

INTRODUCTION

Subjects of Empire

Real recognition of our presence and humanity would require a genuine reconsideration of so many people's role in North American society that it would amount to a genuine leap of imagination.

—GEORGE MANUEL and MICHAEL POSLUNS,
The Fourth World

FROM "WARDS OF THE STATE" TO SUBJECTS OF RECOGNITION?

Over the last forty years, the self-determination efforts and objectives of Indigenous peoples in Canada have increasingly been cast in the language of "recognition."¹ Consider, for example, the formative declaration issued by my people in 1975:

We the Dene of the NWT [Northwest Territories] insist on the right to be regarded by ourselves and the world as a nation.

Our struggle is for the *recognition* of the Dene Nation by the Government and people of Canada and the peoples and governments of the world. . . .

And while there are realities we are forced to submit to, such as the existence of a country called Canada, we insist on the right to self-determination and the *recognition* of the Dene Nation.²

Now fast-forward to the 2005 policy position on self-determination issued by Canada's largest Aboriginal organization, the Assembly of First Nations (AFN). According to the AFN, "a consensus has emerged . . . around a vision of the relationship between First Nations and Canada which would lead to strengthening recognition and implementation of First Nations' governments."³ This "vision," the AFN goes on to explain, draws on the core principles outlined in the 1996 *Report of the Royal Commission on Aboriginal Peoples* (RCAP): that is, recognition of the nation-to-nation relationship between First Nations

and the Crown; recognition of the equal right of First Nations to self-determination; recognition of the Crown's fiduciary obligation to protect Aboriginal treaty rights; recognition of First Nations' inherent right to self-government; and recognition of the right of First Nations to economically benefit from the use and development of their lands and resources.⁴ Since 2005 the AFN has consistently reasserted and affirmed these guiding principles at its Annual General Assemblies and in the numerous resolutions that these gatherings have produced.

These demands have not been easy to ignore. Because of the persistence and dedication of countless Indigenous activists, leaders, communities, and organizations, we have witnessed within the scope of four decades the emergence of an unprecedented degree of recognition for Aboriginal "cultural" rights within the legal and political framework of the Canadian state.⁵ Most significant on this front was Canada's eventual "recognition" of "existing aboriginal and treaty rights" under section 35(1) of the Constitution Act of 1982. This constitutional breakthrough provided the catalyst that led to the federal government's eventual recognition, in 1995, of an "inherent right to self-government,"⁶ as well as the groundswell of post-1982 court challenges that have sought to both clarify and widen the scope of what constitutes a constitutionally recognized Aboriginal right to begin with. When considered from the vantage point of these important developments, it would certainly appear that "recognition" has emerged as the dominant expression of self-determination within the Aboriginal rights movement in Canada.

The struggle for recognition has become a central catalyst in the international Indigenous rights movement as well. As the works of Will Kymlicka, Sheryl Lightfoot, Ronald Neizen, and others have noted, the last three decades have witnessed the emergence of recognition-based approaches to Indigenous self-determination in the field of Indigenous-state relations in Asia, northern Europe, throughout the Americas, and across the South Pacific (including Australia, New Zealand, and the Pacific Islands).⁷ Although varying in institutional scope and scale, all of these geopolitical regions have seen the establishment of Indigenous rights regimes that claim to recognize and accommodate the political autonomy, land rights, and cultural distinctiveness of Indigenous nations within the settler states that now encase them. Although my primary empirical focus in *Red Skin, White Masks* is Canada, I suspect that readers will find many of my conclusions applicable to settler-colonial experiences elsewhere.

On a more discursive plane, the increase in recognition demands made by Indigenous and other marginalized minorities over the last forty years has also prompted a flurry of intellectual activity that has sought to unpack the complex ethical, political, and legal questions that these types of claims raise. To date, much of this literature has tended to focus on a perceived relationship between the affirmative recognition and institutional accommodation of societal cultural differences on the one hand, and the freedom and autonomy of marginalized individuals and groups living in ethnically diverse states on the other. In Canada it has been argued that this synthesis of theory and practice has forced the state to dramatically reconceptualize the tenets of its relationship with Indigenous peoples; whereas before 1969 federal Indian policy was unapologetically assimilationist, now it is couched in the vernacular of “mutual recognition.”⁸

In the following chapters I critically engage a multiplicity of diverse anti-imperialist traditions and practices to challenge the increasingly commonplace idea that the colonial relationship between Indigenous peoples and the Canadian state can be adequately transformed via such a politics of recognition. Following the work of Richard J. F. Day, I take “politics of recognition” to refer to the now expansive range of recognition-based models of liberal pluralism that seek to “reconcile” Indigenous assertions of nationhood with settler-state sovereignty via the accommodation of Indigenous identity claims in some form of renewed legal and political relationship with the Canadian state.⁹ Although these models tend to vary in both theory and practice, most call for the delegation of land, capital, and political power from the state to Indigenous communities through a combination of land claim settlements, economic development initiatives, and self-government agreements. These are subsequently the three broad contexts through which I examine the theory and practice of Indigenous recognition politics in the following chapters. Against this variant of the recognition approach, I argue that instead of ushering in an era of peaceful coexistence grounded on the ideal of *reciprocity* or *mutual recognition*, the politics of recognition in its contemporary liberal form promises to reproduce the very configurations of colonialist, racist, patriarchal state power that Indigenous peoples’ demands for recognition have historically sought to transcend.

To demonstrate the above claim, *Red Skin, White Masks* will theoretically and empirically map the contours of what I consider to be a decisive shift in

the modus operandi of colonial power following the hegemonization of the recognition paradigm following the release of the federal government's infamous *Statement of the Government of Canada on Indian Policy*—also known as the “White Paper”—in 1969.¹⁰ In the two centuries leading to this historic policy proposal—which called for the blanket assimilation of the status Indian population by unilaterally removing all institutionally enshrined aspects of legal and political differentiation that distinguish First Nations from non-Native Canadians under the Indian Act—the reproduction of the colonial relationship between Indigenous peoples and what would eventually become Canada depended heavily on the deployment of state power geared around genocidal practices of forced *exclusion* and *assimilation*.¹¹ Any cursory examination into the character of colonial Indian policy during this period will attest to this fact. For example, this era witnessed Canada's repeated attempts to overtly uproot and destroy the vitality and autonomy of Indigenous modes of life through institutions such as residential schools;¹² through the imposition of settler-state policies aimed at explicitly undercutting Indigenous political economies and relations to and with land;¹³ through the violent dispossession of First Nation women's rights to land and community membership under sexist provisions of the Indian Act;¹⁴ through the theft of Aboriginal children via racist child welfare policies;¹⁵ and through the near wholesale dispossession of Indigenous peoples' territories and modes of traditional governance in exchange for delegated administrative powers to be exercised over relatively minuscule reserve lands. All of these policies sought to marginalize Indigenous people and communities with the ultimate goal being our *elimination*, if not physically, then as cultural, political, and legal *peoples* distinguishable from the rest of Canadian society.¹⁶ These initiatives reflect the more or less un-concealed, unilateral, and coercive nature of colonial rule during most of the nineteenth and twentieth centuries.

Although Indigenous people and communities have always found ways to individually and collectively resist these oppressive policies and practices, it was not until the tumultuous political climate of Red Power activism in the 1960s and 70s that policies geared toward the recognition and so-called “reconciliation” of Native land and political grievances with state sovereignty began to appear. Three watershed events are generally recognized as shaping this era of Native activism in Canada. The first was the materialization of widespread First Nation opposition to the previously mentioned 1969 White

Paper. Instead of serving as a bridge to passive assimilation, the White Paper inaugurated an unprecedented degree of pan-Indian assertiveness and political mobilization. The National Indian Brotherhood (now the Assembly of First Nations) issued the following response to the federal government's proposed initiative: "We view this as a policy designed to divest us of our aboriginal . . . rights. If we accept this policy, and in the process lose our rights and our lands, we become willing partners in cultural genocide. This we cannot do."¹⁷ Although designed as a once-and-for-all solution to Canada's so-called "Indian Problem," the White Paper instead became a central catalyst around which the contemporary Indigenous self-determination movement coalesced, "launching it into a determined [defense] of a unique cultural heritage and identity."¹⁸ The sheer magnitude of First Nations' resistance to the White Paper proposal forced the federal government to formally shelve the document on March 17, 1971.¹⁹

The second watershed event occurred following the partial recognition of Aboriginal "title" in the Supreme Court of Canada's 1973 *Calder* decision.²⁰ This landmark case, which involved a claim launched by Nisga'a hereditary chief Frank Calder to the un-extinguished territories of his nation in northwestern British Columbia, overturned a seventy-five-year precedent first established in *St Catherine's Milling and Lumber Company v. The Queen* (1888), which stated that Aboriginal land rights existed only insofar and to the extent that the state recognized them as such.²¹ Although technically a defeat for the Nisga'a, the six justices that rendered substantive decisions in *Calder* all agreed that, prior to contact, the Nisga'a indeed held the land rights they claimed in court.²² The question then quickly shifted to whether these rights were sufficiently extinguished through colonial legislation. In the end, three justices ruled that the Aboriginal rights in question had not been extinguished, three ruled that they had, and one justice ruled against the Nisga'a based on a technical question regarding whether this type of action could be levelled against the province without legislation permitting it, which he ruled could not.²³ Thus, even though the Nisga'a technically lost their case in a 4–3 decision, the Supreme Court's ruling in *Calder* left enough uncertainty around the question of existing Aboriginal rights that it prompted a shift in the federal government's policy vis-à-vis Native land interests. The result was the federal government's 1973 *Statement on Claims of Indian and Inuit People: A Federal Native Claims Policy*, which effectively reversed fifty-two years (since the 1921 signing

of Treaty 11 in the Northwest Territories with the Sahtu Dene) of state refusal to recognize Indigenous claims to land where the question of existing title remained open.²⁴

The third event (or rather cluster of events) emerged following the turbulent decade of energy politics that followed the oil crisis of the early 1970s, which subsequently fueled an aggressive push by state and industry to develop what it saw as the largely untapped resource potential (natural gas, minerals, and oil) of northern Canada.²⁵ The federal government's holding of 45 percent equity in Panartic Oils led Indian Affairs minister Jean Chrétien to state that "it is very seldom in public life that a minister of a government presides over that kind of profit."²⁶ The proposed increase in northern development was envisioned despite concerns raised by the Métis, Dene, and Inuit of the Northwest Territories regarding Canada's proposal to sanction the development of a huge natural gas pipeline to be carved across the heartland of our traditional territories, as well as the resistance mounted by the Cree of northern Quebec against a similarly massive hydroelectric project proposed for their homeland in the James Bay region.²⁷ The effectiveness of our subsequent political struggles, which gained unprecedented media coverage across the country, once again raised the issue of unresolved Native rights and title issues to the fore of Canadian public consciousness.

In the following chapters I will show that colonial rule underwent a profound shift in the wake of these important events. More specifically, I argue that the expression of Indigenous anticolonial nationalism that emerged during this period forced colonial power to modify itself from a structure that was once primarily reinforced by policies, techniques, and ideologies explicitly oriented around the genocidal exclusion/assimilation double, to one that is now reproduced through a seemingly more conciliatory set of discourses and institutional practices that emphasize our *recognition* and *accommodation*. Regardless of this modification, however, the relationship between Indigenous peoples and the state has remained *colonial* to its foundation.

KARL MARX, SETTLER-COLONIALISM, AND INDIGENOUS DISPOSSESSION IN POST-WHITE PAPER CANADA

What do I mean by a *colonial*—or more precisely, *settler-colonial* relationship? A settler-colonial relationship is one characterized by a particular form of *domination*; that is, it is a relationship where power—in this case, interrelated

discursive and nondiscursive facets of economic, gendered, racial, and state power—has been structured into a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the *dispossession* of Indigenous peoples of their lands and self-determining authority. In this respect, Canada is no different from most other settler-colonial powers: in the Canadian context, colonial domination continues to be structurally committed to maintain—through force, fraud, and more recently, so-called “negotiations”—ongoing state access to the land and resources that contradictorily provide the material and spiritual sustenance of Indigenous societies on the one hand, and the foundation of colonial state-formation, settlement, and capitalist development on the other. As Patrick Wolfe states, “Whatever settlers may say—and they generally have a lot to say—the primary motive [of settler-colonialism] is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory. Territoriality is settler colonialism’s specific, irreducible element.”²⁸

In thinking about colonialism as a form of structured dispossession, I have found it useful to return to a cluster of insights developed by Karl Marx in chapters 26 through 32 of his first volume of *Capital*.²⁹ This section of *Capital* is crucial because it is there that Marx most thoroughly links the totalizing power of *capital* with that of *colonialism* by way of his theory of “primitive accumulation.” Challenging the idyllic portrayal of capitalism’s origins by economists like Adam Smith, Marx’s chapters on primitive accumulation highlight the gruesomely violent nature of the transition from feudal to capitalist social relations in western Europe (with an emphasis placed on England). Marx’s historical excavation of the birth of the capitalist mode of production identifies a host of colonial-like state practices that served to violently strip—through “conquest, enslavement, robbery, murder”³⁰—noncapitalist producers, communities, and societies from their means of production and subsistence. In *Capital* these formative acts of violent *dispossession* set the stage for the emergence of capitalist accumulation and the reproduction of capitalist relations of production by tearing Indigenous societies, peasants, and other small-scale, self-sufficient agricultural producers from the source of their livelihood—*the land*. It was this horrific process that established the two necessary preconditions underwriting the capital relation itself: it forcefully opened up what were once collectively held territories and resources to privatization (dispossession and enclosure), which, over time, came to produce a “class” of workers compelled to enter the exploitative realm of the labor market for their survival

(proletarianization). The historical process of primitive accumulation thus refers to the violent transformation of noncapitalist forms of life into capitalist ones.

The critical purchase of Marx's primitive accumulation thesis for analyzing the relationship between colonial rule and capitalist accumulation in the contemporary period has been the subject of much debate over the last couple of decades. Within and between the fields of Indigenous studies and Marxist political economy, these debates have at times been hostile and polarizing. At its worst, this hostility has led to the premature rejection of Marx and Marxism by some Indigenous studies scholars on the one side, and to the belligerent, often ignorant, and sometimes racist dismissal of Indigenous peoples' contributions to radical thought and politics by Marxists on the other.³¹ At their nondogmatic best, however, I believe that the conversations that continue to occur within and between these two diverse fields of critical inquiry (especially when placed in dialog with feminist, anarchist, queer, and post-colonial traditions) have the potential to shed much insight into the cycles of colonial domination and resistance that characterize the relationship between white settler states and Indigenous peoples.

To my mind, then, for Indigenous peoples to reject or ignore the insights of Marx would be a mistake, especially if this amounts to a refusal on our part to critically engage his important critique of capitalist exploitation and his extensive writings on the entangled relationship between capitalism and colonialism. As Tsimshian anthropologist Charles Menzies writes, "Marxism retains an incisive core that helps understand the dynamics of the world we live." It "highlights the ways in which power is structured through ownership" and exposes the state's role "in the accumulation of capital and the redistribution of wealth from the many to the few."³² All of this is not to suggest, however, that Marx's contributions are without flaw; nor is it meant to suggest that Marxism provides a ready-made tool for Indigenous peoples to uncritically appropriate in their struggles for land and freedom. As suggested above, rendering Marx's theoretical frame relevant to a comprehensive understanding of settler-colonialism and Indigenous resistance requires that it be transformed *in conversation* with the critical thought and practices of Indigenous peoples themselves. In the spirit of fostering this critical dialog, I suggest that three problematic features of Marx's primitive accumulation thesis are in need of such a transformation.

The first feature involves what many critics have characterized as Marx's rigidly *temporal* framing of the phenomenon. As early as 1899, for example, anarchist geographer Peter Kropotkin made note of what seemed to be an "erroneous division" drawn in Marx "between the *primary* [or primitive] accumulation of capital and its *present day formulation*."³³ The critical point here, which many contemporary writers have subsequently picked up on, is that Marx tended to portray primitive accumulation as if it constituted "a process confined to a particular (if indefinite) period—one already largely passed in England, but still underway in the colonies at the time Marx wrote."³⁴ For Marx, although the era of violent, state dispossession may have *inaugurated* the accumulation process, in the end it is "the silent compulsion of economic relations" that ultimately "sets the seal on the domination of the capitalist over the worker."³⁵ This formulation, however, clearly does not conform well to our present global reality. As the recent work of scholars as diverse as David Harvey, Silvia Federici, Taiaiake Alfred, Rauna Kuokkanen, and Andrea Smith (to name but a few) have highlighted, the escalating onslaught of violent, state-orchestrated enclosures following neoliberalism's ascent to hegemony has unmistakably demonstrated the *persistent* role that unconcealed, violent dispossession continues to play in the reproduction of colonial and capitalist social relations in both the domestic and global contexts.³⁶

The second feature that needs to be addressed concerns the *normative developmentalism* that problematically underscored Marx's *original* formulation of the primitive accumulation thesis. I stress "original" here because Marx began to reformulate this teleological aspect of his thought in the last decade of his life, and this reformulation has important implications with respect to how we ought to conceptualize the struggles of non-Western societies against the violence that has defined our encounter with colonial modernity. For much of his career, however, Marx propagated within his writings a typically nineteenth-century modernist view of history and historical progress. This developmentalist ontology provided the overarching frame from which thinkers as diverse as Immanuel Kant, Georg W. F. Hegel, John Stuart Mill, and Adam Smith sought to unpack and historically rank variation in "human cultural forms and modes of production" according to each form's "approximation to the full development of the human good."³⁷ As Michael Hardt and Antonio Negri point out, this modernist commitment often led Marx (along with Engels) to depict those non-Western societies deemed to be positioned