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Political Theory and the Rights of Indigenous Peoples  
(review)

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**Duncan Iveson, Paul Patton and Will Sanders**, eds, *Political Theory and the Rights of Indigenous Peoples*. Cambridge: Cambridge University Press, 2000, 323 pp.

The status of Indigenous peoples both internationally and in the contexts of the states within which they find themselves has moved to the centre stage in political affairs. Nowhere is this more apparent than in countries with European settler majorities and traditions that arise from British colonization. Naturally, this focus has stimulated much scholarly enquiry which, in turn, has stimulated policy development as well as public discourse. Within this literature the work of political theorists and philosophers stands out. Many, if not most, see that the enquiry into the political status of Indigenous peoples opens up fundamental questions about the very nature of the democratic state and represents a challenge to the philosophical premises that gave rise to modern versions of concepts such as democracy and sovereignty. Were one to ask for a single volume in which to find a compendium of the most serious of these voices, one would need look no further than *Political Theory and the Rights of Indigenous Peoples*, edited by Australian scholars, Duncan Iveson, Paul Patton and Will Sanders. This volume, both through the authors and those to whom the authors refer, offers a comprehensive account of the cutting edge of scholarship within the field. As such, the collection provides important insights into how any field of study engages on a topic of centrality to its own discourse. Further, because of the centrality of this discourse to state policy and practice, the volume indicates how political theory may contribute to the larger public debate that must take place if the status of Indigenous peoples is to be resolved in a manner consistent with the principles of social justice.

The introductory essay deftly reviews the fundamental issues, such as the definition of social justice, that are raised when considering the status of Indigenous peoples. It serves both as an Introduction to the articles in the book and as a succinct primer on Western political thought respecting Indigenous rights. Following this wide-ranging essay, the volume hones in largely on a single theme: reconceptualizing political relations between Indigenous peoples and the states of Canada, Australia and New Zealand which all subscribe to British based legal and political traditions.

The first four essays, organized under the heading "Sovereignty," focus predominantly and critically on the conceptual framework that justifies the current relationship — one in which the rights and status of Indigenous peoples is subordinated through their presumptive incorporation into the state as individuals. Whether it is New Zealand, Australia or Canada or, one suspects, any other state with similar populations, the presumed status of the local Indigenous population is defined through an ethnocentric assessment based on

a presumed “hierarchy” of peoples from less to more advanced. As the articles attest, this presumptive status has shaped the process by which the state has imagined the legitimacy of its assertion of sovereignty in the face of pre-existing Indigenous societies. In Australia, as Weber asserts, state ideology presumes that Indigenous peoples were too primitive to require recognition and hence, the “terra nullius” doctrine, or the presumption that the land was unpeopled, was applied. It is a conceptual framework that, as Tully underscores, is adopted as well by Canada. By contrast, in New Zealand, as Pocock demonstrates, the local population was considered sufficiently advanced to necessitate some form of consent on their part to the process of colonization. Tully’s article, through a detailed examination of the Canadian experience, provides a more general analysis of the philosophical premises upon which the hierarchy is constructed and means through which it might be razed. The article by Maaka and Fleras, while centred in New Zealand, addresses with nuance the implications for justly resolving the political relationship that result from these differing presumptions about the status of Indigenous peoples.

As indicated by the heading, the second quartet of papers focusses on identity. Each is directed, primarily, to the complexities that arise when considering who are Indigenous peoples in the contemporary, colonial context, but ranges beyond that specific theme. The article by Simpson is directed to the shaping of Mohawk citizenship and its forms of legitimation under existing Canadian policy. At the same time, she provides insight into a perspective on improving relations that depends upon listening to each other with the form of respect that Tully describes as “mutual recognition” and Weber as “conversation” and I would associate with adherence to the I-Thou relationship described in Buber. Barcham’s article provides a cautionary tale on “authenticity.” In it, he makes clear through evidence and analysis that justice is better served when Indigenous peoples are able to define themselves within the context of their present lives rather than rely solely on institutions and social units related to their past histories. Smallacombe reminds us through an exploration set in Australia that the incorporation of art and other cultural practices of Indigenous peoples into the national idiom of states without dialogue followed by consent represents appropriation, not recognition. Finally, Bern and Dodds advance the general point. As they show with respect to Aboriginal Australia, it is factually incorrect to presume that any Indigenous community is homogeneous with respect to identity and interests. Therefore, to promote a just resolution of political relations we must accept that Indigenous communities are complex and thus ask which identities and which interests are being advantaged and disadvantaged through particular institutional arrangements.

The final four papers, under the heading “Democracy,” discuss, from different perspectives, the limitations of existing institutions and explore

possibilities consistent with democratic values that would enable Indigenous peoples and minority nationalities to better co-exist within states in which they find themselves. For Connolly, this will occur as minorities adopt an “ethos of engagement” that joins their voices together so that the liberal myth that state and nation are synonymous is decentred and ultimately replaced with a “post-national ethos.” Petit takes the approach that to better accommodate minorities it is important to differentiate between two forms of democracy. Under the first and more common form, minorities influence governance solely through the polling booth. The result is poor accommodation. In contrast, he asserts, minorities fair better when states acknowledge democratic decision-making respect the fact of minority cleavages. It is a form that he calls “two-dimensional” and others have labeled “federal” or “consociational.” Kymlicka, like Connolly and Petit, differentiates between two forms of accommodation. The first, reified in American political ideology, asserts that accommodating the collective political rights of ethnonational communities runs counter to the fundamental liberal value of “fluidity” or individual freedom of choice and of mobility. Thus, to be legitimate, accommodation must be limited to ensuring that membership in such communities does not inhibit “fluidity.” After demonstrating through fact and argument that this presumption is incorrect and that its implementation can exacerbate the very ethnonational tensions it seeks to eliminate, Kymlicka turns to the alternative. Here, state institutions recognize ethnonational relations in a form, such as through federalism in Canada with respect to Québec, that acknowledges collective ethnonational political rights. Yet, counter to the fears of the American school, Kymlicka provides evidence that such accommodation does not impede fluidity. The concluding article by Iris Young shows that founding principles of governance in the United States were strongly influenced, if not in specifics than surely in spirit, by the principles and ideology of the confederal form of governance developed by their neighbours; the Iroquois Confederacy. And thus, she brings the notion of democratic governance full circle. What appeared to be solely an exercise in how to extend liberal-democratic values to accommodate Indigenous political rights becomes a lesson in the deep debt that such states owe to the understanding of accommodation of difference developed by Indigenous nations that gave rise to the possibility of democratic governance. As such, the article and the book represent a well-reasoned and passionate statement asserting that Indigenous peoples are fully equal in political status to other political actors with respect both to the states within which they find themselves and the international community. It is from such recognition that the political relationship will be resolved in a manner consistent with social justice.