

Book Review: Citizens Plus: Aboriginal Peoples and the Canadian State, by Alan C. Cairns; First Nations? Second Thoughts, by Tom Flanagan; A People's Dream: Aboriginal Self-Government in Canada, by Dan Russell

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*CITIZENS PLUS: ABORIGINAL PEOPLES AND THE CANADIAN STATE* BY ALAN C. CAIRNS (VANCOUVER: UNIVERSITY OF BRITISH COLUMBIA PRESS, 2000)<sup>1</sup>

*FIRST NATIONS? SECOND THOUGHTS*  
BY TOM FLANAGAN (MONTREAL: MCGILL UNIVERSITY PRESS, 2000)<sup>2</sup>

*A PEOPLE'S DREAM: ABORIGINAL SELF-GOVERNMENT IN CANADA*  
BY DAN RUSSELL (VANCOUVER: UNIVERSITY OF BRITISH COLUMBIA PRESS, 2000)<sup>3</sup>

BY GORDON CHRISTIE<sup>4</sup>

The choice of discourse—how we describe where we are and how we got here—has a major effect on what we define as problems and the kind of solutions we seek.<sup>5</sup>

In these three texts we find expressed and neatly packaged the choices emanating from three individuals in very different situations—the mainstream conservative, the right-wing ideologue, and the Aboriginal lawyer. Thinking not only about how these individuals define problems and search for solutions, but also about how their situations reflect their perspectives (which in turn determine the sorts of choices they make), can provide some insight into the nature of the current debate on the proper place of Aboriginal self-government in Canada.

However, focusing on the writers' positions as a lens for

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<sup>1</sup> [hereinafter *Citizens Plus*].

<sup>2</sup> [hereinafter *Second Thoughts*].

<sup>3</sup> [hereinafter *A People's Dream*].

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<sup>5</sup> *Citizens Plus*, *supra* note 1 at 97.

understanding their work naturally leads to the role readers play, for their positions and perspectives will influence how writers' perspectives on the debate about Aboriginal self-government are understood and assessed. I propose, then, to guide the prospective reader through an analysis which takes note of two interpretative lenses, which focus and refocus our understanding of these texts. The first is an acknowledgment of the role of the author's situation in determining choices the author makes concerning the nature of the debate about Aboriginal self-government. The second is an acknowledgment of how the reader's situation determines choices the reader confronts in coming to an understanding of the author/text dynamic, as the reader ultimately approaches an understanding of the texts. In exploring these texts and authors in this manner, the reader cannot avoid being implicated in the construction of meaning.

On one level, the reader can choose to simply consider the various arguments and counter-arguments presented by these authors, and decide which seems more reasonable and cogent, and, so, more persuasive. Is it the case, for example, that Aboriginal self-government is being presented today in such a manner as to lead to unwarranted expectations, the natural result being deflationary? Should Aboriginal peoples resign themselves to the inevitable reality of limited Aboriginal self-rule, a self-rule which will not match their stated aspirations? Or is Aboriginal self-government achievable, not only in a paper-thin form, but with enough substance to restore the dignity and pride of Aboriginal communities?

Alan Cairns and Tom Flanagan each raise the usual concerns over the viability of Aboriginal governance, as they point to questions of capacity,<sup>6</sup> funding and financing,<sup>7</sup> and corruption and discrimination.<sup>8</sup> Dan Russell counters with examples of functioning Aboriginal governance systems in the United States,<sup>9</sup> reflections on how to reconcile *Charter* values and Aboriginal traditions (especially when these traditions are re-injected into governance structures),<sup>10</sup> and questions about the deeper causes of the supposedly insurmountable problems facing small, isolated, and poor

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<sup>6</sup> *Ibid.* directly discussed at 75, 113, 133, 138-140, 185-186, and indirectly hinted at in innumerable passages when the size of communities, the realities of "interdependence," and the overshadowing by provincial and federal governments (even post-"independence") are mentioned. See also, *Second Thoughts*, *supra* note 2 at 77-79, 95-96, 185.

<sup>7</sup> *Citizens Plus*, *ibid.* at 75, 141; *Second Thoughts*, *ibid.* at 86, 102-106.

<sup>8</sup> *Citizens Plus*, *ibid.* at 74; *Second Thoughts*, *ibid.* at 89-94, 102-106.

<sup>9</sup> *A People's Dream*, *supra* note 3 c. 2 at especially 31-39, 65, 74, 109-12, 124-27 (a cautionary note), 152-53.

<sup>10</sup> *Ibid.* c. 5-6, and the discussion in Chapter 7 on the introduction of a "metaphorical" Aboriginal Charter, informed by Aboriginal values and principles, worked to fit the needs of contemporary Aboriginal societies.

Aboriginal nations.<sup>11</sup>

On another level, however, the reader can choose to step back from these sorts of arguments and counter-arguments, and examine the larger game being played in these works. To work into this sort of analysis, consider the central argument which weaves its way through Cairns' work, from which the opening quote is taken.

Cairns argues that Aboriginal peoples must reconsider their choice of language, for in talking about Aboriginal self-government in ways that present it as a means of achieving a "maximum possible exit" from colonial rule imposed by the Canadian state,<sup>12</sup> Aboriginal peoples risk undermining vital support from the non-Aboriginal population. It is only with language that speaks of common pursuits—language which is centred on the notion of citizenship in Canada—that Aboriginal peoples can hope to touch on, and build upon, those empathic feelings that can maintain into the indefinite future a network of support for Aboriginal governments and communities. Absent this way of talking about Aboriginal governance, Aboriginal peoples will never achieve a meaningful measure of self-rule, for the other sorts of "realities" facing Aboriginal communities—the lack of governance capacity, the lack of an economic base, and the lack of service capacity—will be impossible to overcome.<sup>13</sup> Furthermore, Cairns adds, given the already established interdependence and intermixing between Aboriginal and non-Aboriginal societies, "going it alone" is out of the

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<sup>11</sup> *Ibid.* at 39, 163-69 (on the current push to negotiate over supposedly protected rights), 170 (on the possibility that the Canada, *Report of the Royal Commission on Aboriginal Peoples* (Ottawa: Supply and Services Canada, 1996) [hereinafter *Report of the Royal Commission*] veils key recommendations to mislead Aboriginal communities), 205, 212.

<sup>12</sup> The expression and general statement are drawn from Cairns' discussion of the nation-to-nation stance adopted in the *Report of the Royal Commission*, *ibid.* Insofar as this stance underlies, according to Cairns, the bulk of the talk being presented by the "Aboriginal elite" and their allies in the legal world, it represents the mainstream Aboriginal vision.

<sup>13</sup> For this general argument, see *Citizens Plus*, *supra* note 1 at 75-160ff. Cairns begins by noting at 75 that "Aboriginal peoples [after self-government has been achieved] will still live in Canada ... dwarfed by the federal and provincial jurisdictions that will continue to apply to them." The notion of "citizenship" enters centre stage at 86, the future of Aboriginal peoples within Canada as predetermined is simply asserted at 90, the need for the creation of a community with a sense of responsibility interlacing its members is discussed at 92, the notion that "wise policy" requires Aboriginal peoples to choose community-building with non-Aboriginals is raised at 99, and Cairns' central argument is pieced together at 143-46. In critiquing the *Report of the Royal Commission*, *supra* note 10, he argues (*Citizens Plus*, *ibid.* at 145) that it "lacks a workable political theory to support the institutional scaffolding that it proposes to both insulate Aboriginal nations from the vicissitudes of democratic politics, and simultaneously to guarantee them long-run, positive differential treatment by the majority society." This becomes, at 153-60, (i) Cairns' central argument against "parallelism," the theory he finds animating discourse on the Aboriginal side (discourse coming, he claims, from an "Aboriginal elite"), and (ii) his motive for developing the notion of "citizens plus," the vision of Aboriginal peoples in Canada that he argues will accord with "wise policy."

question.<sup>14</sup> With a rethinking of their choice of language about self-government, however, Aboriginal peoples can present themselves to Canadians as Canadians, and so appeal to a shared sense of community, a sense that will fuel Canadians in their subsidization of Aboriginal self-rule.

Of course, it is not only a matter of Aboriginal peoples carefully choosing language, for if the “proper” choice is made, Aboriginal peoples will be assenting to a future as Canadians first, Aboriginal peoples second. Clearly the choice of one’s language is intimately linked to fundamental political choices. Naturally, Cairns asserts, this would be the “realistic” thing to do, as it is unrealistic to aim for, and talk about, a deep measure of independence from the Canadian state.

It is instructive, however, to ask what background game Cairns is playing. Is he, as he claims, merely opening up one side of a debate,<sup>15</sup> or is he attempting to define the parameters of debate, all part of a larger attempt to create a world in which Aboriginal peoples are controlled (and eventually eliminated)? This would not be merely a world in which Aboriginal peoples’ aspirations are tempered, but a world in which their very range of choice is circumscribed and limited.

In exploring this line of thought, the reader might come to suspect that the real (and unspoken) concern of both Cairns and Flanagan is that Aboriginal peoples are emerging from a long and terrible nightmare, that they are beginning to exercise the power to make choices outside the boundaries erected by colonialism. These choices now reflect post-colonial mentalities, as they have come to be informed by an ever-growing awareness of the primary stratagems at work in such government policies as those underlying the residential school system. Aboriginal peoples, in waking from this nightmare, recognize that the aim of such policies was not their “betterment through education,” but the destruction of their cultures.<sup>16</sup> This destruction was not to be achieved by way of guns and steel,

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<sup>14</sup> *Citizens Plus*, *ibid.* at 95-106. Cairns wisely couches this discussion in terms of Aboriginal peoples actively creating their own modern identities. He cannot then escape, however, the possibility that Aboriginal peoples might choose identities distinct from those promoted by non-Aboriginal society. Furthermore, he cannot deny them this freedom even if today they are interpenetrated by cultural influences from the non-Aboriginal world. Being overwhelmed by outside cultural influences, and working some of these into one’s identity, does not preclude one from later working to purge these elements, especially when an opportunity to find some haven from the constant pressure from these outside influences presents itself, and these initially foreign elements of one’s identity are found wanting.

<sup>15</sup> *Ibid.* at 5, 16.

<sup>16</sup> This awareness is being presented here as recent, while undoubtedly it was present since the first children were ripped from their families and sent off to residential schools. The “nightmare” was really that period in time through which it was impossible to dream of challenging these efforts at cultural genocide.

but through control of thought and action—through sustained efforts to have Aboriginal peoples come to think and act like the colonizers.

To appreciate the nature of the destruction wrought upon Aboriginal peoples, the reader must understand the role that “discursive” colonialism has played—and may continue to play—in Canadian history and society. The imperial government, acting through, and then later as, colonial federal and provincial governments, often pursued overtly colonial policies through overtly colonial practices. Rather than engage in open colonial warfare, however, the British/Canadian approach tended to favour the carefully crafted deployment of language—in concert with institutions built on the conceptual foundations laid by these language constructions—to achieve hegemony over Aboriginal peoples in Canada.

The British/Canadian empire was built, for example, on legal forms of discourse. The doctrine of discovery and the notion of *terra nullius*<sup>17</sup> are but two clear examples of the ways in which legal fictions played a role in the dispossession of Aboriginal lands and rights. Words and concepts were deployed in a two-pronged attack on the autonomy and livelihoods of Aboriginal peoples: they served to justify to colonial populations the physical alienation of Aboriginal peoples from their lands and responsibilities, and they were meant to structure ways of thinking which would replace Aboriginal forms of thought.<sup>18</sup> This use of language in the pursuit of colonial agendas can be labeled discursive colonialism.

With increased resistance to colonialism in all its forms, Aboriginal peoples strive toward ways of thinking which do not mimic or reflect the thought-patterns of the colonizers. They waken from their long and terrible night of despair, and begin once again to dream their own dreams, forging their own realities and futures. This awakening, the reader might surmise, is the perceived danger addressed by both Cairns and Flanagan.

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<sup>17</sup> Both these notions are mentioned by Flanagan, but are brought into his discussion as nothing more than unquestioned bases for Canadian claims to sovereignty. See *Second Thoughts*, *supra* note 2 at 85, 135. The notion that indigenous lands were uninhabited at European discovery (even the more “sophisticated” form of this notion, that these lands were uninhabited by “politically-organized” societies) has been under attack for many decades, both by academics and courts. The doctrine of discovery, however, continues to structure domestic Aboriginal law in Canada. See *e.g. Mitchell v. M.N.R.*, [2001] 1 S.C.R. 911 at 970, where Justice Binnie, concurring with the outcome of the majority in a separate judgment, accepted the notion that at discovery Aboriginal sovereignty was necessarily “diminished,” so that it might be fit under superior European claims. How this is diminishment, and not elimination, is not at all clear.

<sup>18</sup> Ultimately, the first purpose would only be fulfilled with success in relation to the second. Only when Aboriginal peoples “accepted” Western ways of thinking about the world, and their place in it, would non-Aboriginals feel justified in imposing their “civilization” upon Aboriginal communities. This accounts for the brutality of the residential school system, as colonial powers realized that only through forced education of defenseless children, at a remove from their families and communities, could the continuation of Aboriginal ways of thinking be undercut.

In appreciating that this is a danger perceived by non-Aboriginals of all political stripes and persuasions, the reader might come to see, in both Cairns' and Flanagan's work, an ongoing struggle to construct and shore up conceptual and discursive walls around Aboriginal peoples. This is the scene of the contemporary colonial struggle, as enormous efforts are underway to create, recreate, and maintain self-contained worlds within which Aboriginal peoples can "make choices," but with options established beforehand by those who wish to maintain control over Aboriginal lives and lands.

And here is where the reader may locate the one "reality" underscoring the various "realities" Cairns and Flanagan continually mention—the reality of power and its exercise. Until recently, this power was openly exercised in government policy, jurisprudence, and academic writing, which spoke of the need to "assist" Aboriginal peoples as they struggled up the evolutionary ladder, to become "civilized" and "modern." Now, however, the open exercise of such power is considered unacceptable, and so Cairns and Flanagan help to develop new (or reworked) strategies by which colonial powers may continue to control the lives of the colonized. As these strategies further the tradition of discursive colonialism—attempting to shore up conceptual boundaries either overtly (Flanagan) or on the sly (Cairns)—these authors could be seen as colonial apologists and sympathetic agents.

The reader may come to appreciate the divide between Cairns and Flanagan, as they adopt different strategies in their attempts to maintain the colonial empire. Cairns' strategy aims to move colonialism underground, to mask its power-structures in language of "choice" and "limited self-rule." Flanagan's strategy is to argue that colonialism was never "evil" nor mistaken. While the first stratagem aims to refit the oppressive nature of colonialism in garb woven of fine rhetoric, as if a kind and helping hand is now being extended to the oppressed if they can but see the kindness and generosity being extended their way, the second aims to justify oppression, arguing that it has always been kind and helpful, that it always was and continues to be in the best interests of the oppressed.

Deploying the second stratagem, Flanagan argues (vainly, the reader might surmise) that there is such a thing as "higher civilization," and that Aboriginal peoples should be happy to be blessed with the gift of being allowed into the higher sanctum of civilized peoples.<sup>19</sup> Likewise, the reader might enjoy noting how the first stratagem is illuminated in Cairns' prolonged discussion aimed at rejecting the notion that "assistance" has been forced on Aboriginal peoples, a discussion that makes much of the

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<sup>19</sup> *Second Thoughts*, *supra* note 2 c. 3.

implicit acceptance of modernity by urban Aboriginals.<sup>20</sup> Along with the choice of Aboriginal peoples to accept modernity comes the need for Aboriginal peoples now to “choose” the right path vis-à-vis Aboriginal self-governance.

Some readers might find Flanagan’s general argumentative strategy laughable.<sup>21</sup> If Western civilization is the apex of high civilization, why should he have to so strenuously defend it? Would we not expect Aboriginal peoples to simply accept this obviously valuable gift? His vigorous contortions belie his objective to both sanctify the cultural imperialism of the past, and to take up the never-ending task of shoring up this imperialism into the future. Humour can emerge from this situation when the reader acknowledges that it would be essential to ask Aboriginal peoples whether they want to be devoured by “high civilization”— would it not be mandated by a fundamental principle of this pinnacle of civilization that Aboriginal peoples be allowed the opportunity to *choose* whether they wish to be so swallowed? Is “high civilization” not founded on such principles as freedom of choice, on such notions as autonomy, and on protection of property?

The reader might also find Cairns’ clumsiness equally apparent. A slight shift in perspective and language, and his main argument is translated into this: if those troublesome Aboriginal peoples do not stop acting as if they will only countenance existence within Canada with a meaningful measure of self-control, they will lose the thin support of non-Aboriginals. This lack of support will doom them to continual failure, since they cannot possibly succeed on their own, as non-Aboriginals have complete control over the resources and economies of Canada. Given this sort of “argument,” where is the “choice,” the kind and helpful hand being held out to Aboriginal peoples?

What, then, of the “realities” Cairns and Flanagan point to? Key to their arguments is the immutability of certain conditions within which Aboriginal peoples find themselves—living on small plots of land, in remote locations, and without the ability to raise capital or funds (either for

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<sup>20</sup> *Citizens Plus*, *supra* note 1 at 58-62.

<sup>21</sup> Besides the clumsiness of Flanagan’s general argument, there are also humorous tensions running through his work. For example, he introduces the notion of an Aboriginal elite, working in concert with wrong-headed non-Aboriginal sympathizers, pushing an “Aboriginal orthodoxy” which threatens the very fabric of the moral and political universe (not to mention the wealth and status of Canadians). Throughout the work, however, he also acknowledges the helpless situation of Aboriginal peoples, and the impossibility of their ever achieving either (a) a meaningful share of land and resources, or (b) a substantial measure of self-government. See *e.g.* *Second Thoughts*, *supra* note 2 at 128. Is the Aboriginal orthodoxy a paper tiger, or is Flanagan really saving Canadians from a truly invidious and crafty internal enemy, one which can somehow overcome the enormous hurdles he details?



development purposes, or to pay for their own service-provision). Noticeably absent from these discussions of immutable conditions is talk of choice. Are we to imagine that the reader is not aware of the fact that choices historically made account for the present conditions experienced, and that choices that could be made could lead out of these problems?

Rather than use the history and language of choice, however, Cairns and Flanagan simply begin their analysis by pointing to “reality.”<sup>22</sup> Of course, most of the choices made in the past were “for Aboriginals” by non-Aboriginals, and many of the hard choices that would have to be made today would have to be made *by non-Aboriginals in concert with* Aboriginals. Rather than imagine that “reality” could be mutable, that reality is never fixed and frozen, and that the world could be altered with the help of those who created the present state of affairs, Cairns and Flanagan would have the world created around this “immutable reality,” setting it in stone by having the entrapped peoples “agree” to their entrapment.

Here Russell’s book is directly relevant, for he does not accept this immutable reality. It is more than simply a matter of responding to the usual problems raised by the colonial masters, for Russell deals in *possibilities*, the sorts of potential that could be actualized hand-in-hand with the non-Aboriginal population. This reality could come to be, but only if choice—on *both sides* of the Canadian-Aboriginal equation—is welcomed and celebrated.

Russell is more aware than Cairns and Flanagan of the “reality” these authors wield as a weapon against Aboriginal peoples. He not only seems to appreciate that he is partaking in an intellectual battle against those who openly invoke these “realities” which constrict choice, but also turns his attention to the use of discursive colonialism by courts and royal commissions. While Cairns and Flanagan attack the Royal Commission on Aboriginal Peoples as unrealistically presenting a vision of Aboriginal self-governance as a “third-order” of government,<sup>23</sup> Russell digs much deeper into the Commission’s recommendations, asking the sorts of questions which point to a discursive trick, that present a vision appearing to champion Aboriginal aspirations, but which would, if eventuated, capture Aboriginal communities in systems which could not begin to allow them to

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<sup>22</sup> See *e.g. ibid.* at 94-95, where Flanagan talks of the unrealistic notion that Aboriginal peoples could resurrect traditional forms of governance; *Citizens Plus*, *supra* note 1 at 136-37, where Cairns, in discussing arguments for Aboriginal self-determination, baldly states that “[t]hese practical and moral justifications for self-rule, independent of legal justifications based on an inherent right to self-government, are irrefutable. Nevertheless, the exercise of self-rule has to be accommodated ... to various realities.”

<sup>23</sup> *Citizens Plus*, *ibid.* at 71-78, 136-141; *Second Thoughts*, *ibid.* at 78-80.

meet their fundamental responsibilities.<sup>24</sup> Similarly, while Cairns and Flanagan castigate the courts for bowing to (even being partied with) an Aboriginal elite, mouthing an unrealistic Aboriginal orthodoxy, which aims to subvert the interests of god-fearing and tax-paying Canadians,<sup>25</sup> Russell sees in the jurisprudence (and the conservative invective) a carefully crafted narrative aimed at subverting Aboriginal aspirations, while simultaneously appearing to champion their designs.<sup>26</sup>

Of course, some readers might find Russell's appreciation of the nature of work of colonial apologists only somewhat ironic, for they might suspect that Cairns and Flanagan know full well what their strategies are meant to achieve. While colonial apologists might actually welcome the sorts of limited "self-government" recommendations made by the heavily conciliatory Royal Commission, and while they might have little in real disagreement with most of the "radical" academics working in this field, it is necessary, as a move in discursive colonialism, to argue against such positions as extreme and unrealistic. This technique is how conceptual boundaries are set, as the audience, nearly entirely comprised of non-Aboriginal people who collectively control the lives of the colonized, will want to accept such boundary-setting.

With set boundaries, the act of "conciliation"—the process of "being reasonable"—can begin. With all options now neatly circumscribed on one end of the spectrum by these "unrealistic" visions of Aboriginal self-government, any reasonable option is one offering municipal "self-rule" *under* Canadian sovereignty.

Another separate, but interrelated, discursive strategy is also deployed. In Cairn's and Flanagan's books, Aboriginal dreams and aspirations are conceived of as essentially economic and material in nature.<sup>27</sup> This depiction is not simply a matter of mistakenly conceptualizing Aboriginal dreams within these parameters, but rather

<sup>24</sup> *A People's Dream*, *supra* note 3 c. 8 at especially 146-95.

<sup>25</sup> *Citizens Plus*, *supra* note 1 at 95, 187; *Second Thoughts*, *supra* note 2, introduced at 4, as "an emergent consensus on fundamental issues. ... [capturing] the dominant trends of thought among those who now make and influence [A]boriginal policy," and in Flanagan's eyes, that which is questioned and challenged throughout his work. The reader should bear in mind the author of these book reviews aspires to be amongst this elite cadre, now making and influencing Aboriginal policy.

<sup>26</sup> *A People's Dream*, *supra* note 3 at 78-87.

<sup>27</sup> See *e.g.* Flanagan's critique of the *Report of the Royal Commission*, *supra* note 10, a critique centred on the notion that its implementation "would actually increase unemployment, welfare dependency, and human misery in [A]boriginal communities." See *Second Thoughts*, *supra* note 2 at 187. It is instructive to note, as well, that this is found in the chapter entitled "Making a Living." Flanagan characterizes the appropriate goal as "widespread individual independence and prosperity for [A]boriginal peoples." See *Second Thoughts*, *ibid.* at 195.

another discursive strategy. Aboriginal telos aimed at something other than material goals is either ignored or rewritten to fit within Western conceptual parameters. By deciding *for* Aboriginal peoples what their dreams amount to, colonial apologists close off interesting debates around what sorts of societies and “civilizations” Aboriginal communities would like to work toward. Not only is the act of defining “the good” for Aboriginal peoples blatantly colonial, exhibiting all the hallmarks of disrespect and control with which the history of Canada is suffused, it is also a key strategic move to channel the debate into narrow streams laid out by the apologists.

Current colonial authors have to shoulder a task made more difficult by the self-expression of Aboriginal authors. What can Cairns and Flanagan say about expressions of alternative dreams, those not couched in language of economic gain and material well-being? They can argue that these expressions are merely masks, hiding deeper material and economic aspirations.<sup>28</sup> For example, Aboriginal peoples *say* they want to be in a position to meet spiritual responsibilities, but really what they are after is a larger piece of the resource pie. Or, they can argue that Aboriginal peoples suffer under a “false consciousness,” a *sense* of what they want that is removed from what they *really* want.<sup>29</sup> Or, finally, they can argue that Aboriginal peoples are merely reacting against the decay of their traditional ways of life, reaching vainly for a past that is no longer there, and that cannot be resurrected.<sup>30</sup>

Russell expresses some of these alternative dreams. These dreams cannot be quickly dismissed as expressions of false consciousness or masks for deeper material interests if only because such facile attempts to deny their validity are too obviously manifestations of discursive colonialism. The dreams of Aboriginal peoples, these bids to breach the conceptual

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<sup>28</sup> See e.g. *Second Thoughts*, *ibid.* at 75. In tracing the history of the introduction of the language of “nationhood” Flanagan argues that “calling them ‘First Nation’ brought in the theme of [A]boriginality, laying claim to privilege in virtue of prior occupation.” At 140 he also talks of the situation after the *Marshall* decision (finding a Mi’kmaq treaty right to gather things to trade for necessities; see *R. v. Marshall*, [1999] 3 S.C.R. 456) vis-à-vis treaties and resources, and couches the issue solely in terms of claiming resource rights. One might ask, though, of the right of self-regulation under codes in accord with traditional harvesting regimes and practices. Furthermore, at 153-57 Flanagan discusses the concept of “sharing,” again couching the issues that revolve around Aboriginal interests in establishing regimes of sharing solely in terms of claims to resources and wealth.

<sup>29</sup> See e.g. *Second Thoughts*, *supra* note 2 at 43: “all political thinking, not least the [A]boriginal orthodoxy, arises in a specific historical context and will inevitably express, or be harnessed to serve, some configuration of material interests.” While Flanagan goes on to explore whether political theorizing might rise above its material origins, clearly he thinks this is not the case with either the Aboriginal orthodoxy or the traditional notions of sharing and governance.

<sup>30</sup> See e.g. *ibid.* at 94-95.

boundaries set by colonial masters, cannot be defeated by way of these struggles at shoring up the boundaries. While Cairns and Flanagan would like to paint Aboriginal peoples as immutably “modernized,” complete with Western dreams, these expressions of possibilities and potential completely undercut their central arguments.

Things happened to push Aboriginal peoples and communities into the forms they exhibit today, and behind these forces lay *choices made*. Furthermore, the world will keep moving along, fueled by choices made today that will construct the world of tomorrow. The situation in which Aboriginal peoples find themselves today—even in terms of self-identity—simply cannot be conceptualized as either immutable or inherently constricted. Only if one deliberately chooses to ignore the discourse of choice at this vital juncture, to say that Aboriginal peoples could not forge a future based on *their* choice of dreams and aspirations, could immutability make any sense.

Consequently, the nature of this “immutability” is then laid bare, as the impossibility of change is placed squarely at the feet of those who deny that Aboriginal peoples can determine their own futures. Choices made by colonizers—choices that attempt to remove or constrict the power of choice for Aboriginal peoples—are the only forces behind the spectre of immutability. Remove the exercise of this power over Aboriginal peoples, and these people are free.

Is it impossible or unrealistic for Aboriginal peoples to dream, for example, of closing the hoop, of returning to traditional ways of life? If Aboriginal peoples continue to be constricted by choices made by non-Aboriginals, then this dream may never be satisfactorily realized. The dream itself, however, will continue to infuse the lives of Aboriginal peoples, for Aboriginal peoples, shaking off the effects of their long nightmare, will no longer dream the dreams of the colonizers. Nor can they be made to do so. Furthermore, and this is the essential response to Cairns and Flanagan, this dream *could* begin to restructure the worlds of Aboriginal peoples, *if* colonial efforts to bury these sorts of non-Western dreams were curtailed.

The key here is the realization that what stands in the way of Aboriginal dreams is not “reality,” but the interference of colonial powers. These powers operate today in many forms and guises—in this instance, the reader might note the efforts by non-Aboriginal scholars to structure the debate about Aboriginal self-government. They use discursive strategies in attempts to justify the continuation of colonial agendas. On one side of this “discussion” the reader can witness attempts to constrict debate, to label those who challenge “reality” unrealistic, while on the other side the reader can see the expression of a dream.

The reader is invited, then, to witness the debate over Aboriginal self-government revealed through a cross-reading of these three texts. The reader might also gain, however, from a reading informed by a sense of the use to which discursive strategies are being employed in efforts to shape debate, to channel it into safe and harmless forms, wherein the “reality” of the current place of Aboriginal communities as internal colonies is not only unquestioned, but reinforced. Perhaps, with this understanding, the reader—faced with *choices* about how to understand these texts and authors—can move into self-examination.