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The Reconstruction of The Nation-State and its Implications

James Piecowye

A Thesis

in

The Department

of

Political Science

**Presented in Partial Fulfilment of the Requirements
for the Degree of Master of Arts at
Concordia University
Montreal, Quebec, Canada**

March 1994

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ISBN 0-315-90911-0

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ABSTRACT

The Reconstruction of the Nation-State and its Implications

James Piecowye

The development of the nation-state has become one of the most prevalent topics in political discourse today. There is little consensus, amongst commentators, as to what is taking place aside from the recognition that the nation-state is undergoing change. Whether dominant beliefs are primordial or modernist, discussion on the nation-state is inevitably reduced to the role of the state in controlling the nation. The primordial reality is that there are many groups that exhibit varying degrees of entropy and fail to be coerced by the promises and ideals of a state that sees economic gain as a tenable end. Once believed to be the bastions of homogeneity the western nation-states are showing that minority groups can and do survive assimilation and rebound to assert their nationalist destinies regardless of their economic servitudes. The predominance of small nationalistic minority groups within larger homogeneous majorities can be seen as endemic of the reconstructing nation-state. The forces of these minorities exerted both centrifugally and centripetally simultaneously bind and separate the existing nation-state structures and in this process, create a new reality.

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Introduction

The development of the nation-state has become one of the most prevalent topics in political discourse today. The reason that discussion on the nation-state has reemerged with such vibrance is the fact that it does not merely concern one specific area of political discourse. Instead the discussion of the nation-state now transgress all areas of the social sciences, from political theory to the psychology of identity.

While the discussions that are taking place about the character of the nation-state are verbose, they are far from conciliatory. Commentators arrive at little consensus as to what is taking place, aside from the fact that the nation-state is undergoing change. What kind of change is taking place, what are its implications, and is there any way to deal with it, are all questions that need clear discussion. It is only through clear discussion that governments and citizens alike can hope to understand what is happening to society and move to usher in these eminent changes in the most amiable manner.

There are two fundamental ways to look at the nation-state, as a primordial entity or as a modern configuration. Primordially the nation-state can be seen as an entity that has always existed, albeit in varying forms, and has evolved and changed with the pressures of time. Modernists believe that the nation-state, as an entity, is a relatively recent phenomenon that has arisen out of the social and political cleavages that marked the empowerment of the people through such causal events as the French Revolution. It is the belief of the proponents of modernist views that nationalism, as an action that promotes a definite bounded identity, is an irrational action. Marx himself believed that the nation-state structure was merely a transitory stage to a better ends, one that

saw the irrelevance of the nation-state as nationalism itself became irrelevant and the calm of equality prevailed.

While the modernist belief is seducing, especially as it is outlined by scholars such as Ernest Gellner and E.J Hobsbawm, it is far from a complete interpretation leaving the whole existence of non western cultures unaccounted for. The primordial view as promoted by the likes of Samuel Huntington, Ted Gurr and Warren Magnusson, who see the nation-state as a constantly evolving embodiment, is nonetheless controversial but far more agreeable to the present structures that are contemporary in the global arena. From the primordial classification of the nation-state it is possible to look at the present malaise of the world and see that the conflicts that are taking place, while endemic to the social and technological development of the nation-state, are also the result of western European views being supplanted on non western or sub western ideas leading to eventual discontent.

Whether dominant beliefs are primordial or modernist, discussion on the nation-state is inevitably reduced to the role of the state in controlling the nation. In the modernist belief the nation-state was influenced dramatically by the industrial revolution which called for a large homogeneous population that shared like skills, education, language, understanding, and means of expression. It is through the assimilation of the population to a common denominator that not only is the state able to develop and prosper nationally, but internationally. The problem is that this form of socialization takes place with costs to the nation itself.

Primordially the world can be seen as being composed of over 500 ethnic groups that seek to be classified as nation-states. While the state seeks to subvert the nation and control it by implementing assimilationist programs to

build a common identity, common nationalism, and a common people, this program is destined to fail. Some groups may indeed appear to subjugate themselves to the ambitious homogenizing aims of the state which the latter merely interprets as a simple phase of development. The predominant reality is that there are many groups that exhibit varying degrees of entropy and fail to be coerced by the promises and ideals of a state that sees economic gain as a tenable end.

Specifically the dominant western nation-states are undergoing a profound reconstruction. Once believed to be the bastions of homogeneity the western nation-states are showing that minority groups can and do survive assimilation and rebound to assert their nationalist destinies regardless of their economic servitudes. The revival of nationalism and the desire of nation-state status by minority groups has come to be regarded as a clarion to the deconstruction of the nation-state and its ultimate end as it tries to maintain the status quo. More aptly the predominance of small nationalistic minority groups within larger homogeneous majorities can be seen as endemic of the reconstructing nation-state. The status quo is being forsaken as more minorities take up the call for self-determination and exert their claims to nation-state status. The forces of these minorities exerted both centrifugally and centripetally simultaneously bind and separate the existing nation-state structures and these in the process create a new reality.

Indeed what is becoming evident is that international economic linkages to the national structures of the nation-state are becoming increasingly predicated on the availability of world wide homogeneous, interchangeable masses assimilated to generic ideas. World economic linkages in this sense are becoming less tenable. More specifically what is being seen is a dramatic

reversal of assimilation and homogenization and the increased existence of self-determined minority nation-states within larger nation-states. What is being witnessed is the rise of mini nationalism. In this context the predominant nation-state made up of the majority population has a strong role to play both economically, socially, and morally, serving as the backdrop for international linkages and development. Within the predominant nation-state, mini nation-states develop exerting independence over their territory and population, developing their own identity. These mini nation-states while working independently also come together and unite maintaining their personal autonomy but serving as vital parts of the predominant nationalism and identity of the larger encompassing nation-state.

Objectives

It is my intention through this thesis to show that the nation-state is indeed in the process of a profound reconstruction. This reconstruction can be seen to be taking place at two levels physical and symbolic, physically with respect to the divisions of maturing nation-states and symbolically on the part of the citizens who are fundamentally taking part in the change. To facilitate the understanding of the importance of the reconstruction of the nation-state I have divided this thesis into three chapters.

The first chapter of this thesis serves as a basic overview to the whole discussion of the reconstructing nation-state, looking specifically at the role of sovereignty, self-determination and nationalism in the reconstruction process. The second chapter is an elaboration on the first chapter, focusing on reconstruction of the Canadian nation-state. It is my intention in this chapter to apply the principles of the reconstruction process to the global Canadian

context. I intend to argue that the reconstruction of the nation-state is a continuous process, and that no matter how significant the imposition of the dominant nation-states ideas on the mini nation-state may be, they are ineffective at crowding out the inherent dominant identities of the mini nation-state. The third chapter is a further elaboration on chapters one and two, looking specifically at the incidence of aboriginal Canadian nationalism and how these people constitute a distinct nation-state. It will be shown how aboriginal societies have flourished within the dominant Canadian nation-state and despite the dominant nation-states quest for homogenization they have maintained and continue to assert themselves as a distinct, sovereign, autonomous people.

What this paper will clearly establish is that the nation-state is indeed undergoing a reconstruction, one that is continuous. What is distinguishing about the current phase of reconstruction is the global magnitude of it. Some scholars see this present phase of change as a deconstruction through which they lament a past when the nation-state was less congenial, less dynamic, and less pronounced. What is becoming clear is that the new realities of the nation-state need to be accepted, for without this acceptance and a continued denial of the change taking place the nation-state will digress to a condition of anarchy where petty differences will flourish destroying the very fabric of cooperative existence that makes the reconstructing nation-state so powerful.

Chapter One

The Role of Sovereignty, Self-determination and Nationalism in the Reconstruction of the Nation-State

Is the nation-state deconstructing and returning to a state from which it can cope with the rapidly changing manifestations that confront the world today, or are the challenges to the nation-state merely small steps towards a grand reconstruction? Through an examination of the popular literature it becomes clear that there is no distinct consensus as to what is becoming of the nation-state. It becomes obvious that it is impossible to return to a social structure such as the Greek Polis which had an implied perfection. In fact, while a deconstruction may be the impulse driven classification of the nation-state, since the implied world order seems to be falling to decay, what is obviously being seen is a process of reconstruction. More specifically the world, and Canada in particular, is undergoing a profound change which is unseating much of the standards and norms that are considered the basis of established society.

It is my intention through this chapter to demonstrate very clearly that a reconstruction, not a deconstruction, of the nation-state is taking place and that with this reconstruction comes fundamental change to our lives, both politically and symbolically. Through an examination of the perceived roles of sovereignty, self-determination, and nationalism in the maintenance of the nation-state, it will be shown that our standard conceptions are evolving rapidly making the traditional image of the nation-state irrelevant.

What will be gleaned from this chapter is that the reconstruction of the nation-state, whether in Canada or another theatre, is an active not a passive process. While there will be inevitable conflict within the reconstruction

process, what is ultimately being initiated is a way of thinking that takes the nation-state beyond its primordial roots elevating it to a level where it is made the responsibility of not only politicians and scholars, but the citizenry itself.

The Nation-State and Changing Sovereignty.

In the recent past, the question of sovereignty and what it means to be sovereign has come to be challenged by both scholars and political practitioners. Sovereignty, while possessing qualities that can be seen as practical and measurable, can also be described as a psychic phenomenon in which all practicality is lost. In this discussion I intend to show that the basis of the concept of sovereignty does have a legitimate practical foundation through which the reconstruction process is being transformed into a psychic phenomenon. More importantly what will be shown is that for sovereignty to compliment the reconstructing nation-state, and not oppose it, it needs to be seen as a fluid concept that can and does change as change is warranted.

It is postulated by most academics that the theory of sovereignty, and more specifically state sovereignty, is a direct parallel to the evolution of the modern state. If this is the case, it is beyond rebuke that as the nation-state metamorphosizes the theory of sovereignty will also undergo change. Sovereignty can be seen as a sacred concept because it is through this conglomeration of ideas that the state and the society it represents come to be understood as a whole. More specifically, sovereignty can be seen as a depiction of the way political power and influence are expressed and disseminated. Unfortunately, what is being witnessed today is a renunciation of the reconstructing nation-state through vain attempts to hold onto a theory of

sovereignty that has become stagnant, as it has failed to keep up with societal change.¹

Fundamentally, Europe has been considered to be the cradle in which the seeds of sovereignty were germinated. It is thus not wrong to suggest that nations born out of colonialism may adopt and promote sovereignty. In this case sovereignty as a concept may be blindly accepted even though colonies may not fully ascribe to it by the virtue that they have not had the benefit of developing as the sovereignty they accept did.

Joseph Camilleri in his discussion of sovereignty charts a pattern of development from medieval times through to the present monarchy. What becomes clear is that as society changes so do its precepts. Industrialization can be seen as arising in concert with the origins of the decentralized feudal society that was ultimately replaced by a system of territorial bounded sovereign states. It was through this conglomeration that a centralized administration became functionally endowed with legitimacy and the power to exercise violence. This type of expansion was seen as a necessity for the harmonious development of Europe in the 16th and 17th centuries and thus became an exportable mentality to the colonies of the European countries.² What can be clearly seen as having developed was a mentality that saw state sovereignty as a historic logic, not an absolute one. A problematic situation arises from the fact that sovereignty has come to be based on the commonly held definitions of the state emerging out of this historic logic, but as the state is manipulated and changed by those persons that assume the positions of power within it, the concept of sovereignty often becomes regarded as being above revision.

¹ Joseph A. Camilleri, "Rethinking Sovereignty in a Shrinking, Fragmented World." in R.B.J. Walker & Saul H. Mendlovitz (eds.), Contending Sovereignties (Boulder Colorado: Lynne Rienner Publishers, 1990) p. 13

² Joseph A. Camilleri, op., cit p.14

Sovereignty like the nation-state needs to be reevaluated periodically and changed as change is due.

A distinguishing characteristic of the nation-state is its presumed investiture with coercive power through which it can effect both positive and negative change. Jean Bodin, one of the great thinkers on the concept of sovereignty, talks in the Six Books of the Commonwealth, about the commonwealth which is eluded to be the rightly ordered government of a number of families who have a common concern. From within this ideal the concept of the state is born. It was felt that natural liberty existed subject to the rule of reason compelling the citizenry to obey the ruler.³ It becomes clear that sovereignty was considered an absolute and perpetual power vested in the commonwealth. It was felt that mortal persons could assume this power on a limited basis only. In this case, a government could be regarded as the sovereign administrator of the land on a contractual basis. The prime characteristic of the sovereign was the power to make and unmake the laws of the land, which could be seen as a means of perpetrating a legitimate violence over the people. From the European context the Crown was seen as the unlimited sovereign with the right to govern being franchised to the government on a non permanent basis. In this case nothing except divine right was felt to be above the rights of the monarch. The interesting point to be considered is that while the Crown, or those exercising its power, had the right to make laws that would affect the population, not even the sovereign could override customary laws. This creates an interesting dilemma for the consideration of sovereignty in a colonial context. In Europe, the concept of sovereignty developed within the context of customs. Once this concept was exported, its customary basis

³ Jean Bodin, Six Books of the Commonwealth, translated by M J. Tooley, (Oxford. Basil Blackwell, 1955) p xxi

became incidental and its application skewed as attempts were made to supplant the colonial nations customs through the implication of its own which were felt to be superior.

Hobbes recognized the difficulty of the applicability of Bodin's concept, if there was a defined separation between the people that are governed and those that exercise the franchise of government. Bodin saw sovereignty as the supreme power over the citizenry unrestrained by law and unlimited in extension or duration. Hobbes, on the other hand, called for a contract in which everyone submitted to the state, eliminating Bodin's implied duality of the body politic. In doing so, Hobbes felt the citizenry surrendered the right to self-government making the omnipotent sovereign the only alternative to complete anarchy.⁴

Hobbes addressed a legitimate concern. Once a state grows to a significant size, such as seen today in the modern nation-state, it could abound with corruption on the part of those that take up executive positions within it. This situation could ultimately lead to the development of the state in a direction that is good for the few and not the many. In a response to this concern, Johannes Althusius called for the realization that the ruler has the ultimate superiority. But the right of the sovereign realm does not and can not belong to an individual, instead it ought to reside in all the members of the community that are joined together. In this interpretation, sovereignty must be seen as belonging to the collective. Through their common consent the collective is able to set in order matters pertaining to the sovereign realm.⁵

⁴ Joseph A. Camilleri, op., cit p.17

⁵ Frederick S. Carney, The Politics of Johannes Althusius, (Boston: Beacon Press, 1964) p.65

Althusius has made it very clear that while there can be many administrators to take on some power, the apex of power is always a singular manifestation.

Bodin clearly disagrees that the sovereign supreme power is attributed to the realm or universal association. For Bodin the sovereign is a supreme and perpetual power limited neither by law or time.⁶ Conversely, Althusius felt the sovereign power was not supreme and is neither perpetual or above the law since only divine and natural law is observed in this way. Althusius comes to the realization that the right of the sovereign must be attributed to the associated political body and in being so is derived for the purpose and scope of the universal association, for the utility and necessity of human social life.⁷

In a Lockean polity, this distinction between the location of sovereignty and the exercising of the sovereign power is crystallized in a political community. For Locke moral laws have an intrinsic superiority to positive law. In this case governments are bound by the fact that they are the manifestation of the whole community, giving affect to laws that are naturally and morally correct. The government can be interpreted as a body that is not a supreme coercive power, but one that has been given the right to govern on the condition of the protection of that community's rights. However, the problem that still needs to be addressed is what happens when a community gets so large that portions of it feel that their rights are no longer being protected but mitigated to satisfy larger portions of the community.

Jean Jacques Rousseau tried to confront this problem through the articulation of sovereignty as a contract between a specific group of people and the governing community. In this articulation the state can be seen as a body politic formed by the social contract, effectively reducing government to a

⁶ Frederick S. Carney, op , cit. p 66

⁷ Frederick S. Carney, op., cit. p.67-68

commission.⁸ This interpretation gains considerable leverage when it is considered with Marx's ideas which saw a distinction between the philosophical formulation of sovereignty and political reality. Bureaucracy in this sense can be seen as the ultimate manifestation of governance by commission. The bureaucracy can be further regarded as a contractual manifestation that has gone bad as it attempts to rise above the rest of society creating a distinction between the governed and the governors, positioning itself over the governors, making almost a full circle back to Bodin's ideas. A conflict exists between those who see the state as an absolute power to help bring a needed order to a society that is inherently orderless, and those who see the state as being composed of self consciousness making any sovereignty that developed in a historical pretext, compelled to change in concert with societal development.

In this sense what can be understood is that the concept of sovereignty, in the European context, was developed out of a historically perceived need. As the European continent underwent rapid political, economic, and social change, state sovereignty developed to help foster what can only be seen as the legal condition to promote claims of property, cumulation of commodities, and the standardization of the mediums of exchange. Sovereignty also served to help moderate conflicts between opposing interests and maintain the legitimacy of the process of the prevailing order.⁹

If the concept of sovereignty is maintained at a static level and is not permitted to progress as the nation-state develops, conflict arises between those who are leading the nation-state and the mass populous that is affected. As the world expanded and industrialization became a dominant world force, education became one of the main attributes of identity and culture became the

⁸ Joseph A Camilleri, op , cit. p.18

⁹ Joseph A Camilleri, op , cit. p 20

driving force that bound people in a larger shared environment. It was believed that industrialization could and would be a force that would ultimately lead to the convergence of cultural and political experiences. In this sense, assimilation and homogenization within each unit of society was seen to be one of the primal roles of the nation-state. The problem that arises is that some groups still manage to maintain their individuality, making sovereignty defined by the realities of another groups situation problematic.

According to Camilleri the assertion of individuality coupled with the emerging globalization has three particular consequences. First, globalization challenges the notion that political authority is exercised within clearly demarcated territorial boundaries. Second, globalization calls into question the assumption that within a domestic territory the state authority is unlimited or indivisible. Third, globalization suggests a growing disjunction between the state and civil society, culture, and social cohesion. ¹⁰

The emerging trend is to propel sovereignty towards a modernized interpretation without tacitly changing it. In this sense it is felt that society may be moving in a new direction congruent to globalization in which no clear demarcated boundaries exist. At the other extreme is a society that is working to maintain its distinctness within the globally homogeneous condition that is emerging. This is achieved through the acceptance of overlapping allegiances and jurisdictions in which local, regional, and global dimensions serve to qualify the principal nationalities and in this respect automatically redefine the notion of sovereignty. In this respect it is unrealistic for a state to claim that it can represent a single national will. Canada as a single nation-state is an example of this. It is idealistic to believe that a single global society is achievable via the

¹⁰ Joseph A. Camilleri, op , cit. p 29

assimilation and homogenization of the world masses. More aptly what is achievable is a world unity, through an acceptance of the amalgamation of nation-states having independent national and sub-national interests and loyalties, which may be seen as a direct conflict to the mobilization of global interests.

It is significant to distinguish here between the desire of the world's economic and political elites to create a global civilization and their desire to create a global political community which responds in a like fashion to political, social, and economic stimuli. The global civilization is predicated on the assumption that multiple communities will unite under shared meanings. In this context it is felt that a civilization represents a second layer phenomenon which bridges local cultural differences and is thus often linked historically with religious tradition, or in the Canadian case, with a period of imperial rule. What is being suggested is that since a variety of different memberships exist in a specific territory, a variety of integrations will need to take place.¹¹

To summarize the preceding discussion, one can see how contradicting propensities within multiple cultural and multiple ethnic communities, on the one hand, force those in power in the nation-states to become accountable through modernization, and how on the other hand the concept of sovereignty emerges static. Clearly the concept of state sovereignty is not as it was in Bodin's day, but nonetheless, the principles of it have maintained their resonance and it is these principles that have become entrenched and very

¹¹ Mary Catherine Bateson, "Beyond Sovereignty: An Emerging Global Civilization". in R.B.J. Walker & Saul H. Mendlovitz (eds.), Contending Sovereignties (Boulder Colorado: Lynne Rienner Publishers, 1990) p. 149-150

difficult to renounce.¹² It is difficult not to return to Max Weber and his attestation that in any organized civilization statist power and politics is inevitable, if not a tragic reality, and something to which we should submit and proceed. What he is eluding to is a fundamental paradox in which the state is seen to be coercive; but within this coercive frame, the state proposes a condition of obligation, freedom, and justice.¹³

State sovereignty needs to be redefined as the consequence of overlapping jurisdictions and hierarchical arrangements. In this context jurisdiction can be separated and authority can be distributed over large areas to autonomous territorial communities. In this context, state sovereignty can be seen as the mediation of differences within a unified apparatus of the natural political community. Inevitably, state sovereignty has been conventionalized through implicit government policy and constitution making. Sovereignty, while modernized in the respect that it has been legally codified and become subject to amendments, still has significant social and symbolic implications that are overlooked. State sovereignty seems to be fixed within categories that have absorbed a metaphysical claim to timelessness. The principle of state sovereignty has codified a historically specific answer to historically specific questions about the political community, failing to respond to peripheral concerns allowing them to manifest in such a way as to become threatening.¹⁴

I would further suggest that it be considered whether sovereignty only reside in the hands of the few or is it more aptly located in the hands of the

¹² R.B.J. Walker, "Sovereignty, Identity, Community: Reflections on the Horizons of Contemporary Political Practice." in R.B J. Walker & Saul H. Mendlovitz (eds), Contending Sovereignties (Boulder Colorado Lynne Rienner Publishers, 1990) p 161

¹³ R.B.J. Walker, op., cit. p 165

¹⁴ R.B.J. Walker, op., c t. p.173

various communities that make up the state?¹⁵ This question eludes to the common problem of resolving the claims of the many within the idiom of the one. More importantly it is becoming obvious that as the nation-state is manipulated and changed, the meaning of state sovereignty is also evolving. If the patterns of inclusion and exclusion are changing and if political boundaries are becoming more complex as political space is becoming rearticulated, the claims to sovereignty need to be reevaluated in response to the demands that are being put forth by the emerging cultural diversity. The struggle to develop innovative methods to reaffirm sovereignty leads to a rearticulation of a community's space and a need to rearticulate the role of local identities.¹⁶ It needs to be understood that sovereignty can be recognized as being inherent in the individuals who make up sovereign communities under the banner of a mini nation-state within a larger nation-state structure. If this is the case, what will emerge is a need to exert some form of self-determination from within the larger political structure. It is through the realization that the claims of sovereignty ultimately lead to a heightened degree of self-determination that it becomes relevant to see state sovereignty as a formalized historically specific answer to who we are as political beings.

Identity and Self-determination Within The Reconstructing Nation-State.

The reconstruction of the nation-state, as a phenomenon, takes place on many levels. As has already been discussed, as the nation-state changes so

¹⁵ What is being implied here is that the dominant nation-states claim to sovereignty is wholly contingent on the sovereignty of its parts. In this case a dominant nation-state is vested with sovereign rights by its peripheral parts, the periphery does not claim their sovereign from the centre.

¹⁶ R.B.J. Walker, op , cit. p 181

must the ideas that underline its existence. To this end, the concept of sovereignty must be altered to accommodate the incidence of an increased group localization which runs directly counter to the idea of a single homogeneous national people. This is not to say that there is no such thing as a national community, but, that what exists are local communities that find some common denominator to form a national community while maintaining their individuality. If the concept of sovereignty is to be altered it will have to accommodate the growing trend towards self-determination and ethnic affirmation.

Communal living is a phenomenon that predates the emergence of the modern nation-state, and has managed to endure despite the strong desire of political elites to homogenize and assimilate populations into one predominant group. What is becoming clear as communal groups emerge and reemerge, no matter the boundary, is that they are a reality that needs to be accepted. The problem that western democracies are facing is that the political community at large has come to be seen as a preeminent enclosure which disqualifies all other political or social manifestations. Warren Magnusson points out the fatality of this view when he suggests that it would be far more productive to look at the state in relation to the localities and sociopolitical movements that constitute it. In this context he sees localities as the forum of everyday life and sociopolitical movements as the processes to mobilize people politically. Theories that concentrate on the state as an omnibus entity have done nothing but conceal the character of politics by defining localities and movements as simply dimensions of the state or as a hold over from pre-political civil society.¹⁷

¹⁷ Warren Magnusson, "The Reification of Political Community" in R B J. Walker & Saul H. Mendlovitz (eds.), *Contending Sovereignties* (Boulder Colorado Lynne Rienner Publishers, 1990) p. 45

European liberal thought has attempted to make locality, in government and politics, something that is taken for granted. The fact remains that there is a psychological basis in which a group is reinforced by its culture, economic, and political differences. Instead of the world easily dividing itself into several large nation-states, what is being witnessed is the larger nation-states dividing into smaller entities. Bernard Nietschman has conservatively estimated that there are 3000-5000 "nations" worldwide defined as communities sharing a common identity based on common ancestry, institutions, beliefs, language, and territory. Gunnai Nielson and Ralph Jones take this statistic even further and propose that approximately 575 ethnic groups can actually be considered to be nation-states.¹⁸

With the predominance of ethnic groups that can be classified as nation-states, the position of scholars such as Ernest Gellner who sees the state as one grand structure within which minority discourse can only take place in a very limited fashion, appears quite problematic. According to Gellner, as the world moves towards a common economic front, similarities not differences are encouraged, and entropic groups will find far more benefit in joining a larger nation-state as opposed to going it alone. Of course joining a larger party does entail the relinquishing of one's autonomy although to Gellner the gain outweighs the loss. The problem with Gellner is that he positions himself in such a way as to see society as a conglomeration of like minded people with ethnic differences and dislocations being ameliorated. This for him, is almost a logical destiny. Unfortunately his hypothesis falls short as the present capacity of the state to act has become retarded. Conflict has arisen between the capacity of the state and the capacity of the community. The problem today is that

¹⁸ Ted Robert Gurr, Minorities at Risk A Global View of Ethno Political Conflict (Washington DC: United States Institute of Peace Press, 1993) p.5

dominant theories tend to be either market or state centered and in this respect disregard the fact that boundaries are an artificial imposition and the localities that they form are also artificial. The nation-state like the localities that constitute it must be seen as ever changing.¹⁹

One of the most significant mitigating factors to the rise of ethnic self-determination is the fact that countries that have long been considered integrated units are no longer being defined in this manner. The veneer of unity is being removed to reveal the reality of many individualistic communities uniting to make up a whole. Difficulty arises in the fact that the dominant nation-state would rather not see itself as existing in a fluctuating situation and thus attempts to be dominating through the process of state building and economic development. With the increase in ethno-territorial and ethno-national claims, a government is forced to react. The government may react to ethno-national claims by simply ignoring them.²⁰ It is through this sort of action, that pressure is ultimately created for the group to abandon its own culture in favour of the dominant group's which itself may be no more than a hybrid of other groups. Gurr points out that cultural differences could cause, or at least reinforce, political and economic disadvantages because they make it difficult for minorities to operate effectively in institutions developed by dominant groups.²¹

Despite their political and economic disadvantages what leads a group to assert its ethnic difference and engage in some form of self-determination is a deep seeded protest about its imposed collective status. This protest is

¹⁹ Warren Magnusson, op., cit p.49

²⁰ Joseph R. Rudolph Jr. and Robert J. Thompson. "The Ebb and Flow of Ethnoterritorial Politics in the Western World." In Joseph R. Rudolph Jr. & Robert J. Thompson eds. Ethnoterritorial Politics, Policy and The Western World (Boulder: Lynne Rienner Publishers, 1989.) p.3

²¹ Ted Robert. Gurr, op , cit. p.57

manifest in concert with the situationally determined pursuit of political interests as articulated by that groups leadership. It must be realized that the modern nation-state is predicated on the idea of an indivisible individuality, which leads to the subordination of all special interests that do not affect the majority population of the dominant nation-state. In this sense state building is desirable as it is aimed at assimilating groups into a whole while being undesirable to the ethnic group itself.²² The political community can not be seen as a corral or a forum for assimilation. It is through misconceptualized politics that ethno-territorial disturbances are manifest on the perceived basis of past problems and future possibilities. More aptly social movements need to be seen as political communities which may originate in a locality but ultimately spread beyond them. What may emerge is a complex form of communication and new forms of authority relations. A situation in which ethnic masses are being pushed towards the reconception of the ideas through which they can develop new bounds in space and time for the promotion of their independent goals would be the ultimate solution. ²³

The ideal outcome of a situation in which there is a rising factionalism within the larger nation-state structure is an autonomy agreement that uses factionalism as a positive strength. Ultimately, for any harmony to exist between rival factions, political leaders need to be willing to opt for a form of communal autonomy which precludes the feeling on the part of the community that they are strong enough to not be displaced, but highlighted by this form of agreement. This indeed signals a need for socially and politically creative policies that may not avert self-determination but will creatively preempt it from developing to the threshold of violence.

²² Ted Robert Gurr, op , cit p.123-132

²³ Warren Magnusson, op , cit p.54

A self-determined entity based on principles such as a communal allocation within a larger nation-state will undoubtedly be affected to some degree by its cultural means, both real and perceived. I would postulate that the effect of this will be directly correlative to the degree of threat they feel from the dominant nation-state structure. In this case the autonomy that a group feels may not necessarily be understood from within western norms of sovereignty. Instead existing almost exclusively in aesthetic convention, common to the specific people concerned.²⁴ It is only after a period of time, according to Edward Saïd, that culture as a distinguishing factor of a communal body comes to be associated with the nation-state and even in this scenario it does not necessarily differentiate the 'us' from the 'them' which is almost exclusive to the creation of hostility.

Richard Anthony Matthew takes the cultural significance of self-determination one step further when he sees the state being engendered out of self-preservation and the nation out of self-determination. It is here that a copious harmony exists out of need. The state is ill equipped to address questions of meaning, identity, and community while nations cannot provide security and order in a physical manner other than through submission to the state. Because of this, strong states want to control all and strong nations seek to dominate the state.²⁵ In reality the state tends to dominate the nation and because of this seeks to take all values and render them ahistorical since, in this way, they can become a force for predictability and efficiency

Max Weber in his work reinforces this idea of efficiency and suggests that the state ought to be given legitimacy through the impersonal application of

²⁴ Edward W Saïd, Culture and Imperialism, (New York Alfred A Knopf Press, 1993) p xii

²⁵ Richard Anthony. Matthew, Politics Divided: Self-Determination, Self-Preservation and the Nation-State (Princeton University Department of Politics, Dissertation, 1990)p 23-24

rules that apply to all groups in the same manner and with the same effectiveness. In this context there is no reason to deny that multiple nation-states could exist within a larger structure, acting as a moral force over a given territory, their own mini nation-state. In fact, as Hobbes saw it, politics could be reduced to a single uncontroversial value, self-preservation, which is precisely what communal entities are striving to achieve through self-determination.

If politics is reduced to an efficient, uncontroversial technique over groups that seek some form of differentiation, the dominant nation-state could be seen as being influenced by the psychological nation, as embodied in the groups that constitute the dominant nation-state. This discussion can be broken down even further to a sense of consciousness revered amongst those that are felt to belong to a subgroup of the predominant nation-state. Benedict Anderson would indicate that a groups identity could be the complex long term interplay of the basic elements of the day to day existence of which people are a part. To this end, Anderson suggests that all communities above a certain size are essentially imagined communities. While you cannot know everyone in a community you can imagine you do and feel part of the community. In this sense communities are distinguished by the manner in which they are imagined. Anderson must be seen as a proponent of mini nation-states from his attestation that the nation can be defined by three dominant features. First, all nations-states are limited and cannot encompass all of mankind. Second, the nation-state is sovereign and has the right to constitute itself as a state. Third, community is predicated on the ideal of fraternity.²⁶ From this it is discernible how the concept of the nation is bestowed upon communal identities and why

²⁶ Richard Anthony, Matthew, op., cit. p.57

they would strive for self-determination. Christopher Berry looks at this in greater depth when he says:

...for a nation to be self governing requires that it be conceptualized as having a self, as having an identity. This identity is established through two complimentary components: one, differentiation from the others or specificity, and two, continuity or temporality. The normative basis of nationalism is therefore grounded in the attribution of perspective values to the specific and temporal.²⁷

In this sense the modern nation can be seen to derive strength from universal liberty and universal ideas. The nation-state must be seen as a distinct mode of political action in which both the political and social realm is served and an elaboration on meaning and identity becomes possible.

The question that is addressed by the need to harness self-determination within the nation-state structure is how can a state competently provide security without hampering or denigrating the nation? Rousseau in response to this concern saw society as a medium through which humans, ultimately governed by instinct, transform the state into a human entity. Through the social contract it was further indicated that the incidence of self-determination is what was the basis of society. Rousseau was not clear as to whether or not in his opinion society was a singular manifestation or one that was stratified, making it possible for varying degrees of self-determination to be exercised within a society simultaneously. If Anderson's ideas are paired with Rousseau's it would be possible to see the ideal society being made up of several smaller societies. This entails small internal alienations with all rights being culminated in the apex of the mini society which then works as an individual with other mini

²⁷ Richard Anthony. Matthew, op , cit. p.60

societies, culminating to make up the greater society. Self interest is seen to dissolve the relevance of sovereignty but through the manifestation of mini societies with moral sovereignty, the greater national sovereignty that is threatened by individuality may be maintained and enhanced.²⁸ In my opinion the problem that is endemic in all claims to self-determination is the fact that what is being striven for is an ideal that embodies both security and meaning, but suggests compromise.

The misrepresentation that is taking place is that self-determination is being seen as a motivation solely to create smaller states, when in reality it could be better seen as a simple aggregation of people around a shared common identity. Dov Ronen in his analysis of self-determination notes that it is inevitable, since humans are social creatures and in this are divided into aggregations that are at best functional due to shared communication, that some form of survival may suppress the shared basis of existence. It is the centripetal and centrifugal forces that are characteristic of society trying to pull people together and drive them apart which ultimately make up a new dimension displacing the status quo, being settled for by those that constitute the dominant nation-state. In this sense the centripetal force that encompasses social and political functions, and centrifugal forces that encompass economic and normative functions, lead to the emergence of a new alternative to a grand assimilated society. The alternative is a large number of socio-political entities that are independent within the wider confines of a socially accommodating nation-state.²⁹ With respect to the reconstructing nation-state it is possible to look at the present nation-state as an established reality that is falsely seen as

²⁸ Richard Anthony, Matthew. *op.*, cit. p.336-337

²⁹ Dov Ronen, The Quest For Self-Determination, (New Haven: Yale University Press, 1979) p.112

static. More specifically self-determination may be a tool necessary to hasten the evolutionary process as it is becoming clearer that integration into large assimilated masses may not be a true facet of human evolution. The quest for self-determination can be seen as a fundamental human motivation with every human being a potential kingdom in himself, being the ultimate socio-political identity. In this sense what needs to be realized is that people, not the state, own the land, giving the people the opportunity to work as smaller independent units, as imagined sub communities within the larger nation-state, the ultimate binding community.³⁰

It is imperative to understand that ethno-nationalism cannot and is not solved by the simple creation of a homogeneous assimilated society that can be united under the banner of a single nation-state. Surprising to observers is the fact that self-determination that is born out of ethno-nationalism seems to occur predominantly in what is regarded as the developed or first world, openly challenging the political assumptions of the west. More directly, ethno-nationalism can be characterized by peripheral demands against the centre. As inter-regional demands rise, the differences between regional groups helps to insulate them against the theoretical threat of assimilation through cooperation and accommodation within the dominant nation-state. Inter-communal divisions clearly demark a territory making the definition of this territory as a single unit difficult. Finally politicians are increasingly pressured to respond to ethno-nationalistic tendencies from within their own realm of action which can be seen as a principal cause of the difficulties that have lead to the need for action in the

³⁰ Dov Ronen, *op.*, cit. p.118

first place.³¹ The state is in an enviable position as it is operating as the broker within the present socio-political structure. To this end the state can attempt to negotiate change that can diffuse ethno-national demands via referendums and other power sharing agreements. Ultimately what is being sought by the minority groups challenging the status quo is more than simple constitutional recognition but the relinquishing of regional territorial responsibilities of the regional group. What is being realized is that ethno-national forces are a significant challenge to the legitimacy of the state even after decades of policies that have tried to cope with this incidence. What government policy that was targeted at groups that challenged the dominant nation-state has succeeded in doing is moving the ethno-national factionalists to a more primal level, trying to revive feelings based on a different time and predicated by different conditions. Ethno-nationalism can be seen to ebb and flow with regional interests.³²

Samuel Huntington takes an entirely different angle on the problem of ethno-nationalism and summarizes it as the clash of civilizations. To Huntington the classifications of civilization as first, second, and third worlds are made irrelevant as the nation-state evolves. In Huntington's opinion a civilization is a cultural entity which is comprised of villages, regions, ethnic groups, different nationalities, and religions. A civilization can be seen as the highest grouping of people and it is this civilization that distinguishes different groups. More importantly, civilizations in this new context that forsake first second and third worlds, can also be subdivided to accommodate Europe and North America under the banner of the west. For this matter a civilization could

³¹ Joseph R Rudolph Jr and Robert J. Thompson. "Pathways to accommodation and the Persistence of the Ethnoterritorial Challenge in Western Democracies." In Joseph R. Rudolph Jr. & Robert J. Thompson eds. Ethnoterritorial Politics, Policy and The Western World (Boulder: Lynne Rienner Publishers, 1989.) p.222-223

³² Joseph R Rudolph Jr and Robert J. Thompson. op., cit p.237

be even further subdivided from its sub divisions, thus looking at Canada, Mexico, and the USA as sub western civilizations.³³

Huntington establishes that the differences between civilizations are basic, stemming from language, culture, and tradition. As people become more mobile and aware of these differences they take on new meaning as people interact on a regular basis. As economics becomes the basis of national differences, what constitutes a different people is traditionally shelved to make way for capital accumulation which is most effectively achieved through common identification. It is this very assimilative need that is fostered by the global economic tendency that serves as a catalyst to the heightened consciousness of different groups, and to this end fosters a regionalism that is seen as being a hindrance to the aspirations of the economic state.³⁴

I propose that it be realized that self-determination has a strong foothold in the global community and is mitigated by the desire for a homogeneous world population. It is only through the acceptance that a non-homogeneous population can be as relevant to the nation-state as a homogeneous one, that progress and not digression is possible.

Nationalism as a Challenge to the Nation-State

It is inevitable that the nation-state will be transformed by calls for sovereignty and self-determination by minority communities. One of the principle rallying points around which the nation-state is reconstructed is the perceived strength of nationalism as a clarion to further strengthen a minority

³³ Samuel P. Huntington. "The Clash of Civilizations" Foreign Affairs, (Summer 1993)p.24

³⁴ Samuel P. Huntington. op., cit. p.26-27

community against other minorities or the majority. What is nationalism, how does it manifest itself, and what does it mean to the reconstruction process?

As Stanley Hoffmann aptly stated, "attempts to transcend nationalism and the nation-state have been far less effective than the ideology itself".³⁵ There is no single theory of nationalism that can be easily supplanted onto a situation to provide immediate answers. In most cases, nationalism is as much a social issue as a political or economic one. It can be discerned that as nation-states reconstruct we are witnessing nothing less than a crisis of values. In my opinion what is being pursued through the search for economic fortitude is a fragmentation of individuals to a disposition where they no longer can clearly define themselves as a community. Instead, groups are forced to take shelter in the preservation of token personalities that bear a resemblance to the origins and faith of their forefathers.³⁶ The fact that the nation-state is more than an economic junction to world assimilation is slowly coming to be recognized, although, Ernest Gellner and E.J Hobsbawm seem to largely discount the idea that there could be any other movement besides world wide assimilation towards common economic denominators.

According to Gellner, it is probable that a large number of nations could exist simultaneously for economic reasons which would be good for some people and frustrating for others. In his view it is the state that is concerned with the enforcement of an equitable order. It is not surprising that in Gellner's interpretation the nation-state has changed from pre-agrarian, to agrarian and ultimately to an industrial society. What emerges is a belief in a continued nationalism that is blind to social concerns and predisposed to economic

³⁵ Stanley Hoffmann, "The Passion of Modernity" The Atlantic, (August 1993, Vol.272, no. 2)p 101

³⁶ Julia Kristeva, Nations Without Nationalism (New York: Columbia University Press, 1993) p.2

growth. To Gellner, nationalism has metamorphosed to the point that it is no longer an ethnic, linguistic, religious, or social manifestation but something that is rooted in the division of labour.³⁷ In this sense as an industrial society is promoted, so is the need for a universal literacy and a high level of numerical, technical, and general sophistication among functional prerequisites. A general mobility, generic training, communication via impersonal context free texts in a standard linguistic form, and a large all encompassing education system are also called for.³⁸ Finally what becomes imperative is a common nationalism in which culture becomes a constructed shared medium that combines into the whole all factions that could be anomalous to it. Nation-states emerge as a fusion of will, culture, and polity. Consequently, emergent nationalism modifies historically inherited proliferations of culture so that it represents the desires and needs of the homogeneous industrialized nation-state.

What Gellner sees as only a small anomaly in his scenario is entropy resistant groups. In his view these groups either decide to join the dominant nation-state or set up their own nation-state. In this sense, nationalism is about a group's ability to participate in, and identify with, a perceived high culture which is coexistent with an entire political unit and its population. In the post-industrial society what may need to be finally dealt with is diaspora nationalism which deals with the problems of social transformation, cultural revivification, acquisition of territory, and the coping with the natural enmity of those with previsional claims on territory.³⁹

E.J. Hobsbawm, like Gellner, sees the evolution of the nation-state during the period of industrialization as a product of an implied mass political

³⁷ Ernest Gellner, Nations and Nationalism, (Ithaca. Cornell University Press, 1983) p 24

³⁸ Ernest Gellner, op , cit. p 34

³⁹ Ernest Gellner, op , cit. p. 95,108

consciousness, translating into a class consciousness that subsequently taught workers to demand their rights. Nationalism, in its infancy, was felt to be separate from state patriotism. It was initially believed that the identification of the state with one nation risked creating counter nationalist tendencies due to the implied homogenization and standardization of populations. The problem that arose, as was discussed by Gellner, was the rise of administrative and technological developments that required a standardized literate and educated population that could function nationally and internationally with little disruption. This development worked against the maintenance of individuality and the recognition of groups that did not support the dominant nation-state in all ways.⁴⁰

It becomes clear, through both Gellner's and Hobsbawm's writings, that the imposition of a dominant nationalism that could unite different parts of a nation under a common accord is difficult if not impossible. The more a society is urbanized and industrialized, the more artificial the attempts become to confine and coerce minority ethnic communities. Group relations in poly-ethnic societies are difficult and less stable than the relations that may have existed when a group was primarily a singular entity. Ultimately Hobsbawm believes that a group may accept assimilation, minority status, or emphasise its identity and seek to develop a new position and patterns not formerly recognized, ushering in a reconstruction of the nation-state.⁴¹ In the short run, attempts have been made to contain inter ethnic developments through what could be called segmented social developments of labour. In the long run, this approach is not successful.

⁴⁰ E J Hobsbawm, Nations and Nationalism Since 1780, (Cambridge University Press, 1990) p.93

⁴¹ E.J Hobsbawm, op . cit. p 158

Hobsbawm believes that what is happening in this century is the appeal of the community for liberation from the wrath of conflicting ideologies, leading groups to seek sanctuary within the imagined community. The problem is that in the past the nation-state was largely based on an economic transformation and today this has become almost secondary to social and cultural considerations. It is thus not surprising that national self-determination movements arise and challenge the status quo.⁴² Because economics would seem to still be the dominant building force of nation-states, the present nation-state configuration is losing its ability to effectively constitute a territorial bounded national economy. When the national economy is brought under question, so is the international economy which goes even further to undermine the natural efforts of world communities. Hobsbawm postulates that this is a reality, that assimilation is inevitable and dislocated communities will be absorbed or displaced by the new spontaneous restructuring of the globe. According to Hobsbawm, nationalism in this context would take on a subordinate role if not be eliminated as it is known today.⁴³

Both Hobsbawm and Gellner, through their writings, have grossly underestimated the role and resilience of nationalism. While it is certain that global assimilation is a tenable desire of many of the worlds predominant states, within these states there is a tremendous effort by minority communities to maintain their autonomous character, nationally and internationally. Through this effort national homogenization can be seen to have largely failed. In effect what has taken place is the wedding of cultural actions and politics with the ultimate goal being a national identity. This identity is achieved through

⁴² E.J. Hobsbawm, op., cit. p.167-169

⁴³ E.J. Hobsbawm, op , cit. p 182

cohesion and autonomy, emotional solidarity, sovereignty, and participation in the function of government.

Anthony Smith has made an interesting assertion that there are varying degrees of nationalism. Globally nationalism can be seen as being anti-colonial, integrationist, an affirmation of existing sovereign states, or separatist. In the industrialized states the nationalism that is exercised is felt to be located somewhere between affirmation and separatist views. In this case nationalism is more than an economic reality, but a moral construct.⁴⁴ Nationalism needs to be seen as being born out of a synthesis of political and symbolic ideologies that are based on social interactions and feelings. In this sense the nation is a significant symbolic entity that comes to be legitimated through numerous social actions and movements with diverse and competing aims.⁴⁵ Minority groups are thus not homogenized by the dominant nation-state, but provoked by its ambiguity which evokes a disposition that has historical overtones. Nationalism can be said to be the political utilization of the symbolic nation through discourse and political activity, as well as through the use of sentiments that draws people into responding to the applied symbolism. What becomes clear is that there can and will be multiple interpretations of this symbolism and thus multiple mini nationalisms operating and converging to make up the dominant nationalism regardless of the economic character that the mini nationalisms may have.⁴⁶ In this sense, it is important that the nation-state be recognized as a fluid structure whose meaning, according to Katherine Verdery, can and will shift with the changing balance of societal forces.

⁴⁴ Anthony D S Smith, Nationalism in the Twentieth Century (Oxford: Martin Robertson & Co., 1979)p.152-153

⁴⁵ Katherine Verdery, "Wither 'Nations' and 'Nationalism'"Daedalus (Summer 1993) p.37-38

⁴⁶ Katherine Verdery, op . cit. p.38

The fluidity of the nation-state makes global homogenization a problematic perspective. As assimilation is manifest, what is witnessed is a crisis of identity that has a domino effect throughout the entire nation-state structure. As traditional beliefs are returned to and consequently undermined by the dominant actors, it becomes difficult for minorities to relinquish their roots and this makes the assertion of marginal identities within the dominant nation-state problematic. In this instance, minority members of the nation-state may want to return to their historic roots, indicating the fundamental failure of democracy at the expense of diversity.⁴⁷ The state has come to be organized on an impersonal and rationalist basis which has become indifferent to the fate of minorities. But, nationalism as a movement towards minority liberation and ethnic revival is serving to counter the ego-centric desires of states, reviving scattered and disenfranchised minority groups, and through their individuality making a new nation-state.

Indeed, we are witnessing a new wave of reconstruction. This period promotes the extreme reevaluation of the theories of national identity. More specifically what is being pursued is the fusion of the civic ideals of the territorial nation with the genealogical attachments of the ethno-political nation. In this case what is realized is the abundance of separatist ethno-nationalism where there is a desire to seek autonomy or separation from the new state whose boundaries are part of the colonial legacy that essentially entails an acceptance of the status quo that is being cast aside.⁴⁸ In this case part of the impetus for nationalist action on the part of minorities is the dissatisfaction that lies in the plural nature and fragile legitimacy of the post colonial state itself. What immediately comes to mind when industrialization is looked at with respect to

⁴⁷ Anthony D S. Smith, *op. cit.* p 163

⁴⁸ Anthony D. Smith, National Identity (Nevada University of Nevada Press, 1991)p 131

the promotion of assimilation and the backlash that leads to the hastened movement towards the reconstruction of the nation-state, is the fact that from within the political national state there can finally exist the predominance of many cultural nationalisms. These cultural nationalisms are ultimately dealing with the perceptions of neglected or suppressed identities through assimilation.⁴⁹ It is thus not unrealistic to look at the conglomeration of collective identities as the basis for the national identity which ultimately leads the drive for popular sovereignty, democracy, and the reconstruction of the nation-state.

It is thus not surprising that nationalism should be seen as the phenomenon that embodies national identity, nationality, and consciousness, as well as all collectivities that are based on the nation. Nationalism locates the source of individual identity within a people magnifying it so that it becomes the central object of their loyalty and the basis of their collective identity.⁵⁰ In a world that is a composite of communities, national identity and the nationalism that it breeds tends to be a primal factor in a community's perceived uniqueness. The essential bias of these beliefs can be traced to the structural contradictions of the society itself which tries to act as a unit, and yet is firmly levelled on the contradiction of being formed by many autonomous parts.

As can be seen from the rapid changes in the last century, nationalism is a primal factor in the process of change and channels modification towards a direction that has a profound effect on future development warranting long term planning as opposed to short term management. It can also be asserted that the nation-state in its present manifestation has outlived its economic usefulness and the inevitable globalization that is taking place which implies a capitalist

⁴⁹ Anthony D. Smith, *op. cit.*, p. 141

⁵⁰ Liah Greenfeld, Nationalism Five Roads to Modernity, (Cambridge Mass: Harvard University Press, 1992) p 3

assimilated, world oriented, nation-state devoid of culturally autonomous nationalist enclaves. The problem that quickly emerges, according to Greenfeld, is that it is difficult if not a mammoth task to transcend nationalism because it is this very process that satisfies a community's need for dignity, without which there is no way to affect this satisfaction.⁵¹ It is thus difficult to imagine the ensuant push towards global economic homogenization diminishing the force of nationalism:

The nation remains worthwhile, even when it is economically or otherwise irrational, and if the nation's worth is going to be transcended, it is most improbable that this will be done on account of economic development.⁵²

In this sense the advance towards the global village is seen to enhance global economics but also advance national interests, however at the expense of the demands and desires of cultural and ethnic communities.⁵³

This whole discussion can be concluded by posing a significant question. How does the nation-state and its imminent reconstruction aid and abet the development of nationalistic tendencies, and is there a place for these in the reconstructed nation-state?

If the concept of a 'nation' can in any way be defined unambiguously, it certainly cannot be stated in the terms of the empirical qualities common to those who count as members of the nation. In the sense of those using the term at a given time, the concept undebatable means, above all, that one may exact from certain groups of men [or women] a specific sentiment of solidarity in the face of another group. Thus the

⁵¹Liah Greenfeld, "Transcending The Nations Worth", *Daedalus* (Summer 1993) p.59

⁵² Liah Greenfeld, op., cit. p.59

⁵³ Liah Greenfeld, op., cit p.61

concept belongs to the sphere of values. Yet there is no agreement on how these groups should be delimited or about what concerted action should result from such solidarity.⁵⁴

What can be seen is the fact that the modern world, as we know it, does have many groups which are resilient to assimilation and to a common norm. Yet there is still a tremendous need for political interdependence, especially as more vulnerable nation-states emerge. In this context the persuasive power of culture as a multi faceted configuration serving to simultaneously unite and break apart the nation-state is inevitable.

In this context, according to Ashcroft, nationalism can be said to require three things to be relevant. First, it is necessary that there be a coincidence of population of state and of an ethnic group, secondly, a community to which individuals owe a primary loyalty should exist in the state and third, there should be some form of collegial unity due to the efforts of the omnipresent nation-state.⁵⁵ Elie Kedourie who was interested in finding some stability in the preindustrial order saw nationalism as a modern phenomenon and the root cause of modern instability. To Kedourie nationalism only arrived when collectives desired to assert their ability to exercise separation and elaborate a form of subordination of the individual to the collective. What needs to be recognized, contrary to the beliefs that global economic homogenization is a primal force in the manipulation of nationalism, is that this force of alignment can be seen throughout history as manifest in different modes and highlighted as differences are accentuated through increased contact.

What can be gleaned from the above discussion is that nationalism as a

⁵⁴ David Ashcroft, A Critical Evaluation of the Theories of Nationalism, (The University of Aston Birmingham, Ph d Dissertation, 1987)p 18

⁵⁵ David Ashcroft, op , cit p 106

force manipulating the reconstruction of the nation-state has the capacity to affect both union and disruption, with centripetal and centrifugal forces ultimately uniting to usher in a reconstruction. What needs to be considered is the nation-state moving towards a plain in which smaller nationalistic bodies are contained within a larger nationalism making a multi-nationalistic state.⁵⁶ At best modern nation-states can be seen as imperfect entities harbouring a conglomeration of dissident minorities in various phases of self awareness with pressure being exerted for some form of regional autonomy. What becomes clear is that there is a conflict being resolved largely on a symbolic/emotional level which sees the root of the whole reconstruction process as being between the incompatibility of the absolute right of the state and the sub-sovereign self-determinant right of the nations that converge to create the larger nation-state.⁵⁷

Reconstructing the Nation and the State

As has been discussed above, the conflict of economics and politics is becoming more common on a world wide basis. While global assimilation is economically valid it is being beleaguered by the increase of claims of sovereignty and self-determination within the once thought homogeneous nation-states. What is becoming an emergent reality is that political life is becoming fragmented and increasingly inconsistent with the accepted status quo. The old hierarchy is becoming irrelevant as the emerging nation-state gives a more formalized answer to the questions of multiple sovereignties within a dominant or supremely sovereign nation-state.

⁵⁶ Louis L. Snyder, Global Mini-Nationalism Autonomy or Independence (Westport Connecticut: Greenwood Press, 1982) p 5

⁵⁷ Louis L. Snyder, op., cit. p 253

What needs to be stressed is that the modern nation-state is not declining but developing. Militarism, communication, infrastructure, economics, familial regulation, and intense feelings of community have been erroneously fused into a single caging institution in an attempt to will homogenization. The reality is that there is a difference between the desired appearance and what is coming about. It seems to be the hope of world capitalists that the global village will merge into some grand postmodern hyper space diffused without regard for nationalism and its realities, just intent on the logic of capitalist profit making.⁵⁸

According to Michael Mann a nation-state is only a true incarnation if it can meet five criteria. First a nation-state must be able to wage war, second it must have a communication structure, third it must be a political democracy, fourth it must guarantee social citizenship and fifth, have macro economic planning. Any nation state that has only varying degrees of acceptance of these criteria simply makes it a political agency of varying degree. As reconstruction takes place it is sure to be recognized that few if any nation-states can have all of these criteria satisfied simultaneously without some form of cooperation amongst its parts. What is coming about is a situation in which divided sovereignties exist.⁵⁹ As global situations change it is not a clarion to the death of the nation-state but a reconstruction of the basis of society with implied political implications that go far beyond the status quo, beckoning new ways of addressing problems. No longer can the nation-state be seen as a political incarnation, it is now necessary to look at it as a phenomenon that socially and symbolically unites different and diverging communities.

What is becoming a reality is a series of self-determinate communities

⁵⁸ Michael Mann, "Nation-States in Europe and Other Continents: Diversifying, Developing, Not Dying" *Daedalus* (Summer, 1993)p.118,119

⁵⁹ Michael Mann. op , cit p 137

with sovereign rights over a specific regional enclave working in an autonomous manner, uniting under the guise of a grand nation-state through which greater economic concerns are addressed yet individual autonomy maintained. What is being seen is a stark reversal of the promotion of a homogenized society for the desired heterogeneous mass of mini nation-states working towards the maintenance of their identities as well as the common identity that binds and supports their cumulative interests. What is being seen is a challenge to the legitimacy that is the hallmark of our nation-state.

Chapter Two

Canada a Nation-State in Transition

The reconstructing Canadian nation-state is an interesting phenomenon. While the Canadian nation-state strives to change and develop it is constantly shadowed by its colonial past which is predicated on homogenization and assimilation. Canada can be seen to be developing within a paranoia that pushes it towards the affirmation of the inapplicable European example of a developing nation-state at the expense of the Canadian reality.

It is my intention in this chapter to show that a reconstructing nation-state ultimately represents fundamental change. Since Canada has the historical origins of an imperial colony it can be demonstrated how the promotion of homogeneity and assimilation, characteristic of the United Kingdom, came to be implanted in Canada. The phenomenon of change couched in homogeneity and assimilation is now becoming a world wide phenomenon with economics becoming the masthead for its promotion. For Canada and its confederation, economics was one of the most preminent issues with unity being seen as a way of sustaining economic fortitude. What becomes clear is that as foreign ideas about unity, via homogeneity, were germinated in Canada the nation as it was envisioned could not be sustained.

The future of Canada as a reconstructed nation-state is through the acceptance of the federal nation-state as an autonomous unit as well as the provinces and other groups as mini nation-states within the federal configuration. This manifestation of reconstruction would be a dramatic departure from the status quo that is accepted today. What can be seen from the Quebec aggregation of ethno-territorialism and ethno-regionalism is that

semantic changes with respect to the nation-state do not work. For any reconstruction to be meaningful and realistic a new way of thinking is imperative.

The Foundation of Canada as a Nation-State.

In 1867 the British North America Act heralded the creation of a colonial empire, Canada. While it is not my intention to go into a detailed discussion of the debates that led the founding fathers to their final design, or a critique of this agreement as opposed to that found in the United States, I do intend to show how the BNA did and continues today to impose a system of beliefs on all Canadians that is incongruent to the realities of this society.

Canada is most commonly heralded for its strong promotion of federalism which is a direct consequence of the Confederation Agreement. It was believed by Pierre Trudeau that Canadian federalism might be the most brilliant prototype for the moulding of tomorrows civilizations. Canada was seen as a society that had the potential to create an atmosphere within which multiple nations could flourish and grow under the guidance of a single state. ¹ If the Canadian Constitution is taken at face value it can be argued, as Samuel LaSelva did, that the Canadian state rejected the atomization of the state as seen in the United States creating a more equitable system. What is seen as the most important element of the Canadian system is the possibility for change, which is the embodiment of the Canadian Constitution. The problem today is that Canadian politicians have become caught up in semantics and amending process' failing to realize that a system that promotes multiple nations under the guise of one state is in a constant reformation searching for the ultimate

¹ Samuel V. LaSelva, "Federalism as a Way of Life Reflections on the Canadian Experiment", Canadian Journal of Political Science (XXVI 2, June 1993) p 219

enlightenment . Kenneth McRae is even more poignant when he suggests that political thinkers in Canada have gone astray showing a lack of respect for this system preferring to adopt universalist and integrationist, or assimilationist principles denying that there is any hope of a Canadian state encompassing more than one way of life.²

While the malaise that has overcome the Canadian political system is discouraging it is not completely out of context. The Canadian constitution can be seen as a resultant of the 18th and 19th century arguments between those who espoused classical republican values and those that tended to support the fast rising commercial ideology. What occurred was a deviation between what the role of the state was conceived to be and its actual role in society.³ The British constitutional model, the intellectual foundations of the Canadian constitution, had the benefit of developing and changing due to internal cleavages that essentially helped to shape the system in such a way that it corresponded to its host society. Even with this so-called evolution what developed was a conflict between virtue and commerce as well as what the role of the state was to be and how it was to be achieved. It is this very conundrum that Canada has unwittingly inherited

The Scottish thinkers Hume and Smith both felt that the state had a duty to promote economic development. In this context the state is charged with the governance of a large market society by which it was hoped the ambitions, passions, and interests of people would be awakened. The ultimate purpose of governance thus became to secure wealth and defend the rich from the poor.⁴

² Samuel V. LaSelva, op. cit., p.219-220

³ Peter J. Smith, "The Ideological origins of Canadian Confederation" ,The Canadian Journal of Political Science (XX.1, March 1987) p 4-5

⁴ Peter J. Smith, op cit., p.8

Even before the constitution was developed in Canada there was an interest in separating those who could be regarded as citizens, with the potential to influence the government, and those who were to be served by it.

It was the belief of Adam Smith that if a nation and state were brought under one apex the factionalism that would be apparent with multiple nations working within a single state could be diminished.⁵ It was with these sentiments that the Canadian Confederation began to take form. It was believed that there must be a strong centralized leadership in the country which is preeminent: the crown fulfilled this criterion. It was also established that the federal government would act as an outlet for ambitious people. In this sense instead of strong minded individuals working to strengthen the provinces to the chagrin of the federal state, they could be brought into the federal fold to promote a strong united Canada. The final perceived outcome of a unified nation and state was the potential for uninhibited economic development.

E.J. Hobsbawm, in Nations and Nationalism, puts forth an argument in which he sees the conglomeration of the national citizen as the soil from which all political sentiments grow. Nations according to Hobsbawm develop and evolve but there is a limit to this evolution and boundaries are set by the limits of the scale of human society.⁶ In the Canadian context this logic can be inferred through the desire of the Fathers of Confederation to bring Upper and Lower Canada as well as the Atlantic colonies together into one omnipotent unit and later add more regions. It is clear that Confederation was seen as a way through which political, social, and economic growth could be facilitated in an expedient manner. As Adam Smith decreed in his discussions, through

⁵ Peter J. Smith, *op cit.*, p.20

⁶ E.J. Hobsbawm, Nations and Nationalism Since 1780 (Cambridge Cambridge University Press, 1990), 33

unification it would be possible for all those people with lofty visions to work towards a greater cause. In Hobsbawm's work, this fact has been recognized and he has gone on to show that national movements in a unified whole nation are a tool for national unification and expansion. What becomes necessary, if it is the intention of a state to create a large united nation, is some form of uniformity amongst the masses. Thus, much like religion which gives uniformity through common practice, it is a prerequisite of the state, according to Hobsbawm, to create the basis for uniformity through communication and education.⁷ This sentiment can also be seen in the writings of Ernest Gellner.

Gellner, who precedes Hobsbawm, develops what he sees as three stages of societal development. A society progresses from being pre-agrarian, to agrarian and ultimately ends up being industrialized. The industrial stage coincides with the development of the nation-state. Ultimately what this developmental trend serves to detail is the incidence of democratization pulling the citizenry away from the arcane view that they are subjects and instilling them with the belief that they are citizens. This very occurrence can be a problem. Once a group of people evolve from being subjects of a sovereign ruler to citizens of a sovereign state the possibility for mass consciousness becomes probable and inevitable. It then becomes the task of the system developed by the state to turn out people who will be impervious to the factional loyalties that are destined to develop within the community as a whole.⁸ To defuse factionalism the state needs to make a distinction between patriotism and nationalism in light of the fact that as citizenship is gained and the power of this status is realized, it becomes possible for nationalism on the part of different citizen groups to emerge counter to the patriotic nationalism that is professed by

⁷ E.J. Hobsbawm, *op cit.*, p 60-62

⁸ Ernest, Gellner. Nations and Nationalism (Ithaca: Cornell University Press, 1983) p.64

the state. This was a legitimate fear in the 19th century. It evolved that if a nation-state is to be strong and effervescent, it must radiate a nationalistic belief that is congruent with patriotism and capable of uniting and diffusing the nationalist beliefs that could come from the enlightenment of the masses. Both Gellner and Hobsbawm realized that there are going to be certain groups that are resistant to homogenization, and such people will tend to accumulate. These groups basically have two choices, they can join the dominant group surrendering their minority status and assume the status quo, or they can set up their own nation. In theory it could be possible for a federal state such as Canada to let entropy resistant groups live autonomously while still sharing a dependent tie with the federal state.⁹ Unfortunately in the Canadian case this has not been seen as an alternative, or at the minimum, one of the possibilities worth pursuing. The basic tendency in Canada, since Confederation, has been to unite the country through an economic, social, and cultural fabric that could be seen as Canadian. In pursuing this unique nation-state, the reality of the Canadian fabric and federal system have been passed up for economic advantages which may ultimately come to be seen as what inadvertently served to drive Canada towards reconstruction.

The global tendency in this century has been for nation-states to become increasingly smaller with those people that were once seen as oppressed individuals being aggregated into a larger group of oppressed minorities. In this sense oppressed individual come together and as a group may seek to assert self-determination. In this scenario a conflict between the nationalisms that these oppressed minorities are supporting and the exclusive patriotic

⁹ Ernest, Gellner. op , cit. p.69

nationalism that the state disseminates and intends to substitute to discourage all other forms of political and social movements emerges.

The situation in Canada is not much different. Canada is experiencing a rise in ethnic and linguistic nationalism due to the fact that a more homogeneous approach has been taken with respect to the promotion of Canadian nationalism. It has been the desire of the Canadian state to promote a strong united Canada, presumed to be united under one cultural experience. In pursuing this course, ethnic and linguistic nationalisms have emerged and are continuing to gain in their sphere of influence. The problem that this creates is that many of the groups that are involved in ethnic or linguistic affiliations are attempting to take on the independence of a nation-state when by definition, according to Hobsbawm, they may not have the ability to affect the security or economic requirements to do so.¹⁰ This occurrence generally runs counter to the claims of modernity which are understood by Gellner to be hinged to the erosion of multiple and petty bickering organizations which in the modern industrial state are replaced by a mobile, anonymous, literate identity conferring a single dominant culture.¹¹

Hobsbawm has alluded to what he believes is an evolution of the nation-state and the fact that the territory that it once constituted is becoming blurred and undefined. As new nation-states emerge and vie for a meaningful existence it becomes clear that a national economy may no longer be sufficient to ensure the prolonged existence of the emerging nation-states. Through transportation and communication it is believed that nation-states are being brought into line with a world economy which forsakes homogenization on a national level for the international level. Through international migration,

¹⁰ E.J. Hobsbawm, *op. cit.* p.170

¹¹ Ernest, Gellner *op. cit.*, p.86

technological exchange, free trade and world trade the world is being subdivided into more specific industrial zones. Through global homogenization it can be observed that state-promoted nationalism is setting the stage through which national developments can reverse the internationalist trend and become a hindrance to the global development through the separation of groups from a united whole.

Canada's development can be seen to follow very closely the pattern of progression laid out by Gellner. As an imperial colony Canada was essentially colonized to help fill the European coffers. As time passed and Canada quickly experienced pre-agrarian, agrarian and industrial development, the motivation for the elusive economic gain became imperative. John A. MacDonald recognized that Confederation was a necessity if the economic plenitude of this country was to be harnessed. Clearly an industrial society must be seen to be dependent on both cognitive and economic growth and through the uniting of the grand territories of Canada both of these criterion were being fulfilled. What the state sought and attempted to vivaciously impose was homogenization and standardization through the dissemination of a standardized education system. It is believed that this was ultimately the way the world was progressing. While the language and fundamental beliefs of a country may differ, the economic foundations imposed on Canada are being replicated world wide making international standardization a reality. What is assumed is that the need and desire for economic fortitude ultimately strips away a group's desire to maintain its cultural differences. Gellner would seem to subscribe to the belief that the ideas of a culture and the maintenance of a groups imminent reality is best if

based on ideas that are less contingent and world bound than traditions that prevail on the land since the land can easily be changed.¹²

These sets of assumptions underlying both Hobsbawm's and Gellner's work, while being easily validated against European nation-states, especially the United Kingdom and France, fall short when applied to Canada. What is interesting is that even though Canada was and continues to be a unique world entity, those people who have been in the position to influence Canada's development have chosen to take the path of least resistance subscribing to the solutions and implications derived from the European experience. This phenomenon can be easily recognized in the pre-Confederation Canada of the 1850s and 1860s. It was at this time that the arguments for Confederation and a federal union were taking place. It was argued that a political union would be a means of elevating the colonies, dispersing the tendency for factionalism and local discontent through the joining of the colonies into a larger whole.¹³ Confederation came to be seen as having a significant financial stake that overshadowed identity and ethnic issues. With the industrial expansion taking place in continental America and the European countries themselves, Britain was further pressured to alleviate the public debt that British North America represented and accordingly needed to amalgamate the burden of responsibility and develop the financial abilities of BNA. This desire was seen as achievable through the Confederation of Canada and the implementation of a federal nation-state. Thus in 1867 John A. MacDonald got what he was indeed looking for, a strong federal government that had the power to extinguish political discontent in the provinces as well as the resource base necessary to underwrite the commercial expansion necessary to the further

¹² Ernest, Gellner op . cit p 131

¹³ Peter J. Smith, op . cit p 22

development of Canada. The Canadian nation-state in its early incarnation was developed as a commercial entity, with the viability of multiple identities and even multiple nationalisms being seen as contestants to the federal nation-state.¹⁴

The British Empire in its establishment of colonies had the driving desire to see the application of political autonomy which was operationalized through the encouragement of self-government.¹⁵ The elements of the British political system were transparently imposed over Canada. The Crown became a symbolic head of the state but even its authority ultimately came to rest and be exercised by the federal state. The federal state was envisioned as a force to counter the centrifugal forces of race, religion and geography. The reality is that while Confederation and its offices did succeed in putting a new veneer over the young nation-state, it did not succeed in disbanding or alleviating the inherent separateness of Canada.

The Legacy of Confederation

The government through Confederation attempted to dispense an air of unity across Canada through the formation of a common civil society reflected through law, the media, employment and education. It was in each of these areas that the Crown sought to confer legitimacy while impressing on the whole country a systematic unity.¹⁶

Through Confederation, the provinces were bestowed with both the power and responsibility that was felt to be within their realm but far from

¹⁴ Peter J. Smith, op., cit p 28

¹⁵ David E. Smith, "Empire, Crown, and Canadian Federalism" Canadian Journal of Political Science (XXIV:3, September 1991) p 452

¹⁶ David E. Smith, op., cit. p.461

superseding the federal government's powers. This logic while correct in 1867 has over time demonstrated that it necessitated a state of almost constant reconstruction. In essence the provinces were given unlimited potential for action which when exercised without a common national focus could be misconstrued as a destructive force.¹⁷ These powers could be seen as destructive since as the provinces developed and began to use their authorities, it was not inconceivable that they could end up developing distinct differences from the other provinces in the union. In this sense there was the possibility of the provinces developing autonomously from one another, with the federal state being forced to test its capacity as a mediator.

An issue that should also be addressed is the fact that within each of the autonomous provinces there was also the possibility of smaller minorities developing which could claim some form of sub-autonomy from the province which the latter was claiming from the federal state. In essence what becomes clear is that the objective of a uniform homogeneous population promoted through standard education, communication, and social foundation is unlikely. This situation takes place because the federal nation-state has agreed through Confederal convention to the sub-contraction of some responsibilities to the provinces which can further contract out their responsibilities within their realm. In some cases the provincial structure divides into regional and municipal structures creating fertile ground for the establishment of entropic minorities who challenge any form of assimilation towards the provincial and ultimately the federal way of thinking. While it may have been the intention of the BNA to bestow the federal government with a plenitude of power that guaranteed its omnipotence, in reality the federal government's power is slowly diminishing, as

¹⁷ David E. Smith, *op . cit* p.461

competition arises from the provinces and more recently minority groups such as natives who feel they can better represent themselves as independent autonomous nation-states.

Self-determination and the Provinces

When the British North America Act was constituted, the first conflicts to take place were between the competing views of the federal and provincial governments. In this period there were only two founding groups that were considered to be noteworthy, the English and the French. The reason for the dismissal of any other formidable groups was essentially due to the imposition of a British system on Canada.

The British form of government developed in a nation that had very little input from smaller minorities and if they did exist they were believed to have ultimately assimilated into the whole through homogeneous institutions that aided in the promotion of a strong functional industrial economy. As Gellner indicates it would be foolhardy to accept that all groups could be assimilated into the national whole, but as he further indicated it is to their benefit to do so and by doing so they could ultimately prolong the existence of their distinctive qualities which ultimately rest within their personal karma. This way of thinking clearly has merits and may be functional in a small geographic entity such as Great Britain or France. As the territory gets larger and the possibility of groups living in prolonged isolation from one other becomes a reality the quest for homogenization begins to deteriorate.

In Canada Confederation unleashed a conflict that is still prevalent today and has in fact become more pronounced. The 1867 agreement and its subsequent revisions have unleashed a conflict between two ways of thinking.

The first way of observing the Constitution is as a document that promotes and fosters individual liberty looking to the national government for leadership which will maintain the rights of the individual throughout Canada. The second interpretation of the Constitution can be seen as stressing the strong community values of the nation promoting collective choice which tends to recognize the importance of provincial governments as the guardians of the regional identity.¹⁸ According to Robert Vipond, the issues of liberty and community have a long history of antagonism in Canada being most clearly seen through the conflict between Quebec and the federal government where the issue has always been that of the collective identity versus individual liberty.

In Gellner's discussion he carefully plots the transition of a nation from pre-agrarian to agrarian and finally to an industrial society. In the course of these transitions which can take place over a significant period of time, the nation and its people gradually undergo profound changes which ultimately influences their constitution and the way they adapt to the industrial age. Canada, by adopting the premise of the British Constitution, did not have the chance to develop on its own accord instead it chose to borrow the examples of another land. There were indeed going to be problems with such a choice. Canada is not a static replica of the United Kingdom even though it owes a significant portion of its development to British and French Imperialism. Canada had a native population before any imperial discovery took place and Canada encompasses a huge geographic area that inhibits easy centralized contact. Because of this situation the Constitutional agreements that took place was essentially elites accommodating elites.

What can be seen to be emerging is a competing view of federalism. The

¹⁸ Robert C Vipond, Liberty and Community Canadian Federalism and the Failure of the Constitution (New York State University of New York Press, 1991) p.2

predominant view was that the division of powers was an affirmation of the rights of the provinces as autonomous self-governing bodies. While federalism was seen to be a method for the preservation of the freedom, autonomy, independence and rights of the individual province from other governments, provincial autonomy had to be recognized as a state of liberalism and in this case the rights of the provinces were also worthy of protection. While the provinces had to be protected as individuals the actual members of the province also had these same liberties and if the province was felt to be abridging these liberties the federal government felt compelled to intervene even if this could be seen as an attack on the basis of provincial autonomy. MacDonald saw it as his duty to be able to impose limits on provincial decisions that were seen as contemptible to the Constitution.¹⁹

Charles Taylor has examined what he sees as the “malaise of modernity”, through a consideration of the Charter of Rights and the preservation of community and liberty. In his interpretation the problem with the modern nation-state is that it is attempting to maximize freedoms in two conflicting ways. The first way that freedoms are attempted to be maximized are through what John Locke saw as a focus on individuality. In this case individuals are seen as rational independent agents who recognize their purpose in themselves rather than seeing themselves as a part of a greater whole. It is this way of thinking that is inherent in the sentiment that a person must be able to choose and act out of his own volition, although within reasonable limits. In this case the individual is free from the arbitrary interference of others. The second sense of modern freedom, according to Taylor, is the sense of freedom that he feels is defined by community based self-

¹⁹ Robert C. Vipond, *op. cit.* p 135-140

government. Community realization supports the idea that individuals are sustained by the very culture that envelopes them, serving as a medium for the maintenance of their greater understanding.²⁰

It has been the reality of the Canadian society, especially through the constitution itself, that these two realms coexist in a fashion that builds them, without displacing either. Difficulty arises when one of these two realms seems to take precedence over the other. In the United Kingdom, this reality was less likely since significant spans of time were available between temporal change that facilitated the assimilation and homogenization of society. In this scenario there may still be entropic groups but their existence is less likely to be mitigated by rapid change since they had a significant periods of time to experience the advantages of sharing some ties with the dominant nation-state. In Canada, the conflict of realms is predicated by the fact that European ideologies and beliefs were used as the measure against which all other views were graded and categorized. Because of this, problems were inherent as the British North American colony evolved from pre-agrarian to an industrial society in an unreasonable time period negating completely the existence of other nations or nation-state structures that may be more equitable to a geographic entity the size of Canada. What becomes even more apparent is that as the liberal and community views vie for their places, the economic criterion that beset Canada may be of considerable influence in negating the group based community dimension. In twentieth century Canada, the individualistic, atomistic rights based dimension of liberalism seems to be becoming predominant. What is being witnessed is not far from what Gellner saw as a reality with a mobile population, a welfare state that guarantees a minimum well

²⁰ Robert C Vipond, *op.*, cit. p 144

being for citizens, and a concentration of public and private industries that seek to distribute goals and opportunities. ²¹

In Canada, Gellner's prophetic end is seriously hampered by distances which separates residents making it increasingly difficult for the formulation of public policy that builds and works towards a unified public. While the trend is towards the liberal model of individual rights and community based autonomous self-government, bodies acting independently within a federal union may be more realistic. This idea becomes even more tenable with the provincial structures already in place as well as numerous minorities, most predominately the natives, claiming autonomous self-governing rights outside of the provincial and federal governmental realms. Taylor himself supports this basis of discussion through his belief that the provinces are pressing the rights model and the rule of law to new frontiers by couching their claims to power through the individual rights of the community.²²

What becomes clear is that the Confederal agreement and its subsequent changes and alterations are a challenge between the beliefs of decentralized and centralized participation. The problem, according to Vipond, is that the Constitution may be changing but the reality of Canada is still rooted in political practices which make it possible for Canada to operate as multiple communities while maintaining the basis of liberalism. The problem being much like it was in 1867, the federal and provincial governments see issues differently and as they move farther apart, the incidence of other communities emerging is working to make the abyss even more significant.

²¹ Robert C. Vipond, *op. cit.* p. 144

²² Robert C. Vipond, *op. cit.* p 147-148

Multiple Communities, Identities and Sovereignties

As I have already stated, thinkers such as Kenneth McRae have looked at Canada and its political context and have come to the conclusion that if politics as a vocation was removed from Canada, it is conceivable that this country could be the most brilliant prototype of a modern civilization. This could become a reality through the combination of multiple nation-states under one realm creating an infinitely powerful conglomerated nation-state. The global problem that Canada is experiencing is a condition of stagnation between the pressures of universalism and particularism.²³

The immediate problem that Canada is experiencing is the fact that politics and economics have come to be seen as the predominant characteristics of the nation-state. Because of the misalignment of the foundations of the nation-state, which can be inherently traced back to the Confederal agreement, Canada has developed to a point where it is being forced to make a metamorphic change. This change is ultimately forcing the predominant nation-state to return to its roots and reconstruct itself in an equitable way that forces the readoption of the moral values of the nation-state. It is the moral basis of the nation-state which has needlessly been forgotten and hence abrogated from all terminological definitions that serve as the foundations of what is considered to be the nation-state.

While the 1867 agreement that constituted Canada must be seen as a political experiment it has evolved far beyond to the point where it is now not just an agreement between politicians but an agreement amongst Canadian

²³ Samuel V. LaSelva, *op. cit.*, p.220

citizens.²⁴ Because of this dramatic change new actors are taking up the task of moulding Canada through the competition of constitutional ideas, which can generally be seen as an affirmation of different ways of life.

Ethno-territorial Politics

One of the primary concerns of John A. MacDonalld was the creation of a Canada that could sustain a harmonious demeanour across a diverse geography that inadvertently separated the citizens thereby allowing for differences to be maintained and fostered. Confederation through its designs was seen as a way of building a Canadian nationalism and foster a patriotism through the economic links of rail and the trade that went with it. The idea of a strong homogeneous united Canada was and continues to be admirable, however not at the cost of assimilating everyone to a standardized demeanour. What needs to be maintained is a balance between universalism and particularism. It must be realized that while the idea of creating a shared historical meaning, cultural heritage, and style of self expression help to create one distinct national society, this may only be achievable in a small geographic territory. In Canada, even with immigration and territorial dispersion, the federal government sought to create one distinct society. Unfortunately the federal government has not been able to thwart the creation of sub-distinct societies that ultimately compete with the federal distinction yet promote it.²⁵

Canada has developed in such a way that there are numerous ethnic

²⁴ Samuel V. LaSelva, op cit , p.220

What LaSelva is also eluding to is the pronounced change that the Charter of Rights and Freedoms has had on Canada as a whole. Communities have been enlightened and given a voice that they once did not have acquiring a new constitutional status which has altered the status quo and hastened in the reconstruction of the Canadian nation-state

²⁵ Peter M. Leslie, "Ethnonationalism in a federal State. The case of Canada" In Joseph R. Rudolph Jr. & Robert J. Thompson eds. Ethnoterritorial Politics, Policy and The Western World (Boulder: Lynne Rienner Publishers, 1989) p 45

minorities as well as disadvantaged minorities which are influenced by their specific collective experience as well as the Canadian one. In this case what develops is the individualism of this group, which may only bear difference from the whole because of its isolation from others. Yet, as Leslie discusses, these groups can be seen to develop a collective dimension that while remaining primordial to their own development also contributes to the Canadian fabric.²⁶ The difficulty that has besieged Canada since its inauguration as an autonomous entity is the belief that the differences amongst its population, that serve to construct the whole, is a harbinger of Canada's demise. To counter this belief it has always been the aim of the Canadian governments to see Canada as a whole not as the sum of its parts. What becomes clear is that the nationalism that has served to build Canada and ultimately distinguish its parts has the potential for both union and destruction.

What needs to be exposed during the examination of ethnonationalism of a country are what are the reasons for the creation of the disparate views that may appear to run counter to the whole. In this sense what needs to be reconciled is the role of nationalism in sustaining a nation-state. Clearly the predominant view of this phenomenon is that of a force that sets out and defines a territorial boundary. While this definition is sufficient in many instances it is not globally transferable. What has come to be recognized, with respect to nationalism as a phenomenon, is the fact that nationalism can also create ethnic nations which may be a subset of a territorial nation. In this case what is clearly being questioned is how different nationalisms come to exist within a single whole. What must be realized by politicians is that the beliefs they impose can not be expected to displace community beliefs such as history,

²⁶ Peter M. Leslie, *op cit.*, p.45

language, ethnicity, religion and customs. As Anthony Smith has shown, ethnic nationalism may be a force that is directed inwards to galvanise and purify the nation and its members against the perceived outward oppression.²⁷

Smith in his discussion develops what he considers to be three waves of self-determination dating from the early 19th century. The interesting point made is that the world does not move statically from one stage to another, instead different regions of the world will inevitably be at different stages of development depending on their level of maturity. The first stage is characteristic of the 19th century ethnic self-determination in which the middle and lower strata of the population attempted to politicise the vernacular and separate the community and its ethnic territory from what was considered the larger unwieldy state. The second wave emerged in overseas colonial territories with the aim being outright independence, this wave can still be seen predominantly in northern and central Africa. It is the third wave that Canada, along with other geographic entities, is experiencing. The third wave, as Smith calls it, is interesting because it identifies a period of time in which multiple identities, seemingly world wide, commenced to reexamine the theories of national identity from within which they were predominantly identified. This period also generates some serious negative problems for governance. A time does come when efforts to assimilate smaller groups into a dominant culture will ultimately fail creating more discord than accord.²⁸

This third wave while opening up a new frontier of thought also questions the Gellnerian thesis that society is moving towards homogenization and assimilation because of the needs of the industrialized society. More clearly

²⁷ Anthony D. Smith, National Identity (Reno Nevada: University of Nevada Press, 1991) p.123

²⁸ Anthony D. Smith, op , cit. p.124-125

what needs to be reconciled is the incidence of the entropic community. While Gellner saw group entropy as a small anomaly, one that could be overcome, the reality is that entropic groups are plentiful and rising. What Gellner used to support his hypothesis was the diffusion versus dependency model. He believed that the continuing economic and political modernization of the centre would ultimately force the periphery to become subordinate. While it is conceivable that the periphery may become subordinate to the centre, at what cost will this take place and will it be a permanent change? While self-determination may be extinguishable on the surface, the undercurrents of this movement tends to stand the test of time, as the aboriginal quest for self-determination in Canada can show and the French Canadian quest for distinction is coming to be recognized.

The Quest For Self-Determination

Within the context of the emerging new world order, it is becoming more realistic to look at the nation-state not as one single entity but as a conglomeration of smaller entities that are fused under the mandate of a territorially defined nation-state. This territorial nation-state is not superior to its parts but a clearing house through which smaller autonomous groups melt and accommodate each other giving the air of unity and cohesion which is becoming more of a necessity as the world evolves into large economically significant bodies.

One of the challenges that faces many fledgling nations in their quest for statehood is the rationalization of their colonial imperial past. This rationalization has a significant impact on the Canadian situation. What has been historically attempted is the fusion of the civic ideals of the territorial nation

with the genealogical foundations of the ethno-political nation. What this situation has fostered is the creation of separatist ethno-political communities within the new emerging nation-state structure. In Canada this situation is most vividly seen through the problems that have traditionally been associated with Quebec and its dissatisfaction with its present level of union within Canada.²⁹ Smith accords the problem or desire for separation to the fact that as a new nation-state is created from the zenith of an empire, the colonial legacy that gave birth to the new formation is not fully endorsed by the groups thought to be united by the old formation. The primary source of dissatisfaction can thus be traced to the questionable plural nature and the tenuous legitimacy of the post colonial state itself.

The curiosity presented by Canada is that French Canadians in Quebec were allowed to keep their language, law, religion, and culture even after they lost their independence to the British. The French ethnic body was ensured a sense of autonomy and was openly led to believe that they had a level of guaranteed self-determination. The problem that was created and continues to be manifest is that any encroachment on the implied rights of this group, written or assumed, can be seen as a form of assimilation which could and does spark rebuke. However, the Canadian aboriginal issues takes on a different form this group has been coerced towards assimilation and homogenization at the expense of its own beliefs. With the emergence of the industrial society and the resurfacing of the latent culture and history of the distinct Canadian peoples a rekindling of the desire for just and fair treatment is being called for. French Quebec asserting itself to protect its own identity and the aboriginal population redefining its place in the Canadian society, clearly points out that quest for the

²⁹ Anthony D. Smith, *op . cit.* p 131

assimilation of groups opposed to the minority was a reality in Canada. The quest for the assimilation of the Canadian population into a united whole has failed.

An interesting point with respect to self-determination is that this phenomenon is exaggerated in Canada as each province as well as aboriginal bodies have varying degrees of concern about the omnipresent nation-state. What is emerging is a dual Canadian identity. What is coming about is a national identity that binds all of the regional aspects of Canada as well as a territorial state identity that gives each region its own autonomous cultural, political and social distinction. What needs to be struck is a balance between the two.

What is principally at stake is the ability of a group to claim self-determination. Inevitably as a group fights to control its own freedoms it is going to encroach upon other groups freedoms and it is at this stage that some distinction needs to be made. I consider Canada to be a nation-state that is undergoing a profound reconstruction, one that has been taking place since the first colonists set foot on the continent. In this context national unity will have varying definitions all subject to the degree of reconstruction taking place. What must be recognized is that in real terms there are no definite unifying factors that can be attributed to any specific country and its parts. More specifically unity is simply a realization of supposed factors that we generate in our own minds. Dov Ronen, in The Quest for Self-Determination, has taken this belief one step further and idealized the belief that there are only two human identities that can be taken for granted, individuals and all of humanity, with all entities that fall

between these two being arbitrary formations created by the perception of ourselves vis à vis others.³⁰

Ronen's view of self-determination is predicated on what he sees as the five manifestations of self-determination from the French Revolution to present day. While it is not my intention to produce a critique of Ronen, it is beneficial for the discussion to progress that some consideration be given to what Ronen is proposing. The first manifestation of self-determination was recognized with the French Revolution. It was at this point that the declaration of basic human rights was formed and the nobility was demoted from its position, thus removing an obstacle to the freedom of the population. The second manifestation was seen with Marx. This manifestation believed that the alienation of man was due to property and the aggregation around class identity was a means to ameliorate the human condition. The third manifestation was put forth by Woodrow-Wilson. Wilson after World War One sought to impose self-determination of national minorities in Europe. What was being proposed was the right to self-determination in the face of perceived opposition. The fourth manifestation can be characterised as being non European. This manifestation emerged to promote the termination of colonial rule. Between the two World Wars what was sought was equal rights within the colonial system. After World War Two, the maintenance of colonial supremacy became unacceptable. What is interesting is that these movements were fuelled by discontent and continued to flourish and grow regardless of the economic viability of the endeavour. In this case decolonization can be seen as a way to affect a large group of people in a very simple way by making self-determination relevant to new types of aggregations. The fifth manifestation is differentiated from the first four by the

³⁰ Dov Ronen, The Quest for Self-Determination (New York Yale University Press, 1979) p.9

fact that it includes ethnic, linguistic, and historical elements. This manifestation can be devolved into three sub groups. The first case of self-determination emerged in sovereign nation-states where popular political participation exists and the basis of democracy has been introduced and has been adhered to at least in principle. The second case is comprised of those groups that seek self-determination on the basis of linguistic, historical or general identities which may have been relegated to the sub group status of the predominant nation-state. The third case can be seen as a conglomeration of the first two with the trend being towards disintegration not integration into the state and a trend towards smaller bodies being recognized as making up the whole.³¹

The question that is yearning to be addressed is whether the nation can be dissected and examined from the separate aspects of politics and symbolic ideology? Historically the meaning of the nation can be seen to vary coming to be regarded as a device through which groups of people can be distinguished and sorted. As a historical progression is recognized, it becomes more viable to look beyond politics when examining the nation-state and its motivation for self-determination, and look at its symbolic force as a basis of classification within an international system of nation-states.³² This is precisely what Katherine Verdery has done and in the process has cleverly integrated

³¹ Dov Ronen, *op. cit.* p 9-12

³² Katherine Verdery, "Whither 'Nations' and 'Nationalism'", *Daedalus* (Summer 1993)

what Ronen is talking about with respect to the five manifestations of self-determination.³³

What needs to be understood is that the quest for self-determination does not have to be seen as having a singular purpose in the creation of new and smaller states, even though it could be characterized as an exercise by people aggregating around some form of ethnicity to control their own lives and escape the perceived domination by others. In this way the symbol of the nation as reflected through the desire for self-determination can be seen to promote and even condone many social actions and movements that may be corrosive to each other. According to Verdery, symbolism has become a key additive to the reconstruction of the nation-state. The meaning evoked by symbolism is essentially ambiguous allowing for the mobilization of varying groups through the use of the same symbols. What this signifies is that nationalism can be the political utilization of symbols, which represent the nation, through the discourse of political activity as well as through the use of sentiment that draw people into responding to the symbols that are being employed.³⁴

It has been alluded to by Hobsbawm that the nation can be seen as a citizenship collective and in this sense the sovereignty of that nation is based on common political participation. It is also possible for an ethnic amalgamation in which the nation is comprised of a common history, language and even a common cultural identification. The problem that besets this analysis is where

³³ When any consideration is being given to Dov Ronen's five manifestations of self-determination it is vital to understand that these five manifestations do not take place individually with one finishing and the next one commencing. What Ronen talks about are these manifestations taking place concurrently with different regions experiencing different manifestations at different times and in different intensities. In this way it could be postulated that while Ronen has stopped at five manifestations, as the reconstruction process continues the possibility of new manifestations being discerned is also possible.

³⁴ Katherine Verdery, op., cit p 38

does the median between ethnicity and citizenship meet.³⁵ Is it possible that loyalties that are enshrined in the community could ultimately be enshrined in the delicate human nature? While the answer to this question is far from clear what can be seen as a reality is the fact that as the pressure for self-determination continues to grow so do the the pressures to block it. This is becoming a reality since the incidence of ethic self-determination is actively growing and seen by the predominant nation-state as threatening to break up the status quo. It is this inclusive kind of thinking that is threatening the reconstruction of the nation-state and serving as a force to push the present aggregation away from reformation towards an inevitable demise. As the present nation-state finds itself being manipulated, it is important that resistance to change be recognized as a renunciation of the groundwork that has been laid for a new form of federation. A new federation must be considered as a plausible one that has the possibility of a wider economic union through the creation of a socio-political framework from within which independent entities such as mini nation-states could function.³⁶ What is being called for is the recognition that politics needs to go above national ideologies and look more closely at what is used to commonly define a nation and what is accomplished by doing this.

The Aggregation of Communities

From the preceding discussion it becomes clear that as different nations pass through different stages of development, they are gaining a far greater dependence on one another than ever before. This new emerging dependence could be considered fuelled through the industrialization of society. As the

³⁵ Katherine Verdery, *op . cit.* p 38

³⁶ Dov Ronen, *op . cit* p 22

nation-state attempts to develop and create a situation that adequately accommodates global industrialization and the need for interchangeability through homogenization, it is confronted by demands that could ultimately sheer the nation from its foundations or make it more resilient than ever imagined.

The nation-state itself is made up of a series of aggregations which are usually functionally linked. What this means is that the residents of a geographic region usually share a common capacity for communication, may have some religious commonalities and may share culture and customs. It is the commonalities that residents share, which help solidify aggregations. What is bound to occur within any nation-state structure is an eventual conflict of aggregations. In this case, different minority groups, for whatever reason, seek to promote the activation of their identity which distinguishes the US from the THEM creating a barrier. This problem can be circumvented through the promotion of a pluralistic aggregation in which one conscious aggregation such as colour of skin is not used to define the nation-state.³⁷ In this case the formation of a nation-state is seen as the only way to acquire complete freedom within the servitude of the dominant sociopolitical framework that binds the mini nation-states into a whole.

Through the recognition of the nation-state, composed of a number of common aggregates, it needs to be acknowledged that all groups can not and will not be satisfied with the direction of a self perceived leadership that attempts to bring all groups together and bestow on them a commonality that in reality may not exist. Self-determination can thus be seen in a positive way as uniting divergent groups. If groups are given the latitude to express themselves

³⁷ Dov Ronen, op , cit p 54-57

as mini nation-states and given the opportunity to safeguard their interests, they may recognize that the economic and political gains from remaining in a wider arrangement with other mini nation-states could outweigh the perceived gains of separation from the whole.

What can be seen to be taking place as these issues are being acted out in the arena of the reconstructing nation-state is a conflict between centripetal and centrifugal forces. This implies that on the one hand, self-determination may not be seen as an aspiration to necessarily form a new state but merely the desire to be able to control ones own affairs. Yet on the other hand, centrifugal forces do exist that seek through self-determination to pull the nation-state, apart and completely remove the group from the dominant structure making a completely new nation-state.³⁸

With the reconstruction of the nation-state being firmly under way, it can be viewed that these two forces are actually working against each other and in doing so, work against the status quo becoming functionally equivalent to it and essentially an alternative system. Centrifugal forces can be seen to be encompassing economic and normative functions while centripetal forces can be recognized as encompassing social and political functions. The alternative that emerges is that a number of socio-political entities aim to work independently within the confines of a wider economic normative totality.³⁹ In this scenario, the existing pressures are undermining the very relevance of the state but can also be looked at as new structures in themselves:

Nation-states are an established reality but it is false to assume that these boundaries are static...⁴⁰

³⁸ Dov Ronen, op., cit. p.110

³⁹ Dov Ronen, op , cit. p.112

⁴⁰ Dov Ronen, op , cit. p.114

What needs to be understood is that each person enters into social contracts for reasons of satisfaction and in order for these social contacts to be ubiquitous, certain freedoms need to be maintained. The modern state that is presently crumbling has been based on a relentless push towards homogeneity which can be seen simultaneously as a process of exclusion. With the nation-state being seen more clearly as a force that encompasses within its frame many divergent symbolic aggregations, the nation-state can be more plainly recognized as the glue that lends relevance to the whole structure that is in the process of evolving.⁴¹

Quebec and the Reconstruction Process, A New Frontier

Canada as a nation-state is undergoing tremendous change because the reality that it was born from has become clouded. The emergent public philosophy looks at Canada as a nation-state composed of many different fragments, and these fragments intend to assume a position that might eclipse the national wholeness. The parts not the whole have come to dominate the way of thinking in Canada. It must be realized is that autonomy can and does exist in varying degrees, there by allowing the federal nation-state and the provinces, territories and other ethnic entities that strive for self-determination to assume a stance of self realization.

The province of Quebec has been an interesting case of self-determination from within a larger federal context. Several interpretations exist with respect to the reconstruction that is taking place in Canada. Whether regional nationalism, ethnonationalism, sovereignty, or reconciled unity is being talked about they all need to take place within a structure that is loosely

⁴¹ Katherine Verdery, op , cit p 42

allowing units or factions to promote their own needs while uniting in a broader sense under the auspices of a larger structure nation-state structure.

Quebec has historically been recognized as a region that has promoted strong internal will that can and has been called nationalism. This nationalism is predominantly rooted in the dual structure that predicated Canada allowing the English and the French to develop in a way amiable to their ideals. For Quebec this way of thinking was put firmly in place in 1774 with the Quebec Act, giving the province the rights to retain its language, religion, and laws.⁴² This statute was further entrenched in 1867 when the Quebec Act was upheld thus allowing pre-conquest laws to prevail in the province.

The question that this alludes to is how has the tendency towards self-determination in Quebec helped to reinforce the regional nationalist movement in a broader Canadian context? The answer seems to lie in the fact that there needs to exist varying degrees of unity within any Canadian configuration. The definition of unity as a single country with a single homogeneous population is no longer adequate. What is interesting is that this idea of a single homogeneous people may be a view that has been promoted for the wrong reasons to achieve the ends of an economic structure that may not represent the best interests of Canada as a nation-state. Carl Berger has always felt that behind the patterns of separate regions there has always been a countervailing tendency to unite. W.L. Morton also saw the core of the nations experience in its political institutions, arguing that the central element of the national community was its constitution which created a political society based on allegiances not nationality. For Morton also, Canada was seen as a non-nationalist entity which

⁴² Peter M. Leslie, "Ethnonationalism in a Federal State. The Case of Canada." In Joseph R. Rudolph Jr & Robert J. Thompson eds Ethnoterritorial Politics, Policy and The Western World (Boulder, Lynne Rienner Publishers, 1989) p.51

allowed and even encouraged great diversity within the framework of the federal state:⁴³

One of the blessings of Canadian life is that there is no Canadian way of life, much less two, but a unity under the crown admitting of a thousand diversities.⁴⁴

The problem that devolved from this kind of sentiment was the fact that while English Canada saw itself as united, even if tenuously through the legislature in Ottawa, Quebecers did not have this same view. Quebecers saw the country and their own province as a characteristic of the competing cultures that the nation as a unit derived itself from. Language, laws, and faith were seen as the basis of the Quebec culture and it was these that have come to be defended by French Canadian nationalism.

An appropriate solution requires that political factors and policy responses be harmonized. There is a tremendous body of literal and theoretical evidence that promotes the idea that the present reconstruction of the state is fostering the amalgamation of smaller nation-states within larger ones, as may be the case in Canada. The prevalence of ethnonationalism is growing in Canada and while it can be seen to be promoted by Quebec and aboriginal bodies, no doubt other provinces and groups will pick up on this alternative for the promotion of their own goals. What is happening in this situation is that most integrated societies are making an about face and attempting to find a happy medium between full integration and non integration. What is most characteristic about ethnonationalism is the peripheral demands

⁴³ R. Kenneth Carty, & W. Peter Ward, "Canada as a Political Community" In R. Kenneth Carty, & W. Peter Ward, eds National Politics And Community In Canada, (Vancouver: University of British Columbia Press, 1986) p.3

⁴⁴ R. Kenneth Carty, & W. Peter Ward, op , cit p 4

pit against the centre.⁴⁵ What seem to be occurring in Canada is that inter regional differences are beginning to manifest themselves to such a degree that separate regional parties and interests are beginning to rally around concerns that indirectly affect them forcing the central government to respond to the ensuing regional developments. What emerges is a very delicate situation for any government.

In 1965 Quebec was in the full grip of the Quiet Revolution. It was from within this situation that cultural change, institutional change, and political change was permitted to take place. The ecclesiastical control of the Church over the French society was replaced by state controls giving a new emphasis to education, health care, and the welfare state. The Province was the product of gross misrepresentation. Through the years of development by oppressive premiers such as Duplessis, the province had been mismanaged allowing a predominance of English upper management to infiltrate almost every industry in the province making French workers lackeys to fulfil a servitude. French Canada before the Quiet Revolution was an incomplete society that could only exist with the intense help of the North American anglophone population. What existed was a disjunction of the ideology of how Quebecers did live and should live. The policies that were in place actually forced the province into intense assimilation as it failed to keep up with the forces of modernity.⁴⁶

The new nationalism that was created in Quebec took the traditional French nationalism that had been leading Quebecers to a dubious state of affairs and made it into a more positive social nationalism of growth. While the

⁴⁵ Robert J. Thompson, " Pathways to Accommodation and the Persistence of the Ethnoterritorial Challenge in Western Democracies." In Joseph R. Rudolph Jr. & Robert J. Thompson eds. Ethnoterritorial Politics, Policy and The Western World (Boulder: Lynne Rienner Publishers, 1989) p.222

⁴⁶ Peter M Leslie, op . cit p 58-59

new posture that Jean Lesage promoted as Premier of Quebec created positive change, it also created tensions within Quebec as people demanded changes to take place more rapidly. Problems were also created for the central government whose own actions came to be questioned by Quebec.⁴⁷ The nationalists who rose in Quebec wanted to see an almost immediate control, by Quebecers of the reins to their own destiny. While Canada was promoting a dualism of French and English, Quebec was seeking a dualism of Ottawa and Québec. It was in 1968 when René Lesveque and the liberals had a falling out and the ideas of sovereignty association developed that the magnitude of French resentment and humiliation became apparent.

In the FLQ crisis, the actions of only a very small minority, can be seen as a clarion to the tenacity that was being witnessed in Quebec in 1970 with respect to the future of the "la belle province". This situation is a clear example of ethnonational politics going from one extreme of civil disobedience to the other of violence. It can be further presumed that the strategy assumed in the exercising of ethnoterritorial politics can and will directly influence the role that the state takes in responding to it. In the case of the FLQ crisis, which was punctuated by extreme violence, the state invoked the War Measures Act. It is probable that the crisis could have been averted in the first place if the nationalist sentiment in Quebec had been given an outlet for expression. Unfortunately, the more violent a group becomes, the more rejectionist the centre becomes, ameliorating almost any opportunity for the expression of views in the appropriate forum.⁴⁸ The "Catch 22" situation that emerged in Canada can be seen as being endemic to the world problem. The Canadian system would appear to be relatively closed to any plea other than that of a

⁴⁷ Peter M. Leslie, *op , cit.* p 60

⁴⁸ Robert J. Thompson, *op , cit* p 224

strong united Canada. In this situation as autonomous pleas are actively being rejected through non recognition, ethnonational movements can be transformed into ethnoterritorial movements that can in turn generate significant regional support. The more open a system, the more likely it is that a group will choose participatory avenues of system change. The problem being that the predominant central government must not feel threatened by reconstruction for harmonious relations to persist.

For Quebec the strategic choice has come to be between rejection and accommodation. What can be seen is that favourable policies can and do enhance participation. By that measure any action can be seen as creating an atmosphere in which concessions may be realized, yet decentralization and the power shift that is desired by the minority groups is largely opposed to by the federal nation-state. With the huge population of Canadian francophones in Quebec, there is an added dimension. It becomes very difficult to separate ethnoterritorial and ethnonational issues from one another. While ethnoterritorial groups alone have trouble dealing with the rapid changes in government, this is not seen in Quebec since the nationalist sentiment is equally as strong as the territorial one. The problem that exists for the central government is that the forces that it feels it needs to deploy to disarm ethnoterritorial concerns have tremendous side effects that ultimately make constitutional reform impossible and strengthen the ethnonational consensus.⁴⁹

What remains very prevalent and is increasing in importance is the fact that ethno-political sentiments continues to be a significant force despite the efforts that have been put fourth in an attempt to accommodate them within the Canadian nation-state. Trudeau sought to extinguish the French concerns of

⁴⁹ Robert J. Thompson, op., cit. p.235

annihilation through the promotion of bilingualism which clearly opened the doors of Canada's apex of power to francophones. Yet Trudeau still managed to become the chief opponent of French nationalism. What Trudeau was against was the fundamental reality of the reconstructing nation-state. It was Trudeau who once said that Canada was the most glorious experiment in federalism yet he cast this aside when he asserted that the duality of a strong Quebec with a weaker role in the federalist state was intangible. He felt that the two could not exist and that there was more to be lost by Quebec and Canada if even limited sovereignty was awarded to the provinces.⁵⁰

Conclusion

As Canada makes its foray into what can only be seen as a post industrial society, the tangible items that influence the population such as education, and quality of life begin to take on an even greater significance. The problem that this creates for Canada is that the self-determination movement becomes divided along constitutional and social lines. The questions of sovereign and autonomous power begin to lose significance as cultural, linguistic, and racial diversity come to be accommodated quite comfortably from within a nation-state that is decentralizing making the theory of mini nation-states a reality. The problem that still exists and needs to be addressed is the fact that the nationalist movement once it is satisfied on one dimension can and does easily move from an ethnonational stance to an ethnoterritorial one.⁵¹ To accommodate this it may be necessary to inaugurate a super national concentration in which a newly rationalized state could create a situation that would give regions new opportunities to assert themselves which unfortunately

⁵⁰ Peter M. Leslie, op . cit p.69

⁵¹ Peter M. Leslie, op . cit. p.73

could fuel a new wave of ethnoterritorial politics. What needs to be done is not simply fit the ethno-political demands into the current forum of discussion, but recognize the importance of these issues individually where they can be addressed as a primary concern in a reconstructing nation-state.

What has taken place in Canada is the rise of regional nationalist movements contrary to what was thought to be a strong integrated nation-state. What is being challenged are some of the most basic assumptions of the Canadian political system. While Canada continues to function as a whole, it is no longer correct to see it as an integrated union. More aptly Canada can be seen as the confines for a number of ethnoterritorial and ethnonational groups. Clearly the inhabitants of regions are influenced by their perception of equitability, economic development, internal colonialism, differential modernization, failure to assimilate elites into the dominant culture, the effects of post industrialism and the demonstrated effect of one region on the other.⁵²

As Max Weber pointed out the state is held together by a civil society, as this society undergoes inevitable change so must the character of the state. I would suggest that it is only very recently, but now only sporadically, that the central government is coming around to this reality. For some time Quebec nationalists and other sub-national groups have wanted to see Canada as a group of provincial communities associated with each other through a federal state. What needs to be considered is not only the short term effect of policies but their long term implications. The actions that are taken today are destined to create a contextual legacy within which future activism will ultimately take place.

⁵² Joseph R Rudolph Jr & Robert J Thompson, "The Ebb and Flow of Ethnoterritorial Politics in the Western World" In Joseph R Rudolph Jr. & Robert J. Thompson eds. Ethnoterritorial Politics, Policy and The Western World (Boulder Lynne Rienner Publishers, 1989) p 4

It needs to be realized that ethnoterritorial and ethnonational politics manifest themselves in the perception of past problems and future possibilities.⁵³

⁵³ Joseph R. Rudolph Jr. & Robert J. Thompson, *op. cit.* p 8

Chapter Three

The Nation-State, Identity and Self-determination of Aboriginal Canadians

From within any consideration of the reconstruction of the nation-state, the discussion of sovereignty and self-determination are inevitable. From a Canadian context it is possible to further progress from an examination of the evolving Canadian situation to a more concentrated examination, of a particular area of concern, the aboriginal motivation for the recognition of inherent rights that have been supplanted by dominant western political, social, and intellectual constructions.

There are several issues that need to be addressed. First and foremost, consideration must be given to how the concept of sovereignty can be applied to Canada's aboriginal population. Discussions on this topic have shown that there are divergent views as to whether aboriginal populations have inherent rights or only those rights given to them by the federal and provincial governments. From within this discussion further consideration must also be given to whether or not aboriginal rights could have expired due to legislative implementations that contravene them.

It can also be demonstrated that the Canadian political situation shows that the generalities made by predominant European scholars with respect to the evolution of the nation-state are not easily applied outside of the European context. The reconstruction taking place in Canada may share some world wide commonalities, but, can not be examined as a carbon copy of the European experience. Furthermore questions about identity, ethnicity, and

nationality are all influenced by the fact that the European colonists came to North America and attempted to impose their ideals on its inhabitants.

The fact that Canada has a strong base in federalism cannot be discounted. What is being reaffirmed through the forces of reconstruction, in Canada, is that this entity is composed of a plethora of interrelating matrices which also possess independent characteristics. In a reconstructing nation-state the principal objective is harmony, through the cordial interrelation of these matrices in a way that promotes mutual understanding and respect. The prevalent attitudes in Canada towards the question of aboriginal self-determination are far from static. Through a historical development, the logic of the colonial imperialists becomes apparent. What can also be seen is the metamorphic change in Canadian thought that is taking place and the struggle that is continuing between the proponents of the status quo and a reconstruction of the Canadian nation-state.

The term sovereignty is laden with Western European beliefs and ideas. It can be asserted that the theory of state sovereignty parallels the growth and development of the modern state. In the predominant view imported to Canada through Western European colonialism, sovereignty is the very adhesive that acts to formalise and lend cohesion to the evolving relationship between the state and the civil society. More specifically sovereignty can be interpreted as a way to exercise political rights effectively. While this is an overwhelming view that has served to guide much of the political development in North America, it can also be recognized that this view is deficient in the fact that it openly ignores the possible existence of multiple cultures, identities, and ethnicities within a more comprehensive state structure. No longer, in the Canadian system, are the ideals of the hierarchy necessarily fortuitous. Just as Canada is based on a

federalist model where provincial actions are in many respects considered collectively with the federal governments, other collectivities must also be granted legitimacy and considered. What is being sought is the realization that Canada is made up of principally larger and smaller frames of reference. Each frame has an independent government, whether recognized legally or not, that interacts with the governments in other frames which leads to a unified action by distinctly separate sources. In the Canadian context the matrix system sees its culmination in semi-sovereign autonomous provinces all working towards a sense of nationalism which coincides but still has its spatial uniqueness. Canadian aboriginal peoples, by asserting what they believe to be their sovereign right to self-government, are forced to contest what has become a dominant way of thinking in the Canadian political and judicial hierarchy. European beliefs have and continue to be in opposition to traditional aboriginal culture, heritage, and ideas. What is becoming clear is that the logic used in the colonization of Canada was predisposed to a way of thinking that was unidimensional. The Western European colonists failed to recognize that the aboriginal populations in North America were a society that was constructed differently to themselves but equally as sovereign.

The Issue

The surge of aboriginal peoples promoting themselves as sovereign entities is a clarion to the fact that no longer can the present structure of the state be seen as the sole embodiment of the nation. It is implied that the state has the responsibility of protecting and developing the nation, which is fine as

long as the nation is a single homogeneous unit. ¹ In the past this may have been the motivation of the state. According to Ernest Gellner, this is still a priority since unification and homogeneity are what make a nation viable in an international market. Clearly Gellner feels that it is through a unified shared culture that members of the society can breath, survive and produce. It is Gellner's belief that homogeneity is imposed by objective inescapable imperatives, not by a nation-state on itself but by global imperatives that are unstoppable². Before the colonization of North America took place there was no reason for the aboriginal population to justify self-determination since there was no contest to this right. Sovereignty over the territory within which the aboriginal population lived was implied by their very existence on it. This land satisfied both fundamental and spiritual beliefs and was considered to be for the use of the people not belonging to any specific person. What developed and is still developing is the aboriginal ownership of the land due to their presence on it at the time of colonization. Aboriginal peoples do not live in a static time frame and accordingly have been forced to adopt some variant of the Western European idea of sovereignty. The problem is that the sovereignty that has been adopted and the sovereignty striven for are in conflict and the aboriginal communities are being given little opportunity to develop their ideas within the rapidly changing framework of discussion.

It is clear that the subjugation of aboriginal peoples through the Indian Act and malfeasance on the part of the government through undeniable efforts to eliminate and homogenize aboriginal culture occurred and now needs to be addressed. Aboriginal peoples want social and political institutions to reflect

¹ Aboriginal peoples by being subjected to colonial rule by Canadian governments have seen the reconstruction and reinterpretation of their tribal history and culture to conform with the political and legal paradigms that are found within the European concept of statehood

² Ernest Gellner, Nations and Nationalism (Ithaca: Cornell University Press, 1983) p 37-39

their tribal heritage, and be based predominantly on their unique languages, religion, philosophy, and customs. The problem is that the government of Canada has traditionally felt that any alternate claim to sovereignty within the confines of the Canadian state is an infringement on its rights, which does have legitimacy if the nation is conceived as a single physical entity. Today the nation must be looked at, more realistically, through a discourse of political activity as well as symbolism. The modern nation-state is comprised of multiple cultures, traditions, and histories thus making it possible to look at the nation as a plurality of elements in a larger context.³ Unfortunately, while consideration abounds with respect to the particular rights of aboriginal people, there is little physical progress being made towards making the findings of committees and Royal Commissions a reality. Brian Mulroney felt, while he was prime minister, that Canada should not be bound by what had been tried in the past but look forward. The previous government took the position that the explicit recognition of the right of aboriginal peoples to self-government was an essential prerequisite to the further evolution of the Canadian polity.⁴ Unfortunately, the difference between what the government says and does is great. The Trudeau government was responsible for the forward thinking of the Penner Report, yet this report was never acted upon even though it is very conciliatory to the aboriginal views as put forward today. Change can only come about if the government relinquishes its ties to the past and recognizes that a new era requires a new way of thinking.

³ Katherine Verdery, "Whither "Nation" and "Nationalism", " Daedalus (Summer 1993) p.41

⁴ Leory Little Bear, Menno Boldt & Anthony Long, Pathways to Self-Determination: Canadian Indians and the Canadian State, " Mulroney's Address to the 1987 First Ministers Conference on aboriginal Matters". (University of Toronto Press. 1984) p 251-253

Some Ideas On The Theory Of Sovereignty

It is through European designs that the the modern notions of sovereignty have been developed. Both John Breuilly and Ernest Gellner develop the idea that the nation is an entity that is created due to progress, with rapid change being responsible for the removal of people from the roles that they once occupied. Modernization serves to break down an incumbent identity and develop a new one through reshaping⁵. In simplistic terms it is possible to observe change that took place in Europe from the Mediaeval times to the period of the Monarchy. In this transition Europe went from a cosmopolitan patchwork, to feudal configurations based on trade and manufacturing. Eventually what developed was territorial bounded sovereign states which replaced a decentralized feudal society. Each state had its own centralized administration which possessed a monopoly on the legitimate use of violence.⁶ As Hobsbawm would point out, sovereignty in the European sense was developed to aid and abet the rise of industrial activity. In this sense the sovereign state can be seen not as an absolute mainstay but more aptly as a historic logic that was necessary for European colonial expansion.

One of the problems with the definitive analysis of the theory of sovereignty is its fundamental basis on the state. The state does not have a set definition, yet liberal democracy as we experience daily has come to be regarded as the perfection of the modern state. The state is predominantly seen as a static entity which is inconsistent with the changing notion of the nation-state. The state can be better represented as a conglomeration of localities that are not fixed but changing and developing, which creates an "evanescence" in

⁵ John Breuilly, Nationalism and the State (New York: St. Martin's Press, 1982) p. 31

⁶ Joseph A. Camilleri, "Rethinking Sovereignty in a Shrinking, Fragmenting World" in R.B.J. Walker & Saul H. Mendlovitz (eds.), Contending Sovereignties (Boulder Colorado: Lynne Rienner Publishers, 1990) p. 14

contrast with the notion of the fixed state.⁷ Modern civilization represents a phenomenon that bridges local differences without forcing change upon them. Bodin and Hobbes saw the state as an entity that exercised supreme authority over a given territory. Rousseau and Hegel in contrast saw the state as a community of free people based on consensus. What becomes dominant is the notion of authority which leads directly to the notion of supreme coercive power.

In order to develop a notion of sovereignty that can be applied in today's changing social and political atmosphere, it is necessary to look at the progression of discussion on this subject. Jean Bodin saw sovereignty as a supreme power over the citizenry. Power in this sense was unlimited both in extension and duration. Yet, the sovereign was still not seen as omnipotent by the fact that it could not change what was regarded as natural law. Hobbes rectified this relationship by seeking to make a contract in which all people willingly submitted to the state. In this sense surrender of the right to self-government could be seen as a commonwealth. Locke further developed the Hobbesian belief by seeking a reinterpretation of natural law as a claim to innate inalienable rights inherited in each individual. More specifically the state was seen as a body through which to preserve individual rights. The government could be seen in this case as being held in trust by the people. The right to govern was realized as a condition of the protection of the individual's rights not necessarily a supreme coercive power. Jean Jacques Rousseau saw sovereignty as a contract by one group to govern another. There was a clear separation between the public and the private seeing society as a representation of the collective good separate and distinct from private interests.

⁷ Warren Magnusson, "The Reification of Political Community" in R.B.J. Walker & Saul H. Mendlovitz (eds.), Contending Sovereignties (Boulder Colorado: Lynne Rienner Publishers, 1990) p. 49

Emanuel Kant combined the freedom and consent of Rousseau with the domination of Hobbes' Commonwealth and developed the idea that each individual shares in the laws of the sovereign because as a citizen he is involved in the making of the law through a representative in a legislature. Karl Marx looked at the idea of sovereignty and saw it necessary to make a distinction between its philosophical formation and the political reality. It was regarded as a mere illusion that the state was sovereign and guardian of the general interests of society. To Marx the sovereign state represented the unhampered development of a bourgeois society in which bureaucratization helped a group of people rise above the rest of society.⁸ Sovereignty as a western European design was derived essentially from the need for economic expansion with the beneficiaries being the emerging capitalist class. In this sense stabilization led to the development of controls which led to the power and authority of the government and ultimately for the legitimacy of the state to be reinforced.⁹

The concept of sovereignty as it has been developed is very problematic when applied to the twentieth century. What needs to be more aptly distinguished today is the status of sovereignty not only among states but within them. The idea of the state becomes very problematic when any attempt to moderate the accepted definition of sovereignty implies a modification of the definition of the state. This is vehemently opposed to because of the implied consequences of such actions. W.J. Rees corroborates this view when he indicates that sovereignty as it is recognized may not adequately account for political democracy or federalism. Furthermore, sovereignty may be

⁸ Joseph A. Camilleri, "Rethinking Sovereignty in a Shrinking, Fragmenting World" in R.B.J. Walker & Saul H. Mendlovitz (eds.), *Contending Sovereignities* (Boulder Colorado: Lynne Rienner Publishers, 1990) p 17-20

⁹ Joseph A. Camilleri, op. cit., p 20

incompatible with international laws and be powerless as a theoretical device to protect against despotism.¹⁰ Rees is alluding to the fact that in reality the law and coercive force of the state may be beyond the control of the state itself. It becomes clear that the concept of sovereignty is used with great liberty. While internationalization and globalization are inevitable, sovereignty can be seen as transcending time lines due to its basis in the modern culture of the day that serves as an anchor to its ideals.¹¹ It is essential that sovereignty not be seen as a static phenomenon since it was based originally on the ideas of European expansion which were not static in their own right. Sovereignty needs to be understood as a consequence of massive transformation in social economic and political practice. What is becoming apparent is that there are still significant overlapping arrangements and that there are legitimate separate jurisdictions that have authority within a defined space.¹² What seems to be missing is a definite context of meaning. Sovereignty is intangible, unable to be physically conceived even though the exercising of its power is visible. In this sense sovereignty must be interpreted as the supreme power from which all political powers are derived. Sovereignty must be seen as something that is inherent, not passed on from one people to another.¹³ What this necessarily entails is a fundamental forgetting of history. Sovereignty today must be seen as being fixed within categories that are regarded as having absorbed a metaphysical claim to timelessness. The motivation of the framers of society to

¹⁰ W.J. Rees, The Theory of Sovereignty Revisited, in Peter Laslett ed "Philosophy, Politics and Society", (Great Britain: Oxford Basil Blackwell, 1970) p. 76

¹¹ R.B.J. Walker, "Sovereignty, Identity, Community: Reflections on the Horizons of Contemporary Political Practice" in R.B.J. Walker & Saul H. Mendlovitz (eds.), Contending Sovereignties (Boulder Colorado: Lynne Rienner Publishers, 1990) p. 166

¹² R.B.J. Walker, *op. cit.*, p. 169

¹³ Kirke, Kickingbird, Indian Sovereignty: The American Experience, Bear, Boldt, Long, *op. cit.*, p. 46

look at the principles of state sovereignty as a codified historically specific answer to historically specific questions about political community is questionable and needs to be reconsidered.¹⁴

The state can be effectively described as an extension of influence over a physical territory. It is around this spatial territory that the polity, culture and economy are formed. Within this spatial territory, it is possible to have mini-states functioning within a larger state structure. It is idealistic to believe that any state can function as an island in today's globally connected society. Because of this, people equate sovereignty in practical terms with nationhood, government, or politics. What needs to be stressed is that sovereignty is absolute, coming before nations, government, and politics.¹⁵ What needs to be understood is the limited way from within current prevalent dialogue that state sovereignty is discussed and a realization that there is a need to come to terms with deeply entrenched principles from within which state sovereignty is only a small expression.

Can There Be an Aboriginal Concept of Sovereignty?

Canadian aboriginal communities assert that their inherent sovereign right within North America was established and is maintained through legal, political, and moral authority. Sovereignty in the aboriginal sense was felt to be something that has never been taken away and thus through reassertion is not seen as an ends in itself but as a means to the end of internal colonization, social injustice, and economic dependence.

Canada's aboriginal population is guided in its quest for the recognition of its sovereignty by its culture and tradition. Aboriginal peoples view self-

¹⁴ R.B.J Walker, op , cit p.173

¹⁵ Kickingbird, op. cit., p 47

government as an inherent right not from man, but from the creator. Aboriginal peoples have a seeded belief that they do not need to fit Canadian institutions, these institutions should adjust and accommodate to them.¹⁶ Because of these beliefs, aboriginal leaders tend to focus their discussions of sovereignty almost exclusively on instruments for checking the intrusions of external authorities into their social and political structures. What is overlooked is that the doctrine of sovereignty has the potential to hierarchically order internal tribal authority, taking tribal relationships away from customs and traditions that they are founded upon.¹⁷

Aboriginal Canadians feel they have an inherent right to self-government. The 1982 repatriated Constitution, from the aboriginal perspective, is a clarion to aboriginal self-determination.¹⁸ The Canadian government argues that aboriginal Canadians gave up their inherent rights through colonial treaties. Contrary to the government, aboriginal communities view the treaties that were signed as a further indication of their inherent sovereign right to self-determination. This belief is asserted by the fact that treaties are only made between sovereign nations. Thus Canada's aboriginal peoples made treaties that would share and develop their sovereign rights, if this is not the case the treaties would not have been made.¹⁹

¹⁶ Anthony, Long & Menno, Boldt. Native self-government. Provinces and Indian Nations in Canada, in Long & Boldt ed " Governments in Conflict. Provinces and Indian Nations in Canada"

(University of Toronto Press: 1988) p 50

¹⁷ Boldt & Long, Tribal Tradition..., op. cit., p.539

¹⁸ Section 35(1) of the Constitution affirms the existing and future rights of Canada's aboriginal population. While Canada's aboriginal groups see this as an indicator that there have and continue to be inherent rights, the Canadian government does not feel this way. According to the Canadian government this clause does not clarify if legal rights exist or not. What the government sees section 35(1) as doing is recognizing only those Indian rights granted from 1982 onward.

¹⁹ John D Whyte, Indian Self-Government. A Legal Analysis, in Little Bear, Boldt & Long eds op cit , p 103

The tendency of the Canadian government is not to recognize aboriginal sovereignty over the land giving them only usufructory rights to the territory they live on. This course of action remains even though in 1984 the Supreme Court of Canada ruled in *Guerin v. R* that the Musqueam Indian band had legal rights to their reserve land. This ruling implied that the Indians had rights to the land designated to them prior to the government. The ruling basically denounced the government indicating that the Indians had rights that survived the pre-contact Indian legal order.²⁰ These sentiments are seen in the 1982 Constitution Act which asserted that Indians did have a form of political institutions and legal order, one that was dissimilar to what was being asserted by the European Imperialists at the time of colonization. Chief Justice Marshall in an analysis of American and British legal doctrine recognized that while according to western norms the ultimate sovereignty of the land rests in the hands of the state, aboriginal peoples did indeed have a possessors right to the land that they occupied. Marshall recognized that contrary to the Canadian governments beliefs, aboriginal customs determined the right to land occupation long before the first colonists graced the shores of the new world. North American history did not begin when Columbus ran into it. Thus, as David Ahenakew clearly stated:

self-government is an aboriginal right:... each First Nation governing its people and their affairs, and governing their land and its use... The Creator gave each people the right to govern its own affairs, as well as land on which to live and which to sustain their lives. These Creator-given rights cannot be taken away by other human beings.²¹

²⁰ Douglas. Sanders, "Pre-Existing Rights: The aboriginal Peoples of Canada" in Gérald A. Beaudoin & Ed Ratushny, *The Canadian Charter of Rights and Freedoms* (Toronto: Carswell, 1989) p 708

²¹ Carol E. Etkin, *The Sechelt Indian Band: An Analysis of a New Form of Native self government*, (Canadian Journal of Native Studies VIII, 1, 1988) p 75

The notion that anyone who divides land and keeps people off it, is foreign to aboriginal peoples. The Creator gave the land to the Indians who must be seen as the caretakers. By adopting a European definition of sovereignty which can only envision one state as existing and having sovereign powers within a territory, aboriginal peoples are imposing on themselves a concept of authority, hierarchy, ruling entity, nation-state, and territoriality which is alien to their ancestral formation. While such an adoption could be seen as a matter of progress it is contestable as to whether or not this is an avenue of action that represents the desires of Canadian aboriginal peoples or the self imposed government of the European colonists. Sovereignty in its aboriginal manifestation is promoting opposite to what the dominant Canadian peoples base their whole life experiences on. Instead of promoting inherent rights, sovereign claims are serving to further entrench the assimilation of Canadian aboriginal peoples towards a state of being that forms and assimilates them in a manner away from their roots.

A significant problem towards the acceptance of aboriginal sovereign claims is that native communities consider themselves to be a collective cohesive body. Western liberal democratic thought, which has become entrenched in Canada, does not look at native Canadians as a group but as individuals. Membership to a particular group from the western prospective is seen as irrelevant. Thus, it is seen as immaterial that aboriginal peoples have a value system that is based on cooperation and collectivity. Aboriginal peoples,

because of their collective nature, are felt to be violating the basic tenets of liberal ideology, which accounts for the strong push towards assimilation.²²

A comparison can be made between the traditional style of government of Canada's aboriginal peoples and that of the Europeans who first colonized Canada to show their stark differences in intention with respect to the promotion of sovereignty. The foundation of European sovereignty can be traced to feudalism which was transplanted in the new world. Aboriginal people never had this sort of system believing in the principles of equality. European sovereignty was fundamentally designed to protect the society against people seeking to promote their personal self interest at the expense of others. Aboriginal self interest was always tied to the interest of the tribe. Aboriginal peoples had a spiritual compact not a social one. The tribe's will could be equated to a vital spiritual principle which for the most part gained expression in sharing and cooperation, not from the western ideals of property and competition. Egalitarianism in Europe resulted from the excesses produced by the hierarchical doctrine. Aboriginal peoples saw equality as being derived from the Creator's prescription and myth which held that from the beginning of time all members of the tribe shared equally in privileges and responsibility. European sovereignty also calls for the existence of statehood. Before colonization aboriginal peoples had nationhood not statehood, because the social order was not based on hierarchy as was the case in Europe. Due to the strong basis of customs and directly spoken will and strong organization there

²² Canada's intolerance for divided sovereignty can be clearly documented when the linguistic and cultural case of Quebec is considered. This intolerance can also be seen between Quebec and the Mohawk community which feels that it has never agreed to inclusion in Canada due to its membership in the Six Nations Iroquois Confederacy. Thus the Mohawk's are constantly trying to assert their inherent rights while the Quebec government is very uncooperative. These two examples can be used to see the intolerance of the liberal democratic tradition to divided sovereignty.

was no need for hierarchy and statehood. Nationhood was based on community not geography as defined in European terms. Aboriginal peoples had no conception of private or collective land ownership, the land was believed to belong to everyone. Unlike the western European nations, aboriginal people did not need to have sovereignty to maintain their integrity.²³

The strength of aboriginal self-government comes from tribal identity. The Canadian government has attempted to remove tribal identity through de-tribalization, assimilation, and the imposition of policies on aboriginal communities which emphasise individualism and materialism. It has been the desire of the Canadian government to subvert the consensual political system of kinship, communal ownership and collective economics since it is in conflict with the mainstays of the Canadian government. What is apparent is that the Canadian government is at odds with a tribal system it can not relate to or control.²⁴

On moral and practical grounds the Canadian government has asserted that sovereignty cannot exist for a minority nation within a larger state. As has been discussed previously this is not necessarily a correct assertion. Though it stands to reason that if every national group in the world were assumed to be entitled to sovereign statehood a chaotic situation would be created threatening the authority of the existing sovereign states, yet at best modern states are imperfect bodies holding within them dissident minorities who seek autonomy or independence.²⁵ These minorities can be seen as seeking some form of

²³ Boldt & Long, Tribal Traditions, op cit , p 541

²⁴ Marie, Smalface Marule., Traditional Indian Government. Of the People, By the People, For the People, in, Bear, Boldt & Long eds op cit , p 36

²⁵ From this stance it could be argued, as the government does, that if the aboriginal population of Canada did ever have sovereign rights they are totally gone due to parliamentary authority being imposed over another state.

autonomy, semi-sovereignty, or independence through extreme or moderate means. The danger that this creates for the predominant nation-state is the existence of undercurrent movements that could be called mini-nationalism which are often opposed to the nationalism of the predominant nation-state.²⁶ The struggle for sovereignty can be seen as an articulation of change that is breaking through the surface of the dominant national society presenting a claim of autonomy and independence.²⁷ As aboriginal peoples become more involved in the Western political tradition, it is ironic that they experience an increase in their nationalist tendencies. Sovereignty could lead to a third level of government within the federal system to satisfy both aboriginal and Canadian government desires.²⁸ What becomes clear is that there is an incompatibility between the absolute right of the state, as imbedded in the doctrine of the sovereign nation state, and the rights of groups to work within these confines to exact self-determination.

The Experience of Colonial Subjugation.

Since colonization the aboriginal identity has been suppressed and discouraged. The problem with aboriginal ways are that they are different and thus seen as primitive. According to Mary Turpel, a group needs to be tolerated and respected even though certain customs that it practices may challenge the cultural assumptions of others. Aboriginal culture can be seen as nothing less than the manifestation of a different human imagination.²⁹

²⁶ Louis L. Snyder, Global Mini-Nationalism Autonomy or Independence (USA: Greenwood Press, 1982) p 21

²⁷ Louis L. Snyder, op . cit. p 251

²⁸ Gerald R. Alfred, The Mohawk Crisis, (Cornell Forum, vol. V no. 2, 1990) p. 34

²⁹ Mary Ellen, Turpel Aboriginal People and the Canadian Charter of Rights and Freedoms, (Canadian Women Studies Vol. 10, No. 213) p 150

When colonists came to North America, the treaty process that was embarked upon set out a standards for negotiations according to colonists ideas rather than to the ideas of the first inhabitants of the land. The agreements that were made did not protect the sovereignty of the aboriginal peoples but served to subvert it. A problematic development of modernity became apparent. What was ignored and needs addressing is the fact that the global, societal, and institutional contexts from within which different groups compete to control the different symbols and meanings do indeed attribute to the formation of distinct particular nations. If the nation is considered as a collective sovereignty, based on a common form of participation, it is possible to go beyond the federal system in Canada creating a third level of representation that could viably be applied to aboriginal nations.³⁰ What the treaty process did was deny the aboriginal peoples claim to status as a nation thereby fostering the belief that the aboriginal peoples of Canada were not civilized or organized in such a manner as to qualify as a sovereign entity. Essentially the aboriginal people lost their sovereignty by virtue of being discovered. Keith Penner was correct when he said that the problem with the whole native situation is that the stance brought to the treaty process, and what was interpreted by the natives were two different things. Little if any effort was made, by the European colonists, to impart to the aboriginal peoples what treaties signified in a western democratic tradition. The aboriginal peoples saw the treaties as a special commitment to peace and friendship while the Europeans had larger designs speaking in unfamiliar terms of ceding, releasing and yielding land.³¹ Since the aboriginal people were a sovereign body before the arrival of the colonials it is

³⁰ Katherine Veredy, "Whither "Nation" and "Nationalism", in (Daedalus Summer 1993)p.38-39

³¹ Keith, Penner Their Own Place The Case For a Distinct Order of Indian First nation Government In Canada, in, Long & Boldt eds, "Governments in Conflict...", op cit , p 32

unrealistic to believe that they would knowingly negotiate away all of their rights. The treaty process did not promote reasonable exchange rather it pushed aboriginal peoples to the periphery. In this sense it should be of no surprise that today these people are voicing their displeasure with their lot. Consistent with the notion of the modern nation, aboriginal people are coming together and seeing themselves as a single community made up of a matrix of nations sharing in a commonality by way of their history and path to the present but also maintaining their separateness that comes from being separate nations.

Canada's "First Nations" were not always treated as second class people, this is a situation that developed over time. In 1763 with the signing of the Royal Proclamation, aboriginal people were looked at as a nation equal in all respects to the Europeans. The Royal Proclamation recognized Indian territorial rights as preexisting. The Proclamation confirmed the intention of the Europeans as being to negotiate treaties nation to nation, which can be evidenced as far back as 1609.³² Thirty years after the Royal Proclamation the lieutenant Governor of Upper Canada J. G. Simcoe said:

That the Kings right with respect to (North American) territory were against the nations of Europe-not against (aboriginal populations) He said (the British) claim not a foot of lands of any (First) Nation with whom (they) have yet held no treaties. And he went on to add... the documents, records, and treaties between the British Governor in former times and (our) wise forefathers, all established the freedom and independence of (aboriginal) nations.³³

From the aboriginal leaders point of view treaties were a reaffirmation of

³² Douglas Sanders, *op. cit.*, p. 708

³³ Bear, Boldt, & Long eds. Pathways to Self-Determination ., *op. cit.*, p.258

aboriginal sovereignty and title to traditional land and resources. European dominance did not immediately take away the existing aboriginal rights. It was only in the nineteenth century that equality was earnestly removed. As the distance between Canada and Europe became apparent, so did the Crown's ability to control its colonies.

After the signing of the Royal Proclamation the motivation of the Europeans gradually changed. Natural rights as implied by the treaty process were delineated by a newly found regard for the principles of legal positivism. This new way of thinking was more congruent with the beliefs of the twentieth century, which are being contested on a global basis today.³⁴ Under the division of powers that ensued, with the creation of Canada's Constitution in 1867, aboriginal people went from being equals with the Europeans to mere subject matter. The problem became whether or not aboriginal self-government could be seen as an inherent and inextinguishable sovereign right or as the government preferred to see it as existing only through treaty rights and constitutional amendments made by the federal and provincial governments. From the onset it was made apparent that all rights would be confined to land title not self-government. The tendency towards land rights was confirmed by the Judicial Committee of the Privy Council who in 1888 saw the Indian claim to title as **a personal and usufructory right dependent on the goodwill of the sovereign**, who in this case was seen as the state which was imposed by the European colonists.³⁵ Consequently most cases involving aboriginal self-determination, up to 1982, looked at land rights not self-government Land

³⁴ Legal positivism holds that all rights are given and emanate from the State. In this sense while such documents as the Royal Proclamation of 1763 are valid under review by positivists, rights were granted to the Indians by the State before which they did not exist.

³⁵ Bryan, Schwartz. First Principles, Second Thoughts: Aboriginal Peoples, Constitutional Reform and Canadian Statecraft, (Canadian Institute for Research and Public Policy: 1986) p 354

is one of the greatest problems for aboriginal sovereignty due to the difference in native and European conceptions of it.

Land is Today, as it has been historically, fundamental to Canadian Indian policy. In the early years of European settlements, the policy was primarily concerned, on the one hand, with opening up Indian lands for non-Indian occupation without, on the other hand, taking so much so quickly as to lead to open warfare between Indians and settlers.³⁶

This situation has evolved to a point where aboriginal peoples have become tenants on their land, with no recognition of their inherent right to ownership.

While the government claims aboriginal peoples have no rights except those given to them by the colonists, this is not universally accepted. Lord Denning of the English Court of Appeal, 1982, firmly endorsed the Royal Proclamation of 1763. According to Denning the proclamation:

was binding on the Crown so long as the sun shines and the sea(s) flow... (it) must be regarded as a fundamental document upon which any just determination of (A)boriginal rights rests.³⁷

From Denning's assertion it can be held that Indian law was not disturbed by the European discovery of North America. This logic of thought is one of the reasons that band leaders from Alberta, Saskatchewan and the Déné, Cree and Salteaux tribes who have become frustrated by the lack of Constitutional reform and are taking their treaty claims for self-government and land claim settlements back to Britain. This action has been condoned since Prime Minister Jean Chrétien will not reopen the Constitution and the Courts have tended to rule unfavourably in this regard. What is being sought is an international agency to monitor treaty violations or an Imperial Conference on treaties to be called by

³⁶ Etkin, op. cit., p.76

³⁷ Bear, Boldt & Long, Pathways to Self-Determination..., op. cit., p.258

Britain. Aboriginal rights are guaranteed by Imperial Proclamation signed by the British government which are binding on the Canadian government making direct dealings with Britain still possible.³⁸ This view is further concurred by the Native Council of Canada which sees the problem today with respect to aboriginal self-determination coming from the fact that aboriginal rights do not come from European documents just as European rights do not emanate from aboriginal traditions. While aboriginal rights may be recognized or defined on paper they do not originate there, in actuality being inherited from their ancestors.³⁹

In 1831 the American courts upheld the sovereignty of the European nations but indicated that it was imperative that as little prejudice as possible be placed on natives for the governing of their own affairs.⁴⁰ Before the American revolution it is legally upheld that American precedent is directly transferable to Canada. Because of this there is a case body that directly supports the claim of aboriginal self-determination. Monk J. in the Quebec case of *Connoily v. Woolrich* adopted a large portion of the classic decision of Marshall C.J. of the Supreme Court in the United States, *Worcester v. Georgia*. It was from this American case that it was determined that the rule of unwritten law did constitute a unique common law right. Monk introduced the precepts of the American decision when he said:

will it be contended that the territorial rights, political organization such as it was, or the laws and usages of the Indian tribes, were abrogated - that they ceased to exist when these two European nations [France and

³⁸ Canadian Press "Indians take treaty claims to London," The Gazette, Montreal, 20 November 1993, 8 (A)

³⁹ The Royal Commission on aboriginal People, The Right of aboriginal Self Government And the Constitution A Commentary, (Ottawa : February 13, 1992)p 6

⁴⁰ Bruce, Clark. Native Liberty, Crown Sovereignty, (Canada McGill-Queens University Press, 1990) p. 15

Great Britain] began to trade with the aboriginal occupants? In my opinion it is beyond controversy that they did not - that so far from being abolished, they were left in full force, and were not even modified in the slightest degree in regard to the civil rights of the native.⁴¹

Monk went on to quote a substantial part of the text of the decision made by Marshall in which it was concluded that the Europeans, **"never intruded into the interior of [aboriginal] affairs, or interfered with their self-government..."**. The inherent rights of aboriginal governments were further espoused by Ontario Justice of Appeal Patterson in the case *St. Catherines Lumber & Milling v. R* (1886) In this case Patterson ruled that:

[The Indians] were admitted to be the rightful occupants of the soil, with legal as well as a just claim to retain possession of it and to use it according to their own discretion. In a certain sense they were permitted to exercise rights of sovereignty over it.⁴²

The sentiments of this case are mirrored in the *Mohegan v. Connecticut* case in the USA where it was ruled that with respect to land rights, aboriginal peoples were a quasi-sovereign body capable of bringing actions against the colonial government.

In Canada the Royal Proclamation of 1763 is affirmed by the above mentioned cases. The 1763 document stated that the colonial government did not have sole and unique sovereignty and thus no right to interfere with the preexisting aboriginal governments which by law must also be seen as sovereign bodies. What is seen in the case law is that aboriginal people do have political rights although from the case law, the government essentially saw

⁴¹ Clark, op. cit., p.13

⁴² Clark, op. cit., p 30

aboriginal rights evolving out of property claims not recognizing any inherent claims to self-determination. What needs to be made clear is that simply because aboriginal peoples wish to be seen as sovereign nations does not automatically signal their desire to separate from Canada. To be recognized as having inherent rights follows the language of international human rights which says that rights can be recognized but not granted and rights can be unlawfully violated but never taken away. More aptly the Metis National Council summarized aboriginal sentiments when it stated that it saw itself as a nation within the larger Canadian nation seeking above all a recognition of its unique place as an aboriginal nation within the Canadian confederation.⁴³

Aboriginal communities are using the Canadian court system to assert their inherent rights. In 1989 the Supreme Court of Canada heard a case to determine if the Federal Court had the right to hear a case between the Wewayakum Indian band, the federal government and two other bands with respect to the ownership of reserve property. Madame Justice Wilson ruled that the Federal Court could hear the case because:

the Indians' historic occupation and possession of their lands... predated colonization... from this equivalence one can see that aboriginal title to land has two complementary aspects - possessor and governmental... [which] survived British claims to sovereignty.⁴⁴

In this case it is made clear that the aboriginal right to self-determination must have existed before colonization and the European intrusion into North America.

⁴³ The Royal Commission on Aboriginal People, The Right of aboriginal Self Government And the Constitution A Commentary, (Ottawa : February 13, 1992)p. 6

⁴⁴ Clark, op. cit., p.31

Keith Penner points out the contradiction of the Canadian government in 1982 which in one breath wanted to see Canada as a united society with no need for treaties between its citizens and in the next breath repatriated a constitution in which existing aboriginal rights and were affirmed. It needs to be realized that aboriginal people can not be assimilated. The Canadian government is unwilling to recognize aboriginal rights but is willing to reform laws in an attempt to give them more rights to self-government. What has emerged from this behaviour is a conflict between the self styled government aspired to by Indians and the municipal style of government aspired to by the Canadian government. What this situation indicates is non-aboriginal people are caught in a mindset that cannot get past the confines of a traditional western democratic style of government.⁴⁵

The government in perusing assimilation is going against its ethical obligations to aboriginal Canadians. Section 25 of the Charter of Rights and Freedoms gives wide and encompassing protection to Indian special status in Canada.

The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

- (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and**
- (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.** ⁴⁶

The recognition and affirmation of aboriginal rights is an integral part of the law

⁴⁵ The government and Canadians alike must recognize that the society they live in is in the midst of fundamental changes. There are strong forces prolonging the status quo but this must give way to what can only be seen as reconstructed nation-state

⁴⁶ Douglas Sanders op . cit p 726

of Canada. This section serves to recognize both community and individual rights which follows on the Canadian tradition to give general provisions for individual rights and specific rights to named minorities. It is through this section that the the path of accommodation is set committing the Canadian government to look for and find a way to accommodate the aboriginal forms of governance within the dominant nation-state. Section 27 of the Charter of Rights and Freedoms supports group rights when it says, "**This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians**".⁴⁷ While multiculturalism is far from the aboriginal aspirations they do clearly gain some tacit benefit from having their group rights recognized.

In the 1982 Constitution aboriginal rights were further affirmed in section 35(1) which uses the word "existing" , **the existing aboriginal treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed**. The government must adhere to the Constitution and affirm and protect aboriginal rights. This point was reiterated by Brian Mulroney when he said, "**no one is above the law and no one can unilaterally dismiss it**".⁴⁸ What is at stake is the very integrity of the Crown. Section 35 of the Constitution serves to recognize Treaties as legal documents, but the problem is the courts have the prevailing view that treaty rights did not legally exist in the past thus those that were extinguished were done so in a proper manner because they had not been in legal existence. It can be argued that section 35

⁴⁷ *ibid.*, p.727

⁴⁸ Frank, Cassidy. First Nations Can No Longer Be Rebuffed, (Policy Options, May 1991)

gives legal existence to treaty rights that were seen as aberrations before 1982.⁴⁹

The classification of aboriginal rights in Canada is non-aboriginal. The rights that aboriginal Canadians are subject to are not based on the ideas that they themselves have been manifest around, but those of the now dominant Canadian people. The possibility for the genuine acknowledgment of the existence of aboriginal peoples, as a distinct culture and political community possessing the ability to live without regulations and control by the government, is extremely remote. The constitution itself was formulated without the input of the First Nations of this land. Because of this, native visions and views about the land and native society were ignored. As a historical document the Constitution only gives one side of the story. According to Joe Clark, the present Canadian malaise with respect to the First Nations would not exist if the three overriding principles of the Imperial government had been observed. From the Imperial Government that directed Canada's colonization it was held that: several of the aboriginal tribes were recognized as body politics for political reasons; the King in Council was held by undertakings formerly expressed in public legislation under the seal of Britain (Royal Prerogative); and the colonial government was not held to be sovereign possessing only delegated jurisdiction.⁵⁰ The Royal prerogative set in place a system that

⁴⁹ Section 35 provides

35(1) That existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" include the Indian, Inuit and Metis People of Canada.

(3) For greater certainty, in subsection (1) " treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provisions in this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

⁵⁰ Clark, op cit, p 37

recognized aboriginal peoples as a nation equal to the European settlers. Once Royal Prerogative is set in place it is not removed by the simple implementation of further prerogatives. Colonial and successive governments could not override aboriginal guarantees because they did not have the power to do so. Since the colonial government could not exercise more power than the King, they were forced to use treaties as a means to acquire aboriginal resources and work against the guaranteed aboriginal sovereignty.⁵¹

The Canadian Constitution excludes aboriginal people as a sovereign nation and proceeds to entrap them in Canadian bureaucratic procedure. The aboriginal nations of Canada function within themselves as a group of collectives and this is not recognized by the Canadian government. It is difficult to move away from the subjugation of aboriginal peoples if individual rights can be used to supersede the collective. In this sense the promotion of collective goals becomes almost impossible. What exists is a philosophical conflict. This is a very problematic situation because the preamble of the Charter of Rights and Freedoms states that Canada is founded upon the principles that recognize the supremacy of God and the rule of Law.⁵² The Assembly of First Nations addressed this concern in 1982:

[as] Indians we cannot afford to have individual rights override collective rights. Our societies have never been structured... like yours [the Canadian one] and this is where the clash comes... The Canadian Charter of rights is in conflict with our philosophy.⁵³

While the Canadian government continues to push towards a system of aboriginal assimilation, it is undeniable that Canadian aboriginal peoples do

⁵¹ Clark, *op cit.*, p 38-50

⁵² Does this indicate an acceptance of the aboriginal way or is the supremacy of God and the rule of Law only seen to apply to the evolved colonial government

⁵³ Turpel, *op cit.*, p 153

have sovereign rights as confirmed through the actions of the Imperial Parliament, and the Royal Proclamation. The 1982 Constitution was an Imperial enactment that only allowed the federal government to repeal future provisions of the Imperial rights it invokes not those that came before 1982. Thus, while the government has and continues to subjugate Canada's aboriginal peoples, it has no constitutional authority to do so.

**Aboriginal Self-Government Within The Existing System:
Experimentation or Destiny?**

An important part of the practical reality is that self-government is a local event with different meanings to different communities. Since the federal government believes that local communities, not central governments, are best able to make the important decisions affecting people's daily lives, decisions and negotiations to advance self-government will be community based; conducted at a practical level and at a measured pace; and, tailored to specific circumstances that exist today. [A policy statement David Crombie April 15, 1986]

Since 1975 there has been a concerted effort by the Canadian government to accommodate and rationalize Indian governments within the federal/provincial framework. There have been a number of experiments to create aboriginal self-governments while still satisfying predominant western democratic ideas. The Sechelt Indian band and the James Bay Cree & Inuit have both worked out self-government arrangements through which the federal governments prerogative has been maintained yet some measure of self-government has also been granted. While it is admirable that attempts are being made to recognize the desires of aboriginal peoples, is the stance of the

government reflective of progress? It is a fallacy to believe that any aboriginal nation will be able to return to its past greatness, but, faculties need to be instilled to encourage amicable change and development. Aboriginal societies have and continue to undergo changes that can be directly related to the influences that they have been subjected to. Some of these changes include, "urbanization: a renewed focus on traditional world views, values and customs; the rapid emergence of a new social, economic and political institutions... modern aboriginal societies are becoming a blend of modern Western and traditional aboriginal societies".⁵⁴ Clearly aboriginal nations, like the Canadian nation-state, can not be seen as static and must be recognized as a blend of traditions. What needs to be achieved is a forum within which aboriginal nations can develop for themselves a balance between the different political models that have influenced them so they can develop structures that best represent themselves, not necessarily being those that the government would most desire. While the Canadian government still strives to link its self-government negotiations to land claims, two separate cases will be discussed which show how aboriginal peoples have tried to work within the predominant nation-state to exert their claims to self-determination.

In 1986 the Canadian Government passed bill C-93, the Sechelt Act. This act gave the Sechelt Indian band, on the West Coast, a limited measure of self-government. The Sechelt Indians are located 50KM north west of Vancouver with an Indian population of 550. This population is spread out over 33 reserves comprising approximately 1000 hectares of prime real estate. This band is in a unique position due to its location. While its traditional economy

⁵⁴ The Royal Commission on aboriginal People, Overview of the Second Round, (Ottawa: April 1993) p.13

was fuelled by fishing, they have diversified into gravel extraction, logging, tourism, and salmon hatching.⁵⁵

The Sechelt band has been very successful in its articulation of a self-governing scheme, so successful that some people look upon it as a prototype. For the Sechelt band self-government is based on legislature delegated powers, partially eliminating the authority of the Indian Act. What the Sechelt Act fails to do is give the band complete self-government through the Canadian Constitution. The aboriginal government that was created under this model was delineated from the federal and provincial administrations making it more than a municipal entity but less than a third level of government. One of the positive features of the Sechelt Act is that the band itself played an active role in its formation. While there were some positive features to the Act, such as the creation of a band constitution, the act failed to settle the major land claim issues the band had, leaving them outstanding.⁵⁶

While the Sechelt Act gives the band the right to maintain self-government and to have control over the administration of the resources and services available to its members, the Indian Act still applies to the band as long as it does not conflict with C-93. Thus, the Sechelt band members are still Indians under the guidance of the Indian Act, and accorded all the rights that come with this designation. The band in this sense still takes funds from the federal government until it becomes self sufficient. As a supplement to Bill C-93 the B.C. government passed Bill 4-1987 which also transfers provincial power to the band. While the Sechelt Indian band is satisfied with its form of self-

⁵⁵ Etkin, op. cit. , p. 78

⁵⁶ Etkin, op. cit., p 83

government, not all Indian bands are as ecstatic.⁵⁷ The Union of British Columbia Indian Chiefs was particularly opposed to the Sechelt Act:

...We look upon Bill C-93 as being delegated legislation. It is a creation of a model which the Minister of Indian Affairs calls "self-government" through federal legislation.

...Firstly, the ultimate jurisdiction under the proposed act rests with non-Indian governments... If there is an override power we do not see that as being self-government.⁵⁸

This body went on to lament Bill C-93 because it claimed to restore Sechelt self-government when in reality what the Act did was restore self-government that was not native to the Sechelt tribe under an artificial process. The form of government that was imposed was a far cry from the distinct order of government that was recommended in the Penner Report. What was created was a form of self-government with no legitimate Indian roots at all.

... a municipal government is not a distinct order of government... It is a creature of the senior level of the government that created it and it can be limited or destroyed by its creator...⁵⁹

The problem with the agreement is that it still looks at land as it was seen in the 1867 constitution. Sechelt land is still registered on the Reserve Land Registry even though a form of self-government has been implemented. What the Sechelt Act does is normalize the Sechelt Indian band within the B.C. administrations junior form of government as opposed to creating a third level of government as is being sought by many other aboriginal groups. While not

⁵⁷ The Sechelt band has been working towards self-government for 20 years, following the constitutional approach, under much of the same guidance as the AFN. With a desire for results not being satisfied through the constitutional approach a new form of action was taken which satisfied its desires to a great extent

⁵⁸ Etkin, op. cit., p.85

⁵⁹ Cassidy & Bish, op. cit., p.141

perfect the Sechelt solution has been seen by some as a good interim move. What aboriginal people need is the power that can be derived from Sechelt Act as well as recognition as a First Nation.

The James Bay and Northern Quebec Agreement 1975 (JBNQA), involving the Cree and Inuit, was one of the first self-government agreements established. The impetus for this agreement was Hydro Quebec's plan to flood a large portion of Northern Quebec for the La Rusic project. In 1984 the Cree-Naskapi Agreement (Quebec) was signed which further built on the initial agreement.

The JBNQA pertains to 10 820 KM², 69% of Quebec's land mass. In 1975 there were 12 000 aboriginal inhabitants on this territory.⁶⁰ The agreement was prompted because both the natives and the government claimed a right to the land in Northern Quebec. This situation was aggravated by the fact that the status of the Cree and Inuit was poorly defined while the governments status was clearly established. In the end, the Cree and Inuit agreed to relinquish all of their land claims and the implied rights that went with these claims. In return for their concessions, the Cree and Inuit received clearly defined rights and benefits of land as well as monetary compensation of \$225 million. Quebec was subsequently given jurisdiction over all of the disputed territory. The broad framework of the written agreement would superficially appear to be a concession by the government towards aboriginal self-determination. Political, social, cultural and economic survival of these people was seen as a vital, but this was not congruent to the social well being of the state, or to the rational and orderly development of a region essential to Quebec's economic well being.

⁶⁰ Georges, Beauchemin The Unknown James Bay and Northern Quebec Agreement, (Quebec Border/lines no 21) p. 31

The Cree-Naskapi Act of Quebec worked in tandem with the JBNQA to create what can be seen as a self-government charter much like the Sechelt Act. Through the Cree-Naskapi Act, the Indian Act has a reduced role. Under the latter agreement the Cree and Naskapi are made federal band corporations which can be seen as legal entities. The range of authority that is seen in the Cree-Naskapi agreement is basically the same as the Sechelt Agreement. If a conflict exists the Cree Naskapi Act applies over Acts of Parliament but not over the JBNQA Act.⁶¹

Unlike the Sechelt Act, the Cree-Naskapi agreement does not permit these groups to form their own constitution. The Cree-Naskapi agreement develops a municipal form of Government that has no authority to develop any inter-governmental arrangements according to its own designs, this is not the case with the Sechelt band. In the Sechelt Act, the aboriginal communities are given authority over public health programmes, education, and justice with public security roles being shared with the provincial government. Since the government has dictated the construct of aboriginal powers through legislation, aboriginal political, social, and economic powers are very much controlled by government designs. In the Case of the aboriginal peoples of James Bay and Northern Quebec, a hierarchical class structure was imposed and the collective interests of the community were superseded by individual interests which is fundamentally against aboriginal beliefs. The band chiefs were integrated into the dominant western political structure just like other politicians. In an effort to lend some form of credibility to the structures put in place, the Cree-Naskapi Act

⁶¹ Frank, Cassidy & Robert, Bish , Indian Government It's Meaning and Practice, (Oolichan Books: 1989) p.148

set up provisions for the monitoring of the implementation of the agreements, this was not a part of the Sechelt Agreement.⁶²

The Cree-Naskapi Agreement has combined with the JBNQA to give aboriginal people's what is considered significant power, by the government in Quebec and Ottawa. Unlike the Sechelt Act, the self-governmental rights under the JBNQA are directly tied to land claims and all of these due to the legislation itself are entrenched in the constitution. James O'Reilly elaborated on the Cree's constitutional rights when he said that :

under section 35 of the [Canadian] Constitution Act, 1982, they [the Cree] have a constitutional right to self-government... consequently... Parliament cannot unilaterally amend the Act [JBNQA]... in a manner unacceptable to the Cree's without violating a constitutional obligation.⁶³

According to Cassidy and Bish, while the JBNQA may have had a number of positive effects, there are problems with it that serve to undermine its claim of giving the aboriginal communities a measure of sovereignty within the federal system. The most significant problem is that native communities want to deal on a nation to nation basis with the federal government, yet must still deal with the province of Quebec due to the increased decentralization of power. The provinces in general are opposed to the sovereign rights of native communities, preferring to incorporate these communities into the existing local and regional government frame.⁶⁴ This situation is further aggravated by the fact that the

⁶² If the Cree-Naskapi have a complaint with respect to the implementation of the Act, they can make a claim before a commission which has the power of investigation as well as the ability to make recommendations for corrective action. This commission is made up of band members and government officials

⁶³ Cassidy & Bish, op cit., p. 147

⁶⁴ Cassidy & Bish, op. cit , p.153-154

governments are more interested in dealing with the natives on an administrative level.

In the case of the James Bay Cree & Inuit and the Sechelt Indian band, the government has chosen to interfere in the equitable implementation of self-government. The bands do not have true independence because it is the governments prerogative to appoint an auditor to investigate these aboriginal self-governments at any time. McInnes & Billingsly suggest that the experts in the government should consider aboriginal self-government as an integral part of Canadian public administration rather than as "**sui generis**".⁶⁵ The municipal model of government that is characteristic of both the JBNQA and Sechelt Acts are little more than a betrayal of aboriginal aims towards sovereignty. Aboriginal people fundamentally oppose the municipal style governments because it is paternalistic failing to allow them to integrate traditional forms of government into the imposed governmental structure. By supporting this form of government an Indian nation is agreeing in the long term to its further internment in a western democratic system that takes no account of its origins or rights as a First Nation.

Solution and Conclusion

Canada has and continues to push aboriginal people to the margins of society, making them nothing better than refugees in their own land. There is a fundamental difference between the recognition of Indian populations as "Nations" and the granting of "Statehood". Until Statehood is bestowed upon the aboriginal populations of Canada, it is difficult to progress within the designated context to some amiable outcome with respect to self-determination

⁶⁵ Simon, McInnes, & Perry. Billingsly, Canada's Indians: Norms of Responsibility Under Federalism, (Canadian Public Administration, vol .35 no 2, Summer) p 235

and sovereignty. The government of Canada has gone from assimilation to protectionism carefully side stepping the aboriginal peoples demands for recognized sovereignty. All the aboriginal peoples of Canada are asking for is justice, their inherent rights be recognized, the honouring of their treaties, equitable settlement of land claims, and a fair chance to co-exist be given. The results of political inaction are full of peril as can be seen with the growing anger of aboriginal peoples. John F. Kennedy summed up the situation very concisely. **Those who make peaceful resolution impossible make violent revolution inevitable.**⁶⁶ While it would be haphazard to suggest that the failure of negotiations might ultimately lead to armed insurrection on the part of Canada's aboriginal populations, this course of action would be in line with the accepted criterion necessary for the assertion of a sovereign nation-state as already outlined in western political theory.

A change in the Canadian Constitution could be a solvent way towards the recognition of aboriginal self-determination, but it is still theoretically at odds with Indian tradition since it promotes the western European way of thinking. As has been demonstrated through the rejection of Constitutional reform this is not a viable path to the reconciliation of the ongoing problem. Any system that is based on elite representation and a hierarchical exercise of authority will be incompatible with native culture and heritage.

What is taking place and needs to be further promoted is a challenge against the two level theory of rights traditionally seen in the Canadian system of government. Rights are not just the quest of the individual or the state but of ethnic communities. The failure of the European definition of sovereignty is that it does not recognize the rights of groups within the larger body of the state.

⁶⁶ Grattan, Grey A New Deal For aboriginal peoples. (Policy Options: September 1991) p. 3

What becomes clear is a conflict between what is a created right and what is an inherent right. According to Van Dyke, a new paradigm needs to be realized which recognizes that both individuals and groups do have legal and moral rights which can work in harmony not just opposition.

Aboriginal people accept the fundamental realities of the Canadian system because of their political needs. Clearly federal and provincial power struggles are overshadowing aboriginal self-determination. The federal system that the Canadian government governs by is not static, and as Cassidy and Bish point out, it could easily accommodate a third level of government without radically reshaping Canada's political landscape. Federalism has not been allowed to maintain pace with its practice or its possibilities. Due to the Indian Act aboriginal power is contingent on the federal government. Yet it would be only a formality for Indian jurisdiction to be accorded to aboriginal governments themselves. Since the provincial and federal governments already interact extensively, by creating a third level of government for aboriginal peoples the special status eluded to through the Indian Act and Constitution could be realized. Aboriginal peoples need to be permitted to reestablish their place within Canada as a new level of government and as a separate mini nation-state.

Like Penner indicated in his report, the only way to recognize aboriginal sovereignty, in the long term, is through constitutional entrenchment of their rights. Indian self-government is not dangerous to the federal system. What constitutional entrenchment would do is remove the burden of accountability for aboriginal programmes from non-aboriginal peoples. Government for the people and by the people could be returned to the First Nations, by giving them the opportunity to become self sufficient once again. Aboriginal peoples in this

sense would have the incentive to look after themselves, which does not exist today because of the colonial status they are still subject to.

Sovereignty for Canadian aboriginal peoples means returning to First Nation principles. To achieve its ends the First Nations need to be given the opportunity to work through the fundamentals of self-government which best represent their culture and heritage. There needs to be a break from the reactive politics that have been the norm since confederation. The relevance and place of aboriginal values, culture, and indigenous institutions needs to be restored. Aboriginal people need to account to each other not to the non-aboriginal federal government. Long term action needs to be taken not the short term political considerations that are characteristic of a government that is worried about being politically correct and getting reelected.

Canada must be truly reflective of the reality of the diversity of cultures and languages and traditions of which it is really made up; let us together build a genuine confederation or alliance of nations to be the soul of the nation-state called Canada that will inspire the future generations of all its component nations and be a model of multilingual and multicultural harmony second to none...George Erasmus⁶⁷

⁶⁷ George Erasmus, First Ministers Conference on aboriginal Constitutional Matters March 26-27, 1987

Conclusion

What becomes resoundingly clear when any discussion on the reconstruction of the nation-state is undertaken, is that there is no shortage of view points on what is taking place. What has been demonstrated above all, through this thesis, is that the tenacity amongst observers is great. While there are both supporters and detractors to the idea of a reconstructing nation-state what is clear to everyone is that no matter what kind of change is taking place a fundamental modification of the mindset of those affected by the change is crucial. The three sections of this thesis have demonstrated that a reconstruction is and has been taking place. Through the acceptance of this phenomenon, it is possible to transform Canadian society and the world in an amiable fashion that supports autonomy yet promotes the strength of a dominant nationalistic nation-state.

Chapter One

Chapter one, 'The Role of Sovereignty, Self-determination, and Nationalism in the Reconstruction of the Nation-State' set the stage from within which the reconstruction of the nation-state could be adequately considered. From the onset, the discussion of the reconstruction process has been questioned due to its apparent flaunting of the accepted parameters of sovereignty. The reconstruction process actively questions the dominant belief that sovereignty is a physical manifestation. More specifically what is being called for is the franchisement of sovereignty within an omnibus entity. Sovereignty needs to be seen as a psychological as well as physical manifestation which fundamentally influences the way political power is

expressed and disseminated. Sovereignty is a mindset that is defined by those that express it and while it may be influenced by exterior sources, attempts to define it from outside its apex of manifestation are vain attempts at misguided control. While there are clear lines of natural liberty, the perpetual power of those that direct a community can no longer be seen to be directed from a nation-state that is removed from the community itself. More specifically the community controls itself and looks to the dominant nation-state for affirmation and physical assistance but not coercive domination. In this sense the concept of sovereignty must be developed from within the community, not supplanted upon it by an exterior source. When sovereignty remains static and is artificially maintained in a period definition, conflict is destined to arise.

What is being seen today is a conflict of wills, those of the globalizationists and those of the nationalists. What is being seen is a rebuttal of the possibility of overlapping allegiances which challenge the evolution of sovereignty. Since a variety of different cultures exist, in a given territory, a variety of integrations will need to take place and these can be facilitated through the articulation of sovereignty to the different cultures within a given medium. In this sense sovereignty can no longer be interpreted as residing in the hands of the few, but in the hands of the various communities that make up the nation-state. In this sense the communities of the nation-state are the source of sovereignty, thereby transferring degrees of sovereignty to the greater nation-state not receiving sovereignty from it.

When the question of sovereignty is further devolved, what becomes evident is that the issue at stake is the conceived identity of a community and its motive for self-determination. As society evolves and the manifestation of homogenization is eroded, the concept of sovereignty is beckoning alteration as

the incidence of increased group localization openly refutes the ideals of a single homogeneous nation-state. It cannot be denied that there is a psychological basis from within which a group is reinforced by its cultural, economic, and political difference. In this sense it is becoming more realistic to see the large and historically dominant nation-states as being forced into the acceptance of its reality as a conglomeration of smaller entities. What is pushing groups to assert themselves is a deep seeded grievance about their collective status which is accentuated by decades of policy aimed at homogenization and assimilation. It needs to be realized that the modern nation-state is in actuality based on group individuality which subordinates all other interests. When this individuality is symbolically manifest it is possible to look at the community as a physical manifestation with the acceptance of the role of the predominant nation-state being seen as the consequence of a well articulated hypothetical need.

Nationalism ultimately plays a role in fostering the ideas of sovereignty and self-determination. Global economic trends seek to fragment individuals both physically and psychologically from their communities and impose a degree of homogenization. To counter these divisive forces, communities are taking shelter behind the preservation of their communal personality which is seen as a buffer between the demands of the state and the ideals of the nation. To annihilate this problem dominant nation-states have attempted to incorporate a common nationalism through which culture becomes a shared construction making the nation-state the fusion of will, culture, and polity.

The problem that arises is that the more a society becomes urbanized and industrialized, attempts to confine and coerce communities become increasingly artificial. In response to this failure what is seen is that cultural

actions and politics have been wed in a form of nationalism whose ultimate goal is to maintain a community's identity within the larger confines of a national and internationally inclined state. Community identity is enhanced through cohesion, autonomy, emotional solidarity, sovereignty, and participation in government. What is actively being pursued is a new way of looking at the nation-state as the fusion of civic ideals and territory with the genealogical attachments of the ethno-political nation. Nationalism is effective in promoting the claims for both sovereignty and self-determination because it locates the source of individual identity within a people, magnifying it so that it becomes the central object of their loyalty and the basis of their perceived collective identity.

Nationalism must be seen as a force that is aiding in the manipulation of the reconstructing nation-state. Though the amalgamation of centripetal and centrifugal forces, a new status quo is being ushered in one that is fundamentally premised on the existence of smaller nationalistic bodies within the larger nation-state making for a multi nationalistic nation-state. The reversal of the homogenized singular nation-state is being seen with the arising of the heterogeneous mass of mini nation-states working towards the maintenance of their identities and the common links that serve as the conductor for their cumulative interests ultimately embodying the reconstructed nation-state.

Chapter Two

Chapter two, 'Canada A Nation-State in Transition', dealt more specifically with the implications of the reconstructing nation-state and the Canadian elaboration. Canada through its colonial birth was forcefully influenced by the western European preoccupation with assimilation and homogenization due to the economic advantages that this afforded. What the

Canadian experience reflects is that blind adulation towards imposed nation-state structures are a short term action that are predicated on revision. For Canada revision is taking place through the reconstruction of the nation-state to the acceptance of autonomous provinces and other communities within the binding federal configuration. Canada's perceived problem's can ultimately be reduced to its political architects who lost sight of the fact that Canada as a political system had the ability to promote the existence of multiple nations under the umbrella of a dominant state structure that continues to develop as the nations that comprise it do.

Canada's problems are linked to the fact that its entire existence was formed and moulded under the close guidance of a western European model that had little applicability to the Canadian situation. Europeans were under the misconception that multiple nations could not work together and only through homogenization could a successful union take place. It was believed that multiple identities within the state would only serve to retard political, social, and economic growth.

The basic problem with societal evolution was recognized as being the fact that as a state system matures, mass consciousness is inevitable. To help face this inevitability, one of the primary tasks of the state was believed to be to influence people to be impervious to factional loyalties that were seen as detrimental in themselves, not as a result of the application of artificial unity. An artificial unity has fostered the alienation of communities of oppressed individuals, which in Canada has essentially been the root cause of ethnic and linguistic nationalism which undermines the dominant nation-states promotion of a homogeneous nationalism. What has been developing and is only now

being realized is that the old dominant nation-states are becoming undefined as new manifestation materialize that question the foundations of the nation-state.

While great effort was made to unite Canada through economic designs, the reality is that the roots of Canada were masked, not displaced. Canada, through its formation, has been an amalgamation of distinct separate entities. It was the envisioned role of the federal state to counter the divisive forces of community when in reality all that the push for homogenization has done is accentuate these impulses.

Confederation while detailed as a method through which Canada could be united under a common design was also a way through which power and authority were given to the community of provinces. The provinces as a conglomeration of communities were given the unlimited potential for action. When the provinces worked as a collective within the greater federal structure they were seen as being productive, difficulty arose when they worked independently since in this case they could be seen as being destructive.

Canada was ineffectively served by imported nation-state ideals from western Europe since the social, political, and geographical basis of Canada was not a replica of Europe. While the constitution of Canada was allowed to change, the reality of Canada has continued to be firmly rooted in political practices which are at odds with the ideal that Canada could operate as a conglomeration of communities while still maintaining the basis of liberalism. The difficulty is that the federal and provincial governments see issues differently and as they diverged the incidence of community attestation became more pronounced.

The malaise of Canada can be seen as being based essentially in the fact that politics and economics have come to be seen as the foundations of the

nation-state. What has been ignored is the moral basis of the nation-state which has been deleted from the topical definitions of this phenomenon. The Canadian constitution was manifest as a political agreement but has evolved to become more than this. The constitution can now be seen as the very agreement that allows for diversity and union between the citizens of Canada themselves. The constitutional framers such as Sir. John A MacDonald were intent on building a Canadian nationalism that fostered a patriotism that spanned the entire geography of Canada. Difficulty arose in the fact that their efforts may have been faulty. The idea of creating a shared historical meaning that encompassed the cultural heritage and manner of expression unique to all Canadians may have only been functionally applicable to a much smaller geographic entity. Consequently, Canada has been beset with numerous ethnic and disadvantaged minorities that seek to be influenced by their collective experience as well as the Canadian one to the dismay of the Canadian government.

It is becoming more relevant to see the nation-state not as a single entity but as a conglomeration of smaller entities that are united under the mandate of a territorially defined nation-state. What becomes realistic is that the territorially defined nation-state can not be thought of as being superior to its parts but a clearing house through which these smaller but autonomous groups work as a unified whole, tackling issue of overlapping concern. What is thus required is a realization of the past and its imperfections for the enlightenment of today.

In the Canadian context the symbolic nature of the nation-state is very relevant. The symbolic nature of the nation is reflected through its motivation for self-determination which might even promote actions between different groups that could be considered corrosive. What is realized is the fact that different

groups within the dominant Canadian nation-state are operating from within the same stimulus but interpreting them in a manner that corresponds to their symbolic desires. One must recognize that the nation-state is indeed composed of a series of aggregations that cannot and will not be satisfied with every action taken. The reality of the Canadian situation is that mini nation-states within a larger nation-state are far more relevant than a series of disenfranchised communities. What is called for is an accommodation of centripetal and centrifugal forces in such a way as to create a new status quo that lends relevance to the emerging reconstructing nation-state.

The strength of the minority communities in Canada to eclipse the national wholeness is reflected through the self-determinate efforts of Quebec. For the reconstruction to take place, minority communities need to be allowed to promote what they perceive to be their own needs while uniting in a broad sense under the dominant nation-state. Quebec is not a challenge to the desired Canadian unity, but an indictment to the fact that the definition of unity as a single country with a singular homogeneous population is no longer adequate. This is more starkly indicated through the rise of regional based issue groups that are becoming more predominant in national politics.

In the Canadian context one can unequivocally witness a challenge to the assumptions of the centralized Canadian political structure and philosophy. Canada is moving towards a condition where its ethno-territorial and ethno-national groups will take on increasing importance and challenge the definition of Canada as an integrated union. This in turn proposes that Canada may come to be defined as a conglomeration of communities associated with each other through the clearing house of the federal state.

Chapter Three

Chapter three, 'Nation-State, Identity, and Self-Determination of Aboriginal Canadians', dealt with the specific issue of the reconstruction of the nation-state and the implicit autonomy of native peoples as minority communities in Canada. As was already clearly seen in the larger Canadian context, native communities were adversely affected by the application of the ideals of the western European experiences which were not agreeable to non-western configurations or the dispersed Canadian structure. What the reconstruction process has clearly indicated is that Canada is composed of a plethora of interrelating matrices which while acting independently also unite to act as a whole.

Aboriginal peoples, as a matrix of communities, are the most profound challenge to the Canadian nation-state because as a nation-state they predate the colonial expansion to North America. Difficulty arose from the fact that aboriginal communities were aggressively targeted by the federal government for assimilation because it was felt that alternative claims to sovereignty were a direct challenge to the sovereign claims of the dominant nation-state.

The aboriginal context negates that different communities may manifest themselves under different definitions of sovereignty. What becomes apparent is that under the European definition the state is seen to be the embodiment of sovereignty. The state has come to be seen as a static representation yet there is no set definition for the state. What is most probable is that the state could be better represented as a conglomeration of localities that are in a condition of constant development. In this sense the reconstructing nation-state could be seen as an entity that bridges local differences without forcing change upon them.

One needs to distinguish not simply the sovereignty that exists between competing states but the sovereignty that exists within the state. Sovereignty must be seen as inherent, not something that is created and is passed on. Sovereignty is necessarily absolute coming before the nation, government and politics. The aboriginal population has always seen itself as a sovereign body within and among its communities since sovereignty is something that can never be taken away. The assertion of aboriginal sovereignty is a direct indictment of the predominant nation-states desire to affect a united homogenized state.

The strength of the aboriginal communities claim for sovereignty and self-determination is predicated on their community identity. It is through their community that this group is able to function independently yet also as a part of the Canadian whole. What this entails is an acceptance by the government that multiple sovereignties can be found within a larger sovereign nation-state. It becomes clear is that there is an incompatibility between the realities that are presently being played out and the implicit desires of the governmental mechanisms in place. One needs to realise that within the dominant nation-state, there are a variety of different communities which are nothing more than manifestations of a different, but human imagination. It is this very spectrum of imaginative associations that can be seen as mini nation-states that makes the majority nation-state so viable.

Aboriginal communities have been asserting their sovereignty and autonomy as a community since the first colonialists landed on North America. What is just becoming clear is that the homogeneous structure of the nation-state implanted in Canada was merely a short sighted phenomenon. Today

not only are aboriginal communities asserting themselves but so are a plethora of other minority groups highlighted by the francophone concerns in Quebec.

The aboriginal communities have attempted to work towards the ideal of recognition as a sovereign autonomous people through the bureaucracy established in Canada through colonial maturation. All this shows is that regardless of the latitude taken, when one works from within a repressive structure that is governed by economic fortitude and political sublimeness, all progress is a mere aberration. Canadian history exposes this process of political governance. The dominant actors inevitably promote some form of acceptance of the majority nation-states principles which is based on the concept of a strong homogeneous united people to the exclusion of conflicting minority attestations.

Summary

The nation-state is undergoing a profound reconstruction, not a deconstruction as some observers would have it. The question that has been asked is what will be the impact of this reconstruction on our present conceptions of sovereignty, self-determination, identity, and the nation-state.

What is clear is that the reconstructing nation-state is being met with sizable opposition from the established order which is content with the status quo and the security that it offers. For the reconstruction process to proceed, it is imperative that a mind set be in place that will foster and promote its growth. It has become apparent that while the periphery is indeed symbolically and morally ready to take up a new position, the the majority establishment is not.

The question of sovereignty is still being hazardously seen as a singular manifestation. What can be seen, especially when Canada is considered, is

that no longer can sovereignty be considered as a display between nation-states in an international forum. Sovereignty must now move beyond its static basis as a physical coercive force and be considered for its moral and symbolic qualities. It is on a moral symbolic plain that sovereignty must be looked at within the nation-state itself. In this context sovereignty can be seen as being derived from the various communities that make up the larger nation-state. Within the nation-state there may be varying interpretations of sovereignty but what becomes a reality is that it is these conflicts that play themselves out in the national forum and ultimately serve to redefine the sovereignty of the nation-state. This needfully implies that sovereignty is not a static configuration but one that is constantly changing as the sovereign communities within the dominant nation-state change and develop. Thus the defined sovereignty of the nation-state is in a perpetual state of flux demanding redefinition as change warrants it.

As the nation-state grapples with the changes that are destined to eliminate the status quo and usher in a new rejuvenated conglomeration, the exercising of self-determination on the part of minority communities is inevitable. These communities through their nationalistic strength are determined to maintain their autonomy and not be assimilated. Through acts of self-determination, a strong affirmation is made to the fact that the status quo, based on economic fortitude and not the needs of the community, is no longer viable. Change is eminent and efforts to subdue it merely serve to enhance it and make it more of a reality.

No longer can the nation-state be thought of as a singular homogeneous unit that promotes a singular nationalism and a singular identity. The incidence of entropic groups to the status quo is far too strong. What needs to be

recognized is that the reconstructed nation-state is made up of not one identity but many identities which make claims on the dominant nation-state through self-determination, sovereignty, and autonomy over their territory while still maintaining some form of association within the reconstructing nation-state.

To this end the nation-state can no longer be seen as a singular entity but one that can claim sovereignty only by the virtue that it is comprised of many small autonomous mini nation-states that work in an independent fashion yet as a group on issues that demand a more significant presence. In this sense, the dominant nation-state receives any power it might have almost exclusively through the mandate of the mini nation-states that comprise it. The reconstructed nation-state can be regarded as the logical evolution of the Confederation Agreement that was the very basis of Canada. The only real difference between what Canada was predicated upon and where it is destined to go is the fact that the basis of power has shifted from the centre to the periphery and that power is not so much based on violence and coercion but on the moral and symbolic nature of the union of identities in a structure that permits multiple autonomies to work in concert to affect the illusion of a grand autonomous nation-state. One needs to remember that the reconstruction of the nation-state is not a static occurrence, but one that is in perpetual motion responding to the changes in society and reflecting them in a manner that is both meaningful and practical.

Bibliography

- Ajami, Fouad. "The Summoning." Foreign Affairs (September/October 1993): 2-9
- Akzin, Benjamin. State and Nation, London: Hutchison University Library, 1964.
- Alexis, David. "Obscurity as a Lifestyle." Border/Lines (No. 23 Winter 1991/92):15-25
- Alfred, Gerald. "The Mohawk Crisis." Cornell Forum (Vol. V No. 2, Dec. 1990):32-36
- Ashcroft, David. "A Criticle Evaluation of Theories of Nationalism." Ph.d diss., University of Aston in Birmingham, June 1987.
- Bateson, Mary Catherine."Beyond Sovereignty: An Emerging Global Civilization." In Contending Sovereignties Redefining Political Community, ed. R.B.J Walker and Saul H. Mendlovitz, 145-158. Boulder: Lynne Rienner Publishers, 1990.
- Bartly, Robert L. "The Case For Optimism" Foreign Affairs (September/October 1993): 15-18
- Beauchemin, Georges. "The Unknown James Bay And Northern Quebec Agreement." Border/Lines (no. 23 Winter 1991/92):29-35
- Bell-Fialkoff, Andrew. "A Brief History of Ethnic Cleansing." Foreign Affairs (Summer 1993): 110-121
- Binyan, Liu. "Civilizations Grafting." Foreign Affairs (September/October 1993): 19-21
- Bodin, Jean. Six Books of the Commonwealth translated by M.J. Tooley. England: Basil Blackwell, 1955.
- Boldt, Menno. and Long, Anthony J. "Tribal Traditions and Euroupean-Western Ideologies: The Dilemma of Canada's Native Indians." Canadian Journal of Political Science (XVII: 3, September 1989):537-553
- _____. Native Self-Government: Instrument of Autonomy or Assimilation, in Boldt & Long eds. "Government in Conflict: Provinces and Indian Nations in Canada", Toronto: University of Toronto Press, 1988

Breuilly, John. Nationalism and the State. New York: St. Martins Press, 1982.

Camilleri, Joseph A. "Rethinking Sovereignty in a Shrinking, fragmented World." In Contending Sovereignties Redefining Political Community, ed. R.B.J Walker and Saul H. Mendlovitz, 13-42. Boulder: Lynne Rienner Publishers, 1990.

Canadian Press. "Indians take treaty claims to London" The Gazette, Montreal, 20 November 1993, 8 (A)

Cardinal, Harold. The Unjust Society, Canada: M. G. Hurtig Publishers, 1969.

Carney, Frederick S. The Politics of Johannes Althusius, Boston : Beacon Press, 1964.

Cassidy, Frank. First Nations Can No Longer Be Rebuffed, (Policy Options: May 1991):3-6

Cassidy, Frank. and Robert Bish. Indian Governments It's Meaning in Practice, Canada: oOlichan Books, 1989.

Clark, Bruce. Native Liberty, Crown Sovereignty The Existing Aboriginal Right to Self-Government In Canada, Canada: McGill-Queens University Press, 1990.

Emerson, Rupert. From Empire To Nation, Cambridge: Harvard University Press, 1962.

Etkin, Carol E. "The Sechelt Indian Band: An Analysis of A New Form of Native self-government." Canadian Journal of Native Studies (VIII, 1 , 1988):73-105

Flanagan, Thomas. "The Sovereignty and Nationhood of Canadian Indians: A Comment on Boldt and Long." Canadian Journal of Political Science (XVIII:2, June 1985) :367- 374

Gellner, Ernest. Nations and Nationalism, Ithaca: Cornell University Press, 1983.

Getches, David. "Resolving Tension Between The Tribal and State Governments: Learning From The American Experience," in Boldt & Long eds. Government in Conflict: Provinces and Indian Nations in Canada, Canada: University of Toronto Press, 1988.

- Gray, Cynthia. "A Question of Sovereignty: Patricia Monture v. The Queen." Canadian Women Studies (Vol. 10, No. 213): 146-147
- Grey, Grattan. "A New Deal For Aboriginals." Policy Options (September 1991):3-5
- GreenFeld, Liah. "Transcending the Nation's Worth." Daedalus (Summer 1993): 47-61
- _____. Nationalism Five Roads To Modernity, Cambridge: Harvard University Press, 1992.
- Gurr, Ted Robert. Minorities at Risk: A Global View of Ethnopolitical Conflict, Washington: United States Institute of Peace Press, 1993.
- Hall, John A. "Nationalism: Classified and Explained." Daedalus (Summer 1993): 1-21
- Hobsbawm, E.J. Nations and Nationalism Since 1780, Cambridge: Cambridge University Press, 1990.
- Hoffmann, Stanley. "The Passion of Modernity." The Atlantic (August 1993: Vol. 272, no. 2):101-108
- Huntington, Samuel P. "The Clash of Civilizations." Foreign Affairs (Summer 1993): 22-44.
- Kickingbird, Kirke. "Indian Sovereignty:The American Experience," in Little Bear, Boldt & Long eds. Pathways To Self-Determination Canadian Indians and The Canadian State, Toronto: University of Toronto Press, 1984.
- Kristeva, Julia. Nations Without Nationalism. New York: Columbia University Press, 1993.
- Kwe, Aki., (Mary Ellen Turpel) "Aboriginal People and the Canadian Charter of Rights and Freedoms." Canadian Women Studies (Vol. 10, No.213):149-157
- LaSelva, Samuel V. "Federalism as a Way of Life: Reflections on the Canadian Experiment" Canadian Journal of Political Science (XXVI:2, June 1993) 219-234

- Leslie, Peter M. "Ethnonationalism in a Federal State: The Canadian Case." In Joseph R. Rudolph Jr. & Robert J. Thompson eds. Ethnoterritorial Politics, Policy and The Western World 45-90, Boulder: Lynne Rienner Publishers, 1989.
- Lewis, Bernard. "The Roots of Muslim Rage." The Atlantic Monthly (September 1990): 47-53
- Mahbubani, Kishore. "The Dangers of Decadence" Foreign Affairs (September/October 1993): 10-14
- _____. "The West and The Rest." The National Interest (Summer 1992): 3-10
- Mann, Michael. "Nation-States in Europe and Other Continents: Diversifying, Developing, Not Dying." Daedalus (Summer 1993): 115-138
- Magnusson, Warren. "The Reification of Political Community." In Contending Sovereignities Redefining Political Community, ed. R.B.J Walker and Saul H. Mendlovitz, 45-60. Boulder: Lynne Rienner Publishers, 1990.
- Marule, Marie Smallface., "Traditional Indian Government", in Little Bear, Boldt & Long eds. Pathways To Self-Determination Canadian Indians and The Canadian State, Toronto: University of Toronto Press, 1984.
- Matthew, Richard Anthony. "Politics Divided: Self-Determination, Self Preservation and the Nation-State." Ph.d. diss., Princeton University, June 1990
- McInnes, Simon. and Perry Billingsly. "Canada's Indians: Norms of Responsible Government Under Federalism." Canadian Public Administration (Vol. 35, No. 2 Summer):215-236
- O'Brien, Conor Cruise. "The Wrath of Ages Nationalism's Primordial Roots." Foreign Affairs (Nov/Dec 1993): 142-149
- Penner, Keith. "Their Own Place: The Case For A Distinct Order of Indian First Nation Government In Canada," in Boldt & Long eds. Government in Conflict: Provinces and Indian Nations in Canada. University of Toronto Press, 1988.
- Pfaff, William. "Invitation to War." Foreign Affairs (Summer 1993): 97-109
- _____. The Wrath of Nations Civilizations And The Furies of Nationalism New York: Simon & Schuster, 1993

- Rees, W.J. "The Theory of Sovereignty Restated", in Peter Laslett ed., Philosophy, Politics, and Society, Great Britain: Oxford Basil Blackwell, 1970.
- Resnick, Philip. The Mask of Proteus: Canadian Reflections on the State, Canada: McGill-Queen's Press, 1990.
- Robertson, Gordon. "Innovation North of Sixty." Policy Options (May 1987):9-12
- Ronen, Dov. The Quest for Self-Determination, USA: Yale University Press, 1979
- Royal Commission on Aboriginal People. Overview of the Second Round. (Ottawa: Government of Canada, April 1993) p.6-34
- _____. The Right of Aboriginal Self-Determination and the Constitution A Commentary (Ottawa: Government of Canada, February 13, 1992) p.5-23
- Rudolph Jr, Joseph R. and Robert J. Thompson. "The Ebb and Flow of Ethnoterritorial Politics in the Western World." In Joseph R. Rudolph Jr. & Robert J. Thompson eds. Ethnoterritorial Politics, Policy and The Western World 1-8, Boulder: Lynne Rienner Publishers, 1989.
- Rudolph Jr, Joseph R. and Robert J. Thompson " Pathways to Accommodation and the Persistence of the Ethnonational Challenge in Western Democracies." In Joseph R. Rudolph Jr. & Robert J. Thompson eds. Ethnoterritorial Politics, Policy and The Western World 221-240, Boulder: Lynne Rienner Publishers, 1989.
- Russell, Peter H. "Can the Canadians Be a Sovereign People" Canadian Journal of Political Science (XXIV:4, December 1991) 691-709
- _____. "The End of Mega Constitutional Politics in Canada?" PS: Political Science & Politics (March 1993) 33-37
- Said, Edward W. Culture and Imperialism ,New York: Alfred A. Knopf, 1993.
- Sanders, Douglas. "Preexisting Rights: The Aboriginal Peoples of Canada" in Gérald A. Beaudoin & Ed Ratushny The Canadian Charter of Rights And Freedoms (Toronto: Carswell, 1989) p. 707-738
- Schwartz, Benjamin I. "Culture, Modernity, and Nationalism-Further Reflections." Daedalus (Summer 1993): 207-225

- Schwartz, Bryan. First Principles, Second Thoughts: Aboriginal Peoples, Constitutional Reform and Canadian Statecraft, (Canadian Institute For Research and Public Policy :1986)
- Smith, Anthony D. National Identity, Reno Nevada: University of Nevada Press, 1992.
- _____. Nationalism in the Twentieth Century. Oxford: Martin Robertson & Co. 1979.
- Smith, David E. "Empire, Crown, and Canadian Federalism." Canadian Journal of Political Science (XXIV:3, September 1991) 451-473
- Smith, Jennifer. "Canadian Confederation and the Influence of American Federalism". The Canadian Journal of Political Science (XXXI:3, September 1988): 443-463
- Smith, Peter J. "The Ideological Origins of Canadian Confederation." Canadian Journal of Political Science (XX:I, March 1987) 3-29
- Snyder, Louis L. Global Mini-Nationalism Autonomy or Independence, Westport Connecticut: Greenwood Press, 1982.
- Verdery, Katherine. "Whither "Nations" and "Nationalism"." Daedalus (Summer 1993): 37-44
- Vipond, Robert C. Liberty & Community Canadian Federalism and the Failure of the Canadian Constitution, New York: State University of New York Press, 1991.
- Walker, R.B.J. "Sovereignty, Identity, Community: Reflections on the Horizons of Contemporary Political Practice." In Contending Sovereignties Redefining Political Community, ed. R.B.J Walker and Saul H. Mendlovitz, 1-12. Boulder: Lynne Rienner Publishers, 1990
- Walker, R.B.J. & Saul H. Mendlovitz, "Interrogating State Sovereignty." In Contending Sovereignties Redefining Political Community, ed. R.B.J Walker and Saul H. Mendlovitz, 1-12. Boulder: Lynne Rienner Publishers, 1990
- Whyte, John D. "Indian Self-Government: A Legal Analysis," in Little Bear, Boldt & Long eds. Pathways To Self-Determination Canadian Indians and The Canadian State, Toronto: University of Toronto Press, 1984.