2010

Book Review of Identity Captured by Law: Membership in Canada’s Indigenous Peoples and Linguistic Minorities by Sébastien Grammond

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In Identity Captured by Law, Sébastien Grammond assesses the constitutional and international legality of rules that control membership in Indigenous societies and the official language minorities of Canada. Grammond’s main argument is that Indigenous and minority membership rules do not violate legal commitments to equality if there is sufficient correspondence between the legal criteria that determine membership and the actual criteria that group members themselves deploy to define themselves. Membership rules based on a racial conception of ethnic identity are less likely than those based on cultural or relational conceptions of ethnic identity to correspond to actual identities and therefore are more likely to violate equality rights.

This argument requires a substantive as opposed to formal conception of equality, which Grammond develops and defends at some length. Comprehending equality in substantive terms means membership rules are not inherently discriminatory but instead that their constitutional and international legality rests on the extent to which they improve the situation of the group in question as opposed to simply oppressing or stereotyping individual members of the group.

With respect to Indigenous membership rules, Grammond argues that previous rules relying on patri-