

Too Weak to Win, Too Strong to Lose: Indians and Indian Policy in Canada

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The Canadian government's policies pertaining to native peoples have consistently failed to satisfy either the government's goals or the native people's needs. Indians, Inuit and Metis remain Canada's most impoverished, uneducated and unhealthy minorities, while the government remains unable to achieve any significant economic or political integration of the minorities into Euro-Canadian society. Underlying the persistence of this state of affairs seem to be two factors that have usually been overlooked or underemphasized: the continued existence, despite efforts to eradicate it, of a vibrant, though by no means unaltered, cultural identity for a substantial proportion of Canada's native people; and the existence of a vested interest on the part of native peoples and their leaders in maintaining existing structures and styles of policy making.

Economic and social circumstances are themselves a cause of the political weakness of the native peoples. Native people make less money, are unemployed or underemployed more often, and receive welfare more often than non-natives. Native people are much more likely than others to have no formal schooling at all, and those who do go to school finish fewer years than others do. The houses in which native people live are more often than not substandard in construction, overcrowded and lacking in amenities. Native people die at an earlier age, frequently from diseases which cause few fatalities among the general population. They suffer a higher rate of alcoholism and related health problems. They are arrested more often, and for less serious offences, than are other people; they are convicted more often than others facing similar charges; and they are sentenced to jail more often than others convicted of similar offences.¹

Social and economic ills are coupled to direct impediments to effective political organization. The most obvious impediment is the small size (some 4.5 percent of the Canadian total) and scattered distribution of

¹ H. B. Hawthorn, et al, *A Survey of the Contemporary Indians of Canada*, 2 vols. (Ottawa: Queen's Printer, 1966).

the native population. In a representative democracy like Canada such a minority can have only limited possibilities of achieving substantial influence through normal political channels. To make matters worse, the native minority is far from being a solidary one. It is fragmented by a myriad cultural and linguistic differences. Of greater political consequence to the native Indian population is its having been divided by the Canadian Parliament into status and non-status categories. Status Indians, who are beneficiaries of special programs, band funding and other largesse from the federal government, have at times opposed or, more often, failed to support non-status and Metis demands for recognition and funding. Such opposition or lack of support stems in part from a fear that the existing financial pie would not be enlarged. In addition, status Indians have tended to be jealous of their direct connection with the federal government, and suspicious that federal attempts to turn responsibility for Indian programs over to the provinces would result in a loss of Indian status. Non-status Indians and Metis, on the other hand, having no such formal connection with the federal government, have been more inclined, if only by force of circumstance, to seek their political objectives in the provincial arenas.

As a consequence of these inherent and imposed divisions and differences there are three national native political organizations—one of Inuit (the Inuit Tapirisat), one of non-status and Metis (the Native Council of Canada), and one of status Indians (the Assembly of First Nations, which has recently evolved from the National Indian Brotherhood). In the provinces there is a similar division between Indian political organizations which serve status Indians and which serve non-status Indians or Metis. At the provincial level there are, in addition, often separate native women's organizations, and in British Columbia there is the unique multiplicity of district/tribal organizations. Even though political unity among organizations could overcome to some extent the political weakness resulting from social, economic and demographic factors, such unity is extremely difficult to attain.

Although there have been various attempts to engage Indians, Inuit and Metis in federal government policy formation since 1963, these attempts have come to little. Federal Indian policy has been designed to promote the goals of the federal government and non-Indian policy makers, and it has focused on policy areas regarded as important not by Indian spokesmen but by the policy makers. The classic example of this is provided by the federal government's Indian policy of 1969. As Sally Weaver has shown, the federal policy makers totally ignored the consul-

tation process they had established with Indian leaders.² As a result the content of the 1969 "white paper" was bitterly rejected by the Indian people and was subsequently abandoned by the government.

The most significant current example of an issue that is regarded as important by Indian spokesmen is that of Indian self-determination or sovereignty. While the term "sovereignty" has become all-important to status Indian spokesmen, there is a good deal of latitude in what seems to be meant by it. Within British Columbia, for example, a Nuu-chah-nulth spokesman has said, "Once we have negotiated our claims there will be no need for the Indian Act. The responsibility for living and lifestyle lies in the community" — thus appearing to demand somewhat greater local autonomy than exists at present and that it be guaranteed under the claims settlement. An Okanagan spokesman has stated that "the Okanagan Nation is a sovereign nation; no other nation can give us what we already have" — thus asserting that the Okanagan Nation is, or should be regarded as, outside the Canadian political process.³ Recognition of the latter sort of claim to nationhood entails obvious difficulties for any government, let alone one committed to denying any sort of sovereign state doctrine advanced by Quebec separatists. The federal antipathy, combined with the diversity of Indian concepts of sovereignty, leads to a situation in which the government refuses to discuss or even to take seriously an issue of prime concern to an important group of native leaders.

If it is clear that federal Indian policy has in major respects failed to address the concerns of Indians, it is equally clear that it has failed to meet the goals of those formulating it. Over the years since Confederation the emphases and rationales have changed, at least in detail, but the objectives have remained strikingly constant: the integration of native people into Canadian society as ordinary citizens, and the corresponding diminution or elimination of federal expenditure on programs of benefit solely to Indians. Despite the consistency with which they have been pursued, the objectives of assimilation and cost control have not been attained.

Why is it that Indian policy has failed? Is it possible to remedy the situation?

Popular explanations of the failure of Indian policy are of three main types. One type, little heard publicly, but pervasive among the non-

² Sally Weaver, *Making Canadian Indian Policy* (Toronto: University of Toronto Press, 1981).

³ *Native Voice*, February 1982.

native population, is racist. It holds that Indians are by nature incapable of responsibility or foresight. Another is economic, holding that if governments spend more to promote education, vocational training, capital development, urban acclimatization, cultural adaptation, or whatever, Indians will take their proper place as happy and productive members of society. A variant of this second explanation assumes that spending is already sufficient but is improperly targeted. The third type of explanation holds that Indians are victimized by discrimination both historical and current. Proponents of this explanation tend to assume that the historical injustice will be remedied by increased Indian participation in policy making and by settlement of land and treaty claims — and that the discrimination will be alleviated by increased contact with the dominant society and by continuing protection under the federal government.

The economic explanation correctly identifies existing problems, but does not go far in explaining the almost total lack of effect produced by years of government spending. Even the notion that money has been mis-targeted seems insufficient — why is it that few if any of the many distribution schemes have met with success? The view of Indians as victims, while accurate in many respects, is flawed in two ways: it tends to suggest that a solution lies in continued benevolent paternalism, a solution which is emphatically rejected by Indian leaders, and it obscures the critical fact that Indians and major elements of Indian culture have survived remarkably successfully.

The difficulty with both explanations is inherent in their ideological foundation. Both are deeply rooted in the small “L” liberal assumption that Indians are a part of Canadian society and, like other minorities, must be helped, but never pushed, toward some sort of economic and political equality. The equality envisioned is sometimes formal and legally defined, and sometimes dynamic and compensatory. The liberal assumption as it applies to British Columbia Indians was evident in the Hawthorn Report of 1960: “Our research takes it as axiomatic that the acculturative change of the Indian is irreversible and is going to continue, no matter what is done or desired by anyone.” This statement, however, was followed immediately by the observation that “the majority of individual Indians and the majority of their communities are still separate and different from non-Indians, in language, attitudes, economic and social relationships, and other ways.”⁴ However well meaning it may be, the liberal assumption fails to recognize any views other than those

⁴ H. B. Hawthorn, et al, *Indians of British Columbia* (Toronto: University of Toronto Press, 1960), p. 12.

taking as inevitable the Indians' eventual assimilation into the dominant society. Unfortunately for the liberal assumption, it is rejected by virtually every Indian leader and spokesman.

The impasse is not easily resolved. Robert Dahl has observed that in pluralistic democracies such as Canada "institutions place a high premium on strategies of compromise and conciliation, on a search for consensus. They inhibit and delay change until there is wide support; they render comprehensive change unlikely."⁵ W. Gamson contends that governments will react to demands for major policy changes, or for a share in the policy-making process, with one or more of five possible responses: (1) seeking to discredit the demands or the groups making the demands; (2) harassing the spokesmen making the demands; (3) offering benefits to group leaders in order to divide them from their followers; (4) bypassing the leaders through direct appeals to their followers; and (5) creating a cumbersome policy-making process difficult for the group to penetrate.⁶

There are many examples of each of these responses by the Canadian government in its dealings with native groups. The most effective way of discrediting demands of a minority lacking broad majority support is simply to ignore the demands, as is presently the case in response to demands for sovereignty. Overt harassment of native leaders is uncommon today, but was practised in earlier decades by missionaries and government officials as they sought to suppress traditional cultural practices such as the potlatch in British Columbia. While massive funding of native organizations has certainly been essential to their formation and survival, it has also allowed the leaders and employees of the organizations to attain a lifestyle quite different from that of the vast majority of native people. Conflict and factionalism within the organizations has often involved charges that incumbents are more interested in the salaries and perquisites of office than in confronting the government. Government efforts to appoint native persons to government positions have the obvious effect of reducing the pool of potential leaders of the organizations — both by removing such persons from active participation and by reducing their credibility should they seek to leave government service to take part in political activity. Finally, it is abundantly clear that it is extremely difficult for outsiders to comprehend the policy-making pro-

⁵ Robert Dahl, *Pluralist Democracy in the United States* (Chicago: Rand-McNally, 1967), p. 329.

⁶ W. Gamson, "Stable Unrepresentation in American Society," *American Behavioral Scientist* XII (November-December 1968): 19.

cess in any one major federal department, let alone in each of the four or five major departments whose policies affect native people.

The small size of the native population, together with its general impoverishment, renders it impossible for native people themselves to mount the political pressure necessary to induce government to change its responses or its policies. The native organizations must depend on the emergence of public support — but once such support emerges it is not only beyond native control but also tends to be guided by the liberal assumption. An excellent example was provided in the treatment accorded to the aboriginal rights clause just before the final approval of the new Canadian Constitution. Native organizations were taking little interest in the clause, regarding it as too weak to be of much benefit. The clause was then omitted at the insistence of some of the provinces. It was then quickly restored in response to an unexpected and powerful wave of public demands for its restoration. Indian policy has long been marked by this tendency to reflect pressures emanating from the dominant society and relating only coincidentally to issues seen as primary within the native community. Native organizations have little to offer to other pressure groups to induce co-operation, for the organizations are, in Gamson's words, "poor in resources and rich in demands, making them poor coalition partners."⁷

If there are major reasons on the government side for the failure of Indian policy, there are also major reasons on the Indian side. As is not often realized, the Indian people and their leaders, especially status Indian leaders, have a vested interest in maintaining the status quo in policy and policy making. There are a number of reasons for Indian reluctance to alter the existing system. First, it constitutes a political game that is reasonably stable and straightforward, at least in its public manifestations, and it is one in which the Indian leaders know they will occasionally win. Second, it is based upon a direct and special relationship with the federal government (or even, as has been asserted, with the British Crown) which may be used to support the contention that native peoples are sovereign nations. Third, having to deal only with the federal government is seen as much preferable to having to deal with a variety of provincial governments, only one or two of which have shown themselves sensitive to native issues. Fourth, the present system offers personal benefits and opportunities to those who become leaders or employees of the organizations.

⁷ *Ibid.*, p. 20.

Finally, the simple fact that the native population is small, scattered and weak in resources results logically in a conservative strategy emphasizing loss avoidance rather than risk-taking. This strategy is evident when vehement assertions of desire for major change are coupled with intense scepticism about any specific proposal to attain change — especially when the specific proposal comes from the government. Similarly, most leaders prefer to express demands in terms of broad principles, such as self-determination or sovereignty, and to avoid suggesting detailed steps towards implementation of the principles. In this strategy any change involving unpredictable consequences is assumed to be a change for the worse and is thus avoided. Moreover, this strategy of loss avoidance is attractive to leaders who are highly visible and accountable within their organizations, since the consequence of taking risks is likely to be the loss of prestige if not of position. It is even sometimes the case that native leaders are more attached to the status quo than are government officials, for the latter will find their reputations enhanced if they are successful in native policy innovation (or even successful in appearing to be innovative) but will certainly not lose either prestige or position through making proposals that come to nothing.

As far as attainment of self-determination or sovereignty is concerned, however, Indian leaders are most definitely desirous of major change while government officials are committed to maintaining the status quo. This issue is, indeed, the major sticking point for spokesmen of the dominant society, who reject the notion that small and scattered Indian communities are or should be sovereign. Moreover, there is an inclination on the part of these spokesmen to see Indian demands for self-determination as simply a bargaining ploy which can be ignored. But, as Lloyd Barber has emphasized, Indian leaders are firmly and sincerely of the view that self-determination is both essential and feasible.

Governments may think they can discourage this view in one way or another, but such efforts will only strengthen it as Indians perceive a threat to their identity. Nor can it be ignored. The record of Indian affairs in Canada over the years amply demonstrates the folly of not facing this basic reality.⁸

Douglas Sanders suggests that the Indian approach to the issue of self-determination is an aspect of “symbolic competition.” This behaviour

avoids accepting an inferior stereotyping by attacking Euro-Canadian society as violating its own norms of morality, justice and legality. This is the tactic

⁸ Lloyd Barber, *A Report: Commissioner on Indian Claims* (Ottawa: Ministry of Supply and Services, 1977), p. 45.

of a politically weak group, but a group which cannot avoid interaction with agents of the dominant society. Euro-Canadians who seek to organize or educate or evangelize find that the Indians and Inuit have completely different questions that they want to discuss. . . .⁹

Clearly native peoples cannot avoid interaction with the dominant society. Members of that society seem to assume that this fact makes inevitable the assimilation and integration of native peoples into the dominant society. This assumption is not and never has been shared by native leaders. As long as this total divergence of assumptions remains there is no hope of a successful Indian policy in Canada.

Historical circumstances and current objectives of native peoples and of government have produced what is called in game theory a blocking coalition. The federal government has the resources to force its own solutions, but is restrained by the costs it would incur both in expenditure and in loss of public support. The native peoples have neither the resources nor the public support to attain their preferred solutions. Each side, unable to obtain its preferred solution, settles for the best alternative: immobilizing its opponent.

There is little reason to hope for a quick resolution to the impasse. The federal government, supported and pushed by the provincial governments, will not accede to any but the most limited, and therefore unacceptable, native self-determination. Native people, entering a period of cultural renaissance and heightened political awareness, will not be appeased. The prognosis seems gloomy indeed.

And yet hope flickers here and there. In some areas, as in the Yukon and parts of British Columbia, resurgent tribal identity and cohesive political leadership at the tribal or regional level now provide the means and capability for Indian autonomy at this level. This autonomy will not amount to full self-determination and it will be accompanied by ties to territorial or provincial structures — as now exist in British Columbia with the Nishga provincial school district and as will exist in the Yukon if the land claim settlement proposals of the Council for Yukon Indians are implemented. It is noteworthy that both the Council for Yukon Indians and the established tribal councils in British Columbia have overcome the status/non-status division and have leadership structures in which tribal elders play a major role. It is equally noteworthy that the Yukon Indians and the British Columbia tribal councils have acted independently to develop policy proposals relevant to their own needs.

⁹ Douglas Sanders, "Lawyers and Indians" (unpublished paper, Faculty of Law, University of British Columbia, 1978).

They have relied little upon either government or the national Indian organizations, and they have adopted a pragmatic and detailed approach rather than demanding government acceptance of broad and contentious principles before details are discussed. This approach, which may well involve a degree of semantic confusion, holds promise of allowing solutions appropriate to particular circumstances without leaving either side open to charges of having abandoned long-cherished principles.

Whether the dominant Euro-Canadian society is prepared to pay the moral and material debt it owes to a small and divided minority remains very much in doubt. The physical and cultural survival of Canada's native peoples is no longer in question. What remains in question is the willingness of our society and government to progress beyond political expediency.