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**Review of *Aboriginal Peoples in Urban Centres: Report of the  
National Round Table on Aboriginal Urban Issues* by Royal  
Commission on Aboriginal Peoples**

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**Aboriginal Peoples in Urban Centres: Report of the National Round Table on Aboriginal Urban Issues.** Royal Commission on Aboriginal Peoples. Ottawa, Ontario: Minister of Supply and Services Canada, 1993. viii+99 pp. Photos, appendices. \$C20.75 paper (ISBN 0-660-14964-8).

**Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal Justice Issues.** Royal Commission on Aboriginal Peoples. Ottawa, Ontario: Minister of Supply and Services Canada, 1993. viii+510 pp. Photos, appendices. \$C28.95 paper (ISBN 0-660-14932-X).

Months after Canada's most violent modern-day confrontation with Aboriginal peoples, the month-long standoff between Mohawk "Warriors" and Canadian troops at Kahnésatake, Quebec, in August 1990, the Conservative Government of Brian Mulroney announced the appointment of a Royal Commission to make recommendations for the complete overhaul of Aboriginal policy. Five years, hundreds of hearings and academic studies, and \$C60 million later, the Royal Commission has yet to make its report. Jean Chrétien's Liberal Government has already announced that it has its own program for Aboriginal "self-government," hinting that the long-awaited Royal Commission findings will be dead-on-arrival. The corpse will not be entirely without historical and scientific interest, however, since it includes summaries of several national "round tables" in which leading Aboriginal activists and scholars offered their own strategic self-assessments. Two of them are the subject of this review.

Roughly half of Canada's Aboriginal people live in towns and cities. This statistic is growing, driven by the "push" of poor housing, minimal employment, and restrictive politics on Reserves; and by the "pull" of educational opportunities, jobs, and health services in urban areas. On Canada's prairies, moreover, Indians and Métis are the principal "visible minority" in the cities, and finding themselves marginalized by discrimination and contained by red-lining and police surveillance, like the better-studied urban African American population of the United States. Unfortunately, *Aboriginal Peoples in Urban Centres* contains little data and no new insights, a kind of symbolic testament to the low priority attached to the subject by Ottawa and the Commissioners.

There is much overlap here with the Royal Commission's 1995 report, *Choosing Life: Special Report on Suicide among Aboriginal People*, insofar as the *Urban Centres* report stresses how poverty and government social experimentation subjected Canada's First Nations to generations of family

disruption, alienation, and despair. Nowhere does the report explore the significance of urbanization as a mitigating or aggravating factor, however. In southern Alberta, women seek refuge from spousal violence in towns; agitation for democracy in Indian self-government thrives; and university graduates are building small businesses as economic beach-heads. On the other hand, town dwellers must add petty bigotry, police harassment, and discrimination in housing and employment to their wounds. Urban communities are not merely microcosms of Reserves and should not be dismissed with a casual wave of the same wand labelled "more mixed-up Indians."

Several important points have been overlooked, at least in the published summary. All non-Reserve communities are lumped as "urban," for one thing. Size is an important factor in community dynamics. In southern Alberta, there is a Blackfoot neighborhood in Cardston, a largely Mormon farming center of 3,300 adjacent to the Blood Reserve; thousands of Blackfoot, Cree, and other Indian people live scattered around Lethbridge, an ethnically-diverse university and service center of nearly 60,000; and several times that many Aboriginal people are found in Calgary, an industrial cosmopolis ten times the size of Lethbridge. Generalizing over such a range of situations is both heroic and bound to produce rather obvious and trivial conclusions.

Another issue is the relationship between Aboriginal "urban" communities and Reserves. Elected Indian governments on Reserves are demanding jurisdiction over members who have moved away, and the Federal money that goes with them. In smaller towns and cities near Reserves (such as Cardston), the Aboriginal population tends to be relatively homogeneous, tied closely to Reserve activities, and partly transient or seasonal. In larger, more remote cities (Calgary, for one) the population is multi-tribal, organized into many different constituencies, and eager for self-government. To give the Aboriginal people in these larger urban agglomerations a genuine choice of leadership and service-providers will create a level of complexity, and conflict with the Reserves, that Ottawa has thus far sought to avoid. Readers of this report will search in vain for enlightenment on this politically-charged issue.

The weaknesses of this report are of structural origin. All of the background papers and workshop summaries were entrusted to a single Aboriginal media consultant, sacrificing the passion and diversity of viewpoints among the people concerned for a certain smooth consistency.

Comparative praise is therefore due to *Aboriginal Peoples and the Justice System* because the organizers commissioned thoughtful discussion

papers from a score of leading Aboriginal legal scholars and wisely published them in full, together with summaries of workshop discussions. This is a rich source of alternative legal philosophy, representing some of the most creative minds in Canada. The only comparable source is *Continuing Poundmaker and Riel's Quest* (Saskatoon, Saskatchewan: Purich Publishing, 1994), the report of a national conference at the University of Saskatchewan's Native Law Centre which involved many of the same innovators and iconoclasts.

The premises upon which the authors of the discussion papers agree will be familiar to students of legal anthropology. Canada has inherited a state-centered legal system based on proscription (explicit rules) and punishment, consistent with its original aim of controlling citizens' behavior in the service of larger social projects. Aboriginal peoples have inherited a legal culture that aims at renewing harmony and cooperation among kin and neighbors. Its tools are reconciliation and rewarding individuals' exercise of flexibility and responsibility. The imported methodology sees "justice" in what is often a superficial universality or equality of treatment, while the indigenous approach associates "justice" with particularity and the appropriateness of individual results, for victims as well as the accused.

This dichotomy has been challenged by some legal scholars as romantic nostalgia, a flimsy response to the epidemic of violence in contemporary Aboriginal communities. Rather than engage in a sterile argument over the realities of pre-invasion cultures, the authors of the discussion papers focus on examples of communities that have grown tired of intellectualizing and "just done it," as best they could. Indeed, this volume stands out for two reasons. It documents the extent to which Canadian Aboriginal communities have experimented, successfully, with re-inventing traditions and ceremonies of reconciliation—not by resurrecting them slavishly from ethnological treatises, but through creative discourse among themselves. It also demonstrates the extent to which Aboriginal scholars have already united around a distinctive critique of the cardinal tenet of liberal democracy, "the rule of law." All that is missing is evidence, from leading non-Aboriginal scholars and professionals, of the extent to which their own self-confidence has been undermined. That evidence can be found in *Continuing Poundmaker and Riel's Quest*.

Since the Royal Commission's round table and the University of Saskatchewan conference two years ago, the "healing movement" in Aboriginal communities has been gaining momentum and winning the endorsement of high-level political figures such as Minister of Justice Alan Rock

and senior officers of the RCMP. Indeed, a sense of regret can often be detected in non-Aboriginal leaders' remarks on this issue: the Aboriginal critique has stripped away the last vestiges of their innocence and left them far behind in the struggle for a more just and effective national legal system. As many Canadians demand stricter laws and stiffer penalties like their American neighbors to the south, Aboriginal people have to a great extent convinced leading Canadian jurists of the futility and barbarity of such measures.

The core factor, perhaps, is cultural tolerance for the cost of "justice." Victimized for centuries by Europeans and now, in a terrifying second-generation reverberation, by one another, the Aboriginal people of Canada are conscious of the cyclical nature of violence, and of the need to break the cycle through healing, healthy parenting, and responsible education. They appear to be willing to devote the largest share of their resources to meeting those challenges. Their neighbors still prefer to invest in the containment of social symptoms through police, prisons, and the economic ghetto of temporary-work programs. Police sociologists have sometimes described the law as a class institution, used by the relatively wealthy to contain and control the poor. No doubt a truly conciliatory and rehabilitative process would cost more, at least for a generation or two, but it may be the results that many Canadians and Americans resist, rather than simply the expense.

Aboriginal communities are not without elite classes today; despite their poverty, they share the modern African condition of suffering an externally-financed technocracy. On American Indian reservations, this class embraced the state model and police idea wholeheartedly, while Congress threw money and cheered. Some are now reversing course under grassroots pressure, and it is fitting that this is the topic of the concluding paper in this volume, by Navajo Nation Chief Justice Robert Yazzie. Will political elites in Canada agree to move directly to conciliatory justice, without the intermediate step of Western-style courts and police? Anyone curious about the subtle differences between indigenous politics in the United States and Canada will watch this one carefully.

It is refreshing to discover a volume on Aboriginal policy that dispenses with the usual litany of misery, plunging instead directly into a banquet of ideas for superior institutions based on a critical appraisal of imported and indigenous precedents. The official report of the Royal Commission may come to nought, but we have at least been given one demonstration of the quality of Canada's new generation of Aboriginal social critics. **Russel Lawrence Barsh**, *Department of Native American Studies, University of Lethbridge, Alberta.*