriginal knowledge and scholarship.<sup>54</sup>

We could delve more deeply into the nature of Aboriginal knowledge and epistemology; however from what has been discussed above it can definitely be argued that distinct bodies of Indigenous knowledge exist, that these bodies of knowledge tend to adhere to an epistemology that is distinct from the European scientific epistemology, and that the combination of the two constitute an IK paradigm that is separate from mainstream knowledge and epistemology. The two paradigms are essentially dichotomous: contextual versus universal; holistic versus compartmental; and most significantly, subjective versus objective. Further, in this chapter we have seen that a common thread binding the experiences of indigenous peoples around the world is a powerful discourse of displacement and ultimately disempowerment, with the resultant implications on the capacity of Indigenous peoples to become engaged in the policy process.

Having established our definition of IK as a distinct knowledge paradigm, we can finally begin to look specifically at the nature of the marginalization of the IK paradigm, and the similarities and differences between this case and that of women's experiential knowledge. Ultimately, if we are to be able to fully understand the roots of the marginalization of the IK paradigm, we have to talk about power – who has it, why they have it and how the use of it affects the disadvantaged group. Although the feminist

---

<sup>54</sup> Battiste, xx.

literature is highly instructive here, particularly in terms of the emphasis in feminist literature on making the transition from a domination/subjugation discourse to an empowerment discourse, the circumstances of the two cases in terms of the evolution of power structures are obviously different. As such, a more generic discourse is required, one that may be more readily applied to the experiences of Indigenous peoples, not only in Canada but in colonized societies around the world, that have over time had social and political structures imposed on them that severely limited their power to act, both within government and within the society as a whole. For that reason, we must also turn to certain facets of neo-Marxist literature to help explain the nature of power struggles as they exist both within the state and without.

As such, let us take a moment to consider to the impact of colonization and the imposition of social structures on Indigenous peoples by settlers. As is observed in the RCAP report, the experiences of the various Indigenous peoples of the world are diverse, but share important common characteristics.

The colonization process... took different forms in different parts of the world. In Brazil, for example, the Portuguese imported African slaves to produce crops... on large plantations run by small numbers of European settlers. In Mexico and much of the rest of Latin America, 'mixed' colonies developed, where a substantial minority of non-indigenous settlers sought to create societies modeled on the Spanish homeland but with an emphasis on absorbing the indigenous population.... Canada, Australia, New Zealand and the United States represented another model.... As with much of Africa, there were few pre-existing centralized state structures among the indigenous inhabitants. In addition, Aboriginal population density was low – or fell precipitously as a result of disease... and geographic conditions were considered ideal for European... ways of life.<sup>55</sup>

---

<sup>55</sup> Canada, *Royal Commission on Aboriginal Peoples, Final Report Volume 1 : Looking Forward, Looking Back* (Ottawa : Minister of Supply and Service Canada, 1996), 139.



Yet regardless of the differences in circumstances, in each case the “impact on indigenous populations was profound.”<sup>56</sup> The RCAP report uses the term “displacement” to describe the consequences of colonization for indigenous peoples: physical displacement, through the denial of “access to their traditional territories;”<sup>57</sup> social/cultural displacement, through the subjugation to missionary activity and the imposition of school systems which “undermined their ability to pass on traditional values,”<sup>58</sup> and political displacement, through the establishment of laws requiring indigenous peoples to “abandon or at least disguise traditional governing structures and processes in favour of colonial-style municipal institutions.”<sup>59</sup> Inevitably, the effects of physical, socio-cultural and political displacement of indigenous peoples by colonization came to be reflected in the new social and political structures that emerged.

The concept of displacement is extremely important to this analysis, in that it encapsulates the evolution of certain social and political structures in which the balance of power greatly favours the non-Indigenous population. As we have seen, the experiences of women and Indigenous peoples with regards to marginalization at the hands of a dominant group have much in common. Of course, feminist scholars have written at length of the implications of structural imbalances in the distribution of power between the genders, noting the power that men have historically been able to exercise over women has become “a structured part of our economies and systems of political and

---

<sup>56</sup> Canada, RCAP, *Final Report Vol. 1*, 139.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid, 140.

<sup>59</sup> Ibid.

social organization.”<sup>60</sup> However, the usefulness of feminist discourse to our analysis is limited in that the social divisions under examination here – Aboriginal vs. non-Aboriginal – are perhaps more clearly defined than is the case with gender.

The neo-Marxist discourse of Nicos Poulantzas and others also focuses on power differentials within societies; however the focus on class struggle within societies, and the vocabulary associated with that approach, may be more readily applicable to the experience of indigenous peoples. In *State, Power, Socialism*, Poulantzas proposes an alternative theory of the state that draws on Marxist analyses of class conflict to argue that the state – and, by extension, the policy process – is driven by the status of the conflict between dominant and subordinate classes within state institutions. By this analysis, the argument that a state’s tendency to favour the capitalist class in its policy initiatives is rooted solely in “the hold exercised over the instrument-State by a single fraction of the bourgeoisie” is misleading and oversimplified;<sup>61</sup> further, the concept of a state “with power of its own and a tendency to absolute autonomy of social classes” is also false,<sup>62</sup> because it is unable to address how “a state policy is established in favour of the dominant classes.”<sup>63</sup> Instead, the conflict in society between dominant and subordinate classes is reflected/recreated as conflict between dominant and subordinate factions/institutions within the state: these conflicts take the form of “internal contradictions between... various branches and apparatuses, following both horizontal and

---

<sup>60</sup> Michael Kaufman, “Men, Feminism, and Men’s Contradictory Experiences of Power” (1997), URL : <http://www.michaelkaufman.com>.

<sup>61</sup> Nicos Poulantzas, *State, Power, Socialism* (New Left Books, 1978), 131.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid, 132.

vertical directions.”<sup>64</sup> Finally, according to Poulantzas’ theory, the structural organization of the state evolves such that those institutions in which the dominant groups have a clear vested interest become “impermeable to all but monopoly interests” while the subordinate groups are relegated to other, lesser institutions in which the vested interest of the dominant group is less important. Thus the structural organization of the state is designed to provide refuge for the elites wherever their interests may lie, and to limit the ability of the subordinate groups to have any real sustained impact on state policy.

This is of course but one interpretation of how power struggles between sub-populations are manifested in policy process; however, its applicability to the indigenous peoples’ experience is evident, if we choose to analyze the conflict between Aboriginal and non-Aboriginal populations along the lines of class conflict. By choosing this path we can consider not only the implications for Indigenous peoples of the exclusion of IK perspectives and analyses from the policy process, but the nature of the structural distribution of power between Aboriginal and non-Aboriginal peoples as well, including its impact on the influence of the information gatekeepers over the policy process. Moreover, we can also consider specifically the lack of power of Indigenous peoples to become engaged politically within state institutions, and by extension to ensure that those IK analyses are included in policy deliberations. This is especially important since, as we have already discussed, a certain amount of room must be left to make distinctions between policies on the one hand designed specifically to undermine and injure Aboriginal peoples, and policies on the other hand perhaps designed with the best of

---

<sup>64</sup> Poulantzas, 132-133.

intentions but ultimately detrimental to Aboriginal peoples due possibly to the exclusion of IK from the policy process.

Thus, I would submit that we have successfully established that the IK paradigm is in fact an alternative knowledge paradigm vulnerable to marginalization by a dominant political elite rooted in the European scientific paradigm, with adherents that have been largely unable to defend against that marginalization, as the feminist and Marxist analyses require. In the next chapter, we will attempt to move away from theoretical discussions, and instead focus on the history of Aboriginal affairs policy in Canada, with the goal of providing some empirical support for this theoretical foundation.

### **III - Wards of the State: Assessing the Impact of the Marginalization of IK**

In the previous chapter, our emphasis was solely on developing a theoretical explanation for the marginalization of Aboriginal peoples by Canadian public officials, and for the exclusion of their traditional Indigenous knowledge from the policy process. That process did not incorporate any analysis of the history of Aboriginal peoples' treatment by Canadian public officials, only a brief discussion of the impact of colonization on indigenous peoples in terms of creating a culture of displacement and disempowerment; yet it is clear that a theoretical argument alone proves little if anything, and if we wish to gain a true understanding of the nature of IK exclusion in Canada, we

must first prove that IK exclusion is a reality, and we must attempt to discern the consequences of that reality.

In this chapter, an attempt is made to show that (a) Indigenous knowledge was in fact disrespected by information gatekeepers and ultimately excluded from the policy process; and (b) that said exclusion impoverished the policy process and resulted in the adoption of policies that were detrimental to Aboriginal peoples. To accomplish this, I have chosen the route of an historical analysis of major Canadian Aboriginal public policy initiatives, with particular emphasis on the period beginning with the signing of the Constitution Act, 1867, and ending with the signing of the James Bay and Northern Quebec Agreement in 1975. While this analysis will fall short of being exhaustive, it will nevertheless attempt to highlight important trends and themes that transcend individual policies, including most significantly the integration of Aboriginal peoples into white or “mainstream” society, and the devaluation of traditional knowledge, cultures and practices.

The chapter begins with an attempt to clarify the scope of inquiry for our historical analysis, and to justify the choice of a historical analysis as the basis for this discussion. We will re-visit the issue of colonization and, in doing so, will show how initially cordial Aboriginal-settler relations in North America deteriorated over time, culminating in the establishment of Aboriginal peoples as wards of the Canadian state in the *Constitution Act, 1867*. We will analyze the mix of forces that gave rise to the original *Indian Act* in 1876, as well as the dominant assumption that Aboriginal peoples needed to be integrated into white Christian society. It will be shown that public officials’ approaches to Aboriginal peoples were driven by a failure to recognize the value of Aboriginal peoples’

traditional knowledge, cultures, practices and perspectives, which was itself driven by normative assumptions about what constitutes credible, relevant information, and it will be shown that this devaluation of Indigenous knowledge – indeed, of the Indigenous way of life - freed public officials to pursue policies that ignored Aboriginal peoples' concerns and ultimately contributed to the despotic conditions that Aboriginal peoples in Canada face today.

I have chosen to limit the scope of the analysis to the period ending with the signing of the James Bay and Northern Quebec Agreement (JBNQA) primarily because it was at that point in Canadian history that, as a result of a series of court decisions that recognized the validity of Aboriginal land title, forced the government of Canada to begin to take a different approach to Aboriginal policy. The analysis does not stop with the signing of the JBNQA, but it is important to acknowledge that the JBNQA signing was the starting point for a gradual shift in the discourse on Aboriginal policy. The chapter will conclude with an examination of that shift, which will prepare us for our discussion in the final chapter on bringing Indigenous knowledge back into the policy process; however, it will also be shown that the conscious marginalization of Indigenous knowledge is alive and well in Canada today in certain sectors,

To begin, it is necessary to take a moment to justify the use of a historical review of Aboriginal policy for this analysis. In this chapter we are attempting to answer two fundamental questions. The first question we must consider deals with how and to what extent was Indigenous knowledge excluded from the policy process; the second asks whether that exclusion contributed to the negative outcomes experienced by Aboriginal peoples, and if so, how. Earlier, I used the term “impoverished” to describe the effect on

the policy process of marginalizing Indigenous knowledge. It will be argued that by refusing to lend any credence to the concerns of Aboriginal peoples, public officials were effectively guaranteed that the policy choices they made would have negative consequences, simply by limiting their policy options; in the third chapter, we will see how reconsidering the devaluation of IK, and ultimately opening up the policy process to IK, also opened the door to a new set of options that had previously been inconceivable, options which, in several cases, became government policy and as such began to reverse some of the trends that had since 1867 permeated all facets of Aboriginal policy.

Of course, this historical approach stops short of measuring in specific terms the benefits of incorporating IK into the *policy process*; in fact, it may not be possible to do so. In theory, though, it would be possible to demonstrate the value of including IK in the policy process by creating the following hypothetical evaluation design: parallel policy development processes, one drawing on IK and the other not, are conducted to develop policy options in policy areas A, B, C, and D. Assume that, for each of the four policy areas, two possible courses of action are identified to solve a problem. We then have the following two sets of policy options:

Policy Area	A	B	C	D
Policy Set 1(IK incl.)	A1	B1	C1	D1
Policy Set 2 (IK excl.)	A2	B2	C2	D2

We can then test the effectiveness of each Policy Set by implementing Policy Set 1 in Aboriginal community X and implementing Policy Set 2 in Aboriginal community Y. Assuming comparable social conditions in each community, and assuming that for each community all the necessary resources are made available to implement their respective



Policy Sets, we would be able to infer from the relative success/failure of individual policies whether the process that gave rise to Policy Set 1 was more effective than that which gave rise to Policy Set 2.

Of course, in practice it would be next to impossible to control for threats to the internal validity<sup>65</sup> of such an evaluation, meaning that any conclusions regarding a causal relationship would be highly suspect. Further, my assumption that the two policy processes would necessarily give rise to very different policy options may be flawed; the differences may be much more subtle, particularly when the reality of scarce resources is re-introduced. The best one could hope for in terms of creating a viable test scenario would be a battery of related long term pilot projects, organized according to policy direction, that could provide the basis for a longitudinal comparative analysis; of course, the scope of this investigation is much narrower, and focused on *interpreting the actions* of Canadian public officials responsible for formulating and directing Canada's Aboriginal policy. Thus, for the moment at least, a historical analysis drawing on formal and candid observations of academics, policy makers and Aboriginal leaders, will have to suffice, and should in fact be sufficient to at least begin to respond to the two narrow questions presented above.

Our historical analysis begins with a brief discussion of the gradual shift in the dynamic of Aboriginal-colonial relations, from the earliest phases of initial contact to the imposition on Aboriginal peoples by colonial leaders of a paternalistic, assimilationist

---

<sup>65</sup> In "Towards a Systematic Approach to Program Evaluation Design" (*IEEE Transactions on Systems, Man, and Cybernetics* 9(9), September 1979, James H. Tien (p. 497) defines threats to internal validity as those events/circumstances which impact upon the "extent that the statistical association of an intervention

regime. This is necessary if we are to fully appreciate the impact of the political displacement of Aboriginal peoples alluded to in the previous chapter; further, this discussion will set the stage for our analysis of the various policy regimes imposed on Aboriginal peoples by European settlers.

Perhaps most importantly, the RCAP *Final Report* reminds us early relations between Aboriginal peoples and the newcomers “were established in a context in which Aboriginal peoples had the upper hand in population and in terms of their knowledge of the land and how to survive in it.”<sup>66</sup> Because of this, and because they quickly recognized the potential benefit of good relations with the Aboriginal nations, the Europeans, whether they wanted to or not, saw the value at least initially of treating the indigenous inhabitants of the “New World” with respect. Thus politically, this initial “period of contact was also one of mutual recognition, whereby Aboriginal and non-Aboriginal societies appear, however reluctantly at times, to have determined that the best course of action was to treat the other as a political equal in most important respects.”<sup>67</sup> It was during this time that the tradition of treaty relations emerged, as well as the practice of building military alliances:

In the many ensuing struggles between France and Britain, as well as in the later ones between the American colonists and the British, Aboriginal nations were... greatly valued as military allies. Since victory or defeat in any particular military contest might hang in the balance, strenuous efforts were often made by the warring colonial powers either to enlist the support of Aboriginal nations or, at least, to assure their neutrality. Neither support nor neutrality could be demanded at this stage

---

and measured impact can reasonably be considered a causal relationship.” In the case, the intervention we would be attempting to isolate is the inclusion/exclusion of IK in the policy process.

<sup>66</sup> Canada, RCAP, *Final Report, Volume I*, 100.

<sup>67</sup> Ibid, 101-102.

in the relationship, however; it could be achieved only by persuasion and diplomacy.<sup>68</sup>

During this early phase, even economic activity was relatively benign, as “both sides benefited from the commerce that took place,”<sup>69</sup> and the presence of the Europeans, while placing additional pressure on the local natural resource base, “did not interfere in a major way with long-standing Aboriginal patterns of pursuing their livelihood and actually tended to build on Aboriginal strengths.” Both Aboriginal nations and European settler communities benefited from the exchange of knowledge, goods, and technologies. Ultimately, this early phase was informed by the decisions of both Aboriginal and European leaders to act in their own respective interests, at a time when those interests had yet to collide. In *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*, J.R. Miller describes the factors that made this early cooperative relationship possible:

From the time of Champlain’s voyages till the dawn of the eighteenth century, the French came for fish, fur, exploration, and evangelization. The Indian was an indispensable partner – frequently a dominant as well as a necessary partner – in all these activities.... For their part the Indians found it acceptable, and occasionally desirable, to humour the newcomers. To a minor degree the explanation could be found in Indian traditions of sharing and avoiding coercion of others. A more important reason for their toleration and cooperation... was that the newcomers’ activities were compatible with the continuation of Indian ways.<sup>70</sup>

Miller goes on to suggest that the Aboriginal nations’ initial tolerance of the missionaries was part of this conscious attempt to develop a profitable, sustainable

---

<sup>68</sup> Ibid, 102.

<sup>69</sup> Canada, RCAP, *Final Report Vol. 1*, 101.

<sup>70</sup> J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*, revised edition (Toronto: University of Toronto Press, 1989), 40.

relationship with the Europeans; ultimately, so was the decision to enter into treaties, which they saw as “vital, living instruments of relationship.”<sup>71</sup> The spirit of treaty relations is best explained in a passage from *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples*, which describes the Two Row Wampum, a beaded belt<sup>72</sup> commemorating a 1613 treaty between the Mohawk and the Dutch:

A bed of white wampum symbolizes the purity of the agreement. There are two rows of purple, and those two rows represent the spirit of our ancestors. Three beads of wampum separating the two purple rows symbolize peace, friendship and respect. The two rows of purple are two vessels traveling down the same river together. One, a birch bark canoe, is for the Indian people, their laws, their customs and their ways. The other, a ship, is for the white people and their laws, their customs and their ways. We shall each travel the river together, side by side, but in our own boat. Neither of us will try to steer the other's vessel.<sup>73</sup>

This description captures the essence of what Aboriginal peoples believed to be the true nature of treaty diplomacy. Their belief was, of course, based on their conversations with colonial leaders, and particularly those of the British, who emerged after 1759 as the sole colonial presence North of what was to become the United States after the defeat of the French. By the very act of signing, colonial leaders “appeared to recognize the nationhood of Aboriginal peoples and their equality as nations.”<sup>74</sup> Yet even as these agreements were being signed, problems were beginning to emerge: the first problem, as Aboriginal leaders would eventually discover to their chagrin, was that “European and

---

<sup>71</sup> Canada, RCAP Vol. 1, 128.

<sup>72</sup> Beaded belts, or wampums, were frequently used by Aboriginal nations (primarily the Iroquois) to symbolize the signing of a treaty with European colonial leaders.

<sup>73</sup> Canada, RCAP, *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples* (Ottawa, 1996), 10.

Aboriginal interpretations of their agreements, whether written or not, differed on some key issues;<sup>75</sup> the second problem was much more serious.

As we have already seen, there is ample “evidence of a relationship of mutual respect that developed among those individuals and groups who worked, traded and sometimes lived together over longer periods of time;”<sup>76</sup> it has been documented that Aboriginals and European settlers “adopted each other’s foods, clothing, hunting or transport technologies as they proved useful.”<sup>77</sup> There is also evidence that, even as Christian missionaries combed the countryside, “Europeans, especially young men working on the frontiers of contact with Aboriginal peoples, found much not only to admire but also to emulate” in the Aboriginal peoples’ approaches to nature and spirituality.<sup>78</sup> However, the discourse was much less friendly within the ranks of the colonial leaders and the European elite, as conflict began to emerge over the “philosophical underpinnings of colonial policy:” specifically, certain people, and in particular those who had direct dealings with the Aboriginal peoples, were questioning the official view that the Aboriginal peoples were uncivilized. The conflict over the nature of colonial policy is best captured in the 1550 debate between Bartolomé de las Casas and Juan Ginés de Sepúlveda before Spanish Emperor His Majesty Charles V at Valladolid, Spain. What follows is an excerpt of that debate, as presented in dramatized form for the 1985 Canadian Broadcasting Corporation program, “Ideas,” and subsequently printed in the RCAP *Final Report*:

---

<sup>74</sup> Ibid, 9.

<sup>75</sup> Canada, RCAP, *Final Report Vol. 1*, 125.

<sup>76</sup> Canada, RCAP, *Final Report Vol. 1*, 105.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

Sepúlveda: The Indians of the New World are, by the rudeness of their nature, natural slaves. Natural law provides a justification for those people motivated by pure generosity who undertake to rule over barbarous peoples. By making the barbarians change their lives, they comply with a duty of mankind to rout out customs contrary to natural laws. As Aristotle teaches us, from the hour of their birth some are marked for subjection and others for rule. They are not slaves by the strength of armies or by the laws of nations, but by their nature. They are persons of inborn rudeness and of inhuman customs. Thus one part of mankind is set aside by nature to be slaves, slaves in the service of masters who are born for a life free of manual labour.... If inferior beings refuse this overlordship, they may be warred against justly, as one would hunt down wild beasts.

Las Casas: God has deprived [Sepúlveda] of any knowledge of the New World. Long before the Indians heard the word "Spaniard", they had properly organized states, states wisely ordered by excellent laws, religion and custom. They cultivated friendships, came together in common fellowship, lived in populous cities. In fact, they were governed by laws that surpass our own at many points. They would certainly have won the admiration of the sage of Athens. Now, we Spanish have ourselves been called wild barbarians by the Romans. They thought we were led to a more civilized life by Caesar Augustus. I would like to hear Doctor Sepúlveda in his cleverness answer this question: Does he think that the Roman war against us was justified in order to free us from barbarism? Did we Spanish wage an unjust war when we defended ourselves against the Romans?

Sepúlveda: But worshipping stones as God is contrary to natural reason, and thus forbidden by the nature of things. The Indians cannot be invincibly ignorant, and they cannot be here so easily excused!

Las Casas: The ultimate intention of those who worship idols is not to worship stone, but to worship the planner of the world. Although they venerate stones, they understand there is something greater than themselves. Thus, they show they have wisdom! It is clear that the intention of those who worship idols is to honour and adore the true God, whoever he may be.<sup>79</sup>

---

<sup>79</sup> "On the Just Causes of War: The Debate at Valladolid", dramatization of the debate between Bishop Don Fray Bartolomé de las Casas and Doctor Juan Ginés de Sepúlveda, historiographer to His Majesty Charles V, Holy Roman Emperor, at Valladolid, Spain, 1550 (The Canadian Broadcasting Corporation, "Ideas", 1985).

Of course, it's difficult to gauge the real influence of this debate or of other debates in other countries on colonial policies; if one were to measure this by the content of treaties and of major policy statement such as the 1763 *Royal Proclamation*, the results would be mixed. The *Royal Proclamation* was a landmark document, is acknowledged by Aboriginal leaders and in the RCAP Final Report as a "landmark in British/Indian relations."<sup>80</sup> Writing in 1973, Mr. Justice Hall of the Supreme Court of Canada described the *Royal Proclamation* as "a law which followed the flag as England assumed jurisdiction over newly discovered or acquired lands or territories."<sup>81</sup> The *Royal Proclamation* is best known for having provided a framework for amicable, and mutually respectful, relations between Aboriginal nations and the British Crown, which only four years earlier had assumed control of the North American colony from France; the essence of that framework is clearly stated in the Proclamation's preamble:

And whereas it is just and reasonable, and essential to Our Interest and the Security of Our Colonies, that the several Nations or Tribes of Indians, with whom We are connected, and who live under Our Protection, should not be molested in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to, or purchased by us, are reserved to them, or any of them, as their Hunting Grounds....<sup>82</sup>

This sentiment is reinforced with what appear to have been clear statements recognizing Aboriginal ownership of the colonial territory:

And whereas great Frauds and Abuses have been committed in the purchasing Lands of the Indians, to the great Prejudice of Our Interests,

---

<sup>80</sup> Canada, RCAP, *Final Report Vol. 1*, 115.

<sup>81</sup> *Calder v. Attorney-General of B.C.* (1973), Supreme Court Reports 313 at 394-395. Quoted in RCAP, *Final Report Vol. 1*, 116.

<sup>82</sup> Clarence S. Brigham, ed., *British Royal Proclamations Relating to America, volume 12, Transactions and Collections of the American Antiquarian Society* (Worcester, Mass.: American Antiquarian Society, 1911), 212-218.

and to the great Dissatisfaction of the said Indians; in order therefore to prevent such Irregularities for the future, and to the End that the Indians may be convinced of Our Justice, and determined Resolution to remove all reasonable Cause of Discontent, We do, with the advice of Our Privy Council, strictly enjoin and require, that no private Person do presume to make any Purchase from the said Indians of Any Lands reserved to the said Indians, within those Parts of Our Colonies where We have thought proper to allow Settlement; but that if, at any Time, any of the said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us, in Our Name, at some publick Meeting or Assembly of the said Indians to be held for that Purpose....<sup>83</sup>

At first glance these declarations may indeed suggest that the British leadership had taken the concerns of critics into account, and adopted a conciliatory approach to dealing with the Aboriginal nations inhabiting its newly acquired colony; however evidence abound to suggest that this is not the case, and that any attempts at rapprochement by British and colonial governments were motivated by strategic concerns, not ethical ones. Specifically, it appears that colonial governments were primarily interested in building military alliances with Aboriginal nations, including in particular the nations of the Iroquois Confederacy, to support their efforts against opposing colonial powers. Titley notes that the Iroquois “were vital military allies in the struggle with the French for domination of the continent;”<sup>84</sup> York and Pindera add that the decision of the Iroquois to align themselves with the British was “the final blow for the French, and... a crucial factor in determining the fate of what is now Canada.”<sup>85</sup> Titley argues that the *Royal Proclamation* was in essence a reward to their native military allies:

---

<sup>83</sup> Brigham, 212-218.

<sup>84</sup> E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), 2.

<sup>85</sup> Geoffrey York and Loreen Pindera, *People of the Pines: The Warriors and the Legacy of Oka* (Toronto: Little, Brown and Company Limited, 1991), 156.



The Royal Proclamation of 1763 was designed to retain native goodwill by establishing a boundary between their lands and those of the whites.... It at once tacitly acknowledged aboriginal land title and suggested procedures of surrender that were later incorporated into the treaty system. The wisdom of this policy was subsequently confirmed when the Indians generally remained loyal to the British cause during the American Revolutionary War.<sup>86</sup>

Any doubt about the true intentions of the Crown was resolved in the years that followed, as the normalization of relations between the United States and Great Britain following the War of 1812 meant that “colonial governments... no longer needed Aboriginal nations as allies.”<sup>87</sup> As such, colonial leaders “no longer felt it necessary to appease them by protecting their lands,” and thus were free to focus solely on the internal affairs of the colony. Both Titley and the RCAP Final Report identify the 1830 transfer of responsibility for “Indian policy” from military to civilian authorities as a major turning point in this regard.<sup>88</sup>

In addition to the decline in importance of military cooperation, two other factors contributed to the erosion of the nation-to-nation relationship between Aboriginal and colonial leaders that for decades had been affirmed through treaty negotiations and in the *Royal Proclamation*. First among these is the drastic shift in the demographic balance of power: beginning in the 1780s, hordes of British Loyalists from the newly formed United States of America, along with continued immigration from Europe, overwhelmed the vast British colonies,<sup>89</sup> while poverty and infectious diseases ravaged the populations of the Aboriginal nations to the point that, by 1812, the estimated ratio of immigrants to

---

<sup>86</sup> Titley, 2.

<sup>87</sup> Canada, RCAP, *People to People, Nation to Nation*, 12.

<sup>88</sup> See Titley, 2, and RCAP, *Final Report Vol. 1*, 138.

Aboriginal peoples in Upper Canada had skyrocketed to 10 to 1.<sup>90</sup> The second factor is the merger in 1821 of the two giants of the fur trade, the North West Company and the Hudson's Bay Company: this event "signaled the end of the Montreal-based fur trade and with it the relative prosperity of the Aboriginal nations dependent on it;"<sup>91</sup> more importantly, it effectively dissolved what had until then been a "co-operative division of labour between Aboriginal and non-Aboriginal people"<sup>92</sup> in Eastern Canada, and that economic relationship was slowly replaced by a new economy "based on timbers, minerals, agriculture,"<sup>93</sup> in which Aboriginal people came to be regarded as impediments to productive development."

Thus, buoyed by the dramatic demographic shift in their favour, and no longer bound by the need to maintain military alliances, colonial governments, which by now had effectively taken full control over Aboriginal policy within their respective jurisdictions,<sup>94</sup> began to betray their true intentions; this process began with the increasingly aggressive pursuit of land purchases from Aboriginal nations. "From 1815 to 1850, there were literally hundreds of land transactions, whereby First Nations, many of which had previously made treaties of alliance, peace and friendship with the Crown, transferred

---

<sup>89</sup> Canada, RCAP, *Final Report Vol. 1*, 137.

<sup>90</sup> Ibid.

<sup>91</sup> Canada, RCAP, *Final Report Vol. 1*, 138.

<sup>92</sup> Ibid.

<sup>93</sup> Canada, RCAP, *People to People, Nation to Nation*, 11.

<sup>94</sup> Although the administration of Indian policy had by then been in the hands of colonial governments for decades, official responsibility for Indian policy was not ceded to colonial authorities until 1860. See Titley, 4.

their land to the Crown.”<sup>95</sup> Most of these surrender agreements could charitably be described as “ill-advised,”<sup>96</sup> with Aboriginal peoples increasingly confined to “smaller and smaller tracts, typically in areas that were least suited to European settlement;”<sup>97</sup> further, annuities made to individual Aboriginals as part of these agreements were minimal, typically between six and ten dollars a year,<sup>98</sup> which left them impoverished and dependent on increasingly inhospitable lands for survival.

The Indian department “greatly encouraged these surrenders; lands so acquired could be sold to raise money for administrative purposes;”<sup>99</sup> ultimately, encouraging the surrender of lands for the benefit of the colonial governments was consistent with an emerging ideology “proclaiming European superiority over all other peoples of the earth,”<sup>100</sup> which provided the moral basis for a lands policy that over time came to reject the premise of treaties and of land purchase procedures. According to Bryan S. Turner, none other than Alexis de Tocqueville “propounded the notion that [because] the North American nomadic communities... did not create property” as the concept was understood in Europe, “they were not actually there, at least as occupants of the land;”<sup>101</sup> de Tocqueville’s logic is implicit in criticisms of the treaties leveled by “those who felt that

---

<sup>95</sup> Canada, RCAP, *Final Report Vol. 1*, 155.

<sup>96</sup> Titley, 2.

<sup>97</sup> Canada, RCAP, *Final Report Vol. 1*, 156.

<sup>98</sup> *Wesleyan Methodist Report, 1857* (Toronto: Wesleyan Methodist Church of Canada Annual Reports, 1828-1885), xxiii; quoted in RCAP Vol. 1, 149-150.

<sup>99</sup> Titley, 2.

<sup>100</sup> Canada, RCAP, *People to People, Nation to Nation*, 12.

<sup>101</sup> Bryan S. Turner, “Citizenship Studies: A General Theory,” in *Citizenship Studies, Vol. 1/1* (1997), 13.

the Indians were not using their property to its maximum advantage,” and demanded access to “what they regarded as ‘surplus’ and ‘idle’ Indian lands.”<sup>102</sup>

If the situation was grave in Upper Canada, it was worse in Nova Scotia and New Brunswick. In those colonies, “aboriginal title was not recognized,”<sup>103</sup> and as such, the Crown never negotiated any treaties or surrender agreements with the Aboriginal communities located there. Over time, due to the pleadings of native leaders, some reserves were granted; however “authorities seemed unwilling or unable to take remedial measures.”<sup>104</sup> The situation was similar in Prince Edward Island, which in 1767 was granted to “absentee British proprietors” without surrender by the Mi’kmaq who lived there.<sup>105</sup> It wasn’t until 1870 that the first reserve was established in Prince Edward Island on Lennox Island; until then the Mi’kmaq “survived by squatting on land to which they held no title.”<sup>106</sup> Within the colony of Vancouver Island, which was established in 1849, relations between the Aboriginal nations and the colonial leadership was initially cordial, primarily due to the importance of the fur trade to the local economy;<sup>107</sup> however

---

<sup>102</sup> Titley, 16.

<sup>103</sup> Ibid, 5.

<sup>104</sup> Titley, 5.

<sup>105</sup> Ibid, 6.

<sup>106</sup> Ibid.

<sup>107</sup> As Titley (7-8) explains, in Vancouver Island Aboriginal communities were fortunate to have in James Douglas a governor who was a vocal defender of Aboriginal land title, and for a while his bids to secure lands through treaties was tolerated; however after 1859 both the local House of Assembly and the Colonial Office refused to allocate funds for land purchases. Douglas protected the integrity of reserves granted without treaty until his retirement in 1864; his successor, J.W. Trutch saw Aboriginal peoples as “an impediment to the progress of the colony” (8), and during his tenure set about taking away much of the reserve lands granted during Douglas’s reign..

by 1859 that too was falling apart, and reserves were being granted without treaties or payments to the Aboriginal communities.<sup>108</sup>

I would argue that what we have seen thus far in this chapter is evidence not so much of a betrayal of commitments by the British Crown, but by a remarkable level of consistency in its policy to advance the colony, independent of the best interests of the Aboriginal peoples. There was never any serious attempt by British and colonial policymakers to do anything other than act strategically in the best interests of the colony; this is evidenced by the radical shift in the Crown's dealings with Aboriginal nations as circumstances changed and the good of the colony was no longer served by appeasing the indigenous inhabitants of the colony. Further, any possibility that Crown policymakers could have been forced to look critically at their own policies and attempt to better appreciate the value of the IK paradigm as it was manifested in Aboriginal communities was mercifully avoided by the radical demographic shift of the late 18<sup>th</sup> and early 19<sup>th</sup> centuries; this is evidenced by a shift in the discourse that saw policymakers go from tacitly recognizing Aboriginal title to actively pursuing Aboriginal lands on the grounds that they were being used inefficiently. The RCAP Final Report observes that past governments and courts in Canada "considered... treaties instruments of surrender rather than compacts of co-existence and mutual benefit."<sup>109</sup> That said, nothing we have seen thus far represents a comprehensive *official* rejection by British or colonial policymakers of the Aboriginal way of life; however, as I shall attempt to show in the coming pages, the official rejection of the Aboriginal way of life, and the imposition of Christian values

---

<sup>108</sup> Titley, 7.

and European structures, was simply the next logical step in a process that began with the negotiation of treaties that British and colonial governments may never have had any intention of honouring in the long term.

The various policies of social, religious and economic integration for Aboriginal peoples, and the motivations behind them, are central to my argument that the colonial and early Canadian policymakers' approach to Aboriginal peoples was driven by a failure to recognize the value of Aboriginal peoples' traditional knowledge, cultures, practices and perspectives. These policies, I would argue, represent the point at which the decision to officially disregard Aboriginal peoples' knowledge, cultures and perspectives took place, because it wasn't until the introduction of policies of integration (or, perhaps more appropriately, assimilation) that the government acknowledged its disdain for the Aboriginal way of life and its dissatisfaction with the relationship of mutual respect that had been fostered over the previous century.

As has already been stated, in the years following the British takeover of North America, and particularly following the War of 1812, a number of demographic and economic trends combined to shift the balance of power in favour of the settlers, and these phenomena coincided with the emergence of an ideology rooted in the presumed superiority of Europeans. This emergent ideology was rooted in the writings of such important British philosophers as Thomas Hobbes and John Locke, who were the first of the Renaissance writers to draw distinctions between civil society and the so-called "state of nature." The new ideology was based on a platform of "historical growth," and

---

<sup>109</sup> Canada, RCAP, *Final Report Vol. 1*, 178.

promoted an evolutionary theory of society under which the ideal of “civil society” was achieved through “a long and gradual process of development,”<sup>110</sup> particularly in the area of political organization, but in other areas as well; this new approach to understanding society was the beginning of the concept of “civilization,” which implied “not just the existence of formal government but also the flowering of the arts and sciences and the refinement of manners and mores.”<sup>111</sup> Ultimately, though, implicit in the emerging literature on evolutionary approaches to society was a common assertion that only European societies had achieved levels of development sufficient to be called civilized: in “Civilization,” John Stuart Mill promoted the idea that Europe was “the only really civilized part of the world, and Great Britain... the most civilized part of Europe;”<sup>112</sup> according to Flanagan, Adam Smith and Jean-Jacques Rousseau also “exhibited a growing appreciation of historical growth.”<sup>113</sup> As we saw with the debate between Bartolomé de las Casas and Juan Ginés de Sepúlveda, debates over the alleged superiority of European society when compared with Aboriginal peoples were nothing new, and as we saw with the Royal Proclamation of 1763, the British crown was, at the very least, willing to embrace the discourse of mutual respect, so long as to do so served the interest of the colony; the new literature, along with the new ideology, provided additional intellectual ammunition for those who advocated a more aggressive expansion plan for

---

<sup>110</sup> Tom Flanagan, *First Nations? Second Thoughts* (Montreal & Kingston: McGill-Queen’s University Press, 2000), 29.

<sup>111</sup> Flanagan, 29.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

the North American colony, and by extension, an aggressive integration policy for Aboriginal peoples.

The essence of Aboriginal integration policies in what would eventually become Canada is described in *People to People, Nation to Nation* as a “doctrine of assimilation,” which included the following four postulates:

- That the [Aboriginal peoples] were inferior peoples
- That they were unable to govern themselves and that colonial and Canadian authorities knew best how to protect their interests and well-being
- That the special relationship of respect and sharing enshrined in the treaties was an historical anomaly with no more force or meaning
- That European ideas about progress and development were self-evidently correct and could be imposed on Aboriginal peoples without reference to any other values and opinions – let alone rights – they might possess.<sup>114</sup>

Integration/assimilation policies, Titley notes, were initially devised as a response to the plight of Aboriginal people and communities which, by the early 1830s, was dismal:

Many [Aboriginal people] fared poorly after coming into contact with white civilization. Their numbers were...decimated the ravages of diseases to which they had no immunity. And they lost their economic independence as the fur trade moved the centre of its operations to distant territories in the northwest. As their lands were taken for settlement, their plight became increasingly unenviable. This situation attracted the attention of the British Colonial Office in the 1830s, and it was decided that a policy of assimilation would solve the “Indian problem.”<sup>115</sup>

The integration/assimilation solution was at the core of the findings of the 1828 inquiry into Aboriginal social conditions by Major General H.C. Darling, military secretary to the governor general, which sought ways of enabling “Indian communities to

---

<sup>114</sup> Canada, RCAP, *People to People, Nation to Nation*, 13.

<sup>115</sup> Titley, 3.



become more economically self-sufficient.”<sup>116</sup> Interestingly, Upton suggests that Darling had an ulterior motive for his recommendations:

The implementation of the idea that the British had a duty to civilize the Indian came into official policy through the back door of self-interest. The Colonial Secretary, Lord Goderich, started it, almost predictably, in one of the British government's periodic drives for economy. He wrote Lord Dalhousie in 1828 questioning the need for an Indian department in the Canadas and urged that it be scaled down with a view to its eventual abolition. Dalhousie ordered... Darling to draw a survey of the state of the Indians and make recommendations for their future. Threatened with the loss of his department, Darling turned in a report that advanced a new function for it: to promote civilization by settling the Indian on farms, making him educated and Christian.<sup>117</sup>

As Titley explains, according to the initial integration/assimilation policy, Aboriginal peoples were to be “settled in permanent villages and instructed in the English language, Christianity, and agricultural methods,” with the anticipated result that they would become “self-supporting individuals who were indistinguishable from their fellow citizens.”<sup>118</sup> However, implementation of this policy was initially marred by a lack of resources, and the task fell almost entirely on the shoulders of the missionaries. “A number of industrial schools and model villages made their appearance”<sup>119</sup> starting in 1838, all of them in Upper Canada.<sup>120</sup> Interestingly, this policy initially had the support

---

<sup>116</sup> Canada, RCAP, *Final Report Vol. 1*, 265.

<sup>117</sup> L.F.S. Upton, “The Origins of Canadian Indian Policy,” in the *Journal of Canadian Studies* 8/4 (November 1973), 57.

<sup>118</sup> Titley, 3.

<sup>119</sup> Ibid.

<sup>120</sup> As Titley (3-8) explains, and as we have already seen with the case of Aboriginal lands policy in Nova Scotia and New Brunswick, Aboriginal policies differed from colony to colony. In Lower Canada, for example, no treaties were negotiated by Great Britain; however, reserves were granted at the request of missionaries and there pressure was applied to conform to European ways. Colonial governments in Prince Edward Island, Nova Scotia, New Brunswick and British Columbia were each responsible for the development and administration Aboriginal policy within their respective jurisdictions. It wasn't until

of Aboriginal community leaders, as “self-government was to be fully respected by seeking the consent of chiefs before introducing any of the proposed civilization measures.”<sup>121</sup>

In the 1840s, an Indian commissioner was finally appointed in Nova Scotia, and he set out to “lead the native population to self-sufficiency through education and training in agriculture;”<sup>122</sup> however, this initiative was largely thwarted by the unwillingness of local school boards to accommodate the Mi’kmaq children. Ultimately it would be years, as we shall see shortly, before the full impact of this policy would begin to be felt; however it is important to note at this point the nature of the policy decision:

- the deteriorating social and economic conditions of Aboriginal peoples was identified as a problem of public policy necessitating a public policy solution;
- it was determined by colonial decisionmakers, who by then had already made the conscious choice to reject Aboriginal traditional knowledge, cultures and practices as “primitive” and not suitable to the “civilized” colonial lifestyle; that the root of the problem was the inability of Aboriginal peoples to integrate successfully *and fully* into colonial society;
- having made that determination, colonial decisionmakers eliminated any policy choice that included either cultural dialogue or any form of cooperation from traditional Aboriginal community leaders from the discussion;
- only then could they decide that the solution to deteriorating social and economic conditions was a program of assimilation that would root out uncivilized cultural practices and replace them with socially acceptable manners and mores.

Thus, we see how the rejection of the Aboriginal way of life by colonial leaders was translated into public policies that marginalized Aboriginal peoples’ knowledge,

---

Confederation in 1867, and subsequently the introduction of the original *Indian Act* in 1876, that policies were harmonized.

<sup>121</sup> Canada, RCAP, *Final Report Vol. 1*, 266.

traditions and perspectives. The long history of scientific inquiries into the moral character, level of civilization and even genetic inferiority<sup>123</sup> of Aboriginal peoples by various Eurocentric scholars, coupled with the ambition of colonial politicians, made the marginalization of IK first by colonial, then by Canadian, authorities, inevitable. The Aboriginal assimilation agenda was fully articulated in a series of reports, legislations and programs that were introduced between 1857 and 1879, each of which will be discussed: the 1857 *Gradual Civilization Act*; the 1858 report of the Pennefather Commission, which had been created to study the effectiveness of the civilization policy; the *Indian Lands Act* of 1860; the *Constitution Act, 1867*; the *Gradual Enfranchisement Act* of 1869, the 1876 *Indian Act*; and the 1879 Davin report which recommended the creation of residential schools for Aboriginal peoples.

The passing into law in 1857 of the *Gradual Civilization Act*, which applied to both Canadas,<sup>124</sup> was a watershed in Aboriginal policy in that it marked “a clear change in Indian policy, since civilization in this context really meant the piecemeal eradication of Indian communities through enfranchisement.”<sup>125</sup> Enfranchisement, in turn, implied the removal of “all legal distinctions” and protections accorded to the Aboriginal person.<sup>126</sup>

---

<sup>122</sup> Titley, 6.

<sup>123</sup> Upton (52-53) writes how early anthropological thought informed Europeans’ sense of superiority over Aboriginal peoples. He refers to the work of British anthropologist William Lawrence, whose 1822 book *Lectures on Physiology, Zoology, and the Natural History of Man* “confirmed” the superiority of whites over non-whites by studying variations in the size of human crania. “The retreating forehead and the depressed vortex of the dark varieties of man make me strongly doubt whether they are susceptible of... high destinies; whether they are capable of fathoming the depths of science; of understanding... the doctrines and mysteries of our religion,” wrote Lawrence.

<sup>124</sup> Canada, RCAP, *Final Report Vol. 1*, 271.

<sup>125</sup> *Ibid.*, 272.

<sup>126</sup> *Ibid.*, 271.

Under this policy, only Aboriginal men over the age of 21 who were “able to read and write either English or French, ...reasonably well educated, free of debt, and of good moral character as determined by a commission of non-Indian examiners,” could apply for enfranchisement.<sup>127</sup> If approved for enfranchisement, the man would then be entitled to individual possession of “up to 50 acres of land within the reserve and his per capita share in the principal of the treaty annuities and other band moneys.” The promise of land ownership,<sup>128</sup> was intended to provide an incentive for enfranchisement, however only one man, one Elias Hill, was enfranchised under the terms of the *Gradual Civilization Act*. The story of the enfranchisement of Elias Hill, shown below, reveals much about the implications of the policy – as well as its opposition by Aboriginal leaders:

In March 1859, Elias Hill, having volunteered for enfranchisement under the terms of the act of 1857, was examined by a board composed of Mr. W.H. Morgan, Special Commissioner on Six Nation Debts, and the Rev. A. Nelles at the offices of the Grand River Navigation Company.

(...) The examination was brief. He was asked, “How many divisions of the Globe are there?” and answered, “5 – Europe, Asia, Africa, America and Australia.” That was followed by a reading of the fourteenth chapter of the gospel according to St. John, “which he did in a most satisfactory manner.” And finally he “...was also asked as to his spelling in several words which he also did without a blunder.” Hill’s employer was then called in and he assured the board that Elias “...is steady and civil not given to drinking or running about.” Indeed, “There is not a better workman in town.”

The Board recommended that Elias Hill be enfranchised.<sup>129</sup>

---

<sup>127</sup> Ibid.

<sup>128</sup> I should clarify that the enfranchised man did not actually own his newly acquired plot; rather, as explained in the *Final Report* (Vol. 1, 271), he “would hold the land as a life estate only and it would pass to his children in fee simple ownership upon his death.” If the man died without children, “his wife would have a life estate in the land but upon her death it would revert to the Crown – not to the band” that had relinquished it.

<sup>129</sup> NAC RG 10, Red Series, volume 18, “To the Superintendent General of Indian Affairs from J. Gilkison 22 August 1876,” quoted in RCAP, *Final Report Vol. 1*, 146-7.

According to the *Final Report*, the recommendation of the board was the beginning of a 17-year odyssey during which Hill's band, the Lower Mohawks of Six Nations, vehemently opposed transferring any band lands to Hill, and prevented the Indian affairs department from completing the transfer. Hill offered to accept the cash equivalent of approximately \$1900; however the department felt that Hill's "occasional Intemperance render[ed] it very doubtful [that] a large sum of Money would be a real benefit to him."<sup>130</sup> Finally, in August of 1876, Hill accepted \$333 as a settlement.

Hill's experience helps to illustrate the rationale of Aboriginal leaders' opposition to the *Act*. First, it threatened the Aboriginal land base: reserve lands "could be reduced in size gradually without a public and formal surrender to which the band as a whole had to agree."<sup>131</sup> Second, the *Act* was "a further step in the direction of government control of the process of deciding who was or was not an Indian."<sup>132</sup> Third, the *Act* had devastating implications for the wife of the enfranchised man, who along with any children automatically became enfranchised along with her husband: "she not only lost her connection to her community, but also lost the right to regain it except by marrying another man with Indian status."<sup>133</sup> Finally, and most importantly for our purposes, it was the first explicit devaluation of Aboriginal peoples' knowledge, cultures and perspectives: "only Indians who renounced their communities, cultures and languages could gain the

---

<sup>130</sup> Ibid, 147.

<sup>131</sup> Canada, RCAP, *Final Report Vol. 1*, 272.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid, 272-3.

respect of colonial and later Canadian society.”<sup>134</sup> Thus it is perhaps not surprising that the “formerly... cooperative relationship between band councils and missionaries and humanitarian Indian agents broke down in acrimony and political action by Indians to see the act repealed.” Nevertheless, the 1858 Pennefather Commission, established to report on “the best means of securing the future progress and civilization of the Indian tribes and “the best mode of so managing the Indian property as to secure its full benefit to the Indians, without impeding the settlement of the country,”<sup>135</sup> attributed the slow progress of civilization policies to the “apathy and unsettled habits of Indians rather than to any shortcomings in the civilization policy or its administration,”<sup>136</sup> and the enfranchisement policy was reinforced in 1869 with the passing into law of the *Gradual Enfranchisement Act*, which granted to the superintendent general of Indian affairs the power “to force bands to adopt a municipal-style ‘responsible’ government in place of what the deputy superintendent general... referred to as their ‘irresponsible’ traditional governance systems.”<sup>137</sup>

The establishment of “Tribes in Council” at the level of individuals represented the greatest single attack on Aboriginal traditional knowledge until the introduction of residential schools. It required that “all chiefs and councillors be elected for three-year terms.” The *Gradual Enfranchisement Act* stipulated that “elected chiefs could be

---

<sup>134</sup> Ibid, 273.

<sup>135</sup> United Kingdom, House of Commons, *Parliamentary Papers*, volume xlv, no. 595, “Copies or Extracts of Correspondence between the Secretary of State for the Colonies and the Governor General of Canada respecting Alternations in the Organization of the Indian Department of Canada” (London: 1860), 1; quoted in RCAP, *Final Report Vol.1*, 270.

<sup>136</sup> Canada, RCAP, *Final Report Vol. 1*, 270.

<sup>137</sup> Canada, RCAP, *Final Report Vol. 1*, 275.

deposed by federal authorities for ‘dishonesty, intemperance or immorality,’”<sup>138</sup> and granted the local Indian agent full discretion over the determination of such improprieties. The newly created elected councils had very limited areas of jurisdiction, “mere shadows of their former self-governing powers;” further, even in these areas any laws passed had to be confirmed by the federal cabinet.<sup>139</sup> The *Act* furthered existing colonial and Canadian encroachments on Aboriginal women’s place in their communities: under the *Act*, Aboriginal women were not allowed to vote, effectively cutting them off from band political life; further, the *Act* provided “for the first time that an Indian woman who married a non-Indian would lose [her] Indian status and band membership, as would any children of that marriage.”<sup>140</sup> Finally, the *Gradual Enfranchisement Act* encroached on traditional patterns of land tenure: on reserves that “has already been sub-divided into lots, a system of individual property holdings could be instituted by requiring that residents obtain a ‘location ticket’ from the superintendent general; otherwise, reserve residents would not be considered to be lawfully holding their individual plots of land.”<sup>141</sup>

Predictably, opposition to the provisions of the *Gradual Enfranchisement Act* was emphatic. From the perspective of the Iroquois, the elected councils were designed to “strip away the power of the Longhouse chiefs and the clan mothers and to destroy the matrilinear structure of Iroquois society.”<sup>142</sup> York and Pindera note that the Iroquois

---

<sup>138</sup> Canada, RCAP, *Final Report Vol. 1*, 275.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid, 276.

<sup>141</sup> Canada, RCAP, *Final Report Vol. 1*, 276.

<sup>142</sup> York and Pindera, 158.

...staunchly resisted every attempt by the Canadian government to impose this foreign system on their nations. When federal bureaucrats organized a meeting in Samia in 1871 to discuss the elective system, the Iroquois refused to attend, but the federal government went ahead with its plan, and elections were held at several Iroquois communities, including the Mohawk community of Tyendinaga.... Most of the Iroquois boycotted the elections.

Throughout the 1880s and 1890s, the elective system was strongly resisted by the Warriors Party, a group of traditionalists at Grand River.... In 1890, the Longhouse chiefs of Grand River sent a formal petition to the Government of Canada, complaining that the *Indian Act* was a violation of ancient treaties between the Iroquois and the British.<sup>143</sup>

The *Indian Lands Act* of 1860 was another important landmark, as it ended the longstanding tripartite system of Aboriginal/colonial relations in which the British Crown attempted to act as “the impartial arbiter and mediator between the weakened tribal nations and the ascendant and land-hungry colonies.”<sup>144</sup> The *Indian Lands Act*, in addition to formalizing surrender procedures for Aboriginal lands as initially outlined in the 1763 *Royal Proclamation*, “transferred authority for Indians and Indian lands to an official responsible to the colonial legislature, thus breaking the direct tie between Indian nations and the British Crown.”<sup>145</sup> Thus local colonial governments gained the power to act in their own interest without the checks and balances provided by the involvement of the Crown. The policy, of course, was later reaffirmed in section 91(24) of the British North America Act of 1867 (also known as the Confederation Act, 1867), which gave the federal Parliament of the newly created Dominion of Canada full law-making powers over “Indians, and Lands reserved for the Indians,” an important consideration for the federal government’s plans for expansion, according to Green:

---

<sup>143</sup> Ibid, 159.

<sup>144</sup> Canada, RCAP, *Final Report Vol. 1*, 273.



Following Confederation in 1867, the federal government moved to shape the newly united and generally self-interested provinces into a cohesive economic, social and political project. This effort crystallized in the National Policy, formally instituted in 1878.... The National Policy was dependent on land: land for the consortium of capitalists that eventually built the railway; land for the immigrants; and land over which Macdonald's government intended to exert political jurisdiction. The lands in question were not within the de facto jurisdiction of Ottawa, and the undeclared but absolutely central Part Four of the National Policy was implemented to acquire them. Conceptualized and implemented to clear the way... this took the form of the western treaty-making endeavour, the reserve system... and the military conquest, land scrip chicanery and dispersal of the Métis.<sup>146</sup>

Confederation created a whole new set of problems concerning Aboriginal policy: prior to Confederation each colony had its own administrative structures and policies; following Confederation, the decision was made to "continue with and to build upon the patterns that had been established in the Canadas."<sup>147</sup> Aboriginal affairs now fell under the jurisdiction of the newly created Indian Branch, which was attached to the Department of the Interior.<sup>148</sup> Then, in 1876, the *Indian Act* became law, intending to "introduce order and consistency to the legislation affecting Indians;"<sup>149</sup> as we shall see, the *Indian Act* marked the real beginning of the treatment of Aboriginal peoples as wards of the state.

With the passage of the *Indian Act*, Aboriginal policies were finally explicitly "fixed on a national foundation based unashamedly on the notion that Indian cultures and

---

<sup>145</sup> Canada, RCAP, *Final Report Vol. 1*, 273.

<sup>146</sup> Joyce A. Green, "Towards a Detente With History: Confronting Canada's Colonial Legacy," *International Journal of Canadian Studies Vol. 12* (Fall 1995), 92.

<sup>147</sup> Titley, 8.

<sup>148</sup> Titley, 8.

<sup>149</sup> Ibid, 11.

societies were clearly inferior to settler society.”<sup>150</sup> This sentiment is best captured in an excerpt from the 1876 Annual Report of the Department of the Interior, quoted in the RCAP *Final Report* and shown below:

Our Indian legislation generally rests on the principle, that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State. ...the true interests of the aborigines and of the State alike require that every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that is clearly our wisdom and our duty, through education and every other means, to prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship.<sup>151</sup>

In terms of actual policies, there was little new in the original *Indian Act*: policies on lands, elected councils, and Indian status from earlier statutes were all reaffirmed. An 1881 amendment granted additional powers to Indian branch officials, including Indian agents: it made Indian Branch officials ex officio justices of the peace; it granted the Indian branch “authority to enforce its own civilizing regulations;”<sup>152</sup> in 1882 Indian agents were given the same powers accorded town magistrates. In 1884, a new offence was created under the Indian Act, “that of inciting ‘three or more Indians, non-treaty Indians, or half-breeds’ to breach the peace or to make ‘riotous’ or ‘threatening demands’ on a civil servant;” in the wake of the Riel rebellion, the federal government “criminalized Indian and Métis political protest and prevented Indians from” obtaining ammunition, even for hunting purposes.<sup>153</sup> There was the infamous 1884 amendment prohibiting such traditional celebrations as the potlach feast and Tamanawas dance

---

<sup>150</sup> Canada, RCAP, *Final Report Vol. 1*, 277.

<sup>151</sup> Department of the Interior, *Annual Report for the year ended 30<sup>th</sup> June, 1876* (Parliament, Sessional Papers, No. 11, 1877), p. xiv.

<sup>152</sup> Canada, RCAP, *Final Report Vol. 1*, 288.

which, interestingly, was enforced only sporadically, with no one charged under the law until 1920, two years after yet another Indian Act amendment gave Indian agents the power “to prosecute the anti-dancing and anti-potlaching provisions.”<sup>154</sup> Other amendments, these from 1895, added the Blackfoot sundance and the Cree and Saulteaux thirst dance to the list of prohibited cultural practices.”<sup>155</sup>

The *Indian Act* underwent certain major revisions in 1951, following the recommendations of a Joint Committee of the Senate and the House of Commons convened from 1946 to 1948 to “examine the general administration of Indian affairs.”<sup>156</sup> This Joint Committee was significant in that it was the first such commission to make “any systematic effort to consult with Indians.” And, admittedly, there were some small improvements made in the 1951 revision: the prohibitions on cultural practices were removed, and on-reserve women were granted the right to vote, which allowed them to become re-engaged in band political life.<sup>157</sup> In general, though, the Joint Committee gave “little indication [in its report] that it had heard or comprehended the views expressed before it by Indian people and their organizations,”<sup>158</sup> and stated that “all proposed revisions are designed to make possible the gradual transition of Indians from wardship to citizenship and to help them to advance themselves.” The *Final Report* describes the gulf between the “perspectives of and philosophies of most of the Indian testimony and those

---

<sup>153</sup> Ibid, 289.

<sup>154</sup> Ibid, 292.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid, 308.

<sup>157</sup> Canada, RCAP, *Final Report Vol. 1*, 311, 313.

<sup>158</sup> Ibid, 310.

of committee members” as “nothing less than the difference between greater Indian self-government and the revitalized goal of assimilation;” as we shall see later, history would repeat itself in 1969, with the introduction of, backlash against, and shelving of, the *White Paper* on Aboriginal policy.

Perhaps the most important piece of the puzzle, as far as the Aboriginal assimilation agenda is concerned, was the creation of residential schools for Aboriginal children. Early on, the education system was identified as the primary tool for assimilating Aboriginal children, as it could provide an environment in which the children could be forced to conduct themselves according to norms established by non-Aboriginal administrators; however, as we have already seen, attempts to integrate Aboriginal children into the non-Aboriginal school system produced mixed results, due primarily to the unwillingness of school boards to accommodate the Aboriginal youths. Writing in 1906, one Reverend R. Whittington, then the Superintendent of Indian Missions in British Columbia explained why he felt residential schools were important:

More than two-thirds of the children of school age in British Columbia never entered a school room at all during the year 1904.... The average attendance of those of school age in all kinds of schools in the Province was less than one-third.

The average attendance of pupils in any kind of boarding school is always more than double that of the day schools, and this is solely because the children are provided for. To this add the fact that the average number of pupils in the day school is only 13, as compared with the boarding school, 36, and the industrial [school], 48, and we see that the day school... is not one-sixth as efficient as the others.<sup>159</sup>

---

<sup>159</sup> Rev. R. Whittington, D.D., “The British Columbia Indian and His Future” (Toronto: Department of Missionary Literature of the Methodist Church, Canada, 1906), 7-8.

Whittington also noted that “the larger range of subjects in the boarding school, and still more of the home influences along the lines of cleanliness, neatness, order, industry, truthfulness, and honesty,”<sup>160</sup> along with the “flood of new thought that becomes available through a mastery of the English language, and through contact with intelligent and refined English people,”<sup>161</sup> made the residential school a much more effective tool than the day school. Writing 27 years after the adoption by the government of Canada of the residential school policy, Whittington argued in favour of replacing all Aboriginal day schools with boarding schools, “except in very small villages.”<sup>162</sup>

In 1879 the federal government, under pressure from various Christian missionaries to “fulfil the education clauses of... recently negotiated western treaties,”<sup>163</sup> commissioned a study, by one Nicholas Flood Davin, on the effectiveness of industrial schools for Aboriginal people in the United States, which had been inaugurated in 1869 by Ulysses S. Grant as part of a policy of “aggressive civilization” for Aboriginal people.<sup>164</sup> The report, which drew on the input of “leading men, clerical and lay who could speak with authority on the subject”<sup>165</sup> but not, at least according to the *RCAP Final Report*, of any Aboriginal leaders, recommended the “application of the principle of industrial boarding schools”<sup>166</sup> in Canada; specifically, it sought the establishment of a network of boarding

---

<sup>160</sup> Whittington, 8.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Canada, *RCAP, Final Report Vol. 1*, 333.

<sup>164</sup> Titley, 76.

<sup>165</sup> NAC MG 26A, Sir John A. Macdonald Papers, volume 91, “Report on Industrial Schools for Indians and Half-Breeds” [The Davin Report], 14 March 1879, 35428-45. Quoted in *RCAP, Final Report Vol. 1*, 333-4.

<sup>166</sup> Ibid.

elementary-level schools for children 8 to 14 years of age, to be located primarily on reserves, and industrial schools (essentially high schools that offered specialized technical and other skills training for boys and domestic skills training for girls, up to the age of 18), to be located off-reserve.<sup>167</sup>

In his report, Davin argued that sending children away from their families and communities and placing them in industrial schools was necessary to ensure assimilation because “the influence of the wigwam was stronger than that of the [day] school,”<sup>168</sup> and as such much more intensive immersion in non-Aboriginal ways was needed than could be provided by day schools. Most important, Davin noted, was the need to “take away their simple Indian mythology.”<sup>169</sup> Industrial schools in particular were “deliberately located at a distance from reserves and close to centres of white settlement.”<sup>170</sup> Aboriginal children were to be “kept constantly within the circle of civilized conditions” and given an “education that would fit them for a life in a modernizing Canada.”<sup>171</sup>

It is useful here to examine in greater depth the nature of the government’s intentions in building the residential school network. Ultimately, schools were to be part of a larger network of institutions “that were to minister to industrial society’s need for order, lawfulness, labour and security of property;”<sup>172</sup> as such, Davin’s recommendations were presented as being in the best interest not only of the Aboriginal population, but of the

---

<sup>167</sup> Titley, 76-7.

<sup>168</sup> The Davin Report (see ref. 101).

<sup>169</sup> The Davin Report, quoted in Titley, 77.

<sup>170</sup> Titley, 77.

<sup>171</sup> Canada, RCAP, *Final Report Vol. 1*, 334.

<sup>172</sup> Canada, RCAP, *Final Report Vol. 1*, 334.

country as well. Residential schools, according to deputy superintendent general of Indian affairs (1902-13) Frank Pedley, “secured the removal of the pupils from the retrogressive influence of home life,”<sup>173</sup> and, more importantly, ensured regular attendance, which was a problem with day schools, as we have already seen. In fact, the ultimate arguments in favour of the residential school system were rooted in economics: Rev. Whittington, for example, wrote that “day school children, at the best, [were]... learning for three months, and forgetting for nine,” and that to pay a day school staff “for the whole year, when they [were] really efficient for a very small part of it,”<sup>174</sup> was foolish; a 1900 report prepared by the Indian affairs department’s inspector of education wrote that “benefit [would] accrue to both the industrial occupants of the country covered by treaty and to the Indians by weaning a number of them from the chase and inclining them to industrial pursuits;”<sup>175</sup> another former deputy superintendent, Lawrence Vankoughnet (1874-1893), observed that the schools were a “good investment,” as in the long term Aboriginal people would become contributing members of society “instead of being supported from the revenue of the country.”<sup>176</sup>

Following the submission of Davin’s report the first industrial schools were created during the 1880s, and almost immediately problems began to emerge, with mismanagement within the schools and a lack of funding from the government. Disease was rampant in the poorly ventilated schools: in one horrifying case, fully 28% of all the

---

<sup>173</sup> Quoted in Titley, 76.

<sup>174</sup> Whittington, 8.

<sup>175</sup> NAC RG19, volume 3947, file 123764, MR C 10166, To the Superintendent General of Indian Affairs from Inspector J.A. Macrae, 7 December 1900. Quoted in RCAP, *Final Report Vol. 1*, 334.

<sup>176</sup> Canada, RCAP, *Final Report Vol. 1*, 334.

students who attended the Sarcee Boarding School between 1894 and 1908 died, most of them from tuberculosis.<sup>177</sup> And as early as 1886, reports of abuse of children by teachers and administrators began to emerge: in September of that year the *Montreal Gazette* reported that parents “were opposed to sending their children to Battleford Industrial School because of the physical abuse one boy... had received there.”<sup>178</sup> These and other problems prompted Indian affairs officials to phase out the industrial schools as separate entities with separate curricula, and to focus instead on improving and expanding the network of boarding and day schools: by 1923, the terms “boarding” and “industrial” were themselves phased out and the schools became known simply as “residential schools.”<sup>179</sup> At its peak, in 1931, the network consisted of 80 schools; this number fluctuated, falling and then rising again during the 1950s as the post-war expansion crept into Inuit territory, then steadily falling until the last of the schools closed during the 1980s.

Of course, as has already been documented in painstaking detail in the RCAP *Final Report*, the impact of the residential school system on Canada’s Aboriginal population, was felt not only in terms of the assault on Aboriginal languages and culture, but in terms of the scars left by physical, psychological and sexual abuse as well. For the purposes of this study, we must focus primarily on the former, in the same way that, with the *Indian Act*, and the land surrender policies, we focused on the intentions behind, and implications of, the policies. The same can also be said about the forced relocation of

---

<sup>177</sup> Titley, 84.

<sup>178</sup> Ibid, 78.

<sup>179</sup> Ibid, 87.



Aboriginal peoples and communities, which the RCAP Final Report sees as “part of a broader process of dispossession and displacement, [and] a process with lingering effects on the cultural, spiritual, social, economic and political aspects of people’s lives.”<sup>180</sup> To that end, I would like to return to the two questions I posed at the beginning of this chapter, as we should now prepared to at least begin to answer them.

**Question 1: How, and to what extent, was Indigenous knowledge excluded from the policy process?**

As we have seen, IK was excluded almost entirely from the policy process, by colonial and Canadian government officials who in their deliberations exercised their ability to determine what constituted relevant input. Traditional cultures, customs, and even governance structures were deemed inferior by public officials who, as we saw with land policies and treaty violations in particular, stood to gain from devaluing IK and had the power to do so. The introduction of the *Gradual Civilization Act* in particular was a signal that public officials felt no desire whatsoever to continue to include traditional Aboriginal leaders in discussions over the implementation of assimilation/integration policies. The aggressive land acquisition policy pursued by colonial and Canadian governments “was legitimized by the construction of paradigms explaining Aboriginal social, political and cultural development as deficient... therefore making ‘them’ incapable of holding sovereignty or land or of resisting the civilizing, modernizing impulse of colonial domination.”<sup>181</sup> The *Gradual Enfranchisement Act*, which outlawed the hereditary chiefs and imposed an elected council system on Aboriginal communities,

---

<sup>180</sup> Canada, RCAP, *Final Report Vol. 1*, 412.

<sup>181</sup> Green, 89.

the *Indian Act* provisions outlawing the potlatch and other ceremonies, and the attack on Aboriginal languages and cultures through the residential school system, all reflected the extent to which Canadian government officials were willing to pursue the agenda of assimilation. Ultimately, though, it was the shift in the balance of demographic, military and economic power towards the European settlers following the War of 1812 that first gave colonial governments the opportunity to pursue their collective self-interest at the expense of Aboriginal peoples, and it was the emergence of the Eurocentric ideology that provided the moral justification for the devaluation and marginalization of IK, including IK perspectives on land, education, and governance. And as I have argued, the marginalization of Aboriginal peoples' knowledge, concerns and perspectives was part of a consistent attempt by colonial and Canadian authorities to advance the interests of the settler society.

**Question 2: How has that exclusion contributed to the negative outcomes experienced by Aboriginal peoples?**

As I observed above, this question is somewhat more problematic, if only because the distance between cause (the decision to devalue IK) and effect (negative outcomes in health, education, and so on) is considerable. However, we can still list, based on what we have seen in this chapter, some ways in which the exclusion of IK from policy deliberations adversely affected Aboriginal communities. They include the following:

- the land base of Aboriginal communities was gradually whittled away by authorities, who typically felt that traditional hunting and gathering activities were inefficient uses of valuable lands;
- Aboriginal people were encouraged to adopt European agricultural practices; yet they were not allowed to legally own land and were prevented from profiting materially from the land;

- the imposition of European governance institutions such as elected band councils caused serious rifts within communities, and traditional Aboriginal institutions were marginalized, or destroyed;
- the traditional role of Aboriginal women in the affairs of their communities was undermined by rules regarding membership status and voting rights;
- children were taken from their families and forced to live in unsanitary and/or abusive environments;
- cultural links between Aboriginal youths and their communities were damaged by the assault on Aboriginal languages;
- a tradition of cooperation between Aboriginal and non-Aboriginal communities was replaced by a culture of alienation characterized by “a forced dependency and subordination;”<sup>182</sup>
- the Aboriginal public policy process was impoverished by the exclusion of IK, as any policy options that would have embraced some aspect of IK or required cooperation between Aboriginal and non-Aboriginal communities were not seriously considered, if at all.

Most significantly, what began as an attempt to address the “Indian problem,” that is, the desperate social conditions confronting Aboriginal peoples in Canada, was an utter failure: in a summary of Aboriginal socioeconomic conditions prepared by former Royal Bank Chief Economist John McCallum for a Royal Bank (RBC)/Council For the Advancement of Native Development Officers (CANDO) symposium on the RCAP *Final Report*, it is noted, among other things, that in 1991 the mean income of Aboriginal people was 61% of the non-Aboriginal Canadian average; that only 42% of the Aboriginal population had finished high school, versus 61% of the non-Aboriginal

---

<sup>182</sup> Charles E. Reasons and Dennis Pavlich, “The Legal and Social Alienation of Aboriginal Peoples in Canada,” *International Journal of Canadian Studies* Vol. 12 (Fall 1995), 70.

population; and that the 1995-96 Aboriginal incarceration rate was at least five times greater than that of the non-Aboriginal population.<sup>183</sup>

This chapter set out to focus on a specific block of Canadian history, ending with the signing of the James Bay and Northern Quebec Agreement in 1975. As I stated at the outset, the choice of the JBNQA as the beginning of the end of the assimilation era was due to the symbolism of the signing of the first modern treaty, which tacitly recognized not only the validity of Aboriginal land title and the importance of traditional land-based activities, but the right of Aboriginal self-government as well. In this final section of the chapter, we shall examine the series of events that led to the signing of the JBNQA, and by extension, to a gradual shift away from the discourse of assimilation and towards a discourse of reconciliation.

Nine years before the signing of the JBNQA, the *Hawthorne Report* had “proposed that Indian peoples be thought of as ‘citizens plus;’” that is, it sought to respond to the “priority of presence” of Aboriginal peoples and “the fact that the majority had built a flourishing, wealthy society on the dispossession of Aboriginal... peoples.”<sup>184</sup> More than an attempt at remedial justice, the *Hawthorne Report* argued for “participation in a common citizenship on the ground that” Aboriginal peoples had historically been relegated to the status of “citizens minus.”<sup>185</sup> The Trudeau government rejected the Hawthorne approach, and in July of 1968 launched a series of consultations with

---

<sup>183</sup> John McCallum, “Aboriginal economic development: Overview,” *The Cost of Doing Nothing: RBC/CANDO Presentation on the Royal Commission on Aboriginal Peoples* (Royal York Hotel, Toronto, October 23, 1997), 2-3.

<sup>184</sup> Alan Cairns, Letter of February 24, 2001, *Policy Options Vol. 22/7* (September 2001), 48.

<sup>185</sup> Cairns, Letter of February 24, 48.

Aboriginal peoples, which consisted primarily of a survey of 34 yes/no/maybe questions mailed to all Aboriginal families, followed by a series of consultations with Aboriginal community leaders.<sup>186</sup> Two newly appointed ministers, Indian Affairs Minister Jean Chrétien and Minister Without Portfolio Robert Andras were to preside over the 1968 consultations.

Almost immediately, problems began to emerge with the consultations. In *The Unjust Society: The Tragedy of Canada's Indians*, Harold Cardinal observes it quickly became clear that the issues dear to Aboriginal communities “were not necessarily the areas covered by the... questions. [Aboriginal people]... made it obvious they were interested in treaty rights, aboriginal rights and settlement of land claims first and foremost.”<sup>187</sup> According to Cardinal, the initial optimism of Aboriginal leaders was quickly replaced by a realization that the consultations were little more than window dressing:

Indian leaders, briefly hopeful that Mr. Trudeau's Just Society might include native peoples, were ready to work with the new ministers. In a courageous speech in September 1968 in Toronto, Mr. Andras vowed that political leadership would supercede bureaucratic leadership. Unhappily for the Indians, the Andras promise was never fulfilled.... Meetings were held as promised, but they could never by any stretch of the imagination be called consultations, nor did they ever spark a dialogue. They did, however, provide the bureaucrats and their new mouthpiece, the Honourable Jean Chrétien, the opportunity to say to Parliament and the Canadian public, “we consulted the Indians and as a result of these consultation meetings here is our new Indian policy.”<sup>188</sup>

---

<sup>186</sup> Harold Cardinal, *The Unjust Society: The Tragedy of Canada's Indians* (Edmonton: M.G. Hurtig Ltd., 1969), 120.

<sup>187</sup> Ibid, 121.

<sup>188</sup> Cardinal, 119.

Far from discussing the affirmation of Aboriginal or treaty rights, the White Paper “proposed to abolish the Indian Act and all that remained of the special relationship between Aboriginal peoples and Canada – offering instead what it termed ‘equality.’”<sup>189</sup> The White Paper affirmed the government of Canada’s belief “that its policies must lead to full, free and non-discriminatory participation of the Indian people in Canadian society,” and stated that “[the government’s goal] requires that the Indian people’s role of dependence be replaced by a role of equal status, opportunity and responsibility, a role they can share with all other Canadians.”<sup>190</sup>

As we know, Aboriginal peoples’ reaction to the White Paper was swift and angry. Cardinal zeroes in on the phrase “opportunity and responsibility” as a clear manifestation of the ignorant assumptions implicit in the White Paper: as he explains, “the use of the word ‘responsibility’... implies that Indians do not discharge their responsibility as citizens.”<sup>191</sup> The White Paper’s proposal to abolish the Indian act and all treaty rights, would have allowed the government to “eliminate unilaterally, once and for all, its obligations under the treaties as understood by Indians.”<sup>192</sup> The Trudeau government, cowed by the negative response, pulled the White Paper, and established the Indian Claims Commission, to be headed by Lloyd Barber. The Barber Commission, which reported in 1977, concluded that the response to the White Paper and the ongoing grievances ran much deeper than publicly understood:

---

<sup>189</sup> Canada, RCAP, *People to People, Nation to Nation*, 17.

<sup>190</sup> Government of Canada, *Statement of the Government of Canada on Indian Policy* (1969), quoted in Cardinal, 133.

<sup>191</sup> Cardinal, 134.

<sup>192</sup> Cardinal, 139.

It is clear that most Indian claims are not simple issues of contractual dispute to be resolved through conventional methods of arbitration or adjudication. They are the most visible part of the much, much more complex question of the relationship between the original inhabitants of this land and the powerful cultures which moved in upon them. That the past relationship has been unsatisfactory both for [Aboriginal people] and for [Canadian society] cannot be in dispute. There are too many well-documented cases where [Canada] failed to live up to obligations [that were] presumably entered [into in] good faith, and which Indians accepted with equal or greater faith. Satisfactory settlement of these obligations can help provide the means for Indians to regain their independence and play their rightful role as a participating partner in the Canadian future.<sup>193</sup>

In the aftermath of the White Paper, Aboriginal communities turned in force to the judicial system to challenge the federal government's approach to Aboriginal rights, land claims and treaty obligations. Of the many cases that appeared before the courts, one, the *Calder* case, in which the Nisga'a of northwestern British Columbia sought "a declaration that their Aboriginal title to their ancient homelands had never been extinguished,"<sup>194</sup> is of particular importance, because in that case the Supreme Court of Canada ruled that Aboriginal title "is an independent legal right that, although recognized by the Royal Proclamation of 1763, in fact predates it."<sup>195</sup>

In the wake of the *Calder* decision, the federal government agreed to recognize two kinds of lands claims – comprehensive claims, which could be filed in regions where an Aboriginal nation had never signed a land surrender treaty, and specific claims, which could be filed where the government had violated the terms of a treaty – and established a federal land claims process. The *Calder* ruling was subsequently upheld by the Quebec

---

<sup>193</sup> Lloyd Barber, Commissioner on Indian Claims, *A Report: Statements and Submissions* (Ottawa: Queen's Printer, 1977), 2.

<sup>194</sup> Canada, RCAP, *Final Report Vol. 1*, 222.

<sup>195</sup> *Ibid*, 223.

Superior Court, which ordered a halt to the James Bay hydroelectric project on the grounds that “Cree and Inuit Aboriginal title had not been extinguished by the Crown,”<sup>196</sup> and although the Quebec Court of Appeal later lifted the injunction, by then the Quebec government had decided to avoid “expos[ing] itself to a possible setback in the courts” pursue an out-of-court settlement with the Cree and Inuit of Quebec.<sup>197</sup> An agreement in principle was reached in 1974, and the JBNQA was finalized and signed in 1975, thus heralding “a new chapter in the development of aboriginal rights in Canada,”<sup>198</sup> and the beginning of a gradual shift towards the recognition of the value of the IK paradigm.

The significance of the JBNQA in terms of marking an important first step in the recognition of IK cannot be ignored: as Gourdeau notes, the original JBNQA included provisions recognizing traditional Aboriginal activities such as hunting, fishing and trapping as “principal economic activities Aboriginal people had pursued from time immemorial” and providing specific measures designed to protect those traditional practices.<sup>199</sup> The JBNQA sought to safeguard the Aboriginal peoples’ “right to govern themselves and to benefit from economic development both by pursuing their traditional activities and participating in developing the resources of the territory.”<sup>200</sup> But more importantly, the JBNQA, along with the *Calder* decision, challenged the presumption of European superiority and dominance: with the demise of the White Paper, the

---

<sup>196</sup> Canada, RCAP, *Final Report Vol. 1*, 222.

<sup>197</sup> Eric Gourdeau, “Background: Agreement of 1975,” *Reflections on the James Bay and Northern Quebec Agreement* (Montreal, October 25-26, 2001), 7.

<sup>198</sup> Rene Morin, “Development of Aboriginal Rights,” *Reflections on the James Bay and Northern Quebec Agreement* (Montreal, October 25-26, 2001), 2.

<sup>199</sup> Gourdeau, 1.

<sup>200</sup> *Ibid.*



government of Canada was forced to truly listen to Aboriginal peoples, and the *Calder* decision, the establishment of the federal land claims process and especially the JBNQA signing, were the first tangible signs that the government was not only listening to Aboriginal peoples concerns and perspectives, but acting on them.

Much has happened since 1975 on the Aboriginal front in Canada, including some of the most significant events in the history of Aboriginal peoples in Canada. The *Constitution Act, 1982*, was ratified, with its provisions requiring the government of Canada to affirm Aboriginal and treaty rights and to negotiate with Aboriginal peoples on the restoration of those rights. There were the subsequent constitutional squabbles that dominated the Canadian political agenda for over a decade, which were marked by among other things Elijah Harper's act of courageous defiance in the Manitoba legislature during the ultimately unsuccessful ratification process for the *Meech Lake Accord*. And of course, the 1990 Oka Crisis, which was ignited by the city of Oka's attempt to expand a local golf course on grounds that were considered sacred by the Mohawks of Kanasetake, stands as perhaps the clearest possible illustration of the importance of including Aboriginal peoples' knowledge, perspectives and concerns in public policy debates. Yet for the purpose of this study, it is sufficient to highlight the period from 1969 to 1975 as being the point at which Canadian governments lost the ability to act unencumbered in their own interests at the expense of Aboriginal peoples.

Thus, for the moment at least, we have completed our analysis of the history of Aboriginal policies in Canada, from the time of European settlement to signing of the JBNQA. Throughout this analysis it has been argued that the exclusion of IK from policy deliberations by colonial and Canadian authorities was deliberate and total; it has further

been argued that, regardless of whether it stemmed from a desire to accelerate the expansion of the colony or from a genuine (though still sorely misguided) concern for the welfare of the Aboriginal population, the exclusion of IK was undeniably a contributing factor to the continuing decline of Aboriginal socioeconomic conditions in Canada. In the next chapter, we shall attempt develop an argument for the reintroduction of IK to public debate, through the accelerated negotiation and improved implementation of Aboriginal self-government; we shall further consider the various logistical and philosophical debates that have acted as barriers to the successful implementation of Aboriginal self-government.

#### **IV - Enriching the Debate: Self-government and bringing IK into the policy process**

If we are satisfied that (a) Indigenous knowledge has until relatively recently been largely shut out of the policy process in Canada, and (b) excluding IK from the policy process ultimately has had a detrimental impact on policy outcomes, it follows naturally that we should be looking for ways to bring IK back into the policy process, in ways that ensure these alternative perspectives are heard, and heeded. There are potentially many ways to do this, including reforms to consultative processes and to legislative and judicial institutions. Various combinations of reforms and other remedies have been proposed as options for renewing the relationship between Aboriginal peoples and the government of Canada; however they each have their respective sets of drawbacks, and any one of them would probably be met with harsh political opposition.

Another possible solution to the problem of IK exclusion is accelerating the negotiation and implementation of self-government, although that issue is rarely discussed in those terms. If implemented properly, expanded governance institutions for Aboriginal communities could offer opportunities for Aboriginal peoples to become more actively engaged in the policy process, and to ensure that IK is taken fully into account in policy deliberations, which would in turn help to ensure that policy decisions adequately reflect the needs and demands of the community. The current dominant discourse on self-government is focused on the narrow question of rights which, although important, leaves aside the much more important issue of the potential good of self-government in terms of policy deliberation and development.

Of course, expanded self-government also has its detractors, and the history of self-government in Canada, like that of much of Canadian Aboriginal policy, admittedly is mixed at best; yet upon closer examination, we see that many of the problems experienced by Aboriginal governance institutions are in large part due to the failure of federal and provincial governments to ensure the full and effective implementation of self-government agreements. The spotty record of Aboriginal self-government in Canada is frequently used by groups opposed to expanding self-government as political ammunition to support assertions that self-government is not only unnecessary and unwarranted, but bad public policy as well. Ultimately, advancing the cause of Aboriginal self-government requires that it be defended from a public policy standpoint, a message brought home by the *Final Report* of the RCAP but still largely lost on much of the public in general and the political elite in particular.

This chapter presents self-government as essential to ensuring IK access to the policy process, and by extension, to renewing the relationship between Aboriginal peoples and the government of Canada. The chapter begins with a discussion of the various proposed approaches to bringing IK into the policy process, including administrative reforms and more complex reforms that may require constitutional amendments. It will be argued first that due to the historical loss of legitimacy and confidence in the governance relationship between Aboriginal peoples and the government of Canada, any attempt by the government of Canada to alter that relationship without discussing enhanced self-government may be doomed to failure. It will also be argued that proposals aimed at improving Aboriginal representation in the policy process without enhancing self-government are less able to guarantee improved IK access than the self-government option, particularly if the current political backlash against Aboriginal peoples continues to grow.

The second portion of the chapter attempts to respond specifically to attacks by critics on the so-called “Aboriginal industry.” The current political backlash against the Aboriginal reconciliation agenda in Canada is being spearheaded by an intellectual movement built primarily on classical conceptions of property rights and civilization that, while intending to be morally neutral and rooted in science, conveniently lead to the same conclusions regarding the justifiability of conquest as John Stuart Mill’s ethnocentric rant about the inherent superiority of Great Britain. Any argument in favour of any form of Aboriginal self-government must include a response to these critics, and one has been provided here.

At the same time, however, an attempt is made to provide useful insights on relevant concerns raised by these same people about the well-documented problems of mismanagement and corruption in Aboriginal communities, through an examination of such cases as the James Bay and Northern Quebec Agreement and the Nisga'a Treaty, along with a discussion of analyses offered by expert observers of Aboriginal governance. This discussion examines the practical aspects of negotiating and implementing Aboriginal self-government in Canada, and in doing so attempts to address the potential pitfalls that come with pursuing the self-government option. While self-government may indeed be the best opportunity to improve IK access to the policy process while also helping to restore legitimacy to the governance relationship between Aboriginal peoples and the government of Canada, it cannot succeed on either count without proper implementation. Implementation, in this sense, refers to two separate, yet equally important, stages of development: first, the legal/political framework for negotiating and implementing Aboriginal self-government, including clearly identified timelines and appropriate financial and other resources; and second, the actual implementation of Aboriginal self-government institutions and the launching of policy deliberations. If either of these two aspects of implementation is neglected, the Aboriginal self-government project will be stalled, and the unsustainable status quo will persist, feeding ever more ammunition to political opponents and deepening the rift between Aboriginal peoples and the government of Canada. The importance of implementation will also be driven home in the Conclusion, which will examine possible national strategies for negotiating and implementing Aboriginal self-government, including framework legislation to guide negotiation and implementation, national political accords, and a series of tripartite

agreements for Aboriginal communities in different provinces. Yet regardless of the model chosen, the strategy must include the strongest possible commitment from both federal and provincial agreements to (a) recognize fully the inherent right of Aboriginal peoples to self-government, and to (b) agree to a comprehensive and legally enforceable implementation process. This strong commitment is needed as a means of ensuring that the implementation is successful, and not disrupted by any current or future political backlash against Aboriginal peoples.

In short, this chapter attempts to advance the public policy argument for enhancing self-government, which has been sorely neglected in the national debate on Aboriginal self-government. Although this author personally recognizes the inherent right of Aboriginal peoples to self-government, it can nevertheless be argued that the current debate over the recognition of the inherent right to self-government is counter-productive, in that it forces the two sides to draw a line in the sand that effectively eliminates any possibility of meaningful negotiation. Further, I would argue, an examination of those interests that oppose self-government would reveal that they are simply unwilling to recognize the value of Indigenous knowledge, and therefore do not see the exclusion of IK as having contributed to the current plight of Aboriginal peoples in Canada. Ultimately, none of the arguments presented in this chapter (or elsewhere in this study, for that matter) are relevant if the reader is unwilling to acknowledge the value of Indigenous knowledge, which is why such a great deal of effort was devoted in the previous two chapters to defining IK and to demonstrating its potential value to the policy process.

We begin the first portion of this chapter by developing the argument for accelerating the negotiation and implementation of Aboriginal self-government as a means of ensuring that IK-based perspectives and analyses are included in deliberations on policies directly affecting Aboriginal people and communities. As we saw in the second chapter, the problem with IK access to the policy process has historically been a combination of formal and informal exclusion: first, IK was formally excluded by such policies as the 1869 *Gradual Enfranchisement Act*, which took away Aboriginal women's traditional roles in the affairs of the communities, and outlawed traditional governance systems; second, IK was informally excluded during the course of various policy deliberations, such as the 1946-8 Joint Commission which preceded the 1951 *Indian Act* reforms, and the public hearings held prior to the introduction of the White Paper<sup>201</sup>. The combination of formal and informal exclusion of IK means that any solution must focus on the entire policy formation process; more specifically, the problem cannot be reduced to a deficit in representation or consultation. To best illustrate this point, it is necessary to consider, from a theoretical standpoint at least, the long-term consequences of excluding IK from the policy process.

Adam Smith wrote that the state should always be able to keep the loyalty of the citizen, provided that government maintains the "safe, respectable and happy situation" of that citizen;<sup>202</sup> if, however, the government fails to maintain that positive condition, or worse, if it contributes directly to the deterioration of that condition, eventually the

---

<sup>201</sup> Recall that, in both cases, Aboriginal people were included in the consultations; however their input was not apparent in the policy decisions.

<sup>202</sup> Adam Smith, *The Theory of Moral Sentiments* ed. D.D. Raphael and A.L. MacFie (Oxford, Clarendon Press, 1976), 231.



loyalty of the citizen to the government dissipates. Such is the requirement that the state work to maintain the confidence of its constituency: a population must see the state as legitimate; ultimately, to do this a state must be able to ensure quality of representation and consultation, and to translate input into policies that achieve their stated goals efficiently. Similarly, a breakdown in the relationship between state and constituency (the governance relationship) can occur in many ways: representation may be weak, consultation may not be undertaken seriously, policies may not reflect the wishes of citizens as they were articulated during the consultation process, and impacts of policies may be negative.

In the case of Aboriginal peoples in Canada, we have seen evidence of rapidly deteriorating relations with the government of Canada. In the works of the RCAP, warnings abound about how failure by Canadian governments to act on enhancing self-government, improving conditions on reserves, and so on, will inevitably result in increased incidences of civil unrest and even violence; in *People to People, Nation to Nation*, for example, it is noted that “Aboriginal people have made it clear, in words and deeds, that they will no longer sit quietly by, waiting for their grievances to be heard and their rights restored.”<sup>203</sup> Warnings about the volatility of Aboriginal peoples and communities in Canada, which first appeared in the aftermath of the Oka Crisis in 1990, have been confirmed by subsequent protests at Clayoquot Sound, Ipperwash, and Mirimachi Bay, to name a few. Ultimately, if the exclusion of IK from policy deliberations has resulted in poor public policy choices, negative policy outcomes and

---

<sup>203</sup> Canada, RCAP, *People to People, Nation to Nation*, 3.

deteriorating social conditions for Aboriginal peoples, then the natural solution is to improve IK access to the policy process. Yet we can now also state that an important consequence of the exclusion of IK from the policy process has been increasing numbers of Aboriginal people in Canada coming to see their current governance relationship as illegitimate; as such, policy process reform that brings IK into the equation while allowing Aboriginal Canadians to become more active, more equal participants in their governance relationship with Canada is an essential condition to renewing that governance relationship.

Having established that restoring legitimacy to Aboriginal peoples' governance relationship with the government of Canada must be a key consideration in any attempt at policy process reform, we can now turn the aforementioned choice between reforms to existing consultative and representative institutions on the one hand, and enhance self-government on the other. As stated above, the goal of this study is to defend the enhanced self-government option. The choice of accelerated self-government negotiation over measures to enhance consultation and representation is based on three key arguments that are discussed below. They are:

1. Aboriginal peoples are justifiably suspicious of attempts at reconciliation that do not include self-government, meaning that any such attempt would be marred from the start by concerns about legitimacy.
2. According to both analyses from various observers and evidence drawn from case studies, the incorporation of IK, and more generally the incorporation of local cultural norms, into governance institutions, fosters citizens' familiarity with governance institutions and enhances legitimacy.
3. Evidence from case studies appears to indicate that the assertion of Aboriginal sovereignty, along with the establishment of culturally

appropriate governance institutions and the execution of an integrated (or, if you prefer, holistic) development, improves outcomes for Aboriginal communities in ways that cannot be recreated in a sustainable manner through any other process.

The first argument in favour of self-government is that Aboriginal peoples have themselves identified self-government as a precondition to renewing the governance relationship, which is in turn a necessary precondition to the development and implementation of effective, IK-based community development initiatives. Significantly, Aboriginal leaders have stated specifically that reforms designed only to improve Aboriginal peoples' access to existing representative and other governance institutions (such as the House of Commons, for example) are insufficient, and should rather be seen as a complement to enhanced self-government. Speaking at hearings of the Royal Commission on Electoral Reform and Party Financing (RCERPF), various members of the Assembly of First Nations, including then Grand Chief George Erasmus, underscored their position "that electoral reform did not conflict with Aboriginal sovereignty and self-government issues, [however] Aboriginal electoral districts were not a substitute for self-government."<sup>204</sup> Ultimately, the failure of past participation by Aboriginal peoples in consultative initiatives such as the RCAP, the RCERPF, the Canada Round (consultations that preceded the Charlottetown Accord), and the aforementioned hearings for the 1969 White Paper to lead to policies based even in part on IK suggests that enhanced representative and consultative mechanisms for Aboriginal peoples would be viewed with

---

<sup>204</sup> Canada, Royal Commission on Electoral Reform and Party Financing, *Aboriginal Peoples and Electoral Reform in Canada : Volume 9 of the Research Studies* (Toronto and Oxford : Dundurn Press, 1991), 42.

skepticism by Aboriginal people unless they came with the sort of guarantee that their input would be reflected in policy choices that self-government can provide.

The second argument in favour of self-government that I wish to present is based on an acknowledgement of the importance of (a) legitimacy to ensuring a healthy and sustainable governance relationship, and (b) creating an environment of empowerment. The starting point of this argument is an argument put forth by Third World feminist scholars regarding the importance of transforming women in developing countries from being *subjects of development policies* who, regardless of attempts to be consulted for and involved in the policy deliberation process, remained “the passive recipients of policies and projects... imposed from above,”<sup>205</sup> to being *agents of change* in the *process* of constructing development policies. Here we return to the feminist critique of Weberian bureaucracy, which as we saw in the first chapter, is based on a challenge to the assumption of integrity based on scientific objectivity. Referring to the issue of legitimacy, Reeta Chowdhari Tremblay argues that simply being engaged in the policy process is insufficient, and that making the bureaucratic policy process legitimate in the eyes of women requires that the monopoly of rationalism be tested:

In order to conceptualise bureaucracy as a legitimate part of democracy, the field of public administration needs to move away from metanarratives and one-dimensional rationalism based on single truths. Instead, diversity and openness can find their place in public administration where contradictions and paradoxes become the guiding forces....(I)n order to explore the issue of administrative inclusiveness in Third World countries, it is necessary to understand the public administration project as imported from the Western discourse.<sup>206</sup>

---

<sup>205</sup> Georgina Waylen, *Gender in Third World Politics* (Boulder : Lynne Rienner, 1996), quoted in Reeta Chowdhari Tremblay, “Inclusive Administration and Development : Feminist Critiques of Bureaucracy,” p. 70.

<sup>206</sup> Tremblay, 72.

This analysis, it can be argued, is certainly applicable to the case of Aboriginal peoples in Canada. Certainly it can be said that Aboriginal peoples' role in the policy process has largely been limited to that of passive recipient, if not object of regulation. It can be further argued that this analogy suggests the need for a similar transformation for Aboriginal peoples, from recipient of change to agent of change, and that in the context of the Canadian Aboriginal governance relationship such a transformation can be achieved through the negotiation and implementation of self-government, and the consequent establishment of Aboriginal peoples as more active and equal participants in the policy process.

This "inclusive policy process" argument is supported by Will Kymlicka's assertion that the importance of access to one's societal culture provides a justification for the granting of group-rights, including self-government rights, to minority nations in a multinational liberal state.<sup>207</sup> In *Multicultural Citizenship*, Kymlicka, while acknowledging that individual rights advocates "can only endorse minority rights in so far as they are consistent with respect for the freedom or autonomy of individuals,"<sup>208</sup> argues that group-specific rights may be justified if a clear link can be made between freedom and culture. Kymlicka writes that meaningful access to one's societal culture,

---

<sup>207</sup> Although I won't attempt to address them in detail here, I must acknowledge that several important challenges to Kymlicka's theories have been raised, some of which he himself discusses in *Multicultural Citizenship*. Some of these include a challenge to the inferred prior status of minority nationalities relative to immigrant populations, which Kymlicka justifies as consistent with the fact that immigrants make a conscious choice to become immersed in a new society, while minority nationalities typically have not freely chosen their minority position; and ethical concerns about the potential conflict between liberal principles of justice and illiberal societal cultures, to which Kymlicka responds by warning against presuming moral superiority and suggesting that concerned individuals may attempt to convince illiberal cultures to change, but shouldn't use the existence of illiberal culture to justify rejecting group-specific rights.

where “societal culture” is described as encompassing “not just shared memories or values, but also common institutions and practices,”<sup>209</sup> can enhance individual freedom, and may in fact be necessary “for meaningful [individual] choice to be possible.”<sup>210</sup> In terms of policy deliberation, it can be inferred from Kymlicka’s and Tremblay’s observations that ensuring a policy process adequately reflects the norms of the relevant societal culture leads to legitimate, appropriate policy choices: as Wein explains, “as the fit between the culture of the community and the structure and powers of the governing institutions becomes better, the more legitimate the institutions become and the more able they are to regulate and organize the development process.”<sup>211</sup>

Most importantly, though, the value of Aboriginal self-government is confirmed by evidence clearly showing, as we shall see below, that policy process reforms to enhance self-government and improve IK access to the policy process lead to better outcomes for Aboriginal peoples. Research into the experiences of various Aboriginal communities reveals that where self-government rights have been implemented even partially, measurable benefits in terms of the psychological, social and economic health of those communities can be found. The findings presented below may fall short of providing conclusive evidence of the beneficial impact either of self-government or of including IK in the policy process; however they at least allow us to begin to consider the value of

---

<sup>208</sup> Will Kymlicka, *Multicultural Citizenship* (Oxford: Clarendon Press, 1995), 75.

<sup>209</sup> Kymlicka, 76.

<sup>210</sup> *Ibid.*, 84.

<sup>211</sup> Fred Wein, “The Royal Commission Report : Nine Steps to Rebuild Aboriginal Economies ,” in *The Cost of Doing Nothing : A Call to Action*, 12.

Aboriginal self-government from a public policy standpoint as opposed to merely an Aboriginal rights standpoint, which is in and of itself very significant.

Let us begin by returning to Fred Wein's analysis (quoted above) of various case studies of Aboriginal economies conducted for the RCAP, which he presented as part of the CANDO-RBC symposium, *The Cost of Doing Nothing*. Wein zeroes in on the problems caused by "a lack of decision-making power over traditional lands and resources,"<sup>212</sup> noting that in communities that lack real political sovereignty, "non-Aboriginal rules and regulations hold sway and these are rooted in a world view that is quite different from Aboriginal perspectives." The consequence of this, he argues, is "cultural conflict and a retreat from economic activity" by disenfranchised Aboriginal peoples.<sup>213</sup> Joseph Kalt, co-director of Harvard University's Project on American Indian Economic Development (HPAIED), notes that "in the United States... those tribes who have broken out economically and really begun to sustain economic development are uniformly marked by an assertion of sovereignty that pushes the Bureau of Indian Affairs into a pure advisory role rather than a decision-making role;"<sup>214</sup> by contrast, tribes that are dependent on various government departments for funding and other supports are generally stymied by the administrative practices and decisions of departments whose interests may not coincide with those of the communities.<sup>215</sup> In a paper prepared for the HPAIED, Kalt is more blunt:

---

<sup>212</sup> Wein, 14.

<sup>213</sup> Ibid.

<sup>214</sup> Joseph Kalt, Presentation to a RCAP Roundtable discussion, quoted in Wein, 13.

<sup>215</sup> Ibid.

It is worth commenting that those who would seek to eliminate tribes' powers of self-governance would seem to be welcoming a future in which reservations are trapped as perpetual recipients of programs of public support, continually burdening the federal budget and killing the initiative and energy of Indian communities....

The systematic evidence makes it clear that contracting and compacting, whereby tribes take over the management and delivery of programs otherwise within the domain of the federal government... have been successful in both promoting economic development and enhancing tribes' experience in the business of self-governance.<sup>216</sup>

In his paper, "Policy Foundations for the Future of Nation Building in Indian Country," Kalt cites a study by Matthew Krepps of the relative performance of local forestry industries in communities where the industries are managed tribally and in communities where the industries are managed by the Board of Indian Affairs (BIA). According to Krepps, "shifting from BIA-employed forestry workers to tribally-employed forestry workers raises labor productivity by tens of thousands of board feet of harvested timber per year, without altering the 'allowable cut' limit set by conservation and environmental criteria." In their paper, "Sovereignty and Nation-Building: The Development Challenge in Indian Country Today," Kalt and Stephen Cornell cite numerous cases of tribal communities with healthy, sustainable economies, and they stress that "it is *not* the case that relatively successful tribes are those that have good natural resources or high rates of educational attainment, or the ones who have been able to get their hands on the most financial capital;"<sup>217</sup> in fact, they clearly state in their research that they were unable to find "a single case of successful economic development

---

<sup>216</sup> Kalt, "Policy Foundations for the Future of Nation Building in Indian Country," (Cambridge : Malcom Wiener Center for Social Policy, February 2001), 5. URL : <http://www.ksg.harvard.edu/hpaied/publ.htm>.

<sup>217</sup> Stephen Cornell and Joseph Kalt, "Sovereignty and Nation-Building : The Development Challenge in Indian Country Today" (Cambridge : Malcom Wiener Center for Social Policy, date of publication unknown), 4. URL : <http://www.ksg.harvard.edu/hpaied/publ.htm>.



and declining dependence where federal decision makers have exercised de facto control over the key development decisions.”<sup>218</sup>

These findings are controversial by any standard, and Kalt and Cornell are quick to point out that achieving de facto sovereignty is not the only precondition to successful economic development; rather it is only a small - albeit very important - first step. Building a sustainable tribal economy requires what Kalt and Cornell describe as a “nation-building” approach to economic development: in contrast to a pure “jobs and income” approach, which focuses solely on building local industries and creating jobs that may or may not be there for the long term, nation-building sees development as encompassing social, cultural, political and economic development in the form of strategic planning for the long term.<sup>219</sup> In practice, this means that, once a community has gone through the difficult process of asserting the sovereignty to which it is entitled, it must “back up [that assertion] of self-governance with the ability to govern effectively,”<sup>220</sup> and the key to effective self-governance, ultimately, “is the institutions through which tribe [governs].”<sup>221</sup> Only after governance institutions are in place can deliberations on strategic direction and policy options be undertaken. Cornell and Kalt list five elements which Aboriginal community governance institutions must provide:

- Stable institutions and policies
- Fair and effective dispute resolution
- Separation of politics from business management
- A competent bureaucracy

---

<sup>218</sup> Ibid, 28-29.

<sup>219</sup> Cornell and Kalt, 9.

<sup>220</sup> Ibid, 10.

<sup>221</sup> Ibid, 11.

- Cultural “match”<sup>222</sup>

The first four elements are basically self-explanatory. Certainly for an economy to thrive it must be able to depend on a modicum of stability from governance institutions; it is noted for example that the troubles experienced by developing countries aptly demonstrate the negative destabilizing impacts for development of sudden, frequent changes to policies and institutions.<sup>223</sup> As much as possible, governance institutions also ought to guard against becoming politicized in both decisions concerning business and resolving disputes among citizens; these matters should instead be delegated to competent, apolitical bodies.<sup>224</sup> And it should go without saying that competent policymaking and administration is essential for any governance institution, Aboriginal or otherwise. Yet the fifth element listed - cultural match - merits special consideration in this analysis.

As Cornell and Kalt explain, “cultural match” refers here “to the match between governing institutions and the prevailing ideas in the community about how authority should be organized and exercised.”<sup>225</sup> According to their research, it is a matter of legitimacy: “where cultural match is high, the institutions of governance tend to have a high degree of support in the community; they command allegiance and respect;” by contrast, where cultural match is low, “governing institutions are more likely to be toothless, ignored, disrespected, and/or turned into vehicles for personal enrichment.”<sup>226</sup>

---

<sup>222</sup> Cornell and Kalt, 12.

<sup>223</sup> Ibid.

<sup>224</sup> Ibid, 13-16.

<sup>225</sup> Ibid, 18.

<sup>226</sup> Ibid, 19.

Ultimately, Cornell and Kalt observe, for development to succeed, “institutions of governance have to have legitimacy with the people,”<sup>227</sup> and in practice, legitimacy is tied to how closely governance structures reflect the cultural norms of the communities.

To illustrate this point, Cornell and Kalt refer to two communities closely studied by the HPAIED for comparison purposes. Both the White Mountain Apache of Arizona and the Oglala Sioux of South Dakota have tribal governments implemented according to the provisions of the 1934 Indian Reorganization Act (IRA) and as such, the governance structures of the two communities are strikingly similar: in both cases, “power is centralized in the tribal government, chief executive officers exercise extensive power, there is no independent judiciary, and there is executive oversight of business operations.”<sup>228</sup> Yet the experiences of the two communities could not be more different: the White Mountain Apache are, economically speaking, “one of the most successful tribes in the country;” Pine Ridge, on the other hand, “is statistically the poorest Indian reservation in the country... [with] some of the highest rates of unemployment and related social problems in Indian Country.”<sup>229</sup> Although access to a stronger natural resource base may explain part of the success of the White Mountain tribe, Kalt and Cornell argue that another important factor may be the fact that the governance structures prescribed by the IRA closely reflect those of Apache traditional governance structures, yet are markedly different from those of the Sioux. This comparison is summarized in a grid appearing in Cornell and Kalt’s study, which has been reproduced below:

---

<sup>227</sup> Cornell and Kalt, 24.

<sup>228</sup> Ibid, 19.

### IRA, Western Apache, and Lakota Governing Structures<sup>230</sup>

Typical IRA Gov'ts (1930s)	Western Apache Gov't (c. 1850)	Lakota Gov't (c. 1850)
Centralized (single units, power concentrated in chairs or presidents)	Mixed (local band autonomy, power concentrated in single chiefs)	Decentralized (local band autonomy, power dispersed among individuals and institutions)
Modest separation of powers (strong executive, weak legislature)	Minimal separation of powers (strong executive, weak legislature)	Separation of Powers (executive, legislative, judicial)
Directly elected executive oversees representative council	Directly elected executive selects council	Parliamentary design (council selects executive)
No independent judiciary (council or chair is court of appeal)	Judicial functions in hands of executive	Independent judicial and law enforcement functions (Akicita societies)
Executive or legislative oversight of business operations	Executive oversight of business operations	Separation of strategic affairs from day-to-day business operations

This case offers a very strong defense both of the inclusive administration argument in general and Aboriginal self-government in particular. The observations presented by Cornell and Kalt accurately reflect the theoretical argument put forth by Kymlicka about the importance of having one's societal culture accessible for decision-making purposes. In fact, it can specifically be argued that what Cornell and Kalt refer to as the importance "cultural match" clearly implies a need for the IK paradigm embraced by an Aboriginal community to inform the structures and institutions that govern that community. Recall that the IK paradigm marries a holistic analytical approach with an understanding that knowledge is non-prescriptive, experiential and local. The nation-building approach to

---

<sup>230</sup> Ibid.

community development presented by Cornell and Kalt clearly embraces both elements of the IK paradigm: on the one hand, it rejects the compartmentalized handling of social, economic, environmental and other woes in favour of an integrated, strategic approach; on the other hand, it fully acknowledges that the structures and policies chosen must reflect the norms and experiences of the particular community. The ultimate outcome of the nation-building approach is an environment amenable to a healthy community, and a society that benefits not only from having real control over its destiny, but also from being able to sustain and continue to grow their societal cultures.

Researchers are only now beginning to fully grasp the importance of maintaining and growing the societal cultures within Aboriginal communities. Apart from the legitimacy arguments outlined above, there is emerging evidence that the psychological health of a community is linked to its cultural health. A 1998 study of youth suicide in Aboriginal communities in British Columbia by Michael J. Chandler and Christopher Lalonde at the University of British Columbia has found that in communities where measures have been taken to ensure cultural continuity, “suicide rates are dramatically lower;” in fact, “every band in B.C that has taken all of the protective steps... have a youth suicide rate of zero, whereas bands in which all of these community actions are missing have youth suicide rates that are 5 to 100 times the provincial average.”<sup>231</sup> Although this study stops short of concluding a causal link between promoting cultural continuity and reduced suicide rates, it too allows us to consider the potential good of promoting cultural continuity in

---

<sup>230</sup> Cornell and Kalt, 21.

<sup>231</sup> Michael J. Chandler and Christopher Lalonde, “Cultural Continuity as a Hedge Against Suicide in Canada’s First Nations” in *Transcultural Psychiatry* 35 (1998).

Aboriginal communities - and by extension, the role of self-government in ensuring cultural continuity.

Yet perhaps the best illustration of the potential good of incorporating Indigenous knowledge into the policy process comes from a case where self-government has yet to be finalized. This would be the case of the interim forestry and fishing co-management institutions established in the territory of the Nuu-chah-nulth people, in Clayoquot Sound, British Columbia. The case of Clayoquot Sound is of special interest to this analysis primarily due to the innovative application of IK, but also because it is a case where, even though Aboriginal self-government agreements have yet to be finalized, co-management structures have been implemented.

In March of 2001, the governments of Canada and British Columbia signed an agreement in principle with the Nuu-chah-nulth Tribal Council, a body which represents the Ahousaht, Hesquiaht, Tla-o-qui-aht, Toquaht and Ucluelet peoples, all of which hold traditional territory in Clayoquot Sound.<sup>232</sup> When the agreement is finalized, it will create a central Nuu-Chah-nulth government which “will have its own law-making authority over treaty land and provision of public service to Nuu-chah-nulth people.”<sup>233</sup> However, with or without the new agreement, the region has to deal with waves of public unrest over forestry industry practices and provincial land-use rulings.

This unrest and volatility came to a head during the summer of 1993 with a massive demonstration that resulted in the arrest of almost 900 protestors, and intervention by the

---

<sup>232</sup> Rod Dobell and Martin Bunton, “Sound Governance: The recent emergence of collaborative networks and institutions in the Clayoquot Sound region” (discussion paper presented at the Clayoquot Sound Regional Workshop, April 26, 2001), 9.

<sup>233</sup> Treaty Commission Update, March 2001, quoted in *ibid*, 9-10.

provincial ombudsman in support of the Aboriginal communities' concerns.<sup>234</sup> That October the B.C. government established the Scientific Panel For Sustainable Forest Practices, "a panel of experts from a number of disciplines" that combines both traditional and scientific ecological knowledge.<sup>235</sup> The Panel was tasked with reviewing forest management standards in Clayoquot Sound and making recommendations for changes, and in 1995 submitted its final report, which recommended that the government of British Columbia:

- adopt an adaptive management approach, including monitoring progress to evaluate success in attaining objectives;
- adopt an ecosystem-based approach to planning and forestry;
- plan to be area-based, rather than volume-based;
- develop standards for managing areas adjacent to streams;
- designate forest reserve networks at the watershed level before selecting harvestable areas or planning specific forestry activities;
- determine, by means of a watershed planning process, the volume available for harvesting each year;
- introduce a variable-retention silviculture system in which 15% to 70% of "old growth" forest structures are retained in each cutting unit;
- reduce the size and number of roads;
- incorporate human values into forest practices standards; and
- retain a minimum of 40% old growth in each watershed planning unit.<sup>236</sup>

Perhaps the most remarkable feature of these recommendations, apart from their taking into account Indigenous knowledge perspectives and their clear emphasis on implementing sustainable forestry practices, is that they were all accepted by the B.C. government. Additionally, following the opening of treaty negotiations, a series of interim co-management agreements were signed by B.C. and the Nuu-chah-nulth to

---

<sup>234</sup> Dobell and Bunton, 13.

<sup>235</sup> Ibid.

<sup>236</sup> Dobell and Bunton, 15.

ensure First Nations participation in land-use decisions and to allow them to help oversee the implementation of the Panel's recommendations.

But even more intriguing than the success of the Scientific Panel For Sustainable Forest Practices is the Regional Aquatic Management Board (RAMB), which was only recently ratified by the federal Department of Fisheries and Oceans as a pilot project. The RAMB is the realization of a concerted effort by local communities on the West Coast of Vancouver Island, and is "to act as a forum in which coastal communities and other persons and bodies affected can participate more fully with governments in all aspects of the integrated management of aquatic resources in the area."<sup>237</sup> Ultimately, it is hoped that the RAMB will help to "reduce local conflict and foster essential respectful dialogue and in particular help build relationships between First Nations and non-aboriginal groups."<sup>238</sup>

Thus, it can certainly be argued that the evidence supporting enhanced self-government as a means of bringing IK back into the policy process is strong, and more importantly, still emerging. Yet for every argument in favour of self-government, one can surely find a strongly worded counterargument from a growing, and increasingly vocal, minority. I am of course referring to the so-called "critics of the Aboriginal industry" who, as I said at the beginning of this chapter, are the intellectual leaders of a rapidly growing anti-Aboriginal movement in Canada. These analysts, including political scientist Tom Flanagan and *National Post* editorialist Jonathan Kay among others, have taken it upon themselves to confront what they see as an Aboriginal "orthodoxy" that is

---

<sup>237</sup> Dobell and Bunton, 27.



based not on sound analysis, but rather on a government-sponsored censorship campaign by a politically correct elite. They of course disagree with any claims about the potential good of Aboriginal self-government: they see it as contrary to the principles of liberal justice and historical growth; more significantly, they specifically dispute the notion that Aboriginal cultures ought to be maintained, arguing that the assimilation of Canadian Aboriginal peoples into the social, economic and political mainstream is acceptable, inevitable, *necessary* - and long overdue.

Despite the grave concerns held by this author and others about the motivations behind and implications of these positions, for the purposes of this study we limit our focus to two specific allegations made by these analysts: the first questions the very existence of the Indigenous knowledge paradigm, accuses defenders of the IK paradigm of historical revisionism, and (mistakenly, as it shall be argued here) attempts to summarize Indigenous knowledge as a combination of instincts, superstitions and outmoded ideas; the second focuses more specifically on the question of Aboriginal self-government, accuses advocates of self-government of being guided by guilt, and endorses the justifiability, inevitability and potential good of assimilation. I shall address each of these allegations in turn.

Questioning of the value, and even existence, of Indigenous knowledge is nothing new. As we saw in the previous chapter, it is what allowed colonial and Canadian policymakers to justify outlawing traditional governance structures, ceremonies, languages and teachings, and pursuing an aggressive policy of land expropriation; in fact,

---

<sup>238</sup> Ibid, 29.

as we now know, the denial of IK may have been at least partly motivated by the need to justify expanding the colony at the expense of the Aboriginal peoples and to explain away the social and economic woes brought upon Aboriginal peoples by aggressive colonization. Inevitably, the denigration of IK became a part of the political and intellectual mainstream, and attempts to challenge that official position were typically stranded on the margins of historical, political and anthropological circles.

An excellent example of the censorship of pro-IK hypotheses by the intellectual establishment is the recent debate over the validity of the theory that important elements of Indigenous political traditions and institutions were incorporated into the American system of government by the likes of Benjamin Franklin, Thomas Paine and Thomas Jefferson (henceforth referred to simply as the “influence theory”). In *Debating Democracy: Native American Legacy of Freedom*, co-authors Bruce E. Johansen and Donald A. Grinde, Jr. discuss the opposition they encountered from academic supervisors, publishers and reviewers as they attempted to disseminate their respective works on the theory, which is supported by both Aboriginal and conventional historical accounts: Johansen observes that in reacting to the emergence of the influence theory “scholars with established academic influence sought to maintain their ideological control by denying the influence of Native Americans’ political intellect; [it is] a story of suppression, manipulation, and distortion of information by the usual means, such as denial of access to journals of academic discourse and grant funds.”<sup>239</sup> Vine Deloria, who wrote the Foreword for *Debating Democracy*, eloquently describes their struggle:

---

<sup>239</sup> Bruce E. Johansen, “Introduction” in Johansen et al, *Debating Democracy : Native American Legacy of Freedom* (Santa Fe : Clear Light Publishers, 1998), 15-16.

The Iroquois old-boys network exploded into an incandescent rage with venomous attacks on Johansen's and Grinde's books, on the authors, and on anyone hardy enough to argue that the thesis should be given a reading on its merits. Popular media became involved after various scholars made statements to the press, and conservative columnists who knew nothing of the argument or the books launched a campaign of ridicule and vilification equaling in intemperance Joe McCarthy's worst tantrums.... The code phrase was "no reputable scholar" agreed with them - "reputable scholars of course being the disciples of anthropologists Elizabeth Tooker, William Fenton, William Starna *et al.*"<sup>240</sup>

Deloria's reference to "conservative columnists" is not an accident, as other observers of the current backlash against policies supporting Aboriginal peoples have noted its close ties to small "c" conservative political movements in North America and abroad. In Canada, notes Alan Cairns, the leaders of this movement include the conservative Canadian Alliance Party and its founder, Preston Manning; the aforementioned *National Post* newspaper; the Fraser Institute, a right-wing think-tank; and the aforementioned Flanagan.<sup>241</sup> These and other observers and institutions have campaigned vociferously against the so-called Aboriginal "orthodoxy" or "industry" that is dominated by an "array of entrenched veto groups and special interests"<sup>242</sup> and that reacts to any "public questioning of traditional knowledge... with accusations of racism."<sup>243</sup>

In a recent article for *Policy Options*, Frances Widdowson and Albert Howard became the latest in a group of analysts to question the real potential of indigenous knowledge. In particular, they are troubled by the prospect of reforming governance institutions in order to accommodate the "cultural context" of Aboriginal communities; however, not unlike

---

<sup>240</sup> Vine Deloria, Jr., "Foreword" in Johansen et al, 4-5.

<sup>241</sup> Alan Cairns, Letter of February 24, 2001, *Policy Options* Vol. 22/7 (September 2001), 46-47.

<sup>242</sup> Tom Flanagan, Letter of January 31, 2001, *Policy Options* Vol. 22/7 (September 2001), 45.

the criticisms leveled against Johansen, Grinde and their colleagues, what may have been intended as an honest questioning of an important policy issue quickly unravels into a tirade against “impenetrable” political correctness and cultural relativism:

The elusive “cultural context” of traditional knowledge [TK]... appears to be the particular spiritual beliefs or animistic “world view” held by Aboriginal peoples and their faith that particular individuals have the power to “heal” others. This makes TK completely incompatible with scientific research, which verifies or refutes hypotheses with evidence that is open to public evaluation. Scientific understanding does not rely on the alleged “spiritual qualities” of a scientist or on processes that are visible only to people of a certain racial ancestry. Impenetrable postmodern jargon like “cultural context” and “cyclical thinking” serves mainly to mystify TK’s true character, preventing the full implications of its use in public policy from being understood. It is apparent that, stripped of such adornment, TK is nothing more than a blend of traditional survival skills and superstition.<sup>244</sup>

Widdowston and Howard go on to describe how they attempted to raise their concerns about IK at a 1996 Federal Environmental Assessment Review hearing for a proposed diamond excavation project in Yellowknife, Northwest Territories, and note that several individuals approached them afterwards and thanked them for doing so, saying they felt that their raising questions the nature of IK would result in accusations of racism.<sup>245</sup> If this is true it is disturbing, and few would disagree that such an atmosphere of apprehension is not conducive to honest and open deliberation; however it must be noted at the same time that the blame for all of this has to be shared by certain vocal critics of IK and self-government. Widdowston’s and Howard’s published assessment of IK as being “nothing more than a blend of traditional survival skills and superstition,” which

---

<sup>243</sup> Frances Widdowson and Albert Howard, “The Aboriginal Industry’s New Clothes” in *Policy Options* (March 2002), 30.

<sup>244</sup> Widdowson and Howard, 32.

<sup>245</sup> Ibid.

appears to be informed mainly by the somewhat obtuse responses to their questions at the Yellowknife hearing by Dene Grand Chief Bill Erasmus and Treaty Eight Chief François Paulette, is particularly unfortunate in this regard, not only because of the disturbing language and evident bias, but because it is based on incomplete information.

The assumption that IK is comprised simply of primitive beliefs and outmoded practices is a popular one, however: in a feature column distributed nationally on the editorial pages of the *National Post*, Jonathan Kay makes a similar accusation, arguing that Aboriginal cultural norms are fundamentally incompatible with modern economic practices. His argument is premised on the assertion that Aboriginal cultural life cannot be separated from hunting and gathering,<sup>246</sup> and that the “hunter-gatherer” fact disables Aboriginal peoples in their struggle to maintain their cultures while simultaneously attempting to survive in the competitive economy. Kay refers to a series of published assessments of the incompatibility of the hunter-gatherer with modern capitalism, and observes that advocates of IK and self-government “keep telling themselves, in the face of all evidence, that the ancient traditions of illiterate hunter-gatherers can somehow be welded to a modern economy: as if the cruel march of history could be defeated by an act of collective good will.”<sup>247</sup>

In this case, we have an example of an opponent of self-government relying on an incomplete and misinformed assumption about the place of IK in modern self-government: Kay equates the maintenance of Aboriginal culture, language and knowledge with adhering to a pure hunter-gatherer model of society that prevents

---

<sup>246</sup> Jonathan Kay, “The case for Native assimilation,” *National Post* (December 8, 2001), B1.

economic development, whereas we have seen that IK can ultimately contribute to economic growth by informing the structure of governance institutions, thereby maximizing the legitimacy of those institutions and permitting policy makers to move forward on deliberations with the support and participation of the population. The assumption by critics that promoting IK is necessarily equivalent to promoting the recreation of ancient governance practices is simply wrong. Cornell and Kalt note specifically that the role of IK in economic development has little to do with reviving institutions that are ill-equipped to address contemporary issues:

[The importance of cultural match] is not necessarily a signal to revive traditional governing systems. Those systems were designed to meet the problems of their time. Tribal governments operate in a very different environment today and often have to solve very different kinds of problems. Furthermore, not only have the demands on tribal governments changed, but in many cases the ideas carried in the community... have changed as well. The trick is to invent governments that are capable of operating effectively in the contemporary world, but that also match people's ideas - traditional or not - about what is appropriate and fair.<sup>248</sup>

Thus, it would appear that many of the criticisms leveled by opponents of Aboriginal self-government against the Indigenous knowledge argument ought best be taken with several grains of salt. We must avoid overstating concerns about bias; however if the evidence we have just reviewed is reliable, then it calls into question these critics' extreme condemnations, including in particular the irresponsible characterization of IK as a combination of survival skills and superstitions. These same critics, however, are not content to simply challenge the worth of indigenous peoples' knowledge and cultures; rather those attacks merely foreshadow an equally irresponsible attempt to re-open the

---

<sup>247</sup> Ibid.

controversial debate on promoting the assimilation of Aboriginal people as an alternative to self-government.

It must be stressed at this point that the choice of the word “assimilation” to characterize their proposals is not this author’s; it’s theirs. This controversial choice has perplexed some; however they appear to be at peace with their decision. Flanagan explains the rationale for resurrecting this potentially offensive term:

Except for small numbers of older people living mostly in remote locations, aboriginal people now live very much like other Canadians. Most now speak English in daily life; only a minority speak their native tongue with any fluency. They attend schools and universities where they study the same subjects as everyone else. Although unemployment and welfare dependency remain regrettably high, many have jobs and careers in the larger economy. They have bank accounts and charge cards. They eat the same food, wear the same clothes, listen to the same music, watch the same movies and TV shows. I am not interested in abstruse distinctions between assimilation, acculturation, and integration. Whatever we call it, the plain and simple fact is that aboriginal people now live very much like everyone else.<sup>249</sup>

The point of Flanagan’s argument here – and Kay’s, too, for that matter – is that the assimilation of Aboriginal people, stripped of its pejorative connotations, is an inevitable fact – in his words, it “was historically inevitable, is now largely accomplished, and will remain the basis of Canadian society.” Accordingly, they argue, the best course of action may be to stop trying to prevent or delay the inevitable and let the process of assimilation proceed unabated. Allowing assimilation to occur would be ultimately more advantageous economically to Aboriginal peoples than would continuing to cling to cultures that “serve to impede the economic advancement of” Aboriginal people and

---

<sup>248</sup> Cornell and Kalt, 24.

<sup>249</sup> Tom Flanagan, Letter of March 11, 2001, *Policy Options* Vol. 22/7 (September 2001), 51.

communities.<sup>250</sup> Kay is particularly eloquent about what he sees as the negative effect of trying to preserve Aboriginal cultures, noting that Canada's "Bantustan policy encourages Indians to remain in economically isolated hamlets; but thanks to paved roads, sedentary living, English television, liquor and a necessary government presence on every reserve, these hamlets are not nearly isolated enough to protect aboriginal cultures."<sup>251</sup>

This analysis, it can be argued, suffers from a number of significant flaws. The first is consistent with our previous discussion on the worth of Indigenous knowledge in that their analysis paints an oversimplified and somewhat negative picture of the fight to preserve Aboriginal cultures. In drawing on Kay's hunter-gatherer image of Indigenous knowledge, the assimilation argument assumes an inability of Aboriginal cultures to adapt to address the issues of the market economy and society, which is countered by Cornell and Kalt's argument about cultural norms informing the development of governance structures, and by case successful studies such as the aforementioned Clayoquot Sound case.

Secondly, the assimilation argument appears to paint all attempts to preserve Aboriginal cultures with the same, worst-case brush of radical isolationism when the reality of Aboriginal cultural preservation is, I believe, much more diverse, and generally more pragmatic. Once again, the experiences of successful American tribal economies are highly instructive: Cornell and Kalt cite such cases as the Mississippi Choctaw reservation, onto which "several thousand non-Indians migrate... every day to work in the Choctaws' manufacturing, service, and public sector enterprises," and the White

---

<sup>250</sup> Kay.



Mountain Apache reservation, whose “forest products, skiing, recreation and other enterprises have made it the economic anchor of east central Arizona.”<sup>252</sup> Both cases are examples of Aboriginal communities that have managed to enhance economic performance while maintaining their Aboriginal political and cultural specificity; more importantly, they are evidence of the importance of pragmatism and compromise on the question of combining cultural maintenance and economic development. It is probably true that few if any Aboriginal communities, and particularly smaller, poorer ones, would be able to simultaneously achieve high degrees of cultural isolation and economic success; however that does not mean that the assimilation of Aboriginal peoples, with the resultant dismantling of community institutions and eventual eradication of traditional languages and cultures, is necessary. Cairns explains:

I do not think that the concept of assimilation is a helpful way of describing the transformation of Aboriginal culture and self-consciousness. It is resented by many (most?) Aboriginal people because it implies that the successful individual has rejected Aboriginality, whether of culture or identity, and disappeared into the majority society. (...)

Accordingly, I prefer the phrase “a modernizing Aboriginality.” It has three virtues. It alerts us to a sense of direction. The goal is not a return to some pre-Columbus yesterday, but an engagement with the world of the 21<sup>st</sup> century. Second, this engagement does not mean the end of Aboriginal difference, however defined. Modernizing and Aboriginality are not an oxymoron when joined together; and finally, unlike assimilation, which privileges the assimilator welcoming new members to the club, “modernizing” underlines the reality, even if limited, of Aboriginal choice of direction and goal.<sup>253</sup>

Related to Cairns’ comments is the third and most important flaw that can be found with the assimilation argument: frankly, the argument that one can separate the negative

---

<sup>251</sup> Kay.

<sup>252</sup> Cornell and Kalt, 3.

implications that the term “assimilation” historically has had for Aboriginal peoples from the allegedly “objective” plan outlined by Flanagan and Kay is unrealistic. The reader will recall how in the previous chapter it was argued that British colonial leaders’ approach to dealing with Aboriginal nations, regardless of its radical shift from a respectful nation-to-nation discourse to a monarch-subordinate discourse informed by Eurocentric assumptions of the inferiority of Aboriginal cultures, was consistent in that the primary focus was always the best interest of the colony. If this observation is correct, then what Kay describes as a “racist plot” was in reality only secondarily so: if anything it was a “selfish plot,” or a “colonialist plot,” to advance the cause of colonial expansion regardless of the impact on Aboriginal peoples. Certainly racism played a part, but it was racism after the fact, as colonial leaders needed to provide some form of moral or rational justification for their aggressive expansion policies. Indigenous knowledge – indeed, all input from Aboriginal peoples – was excluded from the policy process the moment it was no longer required. The ultimate motive was not racism, but greed: they simply did not want to share.

Fast forward to the present, and the assimilation argument. We have already noted the tacit ties between critics of Aboriginal self-government and small “c” conservative political movements in Canada and the United States. Flanagan, a self-identified conservative<sup>254</sup> and former (1991-92) National Research Director of the conservative Reform Party of Canada (now the Canadian Alliance), and Kay both zero in on the cost to taxpayers of the current dysfunctional, disempowering Aboriginal governance regime: in

---

<sup>253</sup> Cairns, Letter of April 11, 2001, *Policy Options* Vol. 22/7 (September 2001), 52.

the preamble to Kay's article it is noted that "the federal government spends more than \$7 billion a year on aboriginal programs... yet suicide, poverty, alcoholism and welfare dependence are rampant on reserves;" Kay notes further that "about 90% of the cash transfers that flow through the Indian Affairs department are doled out by Indian bands or tribal councils."<sup>255</sup> However when it comes to discussing causes of, and solutions to, the rampant poverty, suicide, etc., they attack not only the dysfunctional regime, but the goal of maintaining cultural specificity as well; accordingly, proposals that include the accelerated negotiation and implementation of self-government, are pejoratively dismissed as "more of the same." Consider Kay's observations:

[The authors of the RCAP Report] tell us that "only as members of restored nations can [aboriginals] reach their potential in the 21<sup>st</sup> century." Naturally, this means more government money. The RCAP report calls for up to \$40 billion of extra spending over the next 20 years. To lend dignity to these handouts, the report's authors argue that they should be made under the cover of... "nation-to-nation" treaties.<sup>256</sup>

Let us take a moment to clarify this point. The RCAP *Final Report* does indeed propose a fundamental shift in the governance of Aboriginal communities, from the current dysfunctional regime of dependent, state-supported reserves to sustainable, self-governing Aboriginal political units; bringing this shift to fruition would indeed require a substantial investment by the federal government to ensure the full and effective implementation.

However, it is far from accurate, by any reasonable measure, to describe the RCAP proposal as "more of the same." In fact the opposite is true: it proposes to get the federal

---

<sup>254</sup> Flanagan, Letter of March 11, 2001, 51.

<sup>255</sup> Kay.

government out of the business of subsidizing a dependent, disenfranchised population on a day-to-day basis, and instead move towards making strategic investments in the long term future of Aboriginal communities. It is an ambitious plan, but comprehensive. But above all, it emphasizes a “20 year commitment” to ensuring the full and effective implementation of governance institutions.

Some additional discussion of the importance of effective implementation is warranted here. A cursory look at the struggles experienced by the Cree of James Bay over the implementation of the James Bay and Northern Quebec Agreement reveals the importance of ensuring implementation. The James Bay and Northern Quebec Agreement (henceforth JBNQA) was signed on November 11, 1975, following an agreement in principle reached in November of 1974. There were seven signatories to the JBNQA: Canada, Quebec, the Grand Council of the Crees, the Northern Quebec Inuit Association, Hydro-Québec, the James Bay Development Corporation, and the James Bay Energy Corporation.<sup>257</sup> At the time, it represented “a substantial improvement over past numbered treaties,” primarily because it was the first agreement to recognize the inherent nature of the right to Aboriginal self-government, but also because, instead of simply constituting “an exchange of land for money, it is a comprehensive document that addresses most aspects of a society’s needs in a contemporary context.”<sup>258</sup> The initial agreement contained provisions covering five main areas of policy interest, including:

---

<sup>256</sup> Kay.

<sup>257</sup> Makivik Corporation, *The 25th Anniversary of the James Bay and Northern Quebec Agreement* (Makivik Corporation, 2000), 13.

<sup>258</sup> *Ibid.*, 14.

(1) the protection of traditional Aboriginal activities, including hunting, fishing and trapping; (2) parameters for resource development, including specific provisions for hydroelectric development and environmental impact assessment; (3) local regional administration, plus provisions outlining the administration of justice, education and health social services; (4) economic development; and (5) compensation and other monetary contributions toward the implementation of new mechanisms and bodies.<sup>259</sup>

Yet while the JBNQA was initially hailed as a significant milestone for the advancement of Aboriginal rights, subsequent problems and delays with the actual implementation of the agreement, as well as numerous conflicts over violations of the agreement by the government of Quebec and others, made the victory seem hollow. The fundamental problem here was “the lack of an elaborated and funded implementation mechanism.”<sup>260</sup> Anthony Ittoshat, in his submission to the October 2001 symposium *Reflections on the James Bay and Northern Quebec Agreement*, illustrates the magnitude of this omission:

[Under the JBNQA] the Northern Quebec Inuit Association was to become Makivik Corporation and in turn Makivik was to oversee the creation of the institutions foreseen in the JBNQA. [However, the] transition took much longer than foreseen, in fact, almost two years went by before Makivik was created.... Given that Makivik was the focal point and represented the Inuit party for purposes of the Agreement, it took even longer to create the other Inuit and public institutions such as the Kativik School Board, Kativik Regional Government, the Health Boards and the municipal corporations foreseen in the JBNQA.<sup>261</sup>

---

<sup>259</sup> Bourdeau, 1-14.

<sup>260</sup> Anthony Ittoshat, Notes for Presentation, *Reflections on the James Bay and Northern Quebec Agreement* (Montreal, October 25-26, 2001), 2.

<sup>261</sup> Ibid, 3.

In February of 1982 Indian Affairs released the JBNQA Implementation Review. The document “acknowledged the many deficiencies of the Agreement as it was being implemented,” and led to “a series of negotiations in which both governments, forced to recognize the dire state of municipal, educational, health, transport and housing infrastructure, agreed to a 5 and 10 year accelerated catch-up program” to improve living conditions and infrastructure standards for the Inuit and Cree communities.<sup>262</sup> Yet problems persisted, and in 1984, more than 10,000 caribou drowned in the Caniapiscau River “due to improper flood control measures by Hydro-Québec,”<sup>263</sup> sparking a public outcry over the failure of environmental safeguards. In 1991 Indian and Northern Affairs Canada created the James Bay Implementation Office; however before negotiations on implementation could begin, the Crees demanded that certain outstanding operation issues, including “a longstanding dispute over funding for local and regional authorities and for community facilities, a perceived inadequacy in infrastructure funding, and... the building of a new village for the Cree community of Oujé-Bougoumou.”<sup>264</sup>

Other serious conflicts also emerged on the environmental front. Revisions to Quebec’s Forestry Act in 1986 and subsequent amendments “ignored the obligations [the government of Quebec] had undertaken to ensure Cree participation under the JBNQA. The Cree claim that they do not have an effective voice in forestry policy... today... despite having negotiated and signed the JBNQA... and despite new participatory

---

<sup>262</sup> Ittoshat, 6-7.

<sup>263</sup> Makivik Corporation, 37.

<sup>264</sup> Guy McKenzie, Notes for Presentation, *Reflections on the James Bay and Northern Quebec Agreement* (Montreal, October 25-26, 2001), 3.

provisions.”<sup>265</sup> At the same time, disputes emerged over the co-management of traditional hunting, fishing and trapping activities: as Colin H. Scott and Jeremy Webber observe, Quebec government representatives showed “little concern for the sport hunt’s profoundly disruptive impact on Cree harvesting activities, and the HFTCC (Hunting, Fishing, and Trapping Coordinating Committee, which is responsible for the co-management of traditional harvesting activities) was unable to block the changes that led to that disruption, even though the preservation of traditional patterns of Cree harvesting had been one of the chief aims of the JBNQA.”<sup>266</sup>

On October 23, 2001, the James Bay Cree and the government of Quebec signed a new agreement in principle that had the immediate effect of the Cree dropping millions of dollars in lawsuits against the government of Quebec and that, if implemented, would transfer “the commitments of [the government of Quebec], Hydro-Québec, the James Bay Energy Corporation and the James Bay Development Corporation with respect to the Crees which pertain to economic and community development” to the James Bay Cree.<sup>267</sup> However, given the troubled past of the JBNQA in terms of ensuring the full implementation of the agreement, it remains to be seen whether this new agreement in principle represents any real progress.

---

<sup>265</sup> Harvey A. Feit and Robert Beaulieu, “Voices from a Disappearing Forest: Government, Corporate and Cree Participatory Forestry Management Practices” in Colin H. Scott, ed., *Aboriginal Autonomy and Development in Northern Quebec and Labrador* (UBC Press, 2001), 130.

<sup>266</sup> Colin H. Scott and Jeremy Webber, “Conflicts between Cree Hunting and Sport Hunting: Co-Management Decision Making at James Bay” in Scott, 171.

<sup>267</sup> Government of Quebec, “News Release: Agreement in Principle between the Government of Quebec and the James Bay Cree” (October 23, 2001).

The case of the JBNQA provides important lessons for future negotiations of comprehensive self-government agreements, particularly in terms of implementation, participation and impacts. A review of certain aspects of negotiations for the Nisga'a Treaty would indicate that the ousted Clark government in British Columbia took many of these lessons to heart, emphasizing public awareness of the benefits of the agreement to counter the campaign by then Opposition leader Gordon Campbell against the agreement, including most significantly an overturned court application to the B.C. Supreme Court charging that the Nisga'a Treaty "is inconsistent with the *Constitution Act*."<sup>268</sup> The Clark government was also cognizant of the need to address the concerns of non-Aboriginal people who could be affected by the agreement, signing a framework agreement with the Truck Loggers Association to "address the impact of the Nisga'a Treaty and treaty making in general on contract loggers."<sup>269</sup>

However, with the recent election of Campbell and the fervently anti-Nisga'a B.C. Liberal Party to an overwhelming majority government in the provincial legislature, this story is far from over, for although the Nisga'a Treaty is itself constitutionally protected, the numerous tripartite side agreements covering fiscal arrangements, taxation agreements, and natural resource harvest quotas are not.<sup>270</sup> In fact, the same thing can be said about the arrangements in Clayoquot Sound. In the first place, hostility of the current B.C. government to the treaty process hangs over these achievements like a cloud,

---

<sup>268</sup> Government of British Columbia, Office of the Premier, "News Release: Lovick Welcomes Nisga'a Decision" (July 26, 2000)

<sup>269</sup> Government of British Columbia, Office of the Premier, "News Release: Government and Truck Loggers Agree on Treaty Impact Framework" (November 18, 1998).

<sup>270</sup> Government of British Columbia, Ministry of Aboriginal Affairs, "Nisga'a Financial and Fisheries Side Agreements Available" (September 3, 1998).



with no assurance that progress will continue. And although the agreement to form the RAMB is a federal matter, pressure from major stakeholders “concerned primarily about the prospect of area-based regional groups managing migratory salmon stocks”<sup>271</sup> to limit the scope of the RAMB mandate is troublesome from the standpoint of Aboriginal community participation during the expected, but not guaranteed, finalization of the treaty.

The importance of implementation, and for that matter of ensuring adequate attention to detail, is further illustrated by some very disturbing findings on the state of potable water management in self-governing communities by the Institute on Governance (IOG). John Graham, who wrote a policy brief for the IOG on the subject, describes the situation:

First, modern self-government agreements with First Nations provide them with the jurisdiction to deal with potable water.... But most do not ensure First Nations or the Provinces will fill the existing regulatory void. Thus, it is possible for communities under some self-government agreements to have no regulatory system of potable water whatsoever. Such appears to be the case for some long-standing agreements such as the Cree of Northern Quebec. (...)

Second, many of the agreements make no provision for the necessary tools to build a proper regulatory system. Thus, there is little consistency among the agreements relating to such matters as inspection and enforcement powers, penalties... and the harmonization of laws with the province. The Nisga’a agreement, the latest to be signed and formalized in law, deals with the public works function in three short sentences and does not even refer to potable water.

Finally, the large majority of the agreements do not provide an appropriate governmental structure for an effective regulatory system for potable water and other matters requiring regulation. In particular, most agreements create a single tier model of government, assigning both the

---

<sup>271</sup> Ibid, 26.

regulatory and operating responsibilities to the same authority without any special provisions for how it will effectively regulate itself.<sup>272</sup>

Finally, I should like to return once again to Cornell and Kalt, who express concern at the recent increase in the frequency and intensity of attacks on Aboriginal self-government. This attack, they argue, “is both misguided and dangerous,” in that it ignores what they see as an irrefutable fact:

The United States has been concerned to overcome the dismal economic situation on Indian reservations since 1928, when the so-called Meriam Report marshaled massive evidence of reservation poverty and hopelessness. In its attempts to deal with those conditions, subsequent federal Indian policy has ranged across the map, from assimilationism to the termination of federal responsibility for tribes to multiplying social programs and explicit support for tribal governments. To date, however, only one federal policy orientation has been associated with sustained economic development on at least those Indian reservations that have exercised de facto sovereignty through their own institutions: the self-determination policy that emerged in the 1970s. In other words, not only does tribal sovereignty work, but the evidence indicates that a federal policy of supporting the freedom of Indian nations to govern their own affairs, control their own resources, and determine their own futures is the only policy orientation that works. Everything else has failed.<sup>273</sup>

Thus, assuming the evidence presented here is reliable, we can comfortably state that promoting self-government for Aboriginal peoples is more than an affirmation of Aboriginal inherent right, more than a prerequisite to achieving reconciliation with Aboriginal peoples. It is good policy. And it is affordable policy too, if you trust John McCallum’s assessment, contained in his presentation for *The Cost of Doing Nothing*, that the gradual decrease in the size of the national debt relative to the Canadian gross domestic product ought to give the federal government enough room to undertake such a

---

<sup>272</sup> John Graham, “Rethinking Self-Government Agreements : The Case of Potable Water” (Institute on Governance, November 2001), URL : <http://www.iog.ca>.

<sup>273</sup> Cornell and Kalt, 28.

substantial investment: while he stops short of recommending specifically that the government of Canada adopt the RCAP proposal, McCallum's assessment, based on what he describes as "conservative" 1997 projections of federal budgets by the Economics Department of the Royal Bank, is that the RCAP 20-year proposal to invest in community development and self-government is indeed affordable.<sup>274</sup> Ultimately, a plan to invest wisely in the negotiation and implementation of Aboriginal self-government appears to be the best course of action, provided that sufficient resources are devoted to ensuring effective implementation and appropriate attention to detail.

Which brings us back to the roots of the assimilation argument. Let us assume for the moment that assimilation could in fact lead to a level of economic prosperity for Aboriginal people that, in the long term, would be comparable to that which would have been achieved through the RCAP process. The economic outcomes for Aboriginal peoples then being the same, the only differences between the two policies would be that with assimilation, Aboriginal peoples would be forced to endure the loss of most of their cultural, social and political institutions and complete the difficult transition to non-Aboriginal society and economy, while non-Aboriginal people would pay fewer taxes and keep their right to earn revenue from lands and natural resources that would have otherwise been allocated to Aboriginal communities through treaties. In other words, the "colonialist plot" lives: they don't want to share.

Now, assume as well for a moment that assimilation is in fact inevitable. Let's say it's true that, in the long term, Aboriginal peoples' cultures will be largely absorbed into

---

<sup>274</sup> McCallum, 6.

the North American mainstream and will fade into obscurity, and let's even say that Aboriginal peoples acknowledge this. Even if all of that were true, it could be argued that the self-government argument still applies, as the process by which Aboriginal peoples become assimilated would need to be seen as legitimate by Aboriginal people, and Indigenous knowledge-based perspectives would be useful in easing the transition to non-Aboriginal society, particularly at the fuzzy line where "modernizing Aboriginality" ends and assimilation begins.

In the end, it seems almost impossible to avoid acknowledging the fact that Aboriginal self-government, if properly thought out and effectively implemented, makes good policy sense. Admittedly, this chapter falls short in its attempt to respond to every challenge to that argument; instead emphasis has been placed primarily on presenting a case and analyzing the arguments and motives of the most ardent opponents of Aboriginal self-government. As such, this study runs the risk of being criticized for selective referencing. Ultimately though, both sides might at least be able to agree on the need for further research to clarify these question. Having thus placed our bets, we are now ready to turn to the final, concluding chapter, in which we will discuss the admittedly difficult task of moving forward on bringing IK back into the policy process through the negotiation and implementation of Aboriginal self-government.

## **V - Conclusion: On the Inside Looking Forward**

If, for the moment, we are reasonably satisfied that Aboriginal self-government is the best way to ensure the reintroduction of Indigenous knowledge to the policy deliberation process in Canada, we can then take a moment to discuss ways of moving forward on self-government. Ultimately, this discussion must be centered on the leadership role that Canadian governments, and in particular the federal government, must assume if Aboriginal self-government is to be enhanced in any meaningful way. However, if self-government is properly implemented, and if the arguments presented in this study are proven correct, then policy analysts might be well-advised to take a closer look at how enriching the policy process through the inclusion of alternative knowledge sets in policy

deliberations, and incorporating those knowledge sets into governance institutions, can benefit not just Aboriginal peoples, but all Canadians. In this concluding chapter, we will attempt to briefly address these issues, and we will also take a moment to look back at this study, in order to highlight areas that would benefit from further investigation and debate.

Certain RCAP publications offer specific recommendations for facilitating the implementation of Aboriginal self-government via the treaty process. First, in some cases, “political accords between Aboriginal peoples and the federal or provincial governments may have a role to play,” in that they could provide “an appropriate context within which Aboriginal peoples might implement self-government in a co-operative and non-confrontational fashion, without fear of governmental challenge in the courts.”<sup>275</sup> Alternatively, the federal government could add a legislative supplement to the *Indian Act* that would lay down “an optional framework for the orderly transition to the exercise of inherent governmental powers, so long as it is clearly understood that the source of the right is inherent and not delegated.”<sup>276</sup> With this approach, the RCAP notes, the government might consider including a clause that would “acknowledge the right of Aboriginal groups to opt out of certain portions of the Indian Act at their own initiative.”<sup>277</sup>

Action along these lines, along with the allocation of sufficient resources to handle negotiations, would certainly represent a vast improvement over the current system of

---

<sup>275</sup> Douglas E. Brown, Research paper for the Royal Commission on Aboriginal Peoples (title unknown) (1993), 55.

<sup>276</sup> Ibid, 56-57.

handling self-government negotiations: at the very least, it could be argued that such action would provide Aboriginal communities some assurance that their claims will be dealt with in an equitable and timely fashion. However, to date there has been no such initiative undertaken by the federal government. In November of 1997, a meeting of premiers, territorial leaders and leaders of national Aboriginal organizations ratified a "Framework for Discussion on Relationships," in which the signatories affirmed "the historic and primary fiduciary obligation of the Government of Canada to all Aboriginal Peoples, evidenced by Constitutional, Treaty and Aboriginal rights"<sup>278</sup> and called on all levels of government, including Aboriginal governments, to "work together to resolve issues of resource sharing and management in a manner which will promote economic and social development with certainty and public acceptance without extinguishing or diminishing Aboriginal Rights, Treaty Rights and Aboriginal Title."<sup>279</sup> In May of 1998, at a meeting of federal, provincial, territorial and Aboriginal leaders in Quebec City, the federal government responded to that statement, acknowledging that "effective solutions require a comprehensive, co-ordinated, and co-operative strategy" and reiterating its historical position that provincial governments "have primary, but not exclusive, responsibility for off-reserve Aboriginal peoples."

In lieu of an overarching political accord or framework legislation, the federal government has opted to pursue a series of tripartite agreements on self-government in

---

<sup>277</sup> Ibid, 57.

<sup>278</sup> Canadian Intergovernmental Conference Secretariat, "News Release: Meeting of Premiers/Territorial Leaders and Leaders of National Aboriginal Organizations" (November 18, 1997),

URL: [http://www.scics.gc.ca/cinfo/85006708\\_e.html](http://www.scics.gc.ca/cinfo/85006708_e.html)

<sup>279</sup> Ibid.

regions, or individual communities. The Intergovernmental Affairs website currently lists fifteen tripartite agreements on self-government, signed in 1999 and 2000, for Aboriginal communities in Newfoundland, Quebec, Manitoba, Saskatchewan, British Columbia and the Northwest Territories.<sup>280</sup> Of interest among these is a framework agreement signed in May of 2000 by Canada, Saskatchewan and the Federation of Saskatchewan Indian Nations to “guide formal negotiations toward new government-to-government relationships with Treaty First Nations in Saskatchewan.”<sup>281</sup> The agreement commits all parties to reach agreements in principle on fiscal and governance arrangements by January 2002.<sup>282</sup> Also included in this list is the 1999 political accord signed to Create the Nunavik Commission on self-government for that Inuit community in Northern Quebec, and various frameworks, agreements in principle, and pledges of cooperation. Ultimately, though, there has been relatively little movement of substance, excepting of course the Nisga’a Treaty, which received royal assent during the spring of 2000, and a handful of other self-government agreements, including agreements in the Yukon and the Framework Agreement on First Nations Land Management, which currently includes 14 First Nations. Graham notes further that self-government negotiations with 30 First Nations and Inuit communities are in the “advanced stages.”<sup>283</sup>

---

<sup>280</sup> Government of Canada, “Intergovernmental Relations by Sector: Aboriginal Affairs” (2001),

URL: <http://www.pco-bcp.gc.ca/aia/default.asp?Language=E&Page=relations&Sub=AboriginalAffairs>

<sup>281</sup> Government of Canada, “News Release: Treaty First Nations Closer to New Governance Relationship” (May 27, 2000), URL: [http://www.ainc-inac.gc.ca/nr/prs/m-a/2000/2-00140\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a/2000/2-00140_e.html)

<sup>282</sup> Ibid.

<sup>283</sup> Graham, 2.



On June 13, 2002 Indian Affairs Minister Robert Nault introduced the *Specific Claims Resolution Act* in the House of Commons. If passed, the bill would mandate the creation of an independent body called the Canadian Centre for the Independent Resolution of First Nations Specific Claims, which would incorporate meditative (Commission) and arbitral (Tribunal) mechanisms for resolving specific land claims. The goal, as is explained in a press release issued by Indian and Northern Affairs Canada, is to speed up a process that at present is bottlenecked:

The Commission would enable the resolution of all claims regardless of value, drawing upon the entire range of dispute resolution mechanisms to assist the parties to a specific claim in reaching a final settlement. In contrast, the adjudicative tribunal would be available to First Nations, as a last recourse, to make final binding decisions on the validity of specific claims that have been rejected by Canada and cash compensation on valid claims up to a maximum of \$7 million. From a review of the claims on hand, the majority are below \$7 million.<sup>284</sup>

With more than 450 specific claims currently outstanding, this represents a necessary and respectable step forward. “The tribunal is a hammer,” Assembly of First Nations Vice-Chief Bill Erasmus told CBC following the announcement, adding, “it can force Canada to stay at the table, to get it done. It can also issue the compensation or the amounts.”<sup>285</sup>

Ultimately, though, it’s not entirely an exaggeration to say we remain at a stalemate, with Aboriginal communities engaged in negotiations to implement self-government but with no concrete assurances that their goals will be realized in the medium term.

---

<sup>284</sup> Government of Canada, “News Release: Independent Claims Body Legislation Introduced” (Thursday, June 13, 2002), URL: [http://www.ainc-inac.gc.ca/nr/prs/m-a2002/2-02156\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a2002/2-02156_e.html)

<sup>285</sup> Canadian Broadcasting Corporation, “Ottawa moves to settle hundreds of land claims” (Thursday, June 13, 2002), URL:

[http://cbc.ca/cgi-bin/templates/view.cgi?category=Canada&story=/news/2002/06/13/nault\\_bill020613](http://cbc.ca/cgi-bin/templates/view.cgi?category=Canada&story=/news/2002/06/13/nault_bill020613)

Particularly where negotiations on self-government have important implications for both federal and provincial levels of government, and in the absence of a clear and sustained commitment from all parties to ensure that the inherent right of Aboriginal self-government is realized, Aboriginal peoples in effect have no recourse to sudden changes in the whims or priorities of federal or provincial governments (the shift in B.C. from a relatively Aboriginal-friendly Clark government to a hostile Campbell government is a case in point), other than the courts. And if Aboriginal peoples are ultimately forced to pursue their demands through the courts - well, without trying to be too candid, things could get ugly. One cannot simply shut their eyes and hope that the threat of legal action leads to compromise, as has been the case (so far) with the James Bay Cree and the government of Quebec.

Thus, for the moment at least, we are left with the calls, by Brown, the RCAP, and others, for either framework legislation or a national tripartite political accord with Aboriginal leaders and the provincial order of government to solidify the commitments from federal and provincial governments to the pursuit of Aboriginal self-government, and to set out the terms for its implementation. A comprehensive general framework could “provide... a contextual statement of the scope of powers, exclusive and concurrent powers, provision for paramountcy where laws conflict and for emergency powers,”<sup>286</sup> or it could simply be based on the commitment to negotiate. In that sense, the model used for the framework agreement in Saskatchewan has the potential, in theory at least, to be applied more widely; indeed in April of 2002 exploratory talks began between the federal

---

<sup>286</sup> Brown, 50.

government, the government of Newfoundland and Labrador and the Federation of Newfoundland Indians on launching a similar, tripartite process.<sup>287</sup> But regardless of the form that action takes, it is clearly needed, and the urgency of that need grows daily.

But assuming for a moment that we can still “work it out,” that agreements defining the negotiation and implementation of Aboriginal self-government can be reached, and that a healthy relationship between sovereign Aboriginal communities and the rest of Canada can be forged, where would that lead? If the arguments presented this study are proven correct, and if the RCAP’s figures are reliable, we should eventually be seeing improved social, cultural, psychological and economic conditions in Aboriginal communities; we should also be seeing reductions in the costs to federal departments of various social programs, Aboriginal-specific and otherwise; in short we should be seeing a return on the investment of the government of Canada in the implementation of self-government, economically and socially.

More importantly, though, a fascinating opportunity may emerge to make some fundamental and crucial changes to the nature of policy deliberations in Canada, changes that could benefit not only Aboriginal peoples but all Canadians. At present, “good” policy is almost universally equated with “efficient” policy: a policy is “good” if it produces desired outcomes in a timely and cost-effective manner; it is less good if it takes more time or is more expensive. Further, ranges of policy choices are often severely restricted by sometimes real, sometimes imagined, but quite often narrow, concerns, about affordability. As we have seen throughout this study, more than anything else the

---

<sup>287</sup> Government of Canada, “Press Release: Canada, Newfoundland and Labrador, and the Newfoundland Federation of Indians Enter Exploratory Talks” (April 12, 2002), URL: <http://www.ainc->

IK paradigm asks that current policy processes become more open to alternative perspectives and proposals, and that they attempt to better appreciate the interrelatedness of social, economic, cultural, and environmental issues at local, regional and national levels; this call has been echoed by feminist authors, who also consider the current model to be exclusionary and illegitimate. Basically, we are being asked to expand current definitions of what we demand of a policy before we call it a “good” policy: this might involve rethinking how we identify policy goals, and making that process more inclusive and holistic in its analytical approach; it might also involve expanding the definitions of efficiency and cost-effectiveness, perhaps altering the balance between economic, social, environmental and other costs that at present may be skewed towards the economic aspect; finally, it may involve expanding current approaches to public consultation, engaging more people, including laypeople and people respected for their wisdom or praxis but who may not have conventional academic qualifications, such as community leaders, volunteers, or Aboriginal elders. Tremblay has called this modified process “inclusive administration;” I’ll call it an inclusive public policy ethic that is informed by the IK paradigm and by other critiques of the rational policy process. From a purely economic standpoint some may consider the application of the IK public policy ethic to be undesirable, and certainly a policy process that has as its primary goals to be inclusive and to embrace multiple sources and forms of knowledge would be criticized as inefficient when compared to the simplified rational alternative.

But as we as a society begin to fully grasp the long term economic impacts of environmental degradation, high stress levels, poverty, deteriorating quality of life, diminished social cohesion, and so on, I believe we will eventually reach the point where it will be impossible to deny the importance of an inclusive, holistic policy process. Currently there is within the government of Canada an institution that is actively working to highlight the importance of making the policy process more cognizant of the interrelatedness of public policy issues. Through its Horizontal Research Project on Social Cohesion, the Policy Research Initiative (PRI) is attempting to “facilitate the development of a coherent, coordinated agenda for horizontal policy research on social cohesion [that] will allow the flexibility necessary to ensure that research findings can support various government-wide activities.”<sup>288</sup> In studying such concepts as social cohesion, inclusion, exclusion, and social capital, the PRI has determined that one “cannot define these concepts in strictly economic terms,” and that research must also consider such related issues as

- access to work, education and a home,
- poverty and social inequalities,
- social and cultural diversity, and
- emergent challenges, such as the digital divide.<sup>289</sup>

Interestingly, the PRI is also involved with something called the Aboriginal Scholars Project (ASP), which was launched by the PRI in collaboration with the Aboriginal Healing Foundation in June 2000. The ASP represents a shared conviction among its

---

<sup>288</sup> Government of Canada, Policy Research Initiative, “Social Cohesion” (Last updated: April 2001), URL: [http://policyresearch.gc.ca/page.asp?pagenm=hp-ph\\_sc-cs\\_sc-cs](http://policyresearch.gc.ca/page.asp?pagenm=hp-ph_sc-cs_sc-cs)

<sup>289</sup> Ibid.

founders and the participating researchers that “research conducted from an indigenous knowledge perspective is an important complement to the findings of more conventional research and that, woven together, these approaches can inspire insightful policy interventions.”<sup>290</sup> It is perhaps not surprising that an organization dedicated to promoting interdepartmental coordination and cooperation on policy research would also be involved in an initiative such as the ASP; it also not surprising that in a country whose evolution has been so informed by the contributions of indigenous peoples, a project would be under way to ensure that that shared evolution continues.

This study attempted to present a public policy argument for bringing Indigenous knowledge back into the policy process. It was argued that the combination of distinct bodies of Indigenous knowledge and a distinct Indigenous epistemology constitutes an alternative knowledge paradigm, and that the IK paradigm has through the course of Canadian history been effectively shut of policy deliberations directly affecting Aboriginal peoples. It was shown how Canadian and colonial governments were until very recently able to act virtually unencumbered in their own interests, and repeatedly shut Aboriginal peoples out of policy deliberations. Finally, it was argued that accelerating the negotiation and implementation of Aboriginal self-government, in spite of the obvious economic costs in the short and medium terms, is good public policy, because it promotes the re-incorporation of IK into policy deliberations and governance institutions, it restores legitimacy to governance institutions and to the governance

---

<sup>290</sup> Government of Canada, Policy Research Initiative, “The Aboriginal Scholars Project: A Quiet Revolution in Aboriginal Policy Research” in *Horizons* Vol. 4/5 (November 2001), 28.

relationship between Aboriginal peoples and the government of Canada, and it ultimately leads to better outcomes for Aboriginal peoples.

Despite this author's cautious optimism regarding the arguments presented in this study, it must be stressed that many questions remain, particularly regarding the actual translation of IK perspectives into non-conventional, but effective, governance institutions, the nature of future relations between Aboriginal governments and the rest of Canadian society, and above all the feasibility of implementing Aboriginal self-government given the current increasingly hostile political climate in Canada. These are all areas of contentious public debate; however as we saw in the previous chapter, much of this debate is at least partly based on incomplete or inaccurate information. More and better research into these questions is essential, not only to find answers but also to ensure that public opinion is informed by good research rather than misleading information and hostile rhetoric.

At this time we must also acknowledge that nothing discussed in this thesis is addressed specifically to the concerns of the growing urban Aboriginal population; unfortunately, this is an all too common omission. In September 2001 The Canada West Foundation published the first of a three-part series on policy responses to the increasingly important Aboriginal population in Western Canadian cities. In that report Calvin Hanselmann notes that the increasing presence of Aboriginal people in urban centers is being largely ignored by the policy research community:

In spite of the size of the urban Aboriginal population... public policy discussion about Aboriginal people tend to focus on the reserve-based population. Discussion about treaties, self-government, finances, housing, and other issues focus almost exclusively on First Nation communities and rural areas. This oversight is problematic as it ignores the urban realities

of Canada's Aboriginal population. An acute public policy need therefore exists for a broadening of perspectives to include not just on-reserve Aboriginal communities but also urban Aboriginal communities.<sup>291</sup>

In a 2001 editorial for *Inroads*, John Richards discusses the "painful choice" made by so many Aboriginal Canadians to leave reserve communities for urban settings. As he observes, the choice inevitably entails "sacrificing some things that are culturally important in exchange for things that have always drawn people from rural to urban life: access to a wider variety of better jobs, more varied choice of amenities, better opportunities for their children, etc."<sup>292</sup> However, he also notes that escaping the economic isolation of reserves is for many an empty victory: many are "trapped between Scylla and Charybs, between rural poverty and life in 'very poor' urban neighbourhoods."<sup>293</sup> Richards's primary concern, from a public policy standpoint, is to find ways to "render the urban environment more hospitable" for Aboriginal Canadians; admittedly, that the reality of Aboriginal migration to urban centres ought to be better taken into account is also one of the more useful suggestions offered by Jonathan Kay, who wryly notes that the most popular food provider at the 2001 Canadian Aboriginal Festival was Pizza Pizza,<sup>294</sup> and Flanagan. However, Richards is also careful to note that, wherever it has been possible, Aboriginals moving to urban centers have attempted to maintain ties with their rural past, "migrating back and forth." And he acknowledges that

---

<sup>291</sup> Calvin Hanselmann, "Urban Aboriginal People in Western Canada: Realities and Policies" (Calgary: Canada West Foundation, September 2001), 1.

<sup>292</sup> John Richards, "Editorial: 'Reserves are only good for some people,'" *Inroads* Vol. 10 (2001), D10-11.

<sup>293</sup> *Ibid*, D14.

<sup>294</sup> Kay.



shifting the current policy focus from on-reserve to off-reserve issues would entail “long, blunt, and sometimes contentious, discussion between the ‘races.’”

The only concern this author has with focusing more research attention on the urban question is that we risk accepting and thus legitimizing the circumstances that have forced so many Aboriginal peoples to leave their reserves in the first place, thereby severing ties to family, community and culture that in many instances will never be repaired. Analysts such as Flanagan and Kay see migration to cities as a positive development, as a sign that Aboriginal peoples are “choosing” to assimilate, but the facts suggest otherwise: much of Aboriginal migration to cities is not the result of a “free choice,” which for our purposes implies a choice not made under severe emotional, physical or economic duress. If we accept Kymlicka’s argument that as members of minority nationalities Aboriginal people ought to have a right to access their respective societal cultures, and more importantly that access to societal cultures should be viewed as an important individual freedom, then we should also accept that the choice by Aboriginal people to interact with, or become immersed in, non-Aboriginal society ought to be a truly free choice: that means the decision to migrate should not be made out of desperation, be it that of a young man to flee abject poverty, or of a battered single mother to improve her children’s education and employment prospects at the expense of their ties to their grandparents. In a way, this study attempts to address these concerns, while other issues, such as defining Aboriginal people’s place in urban society and fostering a healthy relationship between urban and reserve Aboriginal communities, that certainly require additional research and consideration and are far from realization, simply fall beyond the scope of this investigation.

But having said that, for those who purport to defend the application of Aboriginal peoples' inherent right to self-determination, the arguments presented here remain vital to the cause of impressing upon Canadian governments the importance of moving forward with self-government initiatives; for the rest, perhaps this has at least made a useful contribution to one aspect of the self-government debate that has been largely ignored by proponents of Aboriginal self-government. More voices need to be heard on the question of the public policy worth of Indigenous knowledge and Aboriginal self-government, and more research attention must be paid to clarifying these issues, articulating policy questions, and determining the best course of action.

## Bibliography

- Barber, Lloyd, Commissioner on Indian Claims. *A Report: Statements and Submissions*. Ottawa: Queen's Printer, 1977.
- Battiste, Marie and James Youngblood Henderson. "What is Indigenous Knowledge?" *Protecting Indigenous Knowledge and Heritage : A Global Challenge*. Saskatoon: Purich Publishing, 2000.
- Battiste, Marie. "Introduction." Battiste, ed. *Reclaiming Indigenous Voice and Vision*. Vancouver, UBC Press, 2000. Pages xvi-xxx.
- Belenky, Mary Field, Blythe McVicker Clinchy, Nancy Rule Goldberger and Jill Mattuck Tarule. *Women's Ways of Knowing : The Development of Self, Voice and Mind*. New York: Basic Books, 1986.
- Brigham, Clarence S., ed. *British Royal Proclamations Relating to America, volume 12, Transactions and Collections of the American Antiquarian Society*. Worcester, Mass.: American Antiquarian Society, 1911.
- Brown, Douglas E. Research Paper for Royal Commission on Aboriginal Peoples. Title unknown. 1993.
- Cairns, Alan. Letter of April 11, 2001. *Policy Options Vol. 22/7*. September 2001.
- Cairns, Alan. Letter of February 24, 2001. *Policy Options Vol. 22/7*. September 2001.
- Calder v. Attorney-General of B.C. Supreme Court Reports 313 at 394-395. 1973.
- Canada. Department of the Interior. *Annual Report for the year ended 30<sup>th</sup> June 1876*. Parliament, Sessional Papers, No. 11, 1877.
- Canada. Royal Commission on Aboriginal Peoples. *Final Report Volume 1 : Looking Forward, Looking Back*. Ottawa: Minister of Supply and Service Canada, 1996.
- Canada. Royal Commission on Aboriginal Peoples. *Final Report Volume 4: Perspectives and Realities*. Ottawa : Minister of Supply and Service Canada, 1996.
- Canada. Royal Commission on Aboriginal Peoples. *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples*. Ottawa, 1996.
- Canada. Royal Commission on Electoral Reform and Party Financing. *Aboriginal Peoples and Electoral Reform in Canada : Volume 9 of the Research Studies*. Toronto and Oxford : Dundurn Press, 1991.
- Canada. Statement of the Government of Canada on Indian Policy. 1969.

Canadian Broadcasting Corporation. "Ottawa moves to settle hundreds of land claims." Thursday, June 13, 2002. Online. URL: [http://cbc.ca/cgi-bin/templates/view.cgi?category=Canada&story=/news/2002/06/13/nault\\_bill020613](http://cbc.ca/cgi-bin/templates/view.cgi?category=Canada&story=/news/2002/06/13/nault_bill020613). Last accessed: June 14, 2002.

Canadian Broadcasting Corporation. Dramatization of the debate between Bishop Don Fray Bartolomé de las Casas and Doctor Juan Ginés de Sepúlveda, historiographer to His Majesty Charles V, Holy Roman Emperor, at Valladolid, Spain, 1550. Prepared for the television series "Ideas." 1985.

Canadian Intergovernmental Conference Secretariat. "News Release: Meeting of Premiers/Territorial Leaders and Leaders of National Aboriginal Organizations." November 18, 1997. Online. URL: [http://www.scics.gc.ca/cinfo/85006708\\_e.html](http://www.scics.gc.ca/cinfo/85006708_e.html). Last accessed: November, 2001.

Cardinal, Harold. *The Unjust Society: The Tragedy of Canada's Indians*. Edmonton: M.G. Hurtig Ltd., 1969.

Castellano, Marlene Brant. "Updating Aboriginal Traditions of Knowledge." Dei, G., B. Hall and D.G. Roseberg, eds. *Indigenous Knowledge in Global Contexts*. Toronto: University of Toronto Press, 2000.

Castellano, Marlene Brant. Remarks. Concurrent Session 3.7: Indigenous Knowledge in Policy Formation. *Bringing Communities Together: 2001 National Policy Research Conference*. Ottawa Congress Centre, Ottawa, December 5-7, 2001.

Chandler, Michael J. and Christopher Lalonde. "Cultural Continuity as a Hedge Against Suicide in Canada's First Nations." *Transcultural Psychiatry* 35. 1998.

Chartrand, Larry. Remarks. Concurrent Session 3.7 : Indigenous Knowledge in Policy Formation. *Bringing Communities Together : 2001 National Policy Research Conference*. Ottawa Congress Centre, Ottawa, December 5-7, 2001.

Cornell, Stephen and Joseph Kalt. "Sovereignty and Nation-Building: The Development Challenge in Indian Country Today." Cambridge : Malcom Wiener Center for Social Policy, date of publication unknown. Online. URL : <http://www.ksg.harvard.edu/hpaied/publ.htm>. Last accessed: July 14, 2002.

Dobell, Rod and Martin Bunton. "Sound Governance: The recent emergence of collaborative networks and institutions in the Clayoquot Sound region." April 2001.

Dye, T. *Understanding Public Policy*. Englewood Cliffs, NJ: Prentice-Hall, 1984.

Ermine, Willie. "Aboriginal Epistemology." Battiste, Marie and Jean Barman, eds. *First Nations Education in Canada : The Circle Unfolds*. Vancouver: UBC Press, 1995.

Feit, Harvey a. and Robert Beaulieu. "Voices from a Disappearing Forest: Government, Corporate and Cree Participatory Forestry Management Practices." Scott, Colin H., ed. *Aboriginal Autonomy and Development in Northern Quebec and Labrador*. UBC Press, 2001. Pages 119-148.

Ferguson, Kathy. *The Feminist Case Against Bureaucracy*. Temple University Press, 1984.

Flanagan, Tom. Letter of January 31, 2001. *Policy Options* Vol. 22/7. September 2001.

Flanagan, Tom. Letter of March 11, 2001. *Policy Options* Vol. 22/7. September 2001.

Flanagan, Tom. *First Nations? Second Thoughts*. Montreal & Kingston: McGill-Queen's University Press, 2000.

Freeman, Milton M.R. "The Nature and Utility of Traditional Ecological Knowledge." *Northern Perspectives* 20/1. Summer 1992.

Gourdeau, Eric. "Background: Agreement of 1975." *Reflections on the James Bay and Northern Quebec Agreement*. Montreal, October 25-26, 2001.

Government of British Columbia. Ministry of Aboriginal Affairs. "News Release: Nisga'a Financial and Fisheries Side Agreements Available." September 3, 1998.

Government of British Columbia. Office of the Premier. "News Release: Lovick Welcomes Nisga'a Decision." July 26, 2000.

Government of British Columbia. Office of the Premier. "News Release: Government and Truck Loggers Agree on Treaty Impact Framework." November 18, 1998.

Government of Canada. "News Release: Treaty First Nations Closer to New Governance Relationship." May 27, 2000. Online. URL: [http://www.ainc-inac.gc.ca/nr/prs/m-a/2000/2-00140\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a/2000/2-00140_e.html). Last accessed: November, 2001.

Government of Canada. "Intergovernmental Relations by Sector: Aboriginal Affairs." 2001. Online. URL: <http://www.pco-bcp.gc.ca/aia/default.asp?Language=E&Page=relations&Sub=AboriginalAffairs>. Last accessed: November, 2001.

Government of Canada. "News Release: Independent Claims Body Legislation Introduced." Thursday, June 13, 2002. Online. URL: [http://www.ainc-inac.gc.ca/nr/prs/m-a2002/2-02156\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/m-a2002/2-02156_e.html). Last accessed: June 14, 2002.

Government of Canada. "Press Release: Canada, Newfoundland and Labrador, and the Newfoundland Federation of Indians Enter Exploratory Talks." April 12, 2002. Online. URL: [http://www.ainc-inac.gc.ca/nr/prs/j-a2002/2-02134\\_e.html](http://www.ainc-inac.gc.ca/nr/prs/j-a2002/2-02134_e.html). Last accessed: June 14, 2002.

Government of Canada. Policy Research Initiative. "Social Cohesion." April 2001. Online. URL: [http://policyresearch.gc.ca/page.asp?pagenm=hp-ph\\_sc-cs\\_sc-cs](http://policyresearch.gc.ca/page.asp?pagenm=hp-ph_sc-cs_sc-cs). Last accessed: July 14, 2002.

Government of Canada. Policy Research Initiative. "The Aboriginal Scholars Project: A Quiet Revolution in Aboriginal Policy Research." *Horizons* Vol. 4/5. November 2001. Page 28.

Government of Quebec. "News Release: Agreement in Principle between the Government of Quebec and the James Bay Cree." October 23, 2001.

Graham, John. "Rethinking Self-Government Agreements: The Case of Potable Water." Institute on Governance, November 2001. Online. URL : <http://www.iog.ca>. Last accessed: August 1, 2002.

Green, Joyce A. "Towards a Detente With History: Confronting Canada's Colonial Legacy." *International Journal of Canadian Studies* Vol. 12. Fall 1995. Pages 85-106.

Hanselmann, Calvin. "Urban Aboriginal People in Western Canada: Realities and Policies." Calgary: Canada West Foundation, September 2001. Online. URL: <http://www.cwf.ca>. Last accessed: June 14, 2002.

Henderson, James Youngblood. "The Context of the State of Nature." Battiste, Marie, ed. *Reclaiming Indigenous Voice and Vision*. Vancouver, UBC Press, 2000. Pages 11-38.

Iannello, Kathleen P. *Decisions Without Hierarchy : Feminist Interventions in Organization Theory and Practice* (New York : Routledge, 1992), 46.

Ittoshat, Anthony. Presentation. *Reflections on the James Bay and Northern Quebec Agreement* (Montreal, October 25-26, 2001), 2.

Johansen, Bruce E., Donald A. Grinde, Jr., Barbara A. Mann and Vine Deloria, Jr. *Debating Democracy: Native American Legacy of Freedom*. Santa Fe : Clear Light Publishers, 1998.

Kalt, Joseph. "Policy Foundations for the Future of Nation Building in Indian Country." Cambridge: Malcom Wiener Center for Social Policy, February 2001. Online. URL: <http://www.ksg.harvard.edu/hpaied/publ.htm>. Last accessed: July 14, 2002.

Kaufman, Michael. "Men, Feminism, and Men's Contradictory Experiences of Power ." 1997. Online. URL: <http://www.michaelkaufman.com>. Last accessed: January 15, 2002.

Kay, Jonathan. "The case for Native assimilation." *National Post*. December 8, 2001. Page B1.

Kymlicka, Will. *Multicultural Citizenship*. Oxford: Clarendon Press, 1995.

Landry, Réjean. "Rational Choice and Canadian Policy Studies." Dobuzinskis, L., M. Howlett and D. Laycock, eds. *Policy Studies in Canada*. University of Toronto Press, 1996.

Lindbloom, Charles. "The Science of Muddling Through. *Public Administration Review*, 19. 1959

Lineberry, R. *Government in America*. Boston: Little, Brown, 1981.

Makivik Corporation. *The 25th Anniversary of the James Bay and Northern Quebec Agreement*. Makivik Corporation, 2000.

McCallum, John. "Aboriginal economic development: Overview." *The Cost of Doing Nothing: RBC/CANDO Symposium on the Royal Commission on Aboriginal Peoples*. Royal York Hotel, Toronto, October 23, 1997.

McKenzie, Guy. Presentation. *Reflections on the James Bay and Northern Quebec Agreement*. Montreal, October 25-26, 2001.

Miller, J.R. *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*. Revised edition. Toronto: University of Toronto Press, 1989.

Morin, Rene. "Notes for Presentation: Development of Aboriginal Rights." *Reflections on the James Bay and Northern Quebec Agreement*. Montreal, October 25-26, 2001.

NAC MG 26A, Sir John A. Macdonald Papers, volume 91. "Report on Industrial Schools for Indians and Half-Breeds." March 1879.

NAC RG 10, Red Series, volume 18. "To the Superintendent General of Indian Affairs from J. Gilkison 22 August 1876."

NAC RG19, volume 3947, file 123764, MR C 10166. To the Superintendent General of Indian Affairs from Inspector J.A. Macrae. 7 December 1900.

Poulantzas, Nicos. *State, Power, Socialism*. New Left Books, 1978.

Reasons, Charles E., and Dennis Pavlich. "The Legal and Social Alienation of Aboriginal Peoples in Canada." *International Journal of Canadian Studies* Vol. 12. Fall 1995. Pages 69-84.

Richards, John. "Editorial: 'Reserves are only good for some people.'" *Inroads* Vol. 10. 2001.

Rocheftort, David and Roger Cobb. "Problem Definition, Agenda Access, and Policy Choice." *Policy Studies Journal*, 21/1. 1993.

Scott, Colin H. and Jeremy Webber. "Conflicts between Cree Hunting and Sport Hunting: Co-Management Decision Making at James Bay." Scott, Colin H., ed. *Aboriginal Autonomy and Development in Northern Quebec and Labrador*. UBC Press, 2001. Pages 149-174.

Smith, Adam. *The Theory of Moral Sentiments*. Oxford, Clarendon Press, 1976.

Smith, Dorothy. "Feminist Reflections on Political Economy." *Studies in Political Economy* (30). 1989.

Tien, James H. "Towards a Systematic Approach to Program Evaluation Design." *IEEE Transactions on Systems, Man, and Cybernetics* 9(9). September 1979.

Titley, Brian E. *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada*. Vancouver: University of British Columbia Press, 1986.

Tremblay, Reeta Chowdhari. "Inclusive Administration and Development: Feminist Critiques of Bureaucracy."

Turner, Bryan S. "Citizenship Studies: A General Theory." *Citizenship Studies*, Vol. 1/1. 1997.

United Kingdom. House of Commons. *Parliamentary Papers*, volume xlv, no. 595, "Copies or Extracts of Correspondance between the Secretary of State for the Colonies and the Governor General of Canada respecting Alternations in the Organization of the Indian Department of Canada." London: 1860.

Upton, L.F.S. "The Origins of Canadian Indian Policy." *Journal of Canadian Studies* 8/4. November 1973.

Waylen, Georgina. *Gender in Third World Politics*. Boulder : Lynne Rienner, 1996.

Weber, Max. "Bureaucracy." Gerth, Hans and C.W. Mills, eds. *From Max Weber: Essays in Sociology*.

Wein, Fred. "The Royal Commission Report : Nine Steps to Rebuild Aboriginal Economies." *The Cost of Doing Nothing: RBC/CANDO Symposium on the Royal Commission on Aboriginal Peoples*. Royal York Hotel, Toronto, October 23, 1997.

Wesleyan Methodist Church of Canada. *Wesleyan Methodist Report, 1857*. Toronto: Wesleyan Methodist Church of Canada Annual Reports, 1828-1885. *Nation*, 12.

Whittington, Michael S. and Richard J. Van Loon. *Canadian Government and Politics : Institutions and Processes*. Toronto : McGraw-Hill Ryerson. 1996.

Whittington, Rev. R. "The British Columbia Indian and His Future." Toronto: Department of Missionary Literature of the Methodist Church, Canada, 1906.

Widdowson, Frances and Albert Howard. "The Aboriginal Industry's New Clothes." *Policy Options*. March 2002.

York, Geoffery and Loreen Pindera. *People of the Pines: The Warriors and the Legacy of Oka*. Toronto: Little, Brown and Company Limited, 1991.