
Indigenous Self-Determination and Applied Anthropology in Canada: Finding a Place to Stand¹

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Abstract: The discipline of anthropology has been undergoing a period of self-reflection and self-doubt. Current wisdom suggests that anthropologists do best when we act to provide context and space for the voices of others and eschew our own voices and agency. I agree wholeheartedly with aspects of this wisdom. We are at our worst when we impose our voices on others, such as by speaking for them or speaking about them as though they were not there. However, withdrawing agency does not resolve the matter. Our agency, our voice is present in all choices, even the choice not to assert it. In this paper, I discuss an approach to asserting our agency in a manner I believe to be just and justifiable. It is based on the view, following Buber and Lévinas, that appropriate agency is fostered when we treat others in an I-Thou rather than an I-It relationship. I indicate, following from the work of Little Bear among others, that the notion of treaty as developed in one strain of Indigenous thought provides an articulation of the I-Thou relationship in the political realm. It fosters a political relationship based on what I term Self and Relational Other rather than Self and Oppositional Other. This form of framing promotes active agency on the part of all participants, including anthropologists.

Résumé: La discipline anthropologique a connu une période de réflexion et de doute sur son orientation. La prudence courante maintient que nous faisons mieux de fournir le contexte et l'espace pour la voix des autres et renoncer à notre voix. Je suis d'accord avec certains aspects de cette prudence. Nous sommes «au plus mal» quand nous imposons notre voix aux autres soit que nous parlions pour eux soit que nous parlions d'eux comme s'ils n'étaient pas là. Cependant, se retirer de l'action ne résout pas le problème. Notre action, notre voix est présente dans tous nos choix, même le choix de ne pas s'imposer. Dans ce texte, je présente une manière de revendiquer notre participation d'une façon que je crois juste et justifiable. C'est une perspective qui s'appuie sur la vision, à la suite de Buber et Lévinas, qu'il se produit une action appropriée quand nous traitons les autres en tant que personnes (I-Thou) plutôt que dans une perspective moi-chose. Je montre, à la suite des travaux de Little Bear entre autres, que la notion de traité telle que développée dans une ligne de pensée indigène fournit une articulation de type personnel dans le domaine politique. Elle favorise une relation politique sur la base de ce que je considère le moi en accord avec l'autre plutôt qu'en opposition avec l'autre. Ce type de cadre peut promouvoir une action de la part de tous les participants, y compris les anthropologues.

Introduction

I want to begin by thanking Jim Waldram and the nominating committee for presenting me with this award. It is quite an honour. I am particularly pleased to accept an award named for Sally Weaver and Adé Tremblay. I had the great pleasure of working with them at the founding and early development of CASCA. I learned much of lasting benefit from their attitudes and their approaches both professionally and personally.

I am also very pleased that this occasion gives me the opportunity to acknowledge my debt to Dr. Sol Tax. I took my first undergraduate cultural anthropology course from him at the University of Chicago in 1963. After graduation in 1965, I volunteered for a brief period on a project that he developed with the Cherokee in Oklahoma. Were it not for the intervention of the Vietnam War, I am certain I would have continued with that project rather than return immediately to the academy. What I have done in my research career owes a great deal to the vision Dr. Tax provided.

In my talk today, I want to share the understanding I have come to regarding my role as an applied anthropologist who works with First Nations and how this understanding has been informed by, and grounded in, both Western and Indigenous political thought.

I am taking up this topic for two reasons. First, I am finding that many students who intend to work with First Nations on matters involving Indigenous rights believe that they must limit their own agency to giving technical support or providing space for the voice of the First Nations. Second, since the summer of 1969 when my wife, Margaret, and I moved for a year to Wrigley (now Pi Dze Ki) in the Northwest Territories or Denendeh, I have spent the majority of my professional life engaged in issues surrounding Indigenous self-determination in Canada. I have played many technical roles and learned many lessons. This occasion gives me the opportunity to

reflect on these experiences in order to examine principles through which I have come to orient my own agency. This process has been helpful to me and I hope that the thoughts contained in this talk may provide some place for reflection for others as we all grapple with finding a place to stand.

Specifically, my comments are situated in the political relationship between First Nations and the Canadian state and I turn first to a brief summary of what has occurred. The past thirty years have borne witness to an incredible struggle, led by First Nations, to gain political and legal recognition of their proper relationship to Canada. It has had its significant successes as well as numerous setbacks. But the work is hardly over.

Indeed, the relationship has moved to a new stage. Courts, as in the Mik'maq fishing case, have gone fairly far in providing interpretations of treaties that recognize subsistence and economic rights. But governments have failed to enforce the law, with a resultant strong backlash. Similarly in British Columbia, where I now live, one political party, likely to form the next government, is determined to hold a referendum that intends, at best, to cut back on the limited range of remedies now provided for redress through negotiations. The courts, as I have detailed elsewhere (Asch, 1999), once an ally in expanding Canadian state ideology on the notion of Aboriginal rights, have all but closed the door and are quickly moving in the opposite direction. Most significant is the Supreme Court of Canada's decision in *Van der Peet* which excluded abstract political rights, such as a right to self-determination, from the definition of Aboriginal rights. Rather, it insisted that the settlement of Aboriginal rights be based solely on their presumed cultural distinctiveness. With that decision, we in Canada are hurtling toward a period much like that of Indirect Rule in British Colonial Africa where cultural difference, rather than colonial relations, formed the basis for the expression of any Indigenous rights.

I believe that Canadian applied anthropology has a crucial role to play especially at this time. I do not mean just our role as technicians where we can and do provide important support for resolving specific issues. Rather, I am talking about role as participants.

In considering this matter, I found it clarifying to review first the debate between Chomsky and Foucault on justice and power; second, Buber and Lévinas on the relationship between Self and Other; third, the application of this philosophy to political relationship; and fourth the voices of Little Bear, Venne and others on Indigenous thought concerning political relationship.

Chomsky and Foucault on Justice and Power

In 1971, Chomsky and Foucault had a debate on the topic of *Human Nature: Justice Versus Power* (Elders, 1974). This debate is best known to the anthropological community through Paul Rabinow's exposition of it in the introductory essay to his 1984 book *The Foucault Reader* (Rabinow, 1984). Rabinow's essay emphasizes the differing view of the two thinkers on the topic of human nature. In this dimension, Foucault's insistence that concepts be grounded in historical moments rather than in some kind of eternal human nature, provided a welcome alternative to the reductionism of the scientific approach which dominated anthropology at that time (and still does, at least in some quarters). It provided a point of departure for an anthropology that is reflexive, self-critical and self-aware.

While the human nature pole of the debate is crucial in the development of a reflexive anthropology, it is not central to the matter I raise here. The exchange around the question of justice and power is. As I turn to that topic, I must stress that I can provide only the briefest excerpts from their comments here. (One can find the complete debate online at the website: <http://www.geocities.com/CapitolHill/Senate/3761/foucault5.html>).

With respect to political matters such as a right to self-determination, Foucault emphasizes the dimension of power. He says: "It is true that in all social struggles there is the question of 'justice.' . . . But if justice is at stake in a struggle then it is as an instrument of power." That is, "one makes war to win, not because it is just." The emphasis on power leads Foucault to conclude, using the proletariat as an example, that: "When the proletariat takes power, it may be quite possible that (it) will exert towards the classes over which it has just triumphed, a violent, dictatorial and even bloody power. I can't see what objection one could make to this." As Rabinow aptly puts it, to Foucault, the metaphor for a social struggle is one of battle, not conversation.

In response, Chomsky emphasizes the dimension of justice. He asserts that, when speaking of matters such as Indigenous self-determination, we must speak: "in terms of justice—because the end that will be achieved is claimed to be a just one." Emphasizing this frame, Chomsky replies to Foucault's assertions respecting the proletariat as follows. "No Leninist or whatever you like would dare say 'we the proletariat, have a right to take power, and then throw everybody else into the crematoria.' If that were the consequence of the proletariat taking power, of course it would not be appropriate." He

states that, to support a cause such as self-determination, one must believe “some fundamental human values will be achieved by that transfer of power.”

I am not concerned with which perspective is “correct” or provides a better explanation of the facts. In my view, each provides a valid perspective. The question is how reliance on each dimension influences one’s orientation with respect to Indigenous self-determination.

Foucault’s depiction describes well many aspects of the struggle over Indigenous self-determination in Canada. Indeed, it is my experience that parties to negotiations, particularly governments, have cynically manipulated the language of justice in order to gain tactical or strategic advantage in a game that they see as a contestation over power alone. Chomsky’s views agree with this assessment of the real world. However, it is crucial to point to where they disagree. Following from Foucault’s reasoning, the ultimate goal of any social struggle is solely to achieve power. To Chomsky, the goal of a social struggle, to be worthy of support, must be to further the ends of justice. The differences that follow from an orientation around power or around justice become clear with respect to the possible reign of terror that may accompany a change in power. While to Chomsky it is a result to be condemned, to Foucault, no objection can be made.

The orientation I adopt as the basis for the discussion on my role, adheres more closely to Chomsky than Foucault. This means that, at the end of the day, how I orient my own agency in a social struggle will, like Chomsky’s, rest on its fidelity to furthering justice. The question I turn to now is how the social struggle around Indigenous self-determination in Canada relates to those perspectives.

Political Relationship as Treaties and Contracts

Both First Nations and the Canadian state seek to resolve their political relationship, but the ways in which they approach it differ greatly. Based on my experiences over 30 years, I can say with certainty that the predominant stance of First Nations is one that seeks to establish a relationship with Canada through treaties and based on what they describe as “sharing.” From early treaties, such as the ones symbolized by the Two Row Wampum, to recent statements, such as testimony presented to the Royal Commission on Aboriginal Peoples, the primary purpose of the treaty is to build a relationship between groups based on “peace and friendship.” As Sharon Venne put it with respect to the numbered Treaties nego-

tiated on the Plains beginning in the 1850s (Venne, 1997:184):

Indigenous Chiefs dealt with the arrival of non-Indigenous settlers into Indigenous territory in the same manner as they dealt with others entering their jurisdiction.

Sharing the land through treaty-making was a known process. The only way to access the territories of the Cree, Assiniboine, Saulteau, and Dene was to enter into a treaty.

The power and depth of this idea struck me forcefully when I was working with the Dene Nation in the 1970s and 1980s. I recall two statements that spoke with great clarity at two crucial moments in recent Dene history. The first was made by a Dene leader in the 1970s at a time when the Dene Nation were fighting to stop the construction of a pipeline megaproject that was to cut through their lands without their permission. In speaking of the political relationship the Dene were hoping to re-establish through political negotiations, he said: “While others are trying to negotiate their way out of Confederation, we are trying to negotiate our way in (cited in Asch, 1984: 105).” The second was made in the 1980s by a Dene leader frustrated with the failure of government negotiators to understand that the true spirit and intent of treaties was sharing. After at least a decade of negotiations, at a meeting of the negotiations’ team held the evening before what turned out to be the final session, he said (to paraphrase): We are trying to build a house with the White Man. The Treaty was the foundation and these negotiations are building the first wall. But the White Man wants to rip out our foundation and remake us in their image.

Leroy Little Bear has described the form of political thought that lies behind this approach clearly and concisely when he stated (1986: 247):

The Indian concept of land ownership is certainly not inconsistent with the idea of sharing with an alien people. Once the Indians recognized them as human beings, they gladly shared with them. They shared with Europeans in the same way they shared with the animals and other people. However, sharing here cannot be interpreted as meaning (that) the Europeans got the same rights as any other native person, because the Europeans were not descendants of the original grantees, or they were not parties to the original social contract. Also, sharing certainly cannot be interpreted as meaning that one is giving up his rights for all eternity.

Governments in Canada use the rhetoric of treaty in describing the political relationship they wish to establish with Indigenous peoples. However, in their usage, a treaty is more like a contract than a partnership. It is about specific clauses rather than an open-ended relationship implied by the word "sharing." Largely, the intent of a treaty in their view is to subsume the political rights of Indigenous peoples within existing Canadian polity as through the delegation of powers to First Nations under the authority of senior governments. As a government official in British Columbia recently described it, the terms of a treaty are not to be based on the consideration of past wrongs or in terms of upholding any rights First Nations have. Rather, the terms are to be based solely on current interests of the parties. Treaties are considered "Final Agreements." They are not to be reopened.

The Canadian judiciary follows the same path. Their objective is to deny the need for Canada to enter into any political relationship with Indigenous peoples. Until recently, the courts rationalized this approach by appealing to a precedent in British Colonial law that followed ancient evolutionary thinking in anthropology. They asserted, with confidence, that Indigenous peoples in Canada were just too primitive to have a form of political organization that the superior British needed to recognize (Asch, 1992, 2000). The courts, I hope out of embarrassment if nothing else, have now dropped that rationale. In its stead they have adopted a form of legal reasoning worthy of Kafka. They have defined the rights that Aboriginal peoples have under the Canadian Constitution as specifically excluding abstract political rights, such as the right to self-determination or even self-government. In short, the position of Canada is that First Nations are not to be partners in a nation-to-nation relationship, but, whether by treaty or some other process, they are to be incorporated into Canada (Asch, 1999).

Support and Justice

Any anthropologist who seeks to work in this arena is faced with a highly polarized situation. It is possible to avoid controversy by standing aside, remaining neutral. But, at least for me, that is not a comfortable place to stand. I do not support the position of Canada. I believe that, following Little Bear, for justice to be advanced, the resolution of the political relationship must recognize the difference in the relative status of newcomers and the original peoples and create means for sharing wealth, power and other resources that respects the dignity and status of both parties. A treaty of political alliance on a nation-to-nation basis seems to me an appropriate method to achieve this result.

So, I support the position taken by First Nations. But I would not support First Nations, whatever position they take, nor oppose Canada on that same basis. I do not support one group or the other. I support the position of First Nations because it is based on an approach, treaty, which I believe enhances the possibilities for justice. Were positions to change, so too might my support. This is what I understand it means to take Chomsky's position on power and justice over that of Foucault.

At the same time, making a choice does not mean that I must refuse to work with governments, and indeed I have worked with them on occasion. I do not believe that providing good research and analysis on a non-partisan basis is inherently contrary to the achievement of justice.

Still, as an anthropologist I have a particular concern that is not shared by any other professional. The concern is serious and it is not new. Anthropology has a long history of appropriating voice. As we all know, there are some in our discipline who have treated Indigenous peoples as objects, speaking about them as though they were not there. Others have treated them as children, speaking for them. Our past is filled with ghosts. As a colleague of mine said recently: "Anthropology has a lot to answer for." Do I have a right to speak up? Is doing so, when I agree with First Nations, speaking for them? Is doing so, were I to disagree with a perspective they take, treating them as objects? These concerns paralyzed me at times and, I have found, can paralyze students who might wish to contribute to the conversation, rather than remain mute. Are there principles that both enable us to treat Other respectfully—with dignity, and also allow us to speak with our own voices? Is there such a place to stand? This brings me to the heart of my comments today.

Finding a place to stand

In considering this question, I am drawn to the works of two philosophers: Martin Buber and Emmanuel Lévinas. Buber, as you may recall from his book *I and Thou* (Buber, 1970), grounded his philosophy in two relationships: I-It and I-Thou. As Lévinas describes it (Hand, 1989: 63-64); the world as conceptualized in the I-It refers to "human beings when we speak of them in the third person." In this relationship, I experience Other, but I only explore the surface. "In the I-It, individuals do not enter into a . . . unifying relation in which 'the otherness of each is distinctive.'" On the other hand, as he describes it (Hand, 1989), "The I-Thou relation consists in confronting a being external to oneself, and in recognizing it as such. The I-Thou relation is one in which the

self is no longer a subject who always remains alone. (Here), the relation is the very essence of the I: whenever the I truly affirms itself, its affirmation is inconceivable without the presence of the Thou.”

Lévinas amplifies on the orientation of the I-Thou in his philosophy of ethics. His view is described succinctly in the following quotation from Eric Matthews (1996: 60):

(A philosophy based on) (e)thics begins not with the sense of myself as a spontaneous or autonomous being, but with a sense of myself as in relation to an Other, a being who is not myself and who sets limits to, and so calls into question, my spontaneity or capacity for free action.

It is the awareness of otherness, that (enables me to understand that) reality transcends my own consciousness of it and so is irreducibly independent of me, (awareness of otherness) is essential both to the possibility of knowledge and to metaphysics.

Thus, to Lévinas, a philosophy based on ethics necessitates that there are always two parties, a Self and an Other that cannot be reduced to one or the other. It respects that the difference between them must remain irreducible; and places them immediately in relationship. Both parties remain autonomous, yet joined. In that sense, both are responsible for themselves and for the other.

It seems to me that when we orient our encounters with Indigenous peoples around the I-It, we foster a perception that they are objects or children. We speak of them in the third person. We appropriate voice. However, when we orient our encounters around the ethics of the I-Thou, we foster a relationship that promotes respect and dignity for their humanity. We have a conversation.

Having a Conversation with First Nations

But can I have a conversation with First Nations about their political relationship with Canada? There appears to be an Indigenous understanding of the political relationship and a Western one. The two speak past each other, not to each other. There is a cultural divide that will inevitably separate our voices. There is no conversation.

But the perception does not match my experience. It is not that I reject the fact of cultural difference, or that cultural difference is not extremely important. Rather, I have found that cultural difference does not play the decisive role in determining whether one adopts a position consistent with the voice advanced by First Nations or Canada. To me, the fact of cultural difference invites, rather than precludes, conversation.

On Self-Determination

Let me illustrate what I mean by reference to my understanding of the way in which peoples who assert a right to self-determination understand their relationship with states that hold power in relation to them. In a recent paper (Asch, 1997), which is based in part on B. Neuberger's exhaustive analysis of this question (Neuberger, 1986), I concluded that assertions of self-determination are based on the following two perceptions about the party making an assertion (Self) and the other party in the relationship (Other):

1. The Self has a will to be free to act politically without reference to Other.
2. The Self sees Other as a party against which Self is struggling for freedom.

Elsewhere, I have labelled this, the relationship between Self and Oppositional Other (ibid., 1997). It is derived from Buber's concept of the I-It. And, like the I-It, it evokes a social space where parties see each other in the third person, as objects to be manipulated.

As Neuberger's analysis shows, many groups asserting self-determination express their relationship to states in terms of Self and Oppositional Other. It is clear that there are times, here in Canada, when First Nations express their relationship to the state in these exact terms. In short, the relationship evoked by Self and Oppositional Other is not an essentialized, cultural perspective that is held only by populations who come from Western intellectual traditions.

The approach evoked by the treaty relationship as described by First Nations belongs to what I consider to be and have defined as the relationship between Self and Relational Other (Asch, 1997). Here, a Self that is seeking self-determination sees its relationship to an Other, as based on these two principles:

1. The Self has a will to be free to act politically, but it is expressed with reference to Other.
2. The Self sees Other as a party with which it has the responsibility to seek a political relationship.

Treaty becomes the means whereby these two principles are formalized. And sharing in a manner that respects differences between groups—including differences in standing between original grantees and those who came later—is the means by which the principles are put into practice.

Casting this as the Self and Relational Other relationship derives from two sources. First, it is a reformulation of what I have learned from Leroy Little Bear and others with a deep understanding of Indigenous political thought. Second, it is a transference of the I-Thou rela-

tionship developed by Buber and Lévinas into the political realm. It is a place where parties face each other in the second person or as human beings with whom they have a relationship. It is Self and Relational Other that is also frequently advanced by Indigenous peoples throughout the world as a means of describing the relations between themselves and states. At the same time, glimpses of this approach may be observed in Western political thought and practice, as for example, when a state organizes political relations among ethno-national communities around a certain type of federalism or another form of consociation (Asch and Smith, 1992). Thus, the ideas of Martin Buber and Leroy Little Bear are consonant. The conversation may be about the I-Thou and it may be about treaty relations. They are the same conversation. In short, the relationship envisioned by Self and Relational Other is not an essentialized, cultural perspective that is held only by Indigenous peoples.

The fact that concepts of political relationship framed through I-It or I-Thou exists in both Indigenous and Western cultures convinces me that there is no cultural divide that inevitably separates our voices. We need not speak past each other. We can have a conversation. We can make decisions as to which path to take. And I can express my choice with my own voice.

Conclusions

It is evident that the conversation now taking place between Canada and First Nations is dominated by the discourse of Self and Oppositional Other. It is, in Gramsci's terms (Mouffe, 1979), the hegemonic discourse. It is a by-product of the power of Canadian governments and courts to control the terms of the conversation. At the same time, the fact that it is hegemonic makes it appear as though a resolution of this relationship based on the framing of Self and Oppositional Other is inevitable. Continuing with Gramsci's perspective, it is the job of those who disagree to remind us that this approach is not "inevitable"; that it is a choice. Therefore, it is possible that a time will come when the Self and Relational Other will become at least more prominent in resolving the relationship. Notwithstanding the setbacks referred to above, the beginning of such a process, I believe, is taking place.

The historic encounter with First Nations is changing Canada. Ideas and policies that went unchallenged 30 years ago are now under scrutiny. Here are two examples. The most notable is the work undertaken by Canadian political and legal theorists on political relations between Indigenous peoples and states and by extension between states and other collectivities (Alfred, 1999,

Borrows, 1997, Green, 1997, Kymlicka, 1989, Macklem, 1991, McNeil, 1989, Slattery, 1987). A by-product of this type of work has been to open up an important conversation between First Nations political and legal scholars who adhere to the treaty perspective and non-Indigenous political theorists who are seeking to re-conceptualize relations between Indigenous groups and settler states. The second example, the Royal Commission on Aboriginal Peoples comes from a place closer to the center of power. Among its numerous challenges to conventional wisdom on policy was the singularly important recommendation that the concept of treaty advanced in Indigenous thought play a significant role in how Canada seeks to resolve its political relationship with First Nations. Developments such as these advance the possibility that Canada and other states will resolve the relationship with Indigenous peoples in a manner consonant with the values of treaty and the perspective of the Self and Relational Other.

The voice of Canadian anthropology has largely been absent from this historic conversation. It is as though we feel that we are not entitled to speak; that we must remain muted. This is unfortunate. The concept of culture is gaining dominance as a principle upon which to justly resolve the relationship between First Nations and Canada. In its recent decision on Van der Peet, the Supreme Court of Canada determined, following Steward's theory of sociocultural integration, that trade could not have been a distinctive feature of pre-contact Sto:lo culture and therefore could not be justly protected under the Canadian Constitution. At the same time, political and legal theorists are beginning to rely on notions of cultural difference that derive from interpretative strains of anthropological theory as the basis upon which to justly reconfigure political relations. These ideas are welcome, but, to reiterate, we know from our intimate knowledge of the colonial experience in Africa during the period of Indirect Rule that reliance on cultural difference rather than colonial relations do not necessarily promote a just relationship.

In short, we provide valuable perspectives on culture, on colonial history and on political relations that are missing from the conversation; ones, which I know, can do much to enrich it and propel it forward as well as enrich anthropology in the process. We do not need to keep silent and remain on the sidelines. We can enter the conversation with respect and with dignity. We can find a place to stand. And, it is to this end that I offer these reflections.

Notes

- 1 This paper was originally presented as the Weaver-Tremblay Award lecture at the CASCA Annual Meetings at McGill University, May 2001. The Weaver-Tremblay Award is given annually by the Canadian Anthropology Society/Société canadienne d'anthropologie to a scholar in recognition of years of service and contribution to the practice of applied anthropology in Canada.

References

- Alfred, G. Taiaiake
1999 *Peace, Power and Righteousness: An Indigenous Manifesto*, New York: Oxford University Press.
- Asch, Michael
2000 Comparing Perspectives on Legal Ideology, *Aboriginal Rights and Self Government: The Canadian and Mexican Experience in North American Perspective*, C. Cook and J. Lindau (eds.), Montreal and Kingston: McGill-Queen's University Press: 148-167.
1999 From Calder to Van der Peet: Aboriginal Rights and Canadian Law, 1973-96, *Indigenous Peoples' Rights in Australia, Canada, and New Zealand*, P. Havemann (ed.), Melbourne: Oxford University Press: 428-446.
1997 Self-Determination of Indigenous Peoples and the Globalization of Human Rights Discourse: The Canadian Example, paper presented to the third CONGLASS, New York University, New York.
1992 Errors in the *Delgamuukw*: An Anthropological Perspective, *Aboriginal Title in British Columbia: Delgamuukw vs. The Queen*, Frank Cassidy (ed.), Vancouver and Montreal: Oolichan Books and The Institute for Research on Public Policy: 221-243.
1984 *Home and Native Land: Aboriginal Rights and the Canadian Constitution*, Toronto: Methuen.
- Asch, Michael and Shirleen Smith
1992 Consociation Revisited: Nunavut, Denendeh and Canadian Constitutional Consciousness, *Inuit Studies* 16(1-2): 97-114.
- Borrows, John
1997 Wampum at Niagara: First Nations Self-government and the Royal Proclamation, *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality and Respect for Difference*, Michael Asch (ed.), Vancouver: University of British Columbia Press: 155-172.
- Buber, Martin
1970 *I and Thou*, Walter Kaufmann (trans.), New York: Charles Scribner's Sons. (original German ed., 1923)
- Elders, Fons
1974 Human Nature: Justice Versus Power (excerpts from a 1971 discussion between Noam Chomsky and Michel Foucault), *Reflexive Water: The Basic Concerns of Mankind*, F. Elders (ed.), New York: Souvenir Press (read from the website: <http://www.geocities.com/CapitolHill/Senate/3761/foucault5.html>)
- Green, Joyce
1995 Towards a Détente with History: Confronting Canada's Colonial Legacy, *International Journal of Canadian Studies*, 12: 85-106.
- Hand, Sean
1989 *The Levinas Reader*, Sean Hand (ed.), Oxford: Blackwell.
- Kymlicka, Will
1989 *Liberalism, Community, and Culture*, Oxford University Press, Oxford.
- Little Bear, Leroy
1997 Aboriginal Rights and the Canadian "Grundnorm," *Arduous Journey: Canadian Indians and Decolonization*, J. Rick Ponting (ed.), Toronto: McClelland and Stewart: 243-259.
- Macklem, Patrick
1970 First Nations Self-government and the Borders of Canadian Legal Imagination, *McGill Law Journal*, 36: 382-456.
- Mathews, Eric
1996 *Twentieth Century French Philosophy*, New York: Oxford University Press.
- McNeil, Kent
1989 *Common Law Aboriginal Title*, New York: Oxford University Press.
- Mouffe, Chantal
1979 Hegemony and Ideology in Gramsci, *Gramsci and Marxist Theory*, C. Mouffe (ed.), Boston: Routledge and Kegan Paul: 168-204.
- Neuberger, Benyamin
1986 *National Self-Determination in Postcolonial Africa*, Boulder, Colorado: Lynne Rienner Publishers.
- Rabinow, Paul
1984 *The Foucault Reader*, New York: Pantheon Books.
- Royal Commission on Aboriginal Peoples (RCAP)
1998 *Report of the Royal Commission on Aboriginal Peoples* (in 5 Vols.), Ottawa: Minister of Supplies and Services Canada.
- Slattery, Brian
1987 Understanding Aboriginal Rights, *Canadian Bar Review*, 66: 727-783.
- Tully, James
1995 *Strange Multiplicity: Constitutionalism in an Age of Diversity*, New York: Cambridge University Press.
- Venne, Sharon
1997 Understanding Treaty 6: An Indigenous Perspective, *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality and Respect for Difference*, Michael Asch (ed.), Vancouver: University of British Columbia Press: 173-207.