



Nunavut Lands

The Limitations of Nationalist Democracy: The Treatment of Marginal Groups as a Measure of State Legitimacy

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ABSTRACT: This paper advances the argument that the capacity of any state to apply democratic principles is seriously constrained by the competing demands of nationalism as the formative ideology of the contemporary geo-political order. To build this argument, the paper begins with a brief examination of notions of democracy and issues of neutrality. In demonstrating that democratic systems are not neutral, emphasis is placed on the ways in which the prevailing primacy of nation-states intrinsically imposes limits on the application of democratic principles. More specifically, I draw on the experiences of Native People in Canada, to show how the entrenched need to promote a singular nation allows hegemonic views and practices to become embedded in purportedly democratic policies and systems in ways which reduce the capacity to apply democratic principles. In contrast a brief overview of the development of the Territory of Nunavut in the Canadian North shows how active acknowledgement of pluralism at a more systemic level can at least temper some of the intrinsic limitations of democracies based on nation-states. This peripheral experience clearly suggests that the quality of a democracy, rather than the existence of a singular nation, may be the best means of evaluating claims to power in the form of a state.

Introduction

“Sir, your levellers wish to level *down* as far as themselves;
but they cannot bear levelling *up* to themselves”¹

As this quotation suggests, perceptions of democracy have everything to do with where one is positioned within them. All proponents of democracy believe that it offers the best hope of fairness within any given society because it grants people the freedom to decide their own conditions of life.² However, there is much less

¹ Samuel Johnson 1709-1784, in Boswell's *Life of Dr. Johnson* vol. 1, *Everyday*: New York, p. 277.

² Here, the term “fairness” refers to a broad conception of ‘justice’ which is not bound by

agreement about the necessary limits to this freedom or about how this fairness can be achieved or assessed. In part, this is a product of the tendency for individuals to identify unfairness to themselves, more quickly and more frequently than unfairness to others. This means that fairness is commonly seen to involve redressing the privileges of others, rather than relinquishing the privileges which one enjoys but others do not. Such reasoning underlies Johnson's observation about differential support for levelling up and levelling down.

At the same time, disagreements about how to achieve and assess fairness - or the effectiveness of a democracy - also arise from different understandings of how democratic systems and practices are influenced by the *context* in which they develop. Of particular relevance here, is the question of whether democratic principles are *incorporated into* the construction of specific states or *applied after* state ideals, organization and legitimacy have already been established. This distinction is difficult to articulate, given that, as an ideology, democracy is perhaps best viewed as a permissive, ideal principle which states realize through active struggle, and in conjunction with societal development and change. Ideally, this means that states which have not been constructed on the basis of democratic principles can, with time and commitment, be restructured in ways which allow them to operate as successful democracies. At the same time though, this also means that aspects of the context in which states develop can hinder the unfolding and maturation of a democratic system. It is the consideration of one such source of limitation, the ideology of nationalism that forms the focus of this paper.

In the following pages, I argue that the capacity of any state to apply democratic principles is seriously constrained by the competing demands of nationalism as the formative ideology of the contemporary geo-political order. This argument is grounded in two important terminological considerations. The first of these involves recognition that democratic *principles* are not the same as democratic *practices*. Democratic *principles* entreat societies to create conditions which maximize individual freedom to determine the personal quality of life.³ In contrast, democratic *practices* involve ongoing processes of active struggle to achieve this permissive ideal in changing contexts. From this distinction, it follows that anything which places *a priori* limits on democratic practices, has the potential to constrain the application of democratic principles. In other words, if something other than democratic principles determines the limits on how democracies can operate, the quality of any democratic system will be constrained in undemocratic ways.

My argument that the ideology of nationalism constitutes one such constraint on the capacity for democratic practice to implement democratic principles leads to a second terminological consideration. To make this argument clear, it is important to distinguish between the most visible and flexible aspects of democratic practice, something which I will call "*policy*", and the less visible, and often more deeply

any established legal conventions.

³ It is important to note that for some people, the pursuit of individual freedom may be intrinsically bound-up with group identification and well-being.

entrenched aspects of democratic practice, which I will refer to as “*systemic*”. Where the former term connotes the laws of a society, *including* their regulation of government and its institutions, the latter term is much broader and more akin to the political science use of “regime” (cf Hall, 1986: 259-283). As such, “*systemic*”, as it is used below, encompasses not only the actual mechanisms of government and the institutions of the state, but also the structures, values and processes through which these are formulated and through which they interact with the larger society (cf Heywood, 1997: 25 and Pateman, 1970). This theoretical distinction between *policy* and *system* is critical to understanding the argument advanced here because it helps to expose the limitations of the prevailing assumption that nation-states are capable of advancing democratic principles in ways which affect all of their inhabitants equally.

Instead, and as I argue in the following pages, the pre-eminence of nationalist principles on a *systemic* level, places fundamental restrictions on the capacity for state *policies* to enhance the quality of democratic practice. In particular, the link which nationalism has entrenched between the existence of a singular nation - however constructed - and the legitimacy of a state is shown to position people unequally within the fundamental structures and institutions of even the most democratic societies.⁴ Under these circumstances, democratic policies and practices cannot, in and of themselves, maximize the potential for fairness as prescribed by democratic principles. This is because they are intrinsically constrained by *systemic inequalities* and the unfairness that this produces. Here, “*systemic inequalities*” refer to those sources of unfairness that cannot be addressed without altering the prevailing view of state legitimacy. In other words, *systemic* inequalities arise when the application of democratic principles is constrained by the more fundamental need to demonstrate that the state represents a single, coterminous nation.⁵ Accordingly, I argue that efforts to understand and improve democracies must begin with the assumption that the spaces and places in which this ideology operates are not neutral. Instead, I suggest that the context in which democratic principles are applied, and their interpretation challenged, both produces and reflects ongoing, unequal, power relations. From this perspective, democracies will always be imperfect, but the degree of imperfection will vary according to how open the different elements of democratic practice are to contestation and change.

⁴ As I imply here, a ‘singular’ nation can be constructed in a wide variety of ways; most commonly this has included strategies for eliminating or hiding differences through assimilation and/or segregation. The latter strategy side-steps issues of uniformity by denying the legitimacy of equal claims to membership in the state. Increasingly, and even more paradoxically, some nation-states seek to express uniformity through tolerance of multiplicity. To some extent, this can be seen as a response to the limitations of nationalist democracy without directly confronting the associated assumptions about state legitimacy, and the privileges which this bestows upon some but not others.

⁵ Here, it is important to acknowledge that societies incorporated other forms of structured inequalities (e.g. racism, sexism and class divisions), long before the rise of democracy. However, the primary concern here is with the *systemic* constraints – both new and reified – produced by nationalist interpretations of democracy.

One of the best ways of evaluating this degree of openness is through an examination of the experiences of individuals and groups which have been made marginal to the hegemonic nation that informs the *policies* and *systems* of any given democratic society. This is because the treatment of marginal groups and the places they occupy (both literal and figurative), represents the greatest challenge to any democracy and offers the most visible manifestations of the capacity for *systemic* change. Accordingly, the main objective of this paper is to explore the ways in which the experiences of peripheral groups within states can contribute to the positive revision of democratic practice. In the process, I will highlight the importance of space and place to both the entrenchment of, and resistance to, hegemonic constructions of democratic *systems*.

To achieve this objective, the paper begins with a brief examination of notions of democracy and issues of neutrality. In demonstrating that democracies are not neutral, particular emphasis is placed on the ways in which the prevailing primacy of **nation**-states intrinsically imposes limits on the application of democratic principles. More specifically, I draw on the experiences of Native People in Canada, to show how the entrenched need to promote a singular nation, allows hegemonic views and practices to become embedded in purportedly democratic *policies* and *systems* in ways which reduce the capacity to apply democratic principles. This is followed by an examination of marginal responses to such nationalist interpretations of democracy. In particular, I explore how the selective occupation of central places has been used to reveal and challenge hegemonic biases and, alternatively, how withdrawal into (and potentially, of) peripheral places has been used to diminish the influence of hegemonic national democracies which seem increasingly incapable of representing the marginal people who live there. The third main section of this paper uses observations from the periphery to argue that attempts to accommodate difference within (pre-existing) structures and *systems* - based on notions of a singular nation - are doomed to reproduce the inequalities of privilege and marginality, as well as the disruption and conflict which this generates. In contrast, a brief overview of the development of the Territory of Nunavut in the Canadian North shows how active acknowledgement of pluralism can at least temper some of the intrinsic restrictions of democracies based on nation-states. This peripheral experience clearly suggests that the quality of a democracy, rather than the existence of a singular nation, may be the best means of evaluating claims to power in the form of a state.

Notions of Democracy and Issues of Neutrality

Democracy, like so many other terms which have been incorporated into the service of popular rhetoric, can mean all things to all people (cf Heywood, 1997: 66). At its simplest, and hence, most widely acceptable, democracy can be defined as the ideology which contends that political power should be distributed as widely and as evenly as possible (Heywood, 1997: 66; Miller *et al*, 1991: 114-119). Crucially, this definition does not specify the context in which this fundamental principle should operate. In my opinion, this is because it is obvious to most

proponents, commentators and citizens alike that democracy is something which applies to a state (cf. Dahl, 1956; Rorty, 1990, 1991). More specifically, given the context in which democracy gained popularity, it is an ideology which is closely linked to the rise of the nation-state as the predominant unit of the global geopolitical order (cf. Habermas, 1996; Held, 1999: 84). To some extent, this is reflected in the fact that democracy was, with very few exceptions, an objectionable term until the 19th century (Williams, 1976: 94; de Tocqueville, 1835/1966). It was only in the late 19th and early 20th centuries - the time of the entrenchment of nation-states - that democracy acquired the favorable connotations which it enjoys today. Moreover, it was only in the course of the 20th century that this basis for political practice was widely implemented.

Now, this is not to suggest that growing support for democracy should be challenged, but it does mean that the relationship between democracy and nationalism - the underlying ideology of nation-states - warrants greater consideration. Instead of viewing the former as the successor to the latter (e.g. Fukuyama, 1992), it may be much more accurate to consider nationalism as a mechanism for producing and reinforcing a limited and shallow reading of democracy. Nationalism can be seen to support the democratic principle that sovereignty rests with "the people" and that government should be by and for "the people". However, nationalism also dictates what constitutes an accurate and legitimate definition of "the people". This is manifested in the concept of nation, which is generally conceptualized as "the immutable product of bonding - through shared history, meanings and practices - between distinctive groups of people and the territories which they occupy" (Penrose, 1997: 18). It is this concept of nation that has been the most widely applied means for defining "the people" who hold sovereignty within any given state and who should be served by its government. As Michael Billig (1995: 94) writes:

The spread of democracy, far from eradicating nationalism, consolidates its banal, but not necessarily benign, forms. The very conditions of democracy, as envisaged in the twentieth century, are those which are based upon the nation-state, and which routinely embody a mysticism of place and people.

From this perspective, the capacity for any democracy to serve all of its people fairly is intrinsically constrained by the fundamental need to demonstrate the existence of a nation. In today's world, the right to political power in the form of a state is still contingent on the convincing demonstration that a nation exists. No such claim can be made for the existence of a democracy. In other words, the presence of an open democracy with the capacity for fundamental adaptations and accommodations of difference has not yet challenged the nation as a sound basis for connoting state legitimacy.

This situation has especially important implications for the capacity of any democracy to serve its marginal peoples fairly. Given that the perceived legitimacy

of any state rests on its representation of a single, distinctive nation, it is almost inevitable that those who do not conform to the dominant constructions of people and place will not be fairly served by the institutions of the nation-state; however democratically inspired and committed they may be. On one level, this is because those who constitute the majority of any given society are likely – deliberately or inadvertently – to develop *policies* which reinforce their hegemonic position. At a more fundamental level, it is because *systems* of government and associated institutions – the mechanisms for effecting democratic policies – are constructed according to the ideals and visions of those who devise them. In other words, they are not neutral. This tendency does not need to be intentional for it to undermine the stated goals of democracy. By the same count, the recognition of bias can permit more effective application of democratic principles such that specific states can eliminate, or at least mitigate, the limitations imposed by initial ideals and visions.

Policy and Systemic Inequalities

Until recently, however, states which have been concerned about the potential for unfairness within their democratic *systems*, have sought to address it by developing *policies* and enacting legislation which seeks to promote widespread inclusion within the existing political framework based on nationalism. It has been much less common for states to recognize the potential for *systemic* unfairness and to contemplate altering the attitudes, institutions and/or *systems* of government and power.⁶ As I have suggested above, this is because of the hegemonic position of nation-states in the global geo-political order and, on a smaller scale, the related hegemony of members of the nation which dominates any given nation-state. In other words, as long as the existence of a nation is used to determine the legitimacy of a state, efforts to reduce the imperfections of any given democracy will remain circumscribed. The most visible point of constraint is the extent to which democracies include processes of marginalization or exclusion, and the ways in which these democracies treat those who exist on their margins.

In general, *policy* biases, which disadvantage marginal groups, tend to be more easily identifiable than *systemic* sources of unfairness. To a considerable extent, this is because political rhetoric and practices encourage people to focus on *policies* for both the identification of problems and their solutions. While this does not mean that the impact of all *policies* is equally overt or open to challenge and change, it does mean that efforts to improve the application of democratic principles remains largely confined to this arena of practice. For example, the restriction of voting eligibility to select groups within a society – be it property owners, men or white people – is a *policy* which clearly privileges members of various hegemonic groups. In most states, the unfairness of such *policies* has been acknowledged and prevailing democracies have proven their worth by eliminating this bias. They have offered the space necessary for dissenting voices to be heard and the possibility for

⁶ An important exception here is the tendency for liberal democracy to countenance the systemic unfairness which is endemic to capitalism.

them to influence democratic practice. They have widened and evened out the distribution of political power in the form of the franchise. In this example, the *system* of electing a representative government - including its intersections with broader aspects of society - has not been altered but *policies* regulating the eligibility to vote have been changed to better reflect democratic principles.

In contrast, *systemic* unfairness to peripheral groups has been less effectively challenged. In part, this is because of the assumption that openness to *policy* revision is an adequate (perhaps even the only) safeguard of democracy. It is also related to the difficulty of both identifying fundamental sources of unfairness and balancing their resolution with the need for national uniformity and cohesiveness. For example, liberal democracies espouse the principle of human equality as protected by individual rights. In some rhetoric, the recognition of group rights is resisted as antithetical to democratic principles and yet, most democracies are implicitly reliant, even predicated, upon the existence of groups. Foremost among these is the 'nation' which the democracy is designed to serve within any given state. It is the views, aspirations, and even the methods of reasoning, of members of the dominant 'nation' which establish the fundamentals of civic organization and governance - including the view, in some states, that individual rights should take primacy over group rights. As Kymlicka (1989: 178) argues, the democratic soundness of this view rests on the assumption that "there is only one cultural structure in each political community. If we drop that assumption, then the primary good of cultural membership has to be explicitly recognized as a possible source of unjust inequalities." In other words, those who do not belong to the dominant nation may well be treated unfairly by the democratic *systems* which are based on, and which reify, empower and protect that singular cultural community (cf. Ponting and Gibbins 1980: 327-331).

Place and the Limitations of Democratic Nationalism in Canada

In Canada, the treatment and experiences of Native Peoples - Inuit, Indian, and Métis - reflect the limitations which ideas about the primacy and singularity of 'nation' place on democracies in both *systemic* and *policy* terms. Indeed, the two are seldom unrelated, though not always complementary. One of the best ways of illustrating these limitations, and of highlighting the importance of place to the construction and manifestation of the power relations that inform them, is through an examination of Indian Reserves. From a *systemic* perspective, reserves are the creation of those who have distinguished Indians from themselves - reinforcing the existence of two communities rather than one - and, in doing so, have established differential rights of, and to, power. In other words, reserves are the tangible manifestation of unequal power relations which allow a dominant norm to be subtly established through the overt designation of the difference of others. The designation of reserves as spatially distinct from all other land in Canada separated Indians, both literally and metaphorically, from the rest of Canadian society. They did not, however, remove Indians from the long arm of Euro-Canadian cultural values or the power to impose them. On the contrary, and as I discuss further below,

reserves constituted controlled social laboratories in which Indians - as a segregated and externally defined group - could learn the "civilized" behavior which would allow them to assimilate into the dominant society as individuals (Tobias, 1985). As this suggests, the boundaries of reserves defined the spatial limits in which individuals could identify with an Indian cultural community; to leave the reserve permanently was to stop being an Indian. In other words, the division of space reproduced hegemonically defined divisions of culture, value and power.

Now, in some ways, the isolation of Indians on reserves reflected governmental acknowledgement of Indian desire to maintain their various band-based communities. According to official statements, reserves were designed to protect Indians from the vagaries of Euro-Canadian society and to allow them the time and space to adjust to profound changes in their world.

In 1880, Sir John A. MacDonald, speaking as Minister of Indian Affairs, stated that government policy towards Indians was "to wean them by slow degrees, from their nomadic habits, which have become almost an instinct, and by slow degrees absorb them on the land. Meantime, they must be fairly protected." (as quoted in Gibbins and Ponting, 1986: 26)

From a more critical perspective, these statements were developed at a time when it was widely assumed that Indians were a doomed race (Francis, 1997), and the reserves constituted an effective method of getting Native Peoples out of the way of Western settlement and capitalist expansion until their demise was complete (Frideres, 1990: 98; Harper, 1945; Tanner, 1983). In the unlikely event that this did not happen, reserves could serve as a base for the gradual civilization and assimilation of Native Peoples into Canadian society. Either way, Indians as a distinct cultural community would cease to exist and the 'national' integrity would be maintained. This is made explicit in a 1920 policy statement by the then deputy superintendent-general of Indian Affairs:

our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no [Indian] question, and no Indian Department (as quoted in Gibbins and Ponting, 1986: 26, [Indian] added for clarification).

Importantly, Indians held a rather different view of their new reserves (Damm, 1996). For them, reserve lands constituted homelands in which their cultural communities could recover and adapt to changed circumstances, in isolation from the society which was responsible for their near extirpation (Tobias, 1987; Usher *et al.*, 1992). From the Native perspective, reserves were the outcome of an agreement between two different - but equally valid - societies and were the linchpin of mutually independent co-existence. As this suggests, different cultural values and meanings informed divergent Euro-Canadian and Indian understandings

of the function of reserves. However, this difference was not, indeed could not be, tolerated by the nascent nation-state of Canada. It is in this inability to accept the existence of other cultural communities as equal, that prevailing ideas about the basis for legitimate state power undermined the scope for democratic treatment of Native Peoples, not to mention other marginal groups around the world.

Nationalist Democracy and Inequalities of Power

Where Indians may well have been content to live and let live, this option was beyond the realm of possibility for the Euro-Canadian architects of a Canadian nation-state. Although the latter were committed to creating a just democratic society, their views about what this involved were constrained by the cultural context in which they operated. The most important dimensions of this cultural constraint included notions of progress and a logical justification of racism and patriarchy, all grounded by a belief in the divine supremacy of Christianity. For Euro-Canadian nation-builders, knowledge was singular and cumulative; humanity was divided into distinct 'races'; and White, Christian men represented the leading edge of both human development and, consequently, the advancement of knowledge and society. Moreover, these creators of the nation were also driven by their own individual goals and desires which were not always consistent with broad interpretations of democratic principles. J.E. Chamberlain (1975: 11), reiterates the importance of a complex hegemonic mind-set to the treatment of Indians as follows:

The attitudes towards the Indian and "the Indian problem" of generations of explorers, traders, missionaries, settlers, military personnel and government administrators are as critical as the actions which these attitudes precipitated. The idea of the noble savage and the idea of progress together conspired to create a very confused and ambivalent response to the native, combined as it was with personal and national ambitions and dreams. (as quoted in Berger, 1990: 557)

As this suggests, disagreement and inconsistency may have surrounded specific Indian *policies*, but this occurred within the parameters set by the widespread conviction - at least amongst White Euro-Canadian Christians - that the (*systemic*) world view outlined above was accurate. This meant that Indians were easily viewed as obsolete, primitive savages at worst and as lesser beings in need of paternalistic guidance at best (Berkhofer, 1978). Both views were expressed by Lord Glenelg, the British Colonial Secretary, when he established the goals of British policy toward Native Peoples. In 1838, he stated that the primary goal was "to protect and cherish this helpless Race ...[and] raise them in the Scale of Humanity" (as quoted in Upton, 1973: 59). When these ideas were combined with growing support for popular sovereignty and nationalism, it was inconceivable to most people that Indians or their worldviews should have any place in the

conceptualization or construction of a Canadian nation-state. Moreover, the strength of these dominant Euro-Canadian convictions was matched by the power to put them into practice.

It is in the differential ability of Euro-Canadians and Indians to effect their divergent understandings of reserves and their significance that both *systemic* and *policy*-based power relations, and their constraint on the implementation of democratic principles, come into play. These inequalities begin with the right to decide what the Canadian nation is, or ought to be, and extend to the identification of the principles, practices and institutions which will produce and protect this entity. Accordingly, Canada was envisioned as a singular, unified cultural community, in keeping with prevailing conceptions of what constituted a sound basis for statehood. Both this *raison d'être*, and the underlying mechanisms for maintaining the nation-state, were closed to Native input of any kind. In the process, alternative *systems* of democracy, as interpreted and practiced by indigenous societies, were never recognized as such. Thus, for example, Native mechanisms of social control which relied on group censure and exclusion were overlooked in favor of Euro-Canadian practices of force and punishment (Miller, 1991b: viii). Similarly, where Native political arrangements focused on "elaborate consultation and consensual decision-making" (Miller, 1991b: viii), the dominant society established a system of majoritarianism based on often conflictual government. The very notion of a governing party and an opposition party remains alien to Native views of fair and effective governance. Moreover, where the indigenous system was designed to achieve voluntary compliance with societal decisions, the Euro-Canadian system created and relied on agents of coercion like the police and the military to enforce political rulings (Miller, 1991b: viii; cf. Hall, 1994 and Mann, 1986).

The point here is twofold. First, it is possible to view both Native and Euro-Canadian political *systems* as democratic - they both seek to maximize the base of political participation and they both offer mechanisms for dissenting voices to be heard and to influence outcomes. Second, and perhaps most importantly to the argument being advanced here, both *systems* are grounded in distinctive cultural values and shared meanings. These values and meanings structure the fundamentals of their respective democratic *systems* such that the *system* is capable of ensuring cultural continuity based on internally consistent change. When the democratic *system* of one cultural community is applied to a different group, the result is intrinsic unfairness to the incorporated group. Most fundamentally, this is because the freedom to decide on their own conditions of life is denied. Unfairness also results because, however open the prevailing *system* may be, the pre-eminence of one set of cultural values and meanings disadvantages those who are not part of this community. To have their dissenting voices heard, members of marginal groups must subordinate - or at the very least, suspend - their own cultural values to those which structure the dominant society. This places marginal groups in the paradoxical position of having to adopt culturally alien practices in the very efforts designed to resist the imposition of these practices and attendant values. The

dominant *system* is only open to them if they abandon at least some of the differences which their dissension aims to have recognized and considered.

This situation illustrates the *systemic* inability of democracies which are predicated on the existence of a single cultural community - or nation - to serve all of their constituents fairly. No *policy* changes alone are capable of eliminating this fundamental source of imperfection. Having said this, *policies* are capable of ameliorating or exacerbating the unfairness which *systemic* biases produce. Until very recently, however, the invisibility and embeddedness of these biases have meant that Indian *policies* in Canada have been the dedicated agents of hegemonic culture and its selective democratic vision for the country and all of its inhabitants. As suggested earlier, the spatial entity of the reserve was instrumental to the assertion of Euro-Canadian dominance. The reserves constituted contained and hegemonically controlled places in which *systemic* inequalities were reinforced by the treatment of Indians through government sanctioned *policies* of difference.

Nationalist Democracy and the Pursuit of Cultural Uniformity in Canada

From the late 1700s until at least the 1970s, Canadian policy was unwaveringly committed to the goal of assimilating Indians into the dominant Canadian culture and society. This is clear from the earlier quotations from Indian Affairs spokesmen and it was still central to the "new" Indian policy announced in 1950 by the then Minister, Walter E. Harris. He introduced the *policy* as follows:

The ultimate goal of our Indian Policy is the integration of the Indians into the general life and economy of the country. It is recognized, however, that during a temporary transition period ... special treatment and legislation are necessary. (as quoted in Gibbins and Ponting, 1986: 26)

Paradoxically, the achievement of this ultimate objective continued to be based on the spatial segregation of, and the ascription of special status to, those people which the government had identified as Indians. In Tobias's words, "the legislation to remove all legal distinctions between Indians and Euro-Canadians actually established them" (1985: 203). Initially, the *policy* goal of protecting Native Peoples helps to explain the decision to isolate them in these ways. At the same time, though, most Euro-Canadian decision-makers firmly believed that the Natives would have to be "civilised" before they could be admitted to the larger society. In other words, they would have to stop being Indians and become, at least proximate, Canadians instead. Their unquestioning conviction about both the rightness and the inevitability of this path, combined with the certainty that Indians were inferior beings in need of assistance, placed fixed blinkers on Canada's visionaries. In keeping with emerging policies of nation-building the world over, political power was used to undermine every aspect of Native cultural communities (Hayes, 1931/1945; Hobsbawn and Ranger, 1983; Penrose, 1997; Smith, 1981).

Crucially, this involved the undemocratic denial of fundamental rights and freedoms which were extended to the rest of Canadian people. In political terms, this is most obvious in the failure to grant Native Peoples the right to vote in Canadian elections until 1960. Until then, enfranchisement was viewed as the “reward” for becoming “civilized” and assimilated. In other words, for Indians the granting of this fundamental right was contingent upon the relinquishing of membership in their Native cultural community. Within the reserves, lessons in “civilized” political practice involved the imposition of elective systems against Indian wishes. Then, when Indians persisted in electing their traditional leaders, many of whom were “unsatisfactory to the Government, they were deposed as being incompetent, immoral, or intemperate, all grounds for dismissal under the [Indian] Act” (Tobias, 1985: 207). When Indians resisted this intervention by re-electing their chosen leaders, legislation was changed to prohibit anyone who had been deposed from office from standing for immediate re-election (Tobias, 1985: 207). Although Indians were clearly expressing democratic choices, these were deemed the ‘wrong choices’ by Euro-Canadian officials and the scope for ‘error’ was reduced by further proscribing Indian options. None of the Indian actions were seen as the rather astute resistance of dissenting voices, instead they were viewed as evidence of primitive political incompetence.

This political regulation was reinforced by control of space and all practices within it. For a start, Indian freedom of movement was restricted by the need to have the Indian agent’s permission to leave the reserve (Dempsey, 1997). This was linked to curtailment of economic freedoms associated with Indian rights to hunt, fish and gather resources wherever the land offered them up. At the same time though, treaty promises of agricultural implements, livestock and training were very slow to be kept. This situation left Indians without any means of self-support, trapped as they were between actively forbidden practices of the past and passively denied ones of the present. Worst of all, their resultant inability to support themselves was put down as further evidence of Indian inferiority and immorality.

This treatment was compounded by the insistence that Indians function as individuals rather than communally. Thus, even where agricultural equipment was forthcoming or purchased by Indians themselves, its use was actively forbidden or strictly regulated to both preclude co-operation and to prevent attendant ‘unfair’ advantages (Tobias 1987: 152). Similarly, Indians worked under the unusual stricture of having to secure a permit before they could dispose of any resource from their reserve; in part, this was to ensure that Indian produce did not deprive White farmers of a market (in a market economy)(cf. Tobias, 1987: 152). This set a precedent of economic inequality which contributed to the undermining of democracy through the further curtailment of Indian participation. Most insidious of all, though, was the *policy* designed to enforce the Euro-Canadian concept of private property, and the eventual disappearance of reserves, by dividing this land into individual holdings. If Indians were successful at farming, they would be enfranchised and given title to their allotted land, and both the individual and the property would be removed from the reserve. In this way, Indians were forced to

choose between economic self-sufficiency and membership in their own cultural community: if they did well, they could no longer be Indians. Not surprisingly, when this catch-22 was combined with various other restrictions and obstructions, very few Indians saw any advantage in continued participation in a farming economy. Here again, though, this resistance was perceived as ignorance and the absence of a strong work ethic – in other words, as proof of the need for further Euro-Canadian intervention. Members of the dominant cultural community simply could not imagine that anyone offered membership within their society would knowingly refuse it. Moreover, their view of the singular Canadian nation, constructed in their own superior image, could not tolerate such internal divisions.

Accordingly, Indian rights were further restricted through the creation of new *policies* which granted agents of the dominant culture increased control over the management of reserves and all activities which took place there. The prevailing Euro-Canadian mindset led to systematic attempts to undermine every aspect of Indian cultural communities. When Indians persisted in practicing their own established beliefs and ceremonies - even when this occurred alongside Christian observances - such activities were prohibited by the force of law. As John Tobias (1985: 208) writes, “[t]he “Sun Dance”, Potlaches” and all “Give Away” ceremonials were banned because they promoted Pagan beliefs and were an anathema to a concept of private property.” The central importance of christianizing to civilizing is stressed by Harper (1945: 122) as follows:

In Canada, the civilization of the Indian is made synonymous with his [sic] Christianization. Indian missions, in fact, enjoy government favour; the aboriginal religious and ceremonial practices are officially discouraged. Next to the attainment of the goal of self-support, the Indian's conversion from pagan belief to Christianity is the most important criterion for judging his [sic] fitness to assume an equal place in the white man's society. (as quoted in Ponting and Gibbins, 1980: 19)

Unlike (other) Canadians, Indians were denied the right of freedom of religion.

Education was another fundamental medium of assimilation and, until the 1960s, the church was the main purveyor of this entitlement to Native People (see Tobias, 1985 & 1987). Needless to say, this further reinforced the link between Christianity and civilization while exacerbating Native fears for the future of their knowledge systems and values. However, when Indian parents refused to send their children to school, the state decreed that they were irresponsible and it granted its agents the right to remove children from the reserve and place them in government care. Although government agents recognized that parental non-compliance was based on the desire to preserve and pass on Indian views of knowledge, culture and community, this too was deemed misguided or uninformed. Moreover, if Indian children did manage to survive the school system

and go on to university, they risked losing their membership in the Native cultural community. If they earned a professional degree, they could be enfranchised and given a slice of reserve land: thus, the direct result of their individual success would be the failure of band attempts to retain a territorial base for a cohesive cultural community. In effect, this precluded the use of dominant practices to improve the chances of having dissenting voices heard. For example, attempts to acquire the legal knowledge and qualifications necessary to defend Native positions in the Canadian justice system, came at the cost of losing Indian status. This meant both a personal loss of cultural group membership and the diminution of group numbers and land holdings.

Until very recently, there was no point in any context where Indian actions were seen as the legitimate and active resistance of dissenting voices within a democracy. Neither the *system*, nor its specific *policies* could recognize, let alone condone, the value of alternative cultural community membership. At a fundamental level, this is because, in the modern age, democratic practices and related institutions developed within nation-states and these political entities were premised on the existence of a single cultural community. All of the Canadian government's *policies* towards Indians reflected the primary goal of assimilation into the state-defining nation which was based on dominant Euro-Canadian views of the world. To have done otherwise would have been to jeopardize the legitimacy and territorial integrity of Canada.

Here, the central importance of place starts to become obvious. If Euro-Canadians had not granted Indian People reserves, they would not have had a captive 'audience' for the lessons in "civilization" which were deemed a necessary prerequisite for assimilation. Moreover, they were so certain of the success of their programs, based on both the desirability of its rewards and, if necessary, the power to enforce them, that the isolated concentration of Indians was *always* seen as a temporary measure.⁷ After all, Indian *policy* incorporated built-in mechanisms for the gradual contraction (or self-destruction) of reserves and the relatively seamless integration of these lands into the country as a whole. What Euro-Canadians had not counted on, not least because they simply could not imagine it, was the strength and constancy of the value which Native Peoples put on membership in a different cultural community and the political, social and economic arrangements which it supported. Despite all efforts to the contrary, Indians never relinquished the fundamental view that reserves were their homelands, the territorial bases that would safeguard their distinctive communities. The strength of this commitment is reflected in the poverty, discrimination and despair which has been endured in order to maintain it.

⁷ Compare, for example, the 1880 statement from John A. MacDonald with that of Walter E. Harris in 1951, both cited above. Although some 70 years apart they still refer to the same 'temporary' measures.

Marginal Responses to the Hegemonies of Nationalist Democracy

In 1969, the Canadian Government produced a White Paper of Indian Affairs which sought to achieve Indian assimilation with one bureaucratic stroke of the pen. The policy which this White Paper advanced would revoke Indian Special Status and repeal the Indian Act which had governed Indian Affairs since 1876. The logic behind this move was firmly grounded in the fundamental principles of democracy - according to Euro-Canadian, nation-state based, interpretations. As Gibbins and Ponting (1986: 33) point out, the motivation behind this *policy* owed more to the desire to "protect the government from external criticism than to meet the aspirations of Canadian Indians as these were articulated by Indians themselves". From this dominant perspective it was unjust that there were "two kinds of Canadian citizenship, Indian and non-Indian, with different rights and duties, differential access to public services, and different opportunities for participating in various institutions of Canadian government" (Kymlicka, 1989: 142). To the government, these differences constituted discrimination which could not be tolerated within a democratic society. However, the identification of this problem rested largely on the assumption that the primacy of the nation-state set the parameters of democracy. In other words, it rested on the belief that each political community could only support a singular cultural community. This assumption was as influential in defining solutions to 'the problem' as it had been in the definition of 'the problem' in the first place. In effect, this meant that only one solution to the inequality and unfairness which was seen to arise from the presence of two cultural communities was identified: Indians would have to integrate with Euro-Canadian society.

This is clearly reflected in the assertion, by the authors of the White Paper, "that the policy rested 'upon the fundamental right of Indian people to full and equal participation in the cultural, economic and political life of Canada' and that this required that the legislative and constitutional bases of discrimination be removed" (Kymlicka, 1989: 143, including quotation from DIAND 1969: 201-2). Once again, the burden of change was placed on Indian People and, once again, the requirement was that they stop being Indians. Although this policy was logically sound and well-meaning from the Euro-Canadian perspective, the underlying vision of democracy was constrained by *systemic* limitations associated with the nationalist assumption that each political unit was based on a single cultural community. In effect, the pursuit of equality and an end to discrimination rested on new forms of inequality and discrimination.

This ironic reality was not lost on Native People. The vociferant response of Indian People to the White Paper proposals constituted a coherent chorus of dissenting voices, and the quality of Canada's democracy was reflected in the government reaction (Cardinal, 1969; Gibbins and Ponting, 1986: 32-41; Weaver, 1981). Although it took several years, these voices were heard - if not understood - and in 1973 the policy statement was withdrawn. While this demonstrates some measure of openness in the Canadian democracy at a *policy* level, it also highlights the *systemic* limitations of this nation-based *system*. This is because even though

specific *policies* were retracted, the underlying goal of assimilation was not renounced (Cardinal, 1969; Weaver, 1981). And, as I have argued above, it is not the *policies*, but the *system* in which they are developed that is the *primary* source of discrimination against Native Peoples. As long as visions of democracy are based on assumptions of a single cultural community, none of its *policies* will address the roots of injustices to Native People, or any other marginal group. These roots lie in the denial of the equal value and legitimacy of alternative cultural communities; be they indigenous or otherwise marginalized.

The resistance of Native People to the *policies* of the White Paper, and to the principles which informed them, marked something of a turning point in relations between Natives and Euro-Canadians. To a considerable extent, this was a reflection of the impact of other social movements which were prevalent from the 1960s onwards. The Civil Rights Movement, and later, the American Indian Movement in the United States of America, the Women's Movement, various environmental movements and, more specifically the Quiet Revolution of French Canadians, all contributed to growing global, and 'national' concern about human rights in a wide range of contexts. Indeed, the White Paper itself can be seen as a product of this time, geared as it was to the elimination of perceived sources of discrimination. In any case, the result for Native Peoples in Canada was a marked increase in popular concern for their situation and in the openness of government attempts to revise *policy*. For the first time, the protests of Native Peoples were widely reported and it became more common to include representatives of these groups in efforts to devise *policies* which would influence their lives (albeit, still in limited advisory capacities).

Place and Resistance

Another crucial factor in this success (however limited) was the existence of Native territorial bases in the form of reserves. Here again, the combination of distinctive, cohesive communities and their occupation of defined spaces played an important role in Indian responses to the hidden hegemonies of Canadian democracy. Most positively, reserves provided Native Peoples with tangible manifestations of their unified presence as well as protected spaces in which objectives could be worked out in internally consistent ways. Most confrontationally, the existence of alternative cultural communities in defined places disrupted the cultural and political cohesiveness of the Canadian nation-state. Moreover, rights based on legal possession and/or prior occupation of land both pricked liberal consciences and provided a potential threat to the territorial integrity of Canada. Native Peoples held the card of secession which, since the 1960s, had been proving increasingly effective in the poker games of politics being played out between other peripheral groups and 'national' governments in countries around the world.

The threat of secession, even if it never came to pass, could cause the kind of disruption capable of capturing government and public attention, even where concerns about democratic justice were not persuasive in themselves. Canada's

ongoing experiences of the secessionist movement in Quebec has made the country as a whole acutely aware of the consequences of such challenges. In countries all over the world, this has been the most common response of marginal groups to the *systemic* limitations of states based on the ideology of nationalism, be they democratic or not. As I have argued elsewhere (Penrose, 1994a & 1994b), marginal groups which choose this option accept prevailing principles of nationalism but reject the way in which they have been applied. Their response is to remove one cultural community and the space which it occupies (i.e. a nation), from one state to form the basis of another. Unfortunately, this does little more than transpose inherent problems of cultural pluralism to smaller geographical scales.

In contrast, Native Peoples in Canada have expressed a reluctance to consider secession as the most desirable solution to problems of inequality. Instead, they have argued for *systemic* changes which would allow for varying degrees of self-government within the Canadian polity (see Berger, 1982; Little Bear *et al.*, 1984; Usher *et al.*, 1992). In other words, they are challenging the nationalist principle that the existence of a single nation is the only basis for the legitimate existence of a state. This challenge is entirely consistent with the Native position which has been advanced since the earliest days of Euro-Canadian contact: they want one political community to adapt such that it is capable of accommodating more than one cultural community. Although this goal has remained constant, both the context in which it is being advanced and the strategies for advancing it have changed considerably. In part, this is because Euro-Canadian attitudes towards Native Peoples have changed but it is also a reflection of transition in the views which Native Peoples hold of themselves and of the larger society in which they exist. Whatever the reason, Indigenous responses to the hegemonies of nationalist democracy in Canada offer one of the few alternatives to the perpetuation of secessionist nationalism and the conflicts which it produces. This, in itself, makes it worth looking at these responses in greater detail.

Native Strategies of Active Protest – Challenging ‘The Center’

In general, recent Native challenges to the limited practice of democracy within the Canadian nation-state have taken three forms, all of which illustrate the importance of place to strategies of resistance. The first of these involves challenges to the center in the center and relies on established practices of protest to express dissenting views. In other words, this strategy involves working within the *system* to effect its transformation. Here, Indians leave the reserves to lay claim to the attention of ‘the center’ and, sometimes, to the actual territory which it occupies. Examples of the former include organized marches and rallies, usually at important ‘national’ events or symbolic sites, to remind the larger society of Native presence, ongoing injustices, and unresolved claims. More aggressively, Natives have also used their occupation of strategically placed reserves to actively disrupt the normal operation of central spaces. Perhaps the best example of this response is the 1990 blockade of the road which ran through the Kahnawake Reserve to the Mercier Bridge and on into the center of Montreal. This tactic, which was maintained for

eleven weeks during the hot, humid summer, made it difficult for commuters living on the south shore of the St. Lawrence River to get to their places of employment on the island of Montreal. Although Indians regarded this as a peaceful protest, members of the general populace did engage in physical confrontation with police and, in another incident, threw stones at a bus carrying the most vulnerable Native People to safety outside the reserve (Miller, 1991a: 305; Wallace, 1990:20).

This protest by some of the people of Kahnawake was mounted in support of Mohawk Warriors on the neighboring reserve of Kanesatake, in their land dispute with the town of Oka. This conflict reflects a second way in which peripheral groups can challenge the stability of the center: the denial of access to their land - or the land which they occupy and to which they claim rights - and a willingness to defend it by force. In this instance, long-term government procrastination in the resolution of Native land claims came to a head in March 1990, when Oka incorporated disputed - and indigenously sacred - land into plans for the expansion of a golf course. To prevent this from happening, Mohawk Warriors set up a blockade on their own lands and thereby established a standoff which lasted until early July. Miller (1991a: 304) describes the subsequent events as follows:

On 10 July the mayor of Oka requested Quebec provincial police to enforce an injunction from the Quebec Superior Court that the blockade be torn down, and on the following day 100 Quebec policemen moved on the Mohawk barrier with assault rifles, concussion grenades, and tear gas. In the ensuing fire a police corporal was shot fatally. The police then surrounded Kanestake, blocked off food and medical supplies, and prepared to lay siege.

This siege continued for about five weeks when, with no signs of weakening in Native resolve (and with tensions mounting about the Mercier Bridge blockade), the Quebec government raised the stakes by adding 2500 Canadian soldiers to the forces closing in on Native lines (Burke, 1990). In the end, a violent resolution to this conflict was averted by the reluctant surrender of the Mohawk Warriors on September 26, 1990 (Wilson-Smith *et al*, 1990).

Initially, these strategies for voicing dissenting views from the periphery were met primarily by responses of anger from the center. To some extent, this was directed towards Native People, but the main target was both Federal and Provincial governments which were seen to have failed in their democratic duties to maintain law and order and to protect society from violence.⁸ This response is interesting because it demonstrates just how difficult it can be for marginal voices to be heard clearly.⁹ These Native protests were designed to draw attention to both *policy* and

⁸ See, for example, letters to the editor in *Maclean's* Magazine over the period of this 'crisis'.

⁹ Public down-playing of Native actions as incidental to those of the government, police and military was considered insulting by many Indians. It was seen as a repetition of events surrounding

systemic problems in Canadian democracy, and to thereby heighten their profile on the political agenda. In particular, they wanted aboriginal rights to be recognized, and they wanted issues surrounding their claims to land, and to sovereignty over that land, to be addressed as a matter of political urgency (Usher *et al*, 1992; cf. Asch, 1984: 27-40). In other words, they wanted the existence of Indian nations to be recognized as fundamental but distinctive constituents *within* the Canadian State. What the general populace heard instead, was that a small and marginal group was employing forms of protest that could not be tolerated by a democratic society and that the governments responsible for protecting it were reluctant to take the actions required to do so. Indian claims on government attention to solve deep-seated problems were drowned out by the overpowering chorus of non-Native demands that symptomatic issues arising from this protest be addressed. Native voices were heard, but their message was not.

Democracy and the Tolerance of Dissension

This situation is instructive because it highlights the important distinction between actions which *cannot* be tolerated because they are inconsistent with, and consequently destructive of, democratic principles, and actions which *are not* tolerated because they threaten hegemonic positions within a democracy. In general, proponents and scholars of democracy argue that where the former type of intolerance is defensible, indeed, necessary, the latter is not. However, this important distinction can be misapplied when the primacy of nationalist principles is entrenched to the point of invisibility. Under these circumstances, the legitimate protests of marginal groups can be wrongly, but convincingly, interpreted as a threat to democratic principles, when they are more accurately viewed as challenges to the hegemonic privilege which membership in the dominant nation bestows. This is a classic case of incorrectly eliding general principles with specific democratic practice. When this is done, the message of protest can be easily overlooked by concentrating instead on the method by which it is advanced. The situation becomes even more clouded when protests extend into the realm of civil disobedience. Here, dissenting voices can be dismissed as intolerable to democratic principles because they do not honor the 'democratic' rule of law. In both instances, the intention of the protest is lost and its message goes unheard and unaddressed. For the marginal groups concerned, this situation produces cumulative frustration which can increase the militancy of resistance to hegemony. This does not mean that violent or aggressive protests should be condoned - absolutely not - but it does raise the question of how marginal groups can make their dissenting voices heard, and heard accurately.

the Meech Lake Accord (1990), when the role of Elijah Harper and the Manitoba Indians in thwarting the ratification of this agreement was overlooked. Instead of acknowledging the Native political achievement, aimed at securing formal recognition of distinct indigenous societies, all attention was focussed on the premier of Newfoundland, Clyde Wells, whose parliament also failed to ratify the agreement but *after* the significance of events in Manitoba had become clear (cf Miller 1991: 299-303).

In the experiences of the Mohawks outlined above, active, territorially-based resistance only occurred after decades, if not centuries, of failed attempts to have their concerns heard through more conventional means. Moreover, despite Warrior possession of firearms, the situation only became violent when government agents responded to Native resistance with a show of force and when non-Natives lost patience with government inaction. In keeping with the argument advanced above, it may be that *systemic* limitations of the hegemonic society actually *produced* a situation which could be seen to be intolerable in fundamental democratic terms, as conceptualized by this same society. The subsequent interpretation of events as a threat to Canadian democracy (as neutral), helped to shift attention from both failure to alter unfair *policies* and the deeper interment of *systemic* inequalities.

Whether one accepts this argument or not, there should be general agreement about the undesirability of violent confrontation as a means of voicing dissension and responding to it. Moreover, the historical record clearly suggests that violence between Natives and Euro-Canadians has virtually always occurred when elements of the dominant *system* have been imposed, usually without consultation, on the marginal group. At the very least, this suggests that it is worth considering the possibility that where democratic *systems* are premised on the hidden assumption that they serve a single cultural community, the capacity of this *system* to promote fairness to all of its constituents is undermined. If this is true, then this nation-based notion of democracy contains the seeds of its own destruction: it cannot be democratic if it does not produce democratic outcomes. If this flaw is not explored, let alone addressed, then the evidence suggests that marginal groups have few options but to either secede or to take recourse in violence. Neither of these constitute desirable courses of action, nor - more importantly, perhaps - are they capable of achieving the ultimate goal of more democratic societies.

Native Strategies of Withdrawal

The same is true of the third strategy which Native Peoples have adopted in response to the limitations of democratic practice within the Canadian nation-state. Unlike either of the other forms of protest which they have adopted, this third option does not involve confrontation with the dominant society. Instead, it relies on a retreat to the reserves as the territorial manifestation of deep-seated and widespread disengagement with other components of Canada. In other words, rather than continue to shout at the unhearing, many Indians have turned their backs on the larger Canadian society and looked for justice and self-fulfillment within the confines of their own communities (cf Penrose, 1999). Although less disruptive than other strategies of dissension, this may be the most damning verdict on the effectiveness of the prevailing democratic *system*. In the end, the complete withdrawal of marginal groups into the peripheries signals democratic failure because it marks the abandonment of belief in the *system's* capacity to produce fairness. This is a failure, not just of *policy* but of a more fundamental capacity to acknowledge the presence of different cultural communities and different values which do not intrinsically threaten the most general principles of democracy.

Instead, their only threat is to a *system* which has attempted to apply these principles under the constraints of a geo-political order based on the primacy of nationalism.

In each of these marginal responses to the hegemonies of nationalist democracy in Canada, neither the peripheral peoples nor the fundamental principles of democracy have been well served. Where established forms of political protest have brought about minor *policy* changes over very long periods of time, more active demonstrations of opposition have done more to feed the factional rivalries of dominant political parties, than to bring Native concerns onto this 'national' political agenda. Indigenous frustration at this situation can only continue to grow and the scope for its expression is likely to involve movement toward the extremes of either disruptive, and/or violent, resistance and total withdrawal. This view is reinforced by Mohawk comments reported in press coverage of events at Oka:

"One armed Mohawk who manned the Oka barricades told Maclean's that politicians have persistently ignored the Indians when they advanced their claims "politely" in the past. "But when we have AK-47s" added Herby Nicholls, "you see, they listen. It is the only way." (Taylor *et al*, 1990:17)

Although not all Native Peoples share this view, it is also clear that, whatever the form resistance takes, the use of space - both central and peripheral - will continue to play a fundamental role in marginal responses to democratic deficits. The realization that Native Peoples have no other options for the effective expression of legitimate dissension reinforces the view that 'nationalist' interpretations of democracy are deeply implicated in limiting the application of democratic principles. This perspective is strengthened further by an examination of what can happen when the strictures of such interpretations are relaxed.

Making Space for the Margins: Removing '*The Nation*' From Nation-State

As the preceding section has demonstrated, the prevailing view that each state should comprise a single nation leaves little if any room for dissenting voices which dispute this perspective. In general, the message of democratic nation-states has been that fairness is possible if everyone conforms to the dominant nation. Although states can pursue internal conformity in a wide variety of ways, the ultimate goal of demonstrating the existence of a single legitimate nation remains remarkably constant. This is apparent in practices of exclusion or segregation which are used to distinguish marginal groups from the licit members of a society and to thereby deny them rights which are normally attendant to full citizenship. In such cases, uniformity is achieved by denying the legitimacy of those who do not, or cannot, conform to the hegemonic norm. In other cases, such as Canada, the goal of uniformity has been pursued through an ambiguous mixture of assimilation, segregation and exclusion.

In all cases, power differentials between hegemonic and marginal groups mean that the definition of the nation, and the means selected to realize this image, remain the purview of the former. As such, marginal groups may be allowed to contribute to discussions about the conditions of their segregation, or about the processes of their assimilation, but it is virtually impossible for them to dislodge the underlying motivations of conformity. This is because, within the prevailing geopolitical order based on nationalist principles, the legitimacy of states themselves remains contingent on the demonstrated existence of a singular nation. As this suggests, the application of nationalist principles precludes the unfettered pursuit of democratic principles. Moreover, because nationalism is the root cause of these limitations, they cannot be overcome within any *system* which privileges nationalist principles. Although nationalism was once instrumental in the promotion of democracy (by encouraging the location of sovereignty with “the people”), it has now become one of its most fundamental impediments because “the people” are proving increasingly difficult to define.

As I have argued above, the strategy of attempting to accommodate difference within nationalist *systems* and associated *policies* and structures is doomed to reproduce the inequalities of privilege and marginality, as well as the disruption, conflict and detachment that this generates. This is the ‘bad news’. The better news arises from the rather different situation which can result when the nationalist constraints on democratic systems are loosened. In other words, where countries have tempered the claim that they represent a single cultural community, the scope for *systemic* change broadens considerably.

Examples of this process are lamentably few and far between, but where they do exist, they strongly suggest that there is a feasible alternative to nation-states, and that this alternative is capable of overcoming associated limitations on democratic practice. More specifically, these examples support the view that the quality of a democracy may serve as a better marker than the existence of a nation, for evaluating state legitimacy. Although this raises the vexing issue of just how democratic quality can be measured, it is clear that one dimension of this will revolve around the designation and treatment of marginal groups. To substantiate this position, I turn once again to the example of Canada, where the most peripheral spaces have become the site of tentative trials of this alternative perspective on democracy and, indirectly, state legitimacy. It is no coincidence that these ‘experiments’ are taking place in the Far North: the most remote and environmentally harsh region of Canada where Euro-Canadian interest is sporadic, where their habitation is largely temporary, and where they form a numeric minority in a predominantly Inuit population. Where space and relative location have been fundamental to marginal resistance, these elements also influence the scope for hegemonic tolerance of difference. Yet, for all of its past failures and continuing imperfections, the Canadian state has taken some courageous steps in the creation of the Northern Territory of Nunavut.

On April 1, 1999, the new Territory of Nunavut, comprising nearly two million square kilometers of ‘Canada’s’ Eastern Arctic, came into being). The total

population of this area is just 27,500, some 85% of which are Inuit. Although it took over twenty-five years of dedicated negotiation to achieve the break-through which Nunavut represents, the implications for all marginal groups, and for the states in which they live, have the potential to be truly revolutionary. For the first time, Native input has not been limited to working within the set parameters of Canadian society and associated *policies*. Instead, Nunavut represents the first hint of Native input into the *systemic* organization of the Canadian State and into the structural organization of one territory within it. This is reflected in a number of aspects of the land claim settlement which accompanied the creation of this new political territory (Nunavut Government; Land Claim), but it is most obvious in the political values, structures and practices which will govern the new political entity.

In keeping with the fundamental ideals of democracy, this new territory is administered by a public government, rather than an ethnic form of self-government. In other words, the formal *raison d'être* of Nunavut is the desire to bring political power closer to the people of a given territory and not to award power on the grounds of cultural distinctiveness. Although the outcome may be similar in that the Inuit are the main beneficiaries of this change, the distinction is crucial because it means that the legitimacy of the new political entity rests on democratic, rather than nationalist, principles. As such, Nunavut can be seen as a positive hegemonic response to Native calls for greater self-determination, while avoiding earlier mistakes of linking culturally specific rights to special, potentially discriminating, legislation. In other words, it negotiates successfully between that which is fundamentally intolerable in a democracy and that which reflects intolerance born of biased interpretation of a particular *system*. Importantly, the Inuit people affected by Nunavut negotiations also recognized that their ultimate goal of greater control over their own affairs could be achieved without insisting on direct links between cultural distinctiveness and a right to political power. According to Thomas Suluk, one of several chief negotiators:

... the people originally wanted an Inuit government. But negotiators urged them to “eliminate this nativeness, this separateness, because it doesn’t have a snowball’s chance in hell of making it.” By supporting a public government, “we can get the same thing” (Vlessides, 2000: 2)

As this suggests, the starting point for successful changes in the *system* of Canadian democracy involved the displacement – if not outright abandonment - of nationalist ideology by both parties. Where the Canadian government relinquished its previous insistence on a political structure linked to a singular cultural community, the Inuit grounded their claims in issues of fairness rather than on their existence as a distinctive ‘nation’. From here, the scope for accommodation of difference has broadened considerably. Like all other citizens of Canada, residents of Nunavut will enjoy the benefits of their own sub-state (provincial or territorial) government and representation in the Federal Government in Ottawa, while their

rights and responsibilities will be determined according to the Canadian Charter of Rights and Freedoms. Although inhabitants of Nunavut must conform to these existing elements of the *system*, the *system* itself has been subtly transformed. This is because room has been found within this broad democratic framework for encouraging a form of government which is both complementary to, and unique from, that which prevails in the rest of the country (Vlessides, 2000). It is in these practices, that the Inuit in Nunavut may be able to expand their already effective challenge to the current geo-political order based on narrowly defined nation-states.

Although the Territory of Nunavut complies with more universal democratic principles of political equality and representative government, the means of achieving this are influenced by distinctively Inuit, rather than Euro-Canadian, values and practices. Unlike the rest of Canada, Nunavut will have no political parties at the territorial level but only for the purposes of electing representatives to the Federal Parliament. This means that the electorate will vote for individuals (not parties) and that *all* successful candidates will work together to provide government. The leader of this government will be selected by and from its constituent, universally elected, members. Thus, instead of relying on oppositional politics, the legislative assembly of the new Territory will operate according to principles of consensus politics. Although the notion of majority rule is still formally active, this system offers a real opportunity to incorporate traditional knowledge and practices in ways that make Inuit cultural values an integral part of decision-making processes. While this *system* does have the potential to disadvantage non-Natives in ways which replicate the limitations of the dominant *system*, the scope for, and professed commitment to, consensus allows quite different room for legitimate dissension and compromise which should be capable of sustaining democratic principles. Clearly, one major test of the new *system* will be the ways in which it treats its newly defined minorities.

The alternative view of democratic governance is also reflected in Nunavut plans to decentralize government – its departments and services - in ways that have seldom been contemplated further south, where views of power as a finite commodity continue to prevail (cf. Hall, 1994). In addition to bringing government closer to the people and sharing decision-making authority, the Inuit approach has the pragmatic benefits of distributing government employment opportunities throughout the territory and, at the same time, avoiding the potential disruptions and inequalities that would likely accompany centralization of people and power (Vlessides, 2000). Finally, Nunavut will rely on a system of justice which incorporates community based policing services, healing circles and a single-level trial court which is the first of its kind in Canada (Nunavut). Peter Jull (2000: 2) summarizes the situation as follows:

...Nunavut is not simply another piece of Canada getting its own flag and licence plates. It is a very different sort of place. It does not have the same ideas about using resources or buying land. It has a different language, and stories about how things are and should be

which are totally unknown elsewhere in Canada. It has a government similar to provincial and territorial governments, but with a second 'constitution' in the form of the Nunavut Land Claims Agreement (NLCA) enshrining the result of special Inuit negotiations with Canada. Inuit have persuaded the government of a powerful industrial state that it is time for a new approach.

Even though this introduction to the creation and political organization of Nunavut has been necessarily brief, it should serve as an adequate basis for illustrating the progressive possibilities that emerge when nationalist limitations on democracy are relaxed. Few people would argue that the processes of creating Nunavut have been perfect, or that hegemonic biases have been eliminated altogether, and it is still far too soon to comment on the effectiveness of this new political entity. Similarly, it would be profoundly misleading to suggest that these developments in the North have significantly altered the abysmal state of land claims negotiations in the country as a whole.¹⁰ By the same count, though, few people can deny that this example represents a beacon of hope to anyone who has been forced to choose between cultural group membership and the full entitlements of democratic citizenship. Peter Jull (2000: 5) makes this symbolic power clear when he recounts one Australian Aborigine's response to the news of the creation of Nunavut: "Come on, sis! Them Eskimo mob have done it!"

Equally, the example of Nunavut is also cause for hope to anyone who is concerned about the future of democracy and the attendant issue of how to determine state legitimacy. In particular, it demonstrates that both democratic and human rights can flourish in unforeseen ways when the hegemonic powers in any given society have the courage to accommodate difference at a *systemic* level. Ultimately, this requires the recognition and surrender of hegemonic privileges, including the assumption that democracy can only accommodate one set of cultural values, aspirations and practices. At first glance, this may seem an unrealistic expectation. However, if these people truly believe that democratic principles offer the best hope of protecting rights, responding to legitimate dissension and encouraging tolerance, it is in their best interests to actively support this transition.

Conclusion: Observations from the Peripheries

In this paper, I have identified and explored one important constraint on the capacity for democratic systems to produce democratic outcomes. At its simplest, this constraint can be called nationalism. The historical rise of democracy was a concomitant of the growing primacy of nationalist ideology as the basis for

¹⁰ Negotiations surrounding Native land claims and self-government have been systematically neglected and stalled by the Canadian Government for decades. Although this is a major source of frustration, and one which provides important context for the Native resistance documented above, its detailed examination lies beyond the scope of this paper. Further details about this situation are widely available elsewhere, e.g. Asch, 1997; Berger, 1982; Cassidy, 1992; Coates, 1992; Frideres, 1993; Hylton, 1994; Little Bear *et al*, 1984; Usher *et al*, 1992.

structuring the global geo-political order, and legitimizing individual states within it. The significance of this temporal coincidence is not incidental. On the contrary, it has meant that democratic systems have been conceptualized as state-level entities and constructed according to the assumption that they represent a single cultural community. As a consequence, democracies have *emerged within*, and been *structured by*, the parameters prescribed by nationalism. Crucially, this has included the fundamental link between cultural uniformity and the right to power in the form of a state. The strength of democratic nation-state commitment to this nationalist axiom is reflected in the near universal enactment of conformist policies, be they persuasive or coercive, assimilationist or exclusionist. As long as nationalist dictates have been followed, those who are not members of the dominant 'national' culture have been faced with a stark - and arguably undemocratic - choice. Where states have allowed minorities to achieve the benefits of the hegemonic democratic *system*, such people have had to abandon, or publicly renounce, their given and/or chosen cultural group membership. In effect, 'nation-state' democracies which are constrained by nationalism have little option but to deprive members of marginal groups of the democratic good of, and right to, (alternative) cultural group membership. At the very least, this means that nationalism seriously weakens the realization of democratic principles. At the opposite extreme, the fundamentals of the ideology of nationalism can be seen to directly contradict those of democracy.

As I have argued above, this situation creates '*systemic inequalities*', or inequalities that cannot be addressed by government *policies*. This is because both the legitimacy of the state, and the *policies* which its governments produce are always predicated on the primacy of nationalism. If the *system* itself is premised on the assumption that it serves one cultural community, then it is the values, perspectives and goals of this community which will be embedded in the institutions and laws of the state and society. This creates intrinsic disadvantages for those who are not members of the formative community. At the same time, the cultural bias of state *systems* feeds through to decision-making practices and *policy* goals. As illustrated in Section II, this situation has had a profound impact on Canada's ability to accommodate the fundamental democratic rights of Native Peoples. Every conceivable policy related to Indigenous Peoples has been premised on a Euro-Canadian world view, including the necessity of assimilation. Until very recently, and even then only in peripheral spaces, nationalist assumptions have made it virtually impossible for Canadian leaders to entertain, let alone accede to, Native desires to live differently from Euro-Canadians but within a common state.

Some of the consequences of these nationalist constraints on Canadian democracy, and its treatment of Native Peoples, were explored in Section III. By reviewing recent Native strategies of resistance and protest, it became clear that the most common hegemonic responses to Native goals of greater self-determination continue to be misunderstanding, intolerance, and/or neglect. Here again, Canadian society seems to be viewing Native dissension - and the claims which underlie it - as something which a democracy simply cannot tolerate and still remain democratic. In contrast, I suggest that the principles of democracy are being

confused with those of nationalism. There is no apparent reason why democratic principles cannot be applied to a state which encompasses more than one cultural community. The same is not true of nationalist principles. Even where 'civic' nationalism is creeping in as the successor to 'ethnic' nationalism, reliance on the concept of nation as a singular entity remains paramount. In any case, it seems clear that the longer this confusion between the dictates of nationalism and those of democracy continues, the greater the disillusionment and legitimate dissatisfaction of marginal groups will become. The perpetuation of this situation can only push Native Peoples further away from full and equal participation in the state and from treatment according to the democratic principles which it is charged with maintaining. At the same time, I have suggested that the ensuing frustration is likely to produce increasingly militant forms of protest and/or complete withdrawal from the larger society. Neither of these repercussions is consistent with the goals of democracy.

Fortunately, some Native experiences in Canada offer insights which strongly suggest that other alternatives are available if those in positions of power have the courage to pursue them. Like the experiences of Indians on reserves, recent developments among the Inuit of the Eastern Arctic help to render visible the tendency for nationalist ideology to contaminate democratic principles. In this instance though, the evidence is produced in a context where these strictures have been relaxed. In other words, the limitations of nationalism are clarified by what can happen when they are removed. As Section IV demonstrates, experiences associated with the creation of the Territory of Nunavut reveal three main points about the relationship between democracy and culture. First, they demonstrate that political *systems* are capable of accommodating multiple cultural communities without threat to democratic principles. Second, this accommodation can include political practices and institutions which differ in form from the dominant *system* while maintaining the same fundamental democratic principles. Third, the experience of Nunavut suggests that these accommodations strengthen, rather than weaken, the capacity for a state to implement fundamental democratic ideals for all of its citizens. If these preliminary conclusions have any validity at all, it seems that democracy rather than nationalism offers the best hope of fairness across the broadest possible range of human concerns. Moreover, it has the capacity - eventually - to erase distinctions between centers and peripheries, at least in the figurative sense.

This latter point highlights one last, largely sublimated theme of the paper. In exploring the relationship between nationalism and democracy, I have tried to illustrate the fundamental significance of spaces and places to the complex processes of entrenching and contesting the power relations which these ideologies support. For example, the creation of reserves and the power to define their function reflects the dominance of one cultural community over another. Yet, without these spaces, it is unlikely that Indian cultures would have survived at all, let alone continue to advance their claims to equal but different membership in the Canadian polity. The possession of spaces where being Indian is the norm has been

fundamental to cultural regeneration and positive self-identification. It has also been pivotal to most strategies for expressing Native dissension to date and, given the opportunity, will be indispensable in Indian democratic practices within a democratic state called Canada.

The significance of place, in the form of location, is also apparent in the success of Nunavut. Although many other treaties and land claims agreements have been signed in more southerly (central) parts of Canada - and many, many more remain to be negotiated - none of them have incorporated the political licence which has been granted in the far north. There are a number of reasons for this, but the main issue here is that peripheral location has been an advantage in this instance. This reinforces the point that place is never neutral and that its qualities and value vary according to who is using it and why it is being used. Although developments like those, which are occurring in Nunavut, are currently unimaginable in other parts of Canada, success on the territorial margins can only be positive for similar groups in more central peripheries. In time, it may become possible to re-imagine the role of space and place in the constitution of states such that there is much greater flexibility in the construction of political jurisdictions and practices. It may well be that nationalist strictures about territory have limited the scope for different, but still democratic, political *systems* in the same way that they have restricted notions of cultural community. If this is true, then it should be absolutely clear that democracy, rather than nationalism, offers the best hope for those currently on the margins. As such, democracy also constitutes a much sounder and infinitely more desirable alternative to the nation as a basis for evaluating state legitimacy.

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