

Indigenous Justice and Philosophies: Articulating the Path of Resurgence

Introduction

What does a world predicated on Indigenous philosophies and justice look like? This question, and others like it, are addressed in the works of numerous Indigenous political theorists and scholars. Dale Turner, Sheryl Lightfoot, Glen Sean Coulthard, and Taiaiake Alfred, engage with this discussion of Indigenous global justice in markedly different ways. Each theorist provides a unique and integral perspective on resurgence and resistance; understanding them together holds new potential for Indigenous global justice. While their politics may differ, the underlying theme of Indigenous sovereignty holds power and significance, and situates these authors within a resurgent movement of freedom, survival, self-transformation, and ultimately, the break-down of the settler colonial state.

Settler colonial states, such as Canada, provide a significant barrier to the full realization of Indigenous sovereignty and justice. Notably, settler colonialism is predicated on the dispossession, eradication, and assimilation of Indigenous peoples and their culture, land, and traditions. And while the history of decolonization led many states to independence, settler colonialism continues to perpetuate ideologies of dispossession and assimilation, forcing discussions of self-determination and justice to occur within structures that were founded on racism and white supremacy. Glen Sean Coulthard, using Patrick Wolfe, conceptualizes settler colonialism as a structure rather than an event.¹ Whereas an event is fixated within a specific temporal and geographical lens, Coulthard emphasizes that seeing settler colonialism as a

¹ Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, (Minneapolis: University of Minnesota Press, 2014): 125.

structure allows it to be seen as “territorially acquisitive in perpetuity”, recognizing the ongoing injustice.²

Coulthard’s analysis demonstrates that the structure of settler colonial states continues to prove antithetical to a realization of global justice and self-determination. The existing framework of settler colonial states has performed what Dale Turner calls a “specific injustice-against Indigenous peoples’ rights to land, resources, and self-determination by only recognizing state sovereignty as fully legitimate”.³ Indeed, the power settler colonial states hold is largely due to the fact that their structures have been built upon the historical dispossession and domination of Indigenous peoples, proving that the realization of Indigenous justice and settler colonialism are entirely at odds.⁴

Indigenous Philosophies

There is a clear and fundamental opposition between Indigenous justice and self-determination and settler colonial states. While settler colonial states, and Canada in particular, have attempted to quell the calls for Indigenous rights through a politics of recognition and reconciliation, there remains a disconnect between these liberal politics occurring within unjust systems founded on dispossession and oppression, and global Indigenous justice as nondomination and self-determination. This brings us to a precipice, where the question of the state as an entity comes into play. Can settler colonial states be revised to allow for self-

² Coulthard, 125.

³ Dale Turner, *This Is Not a Peace Pipe: Towards a Critical Indigenous Philosophy* (Toronto: University of Toronto Press, 2006): 202.

⁴ Turner, 203.

determination and nondomination and thus, global justice? Should they? And if not, how can a realization of global justice be practical with the existence of settler colonial states?

Dale Turner and Sheryl Lightfoot focus largely on the ability of existing states to develop new forms of governance not predicated on hierarchy and colonialism. Turner's work is arguably the most practical, focusing more specifically on the role of Indigenous citizens in repositioning state interest through a politicized engagement with state institutions. Turner refers to the usage of "word warriors"; individuals with a distinct knowledge of Canadian state apparatuses that can work within these apparatuses to shift the politic. His argument is predicated on an understanding that Indigenous "traditions, rights, sovereignty, and nationhood must be integrated into the existing legal and political practices of the state," stating that Canada must recognize the nationhood of Indigenous peoples, begin the process of empowerment, and give back land.⁵ Yet, Turner notes that while these responsibilities of the state exist as requirements of justice, there is no guarantee of them. Hence, the strategic engagement of Indigenous peoples within the state to convince the government and people of the legitimacy of assertions of Indigenous rights. Lightfoot moves more drastically towards a revision and dismantling of current institutions. She notably calls for "radical systemic change," stating that a global Indigenous politic relies on a questioning and rectification of exclusive systems.⁶ The integral question becomes how to redesign 'new, plural, overlapping, and multiple types of sovereignties... within and across state borders...'.⁷ And while Lightfoot notes that such a transformation of the state-Indigenous relationship will take sustained and prolonged effort and commitment to re-assert Indigenous rights, the end result will be a radical system change that drastically changes the nature of the

⁵ Turner, 78, 83-84.

⁶ Lightfoot 205.

⁷ Lightfoot 206.

relationship.⁸ A statist lens guides these philosophies as they seek to dismantle the state from within.

Lightfoot's radicalism is furthered by Glen Sean Coulthard's *Red Skin White Masks*. His condemnation of the politics of recognition, a distinct settler colonial political tool, is founded upon the argument that recognition of Indigenous rights by the state reproduces the power dynamics that the assertion of Indigenous rights attempts to transcend, rather than creating a relationship founded on peace and reciprocity.⁹ Utilizing the politics of recognition as a baseline for his argument, Coulthard states that the relationship between Indigenous people and settler colonial states has "remained colonial to its foundation."¹⁰ Ultimately, Coulthard is rightly skeptical of the ability to construct an equitable relationship in a state that was founded upon inequality and dispossession. His argument mirrors, and in fact references, the famous master-slave dialectic posited by Hegel: the dialectic holds that when the slave realizes he exists beyond the master's recognition and seeks to break down his identity as slave, his actions must entirely create a new way of being or risk reproducing and reinscribing the hierarchy and dominative aspects of the original master-slave relation¹¹.

Coulthard's chapter, "For the Land" demonstrates a microcosmic example of his argument in the context of the Dene's struggle for self-governance in the Northwest Territories. In the chapter, Coulthard lays out the challenges experienced by the Dene as they put forward agreements to the federal government for the assertion of their right to self-government. The agreements were continually shut down, and the final agreement that was signed noticeably

⁸ Lightfoot, 211.

⁹ Coulthard, 3.

¹⁰ Coulthard, 6.

¹¹ Coulthard, 28-29.

excluded a number of points that had been vital to the initial assertion of rights by the Dene peoples.¹² The politics of recognition and reconciliation failed the Dene by forcing them to accept the unilateral power of the government despite Canada's supposedly progressive politics.

This skepticism of the ability of the settler colonial state to simply revise in the realization of global Indigenous justice is proposed by Taiaiake Alfred in perhaps a more radical yet way. Alfred's book, *Wasáse: Indigenous Pathways of Action and Freedom*, draws from Indigenous philosophies to suggest a resurgent dismantling and transformation of settler colonial statehood through reconnection with Indigenous traditions and knowledge. Indeed, *Wasáse* refers to a coming together of multiple politics to create a new, truly multicultural set of relations governed by equality.¹³ While Alfred is against a violent revolution, he states that the realization of Indigenous rights and justice necessarily requires the rebuilding of settler colonial governments from the ground up.¹⁴ Alfred's particular form of rebuilding holds significant interest:

The true spirit of revolt is not the motivation to crush or overthrow colonial structures and bring in replacement structures but an invocation to the spirit of freedom, a drive to move mentally and physically away from the reactive state of being compelled by danger and fear, and to begin to act on intelligence and vision to generate a new identity and set of relations that transcend the cultural assumptions and political imperatives of empire.

And therefore, to be free.¹⁵

¹² Coulthard, 76-77.

¹³ Taiaiake Alfred, *Wasáse: Indigenous Pathways of Action and Freedom*, (Toronto: University of Toronto Press, 1999): 19.

¹⁴ Alfred, 27, 31.

¹⁵ Alfred, 201.

Alfred's book is written entirely for an Indigenous audience, calling for self-transformation through reconnection with Indigenous teachings and traditions, that will lead to a collective resurgence intended to lay bare the dominative violence of settler colonial states. His work holds no place for colonial institutions: Alfred dedicates a portion of the text to consideration of Indigenous engagement with capitalist enterprises, such as casinos, for revenue purposes. His anti-statist, anarcho-Indigenous worldview is founded entirely on Indigenous philosophies, pluralism, connection, and community as tools in the ongoing breakdown of the state with the end goal of an anti-state. Indeed, this view drastically contrasts with theorists who advocate for revision.

Coulthard discusses a summary of Alfred's political ideology that perhaps sums up the discussion of justice within a settler colonial state: "Alfred's resurgent approach to decolonization demands that we challenge the commonsense idea that one can construct an equitable relationship with non-Indigenous peoples and a sustainable relationship with the land by participating more intensely in a capitalist economy that is environmentally unsustainable and founded, at its core, on racial, gender, and class exploitation and inequalities."¹⁶ As Coulthard notes, constructing an equitable relationship within the colonial nation-state must also be challenged; the realization of Indigenous justice requires no absolute authority, no coercive enforcement, no hierarchy, and no separate ruling entity.¹⁷ In the negotiation of Indigenous rights within a settler colonial institution, Indigenous justice has come to be framed in a statist way, essentializing and reducing Indigenous philosophies in such a way that they can be translated into Western political frameworks. Alfred's work relates to Turner's reliance on Indigenous

¹⁶ Coulthard, 159.

¹⁷ Coulthard, 160.

action, but where Turner expects Indigenous action within state apparatuses, Alfred envisions an entirely new organizational structure that transcends statehood. While the final creation is founded within more abstract philosophies like pluralism, peaceful co-existence, and anti-statist views, his denunciation of settler colonial statehood and the attempts at revising statehood are concrete.

It can be difficult to align the two perspectives of revision and abolition, yet perhaps it can be done through a discussion of transitional justice, justice used to transition a state from a period of conflict to one of peace.. Notably, Turner's work is practical in nature, something Turner himself notes, while Lightfoot leans towards an intricate radical practicality.¹⁸ In contrast, the work of Coulthard and Alfred is more abstract, working with potentialities and guiding philosophies. Through a temporal lens of transitional justice, however, Turner and Lightfoot's politics begin the process of transitioning to Alfred's final vision of Indigenous relational justice. Coulthard notes that settler colonial states falsely manufacture transitions in order to cast colonialism to the past, and attempt to delineate between the settler colonialism of the past, and the reconciliation of the present and future, without acknowledging the intertwining of settler colonialism through current state structures and institutions.¹⁹ Yet, transitional justice has proven to be a useful tool of states to move from one period to the next; a form of revision and abolishment of a past regime or power dynamic. Can its usage be a subversion of the settler colonial co-optation, a reinforcement of the present nature of colonial marginalization coupled with a true manufacturing of transitional justice to move beyond the hierarchical power

¹⁸ Turner, 83-84.

¹⁹ Coulthard, 109.

dynamics of settler states? Indeed, transitional justice remains a powerful tool of global justice and marginalized communities through its ability to bridge the gap between just and unjust.

In this sense, Lightfoot and Turner's work fits well within a practical application of transitional justice. During the consistent false manufacturing of a transition by the state, Indigenous action has the potential to change the narrative by focussing the attention less on reconciliation and recognition, and more on Indigenous rights and justice. By reinserting the persistence of settler colonialism, the false transition breaks down and opens up space for a true transition of justice. Arguably, this is happening in our current political climate in Canada, where Indigenous nations are co-opting the politics of recognition to force attention to Indigenous rights across the country. Frantz Fanon, discussed by Coulthard, refers to this as self-recognition, wherein the colonized begin to recognize their own potential and rights. As Coulthard states, "Fanon showed how colonized populations, despite the totalizing power of colonialism, are often able to turn these internalized forms of colonial recognition into expressions of Indigenous self-empowerment through the reclamation and revitalization of precolonial social relations and cultural traditions".²⁰ The self-recognition is echoed in Hegel's dialectic, and again with Alfred's necessitating of self-transformation as the beginning of the resurgence. It is through self-transformation, I believe, that we turn to the dismantling and re-creation of Indigenous philosophies as advocated by Coulthard and Alfred.

Coulthard's skepticism of statehood and Alfred's envisioning of a new structure constitute the realization of Indigenous global justice as nondomination and self-determination. Harkening back to Hegel's dialectic, the slave must create a new relationship in order to not

²⁰ Coulthard, 153.

perpetuate the hierarchy of the master and the slave. Similarly, I believe Alfred's vision is the necessary structure wherein Indigenous self-determination can occur within an environment of sovereignty, nation-nation relations, and the assertion of Indigenous rights. Turner's word warriors lead to Lightfoot's radical system change, which leads to Coulthard's skepticism, which must lead to Alfred's revolt for freedom. To make the jump from Turner and Lightfoot's politics to Alfred's, I believe Coulthard's five theses for decolonization provide a foundation. Coulthard's theses connect a politic that occurs within settler colonial constraints to a politic that mimics Alfred's, and relies on Indigenous philosophies.

Mentioned in Coulthard's final chapter, Thesis 1 calls for the necessity of direct action. Coulthard utilizes events such as Idle No More and other Indigenous protests and blockades to demonstrate the efficacy of action that block state power and hegemony in a clear sense.²¹ In Coulthard's words: "Through these actions we physically say "no" to the degradation of our communities and to exploitation of the lands upon which we depend. But they also have ingrained within them a resounding "yes": they are the affirmative enactment of another modality of being, a different way of relating to and with the world".²² Thesis 2 calls for a move away from capitalism, echoing the earlier mention that it is impossible to create equitable relations in an unjust, market-based society.²³ Here, it is emphasized that not only should Indigenous resistance involve an inhibition of capitalist tendencies, but it should also seek to create alternatives to capitalism. Without these alternatives, any resurgent politics remains reliant on the "parasitic" nature of capitalism.²⁴ Thesis 3 refers to the physical displacement of

²¹ Coulthard, 167-168.

²² Coulthard, 168.

²³ Coulthard, 170.

²⁴ Coulthard, 171.

Indigenous peoples from their traditional land historically and presently from urban areas through acts of gentrification.²⁵ Here, the power relations that inform physical space and organization must be questioned and broken down to dismantle the ideologies of land ownership and rights.²⁶ Thesis 4 calls for an acknowledgement of the power of Indigenous women, alongside the systemic and symbolic violence enacted against them.²⁷ Notably, this undercurrent of gender justice runs alongside discussions of Indigenous justice in various articles, and emphasizes the importance of equal relations within and outside of Indigenous communities. Lastly, Thesis 5 demonstrates the move towards transitional justice, advocating for Indigenous justice to move beyond normative nation state relations towards a skepticism, self-reflection, and caution that must inform engagements with statehood.²⁸ This is where Coulthard's work aligns best with Alfred's: "[our present condition]... demands that we begin to shift our attention away from the largely rights-based/recognition orientation that has emerged as hegemonic over the last four decades, to a resurgent politics of recognition that seeks to practice decolonial, gender-emancipatory, and economically nonexploitative alternative structures of law and sovereign authority grounded on a critical refashioning of the best of Indigenous legal and political traditions".²⁹ These theses present a bridge between the practical nature of Turner and Lightfoot's work, and the aspirational nature of Alfred's. Yet, the arguments of the above scholars remain in concert with one another, working in such a way that one leads to another in the full realization of Indigenous justice.

²⁵ Coulthard, 176.

²⁶ Coulthard, 176.

²⁷ Coulthard, 178.

²⁸ Coulthard, 180.

²⁹ Coulthard, 180.

Conclusion

This work has demonstrated the oppositional nature of global Indigenous justice and the existence of settler colonial states. Settler colonial states are predicated on the continual supremacy of Western ideologies and politics that afford Indigenous peoples just enough rights to quell direct action. In Canada specifically, the politics of recognition as identified by Coulthard holds ramifications for the realization of Indigenous self-determination. As such, settler colonial states become antithetical to the full realization of Indigenous justice.

Many Indigenous scholars have grappled with the idea of statehood in the ongoing discussion of philosophies, governance, and sovereignty. While the four perspectives I have introduced in this work seem opposed, I argue that through a lens of transitional justice they can work in concert with one another. Through the sustained effort of Indigenous advocacy networks, Turner's word warriors can manufacture a transition leading to systemic change, which in turn leads to a precipice with Alfred's final vision. Coulthard's five theses then provide a manifestation of the action necessary to move towards the final vision of a restructured state. Perhaps the full re-articulation of relations in line with Alfred's argument is impractical. Yet, what remains of the initial question is this: Indigenous justice requires a prolonged and sustained effort within settler colonial states to change the narrative from recognition awarded by the state to a narrative guided by Indigenous philosophies of freedom and resurgence.

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