Rethinking the Seeming Naturalness of Reserves: The Role of the City in Contemporary Aboriginal Territories From a Legal Perspective

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Abstract

Through the application of Canada’s Indian Act, the colonial nature of relations between Aboriginal peoples and the federal government meant that reserves were consecrated as the natural environment for Indians. Postulating the consubstantial association between Aboriginality and rurality, it is not surprising that Aboriginal peoples’ presence in cities was seen by the government, first as synonymous with a rural exodus, and then as an inevitable cultural dissolution into the “host” society. But a number of First Nations today consider the city as a rallying place, so that urban life has become an integral part of the modern Aboriginal experience. The significant rise of a new urban Aboriginal society means not only the occupying of a “new” place in town but also the remapping of contemporary Aboriginal territories.

Keywords

Urban life; contemporary territories; Canada; colonial relations.

Résumé

De par l’application de la loi sur les Indiens canadienne, la nature coloniale des relations entre les Autochtones et le gouvernement fédéral a entraîné la consécration des réserves comme « environnement naturel » pour les Indiens. Postulant l’association consubstantielle entre autochtonie et ruralité, il n’est pas surprenant que la présence autochtone dans les villes fut vue par le gouvernement d’abord comme synonyme d’exode rural, puis comme la dissolution culturelle inévitable des Autochtones dans la société « hôte ». Nombre de Premières Nations considèrent toutefois aujourd’hui la ville comme un point central de ralliement. La vie en milieu urbain est ainsi devenue partie intégrale de l’expérience autochtone contemporaine. L’émergence d’une nouvelle société autochtone urbaine veut non seulement dire l’occupation d’une « nouvelle » place en ville, mais également la redéfinition des territoires autochtones contemporains.

Mots-clés

Vie en milieu urbain ; territoires contemporains ; Canada ; relations coloniales.

Resumen

Con la aplicación de la Ley canadiense de asuntos indios, el carácter colonial de la relación entre los aborígenes y el gobierno federal llevó a consagrar las reservas como “ambiente natural” para los Indígenas. Al postular la asociación consustancial entre indigeneidad y ruralidad, no es de extrañar que la presencia aborigen en las ciudades fue vista por el gobierno por primera vez como sinónimo de éxodo rural, y luego como la disolución inevitable de la cultura aborigen en la sociedad “anfitriona”. Sin embargo, hoy en día muchas de las Primeras Naciones consideran la ciudad como un punto de reunión central. La vida urbana ha se convertido en una parte integral de la experiencia aborigen contemporánea. El surgimiento de una nueva sociedad aborigen urbana significa no sólo la ocupación de un “nuevo” lugar en la ciudad, sino también la redefinición de los territorios indígenas contemporáneos.

Palabras clave

Presencia en las ciudades; territorios contemporáneos; Canadá; relación colonial.

Post脚

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INTRODUCTION

Under the Indian Act, membership in a First Nation is defined by the acquisition of Indian status, itself dependent on membership in an Indian band with a dedicated reserve land. Overall, reserves, as federal territories included in provincial jurisdictions, represent heterotopias as conceptualized by Michel Foucault (1966, 1984). Combining geographical and social space, this neologism refers to places in a relationship of coexistence with all other constituent places forming the lived space of a society, from which they establish a distance, and without necessarily being contiguous. Eligibility for Indian status encompasses one of the descriptive principles of heterotopias; mainly, these places “always involve an opening and closing system, which both insulates them and makes them penetrable,” so that “you can enter with a certain permission…” (Foucault 1984: 48, our translation). Reserves are legal isolates, reflecting the application of an “ideology of reduction” or the “isolation of Aboriginal ethnic, territorial and institutional reserves apart and away from ‘White’ society” (Simard 2003: 23, our translation).  

From a certain point of view, this assumption meets the definition of the United Nations Working Group on Indigenous Peoples, by virtue of which the preservation of ancestral customs and traditions in geographical isolation is a criterion for distinguishing Indigenous peoples from the other citizens of a country. However, what about the situation of people living on reserves historically established near major urban centres across Canada? And what about the contemporary realities of urban reserves? More crucially, how should one describe the growing number of Aboriginal peoples who have chosen to live in the city? This issue is significant, because recognizing that there are Aboriginal peoples living in the city is to recognize the diversity of lifestyles of spatialities and, a wider recognition, more broadly, of their status within the Canadian nation, except in the case of the peripheries where they are often limited both literally (on reserves) and figuratively (in terms of national identities). 

Until the Report of the Royal Commission on Aboriginal Peoples was published in 1996, recognition of the Aboriginal presence in Canadian cities was found only in the interstices of the major federal programs whose jurisdiction over the administrative unit of the reserve helped to obscure urban realities. Obviously, this “policy of erasure” of the urban Aboriginal presence has its roots in the colonial matrix of the territorial expansion project needed for the creation of Canadian Confederation in 1867 (Kermoal and Lévesque 2010). The government was entrusted with the responsibility for the Indian question, as well as with the burden of building a nation in which it must find a place for the Indian, this erstwhile

2 The use of the word “reserve,” in order to simplify the text, should not conceal the complexity of what “reserved land” means to the Aboriginal people that inhabit it. This expression corresponds to an area reserved for the exclusive use of an Indian band. The part of the territory permanently occupied by the physical infrastructure is usually called a community or a village. As an illustration, the “reserved land” of Wendake, a Huron-Wendat community, corresponds exactly to the built village infrastructure, while the “reserved land” of Pessamit (formerly named Betsiamites) extends beyond the boundary of the community. Another example of this complexity is due to the Cree Nation’s adhesion to the James Bay and Northern Quebec Agreement (1975). In Quebec, we no longer speak of reserves but of Northern communities, since the Agreement takes precedence over the Indian Act.

3 The term “Aboriginal” is used to refer to First Nations, Inuit and Métis. If the word “Métis” is used, it is in reference to members of the Métis nation and not to individuals born from mixed marriages. The word “Indian” is used exclusively in the context of the legal status to which it refers, namely, the status held under the Indian Act, and therefore does not concern Inuit, who are excluded from the considerations raised in this article. To learn more about the reality of Inuit living in the city, see Volume 32 (No. 1) of the journal Études/Inuit/Studies (2008).
military ally newly considered as a minor under the law. Nevertheless, the assimilationist goal was criticized in the aftermath of the Second World War with the rise of the welfare state, and was challenged by the newly inquisitive eye of the international community, which was resolutely advancing a movement of massive decolonization (Lavoie 2007). Consequently, in the 1960s, the federal government began a redefinition of the role of Indians in Canadian civil society that reflected the proposed and implemented amendments of the Indian Act. In this article, through a chronological analysis of federal documents in this regard, we attempt to understand the role of the city and that of the reserves in terms of the contemporary debate on Indian legal status. We first explore the naturalization of the reserve as an “Indian natural milieu” (Peters 1996) in light of the territorial “ideology of reduction.” In following the example of Quebec, we then examine the gradual recognition of the urban Aboriginal presence, qualified as the “invisible infrastructure” by David Newhouse (2003), which points to the existence of institutional Aboriginal organizations ignored, until recently, by governments.

1. “URBAN AND ABORIGINAL: AN IMPOSSIBLE CONTRADICTION?”

1.1 Indian or Canadian?

The 1964 Survey of the Contemporary Indians of Canada by Hawthorn and Tremblay (1967), commissioned by the Canadian government, resulted from months of meetings with Indian bands across the country. It aimed to explore their social, economic and educational needs in order to unveil the social inequalities faced by First Nations in Canada. As is apparent from the emphasis placed on the idea of citizenship within the 91 recommendations, the mandate of this two-volume study “reflects the place reserved for Aboriginal peoples: they are still paradoxically apart from the rest of ‘society’ as an object of special consideration by the federal government and possibly by anthropologists” (Kurtness 1987: 57). The authors do not consider that there is any contradiction between Indian status and obtaining Canadian citizenship. However, Hawthorn and Tremblay are fully aware of Aboriginal peoples’ specificity, so that they consider standard citizenship as insufficient and propose the concept of citizen plus. Thus, “Indians should be regarded as ‘Citizens plus’.

In addition to the normal rights and duties of citizenship, Indians possess certain additional rights as charter members of the Canadian community” (Hawthorn and Tremblay 1967: 5). The authors therefore recommended that Indian and Northern Affairs Canada (or INAC, currently called Aboriginal Affairs and Northern Development Canada), newly created in 1966, should assume the role of defender of these “Indian rights” within the federal administration.

What does that plus mean exactly? The fact of citizenship being the key element of these recommendations revealed an intention in this study to change Aboriginal peoples’ status, which had thus far been marked by its historical rejection in civil society. It should be remembered that, after many unsuccessful attempts in the 1950s, the beginning of the 1960s was marked by Indians’ acquisition of the right to vote in federal elections, a right that was only obtained in Quebec in 1969. This belated enfranchisement clearly demonstrates Aboriginal peoples’ marginalization within the Canadian political community, which had resulted from a classic unilateral colonial relationship, as their future had been placed entirely in the hands of federal authorities, in keeping with the Canadian government’s paternalistic conceptions (Gélinas 2007). Because the right to vote is the absolute manifestation of citizenship, we are compelled to recognize that, for Indians, the plus meant more than simply the opportunity of expressing themselves in the civil society’s agora. In fact, it acknowledged the existence of special rights.

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4 This title is a reference to the seminal article by Evelyn J. Peters entitled Urban and Aboriginal: An Impossible Contradiction? (1996).
in the administration of their reserves. Until the Hawthorn Report came out, First Nations were considered unfit to be the masters of their own destiny and therefore incapable of pursuing a dialogue with governments. This is precisely why the report recommended, for example, that Aboriginal peoples should be allowed to regain control over their education system by giving Band Councils increased power over the political structure of the reserve, over school programs and over textbook content. By attempting to give First Nations more power over the governance of their territories, this recommendation, and others, sought to guarantee Aboriginal peoples’ cultural survival, which had been eroded by assimilationist policies and dispossession as symbolized by the Indian Act. In short, the plus meant additional rights, and was precursory to the much-needed shift in the parameters of the relationship between Aboriginal peoples and the federal government.

In the wake of the Hawthorn Report, the famous White Paper, the *Statement of the Government of Canada on Indian Policy*, was published in 1969. Submitted by Jean Chrétien, then Minister of Indian Affairs, this document presented the guidelines for the new Trudeau administration’s policies in regard to First Nations. The proposals testified to a radical shift in the government’s attitude, as called for in the recommendations formulated by the anthropologists Hawthorn and Tremblay. However, this shift prompted diverging opinions. The White Paper did acknowledge the “specificity” of Aboriginal peoples, but it presented this specificity as the result of a differential treatment that made them “victims of a different legal regime” (INAC 1969: 8). Therefore, in advocating the formal equality of Aboriginal peoples with other Canadian citizens, the policy was “determined that all shall be treated fairly and that no one shall be shut out of Canadian life, and especially that no one shall be shut out because of his race” (INAC 1969: 8). The White Paper represented a break from the Hawthorn Report, because it considered the association of Canadian citizenship with Indian status unsustainable for the future of Aboriginal peoples and their country (Cairns 2001). In fact, it proposed to abolish Indian status, replacing it with Canadian citizenship, and to dissolve the Department of Indian Affairs. Thus, “in order to integrate Indians, they had to be treated as ‘ordinary citizens,’ so as to put an end to the responsibility of the federal government and to transfer the administration of social services to the provinces, as is the case for non-Aboriginal living within provincial territories” (Beaulieu 1997: 146, our translation). In short, the White Paper advocated erasing the reserves, these federal heterotopias, from the maps of the provinces, with the aim of subsuming the existence of Aboriginal peoples into the mass of “ordinary citizens.”

In a context corresponding to the beginning of an increasing number of Aboriginal peoples moving to Canadian cities, the White Paper recommended the services of Employment and Immigration Canada to facilitate Aboriginal peoples’ integration into the provinces’ civil society. But how was it conceivable that Mohawks from Kahnawake, a reserve located two kilometres away from Montreal, would resort to the services of that federal department? And beyond a simple proximity between cities and reserves, what about urban reserves such as Uashat, located in the heart of the city of Sept-Îles? The irony of this proposal allows us to make the following observations.

### 1.2 Strangers in these parts?

With further analysis, we can see that this particular institutional episode demonstrates how the attempts to modify Indian status are intrinsically linked to territorial issues and, by extension, to cultural issues. Indeed, the White Paper denoted an intention by the federal administration to decentralize a responsibility that it considered too costly, but it also highlighted a naturalization of the reserves, as
the reference space for the Indian reality. We see this reflected in the report used to legitimate these changes:

With the technological change of the twentieth century, society became increasingly industrial and complex, and the separateness of the Indian people became more evident. Most Canadians moved to the growing cities, but the Indians remained largely a rural people, lacking both education and opportunity. The land was being developed rapidly, but many reserves were located in places where little development was possible. Reserves were usually excluded from development and many began to stand out as islands of poverty. The policy of separation had become a burden. (INAC 1969: 9)

Various observations are postulated here. Not only did the White Paper directly associate the reserve with a spatial position haunted by the spectre of poverty, because it was cut off from economic development, but it also provided evidence of amnesia in regard to both the impacts of the Indian Act, first enacted in 1876, and urban realities. On the one hand, it postulates that reserves are “islands of poverty” as a result of the legal non-seizability of their land. It is consequently impossible for First Nations to obtain credit of any nature, individually or collectively, because their land cannot be mortgaged (as investors require security interest) by virtue of section 89(1) of the Indian Act.5 On the other hand, the White Paper postulates that First Nations are “people apart,” fundamentally rural beings, whose “economic base […] is their reserve land” (INAC 1969: 11). Within that context, only enfranchised Indians were truly considered as potentially urban.6 Emancipation eliminates Indian special status and the recognition of a distinct Indian identity; it also put an end to the administration’s fiduciary obligations, while sanctioning the assimilation of a minority culture.

In keeping with the premise that the Aboriginal presence in cities is directly associated with the threat of identity loss, the ideas of Aboriginality and rurality became synonymous, thus ensuring that Aboriginal cultural existence was collectively rooted in the enclosed world of federal reserves. Obviously, this spatial fixity could potentially be enlarged to traditional territories and provincial territories that included the latter. The Indian Act, through the importance that it accords to the loss of Indian status, came out spatially as a judicialization of Aboriginal territories, whereas urban spaces represented the opposite of these “Indian natural milieus.” By postulating a simple and pure separation between urbanity and reserves, the Indian Act brought up the idea of the abandonment of rurality as an essential condition for renewing the terms of the Aboriginal-state relationship.

Consequently, if the Indian Act resulted in the institutionalization of poverty on the reserves, notably because of the economic marginalization of the spaces that it created, the White Paper then intended to deinstitutionalize exclusion through the construction of the character of the Indian victim of that legal system, hence the legitimacy of the proposal to put an end to Indian status. As illustrated in the recommendation to affiliate status Indians with Employment and Immigration Canada in order to facilitate their integration into Canadian society, the urban presence is first synonymous with a rural exodus, which would then be followed by cultural dissolution into the

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5 This statement is obviously valid only within the strict framework of the Indian Act. For example, it should also be noted that many communities negotiate special agreements with banks that allow Band Councils to obtain credit.

6 These are individuals that have been removed from the Indian Register against their will or have voluntarily abandoned their Indian status. For example, Indians who pursued an advanced university degree automatically lost their status because of their social mobility.
“host” society. The antinomic pair here is not reserve/city, but Indian/city. To the federal government, Indians in the cities did not exist.

1.3 The “spatial incarceration of the Native” in the Canadian state’s territorial ideology

From a theoretical point of view, the cultural overtones of the spatial dichotomy associated with the Indian refer to a logic of ostracism, considered as a “spatial incarceration of the Native” (Appadurai 1988). Gupta and Ferguson (1992: 16) further assert that:

What is needed is a willingness to interrogate, politically and historically, the apparent “given” of a world in the first place divided into “ourselves” and “others.” A first step on this road is to move beyond naturalized conceptions of spatialized “cultures” and to explore instead the production of difference within common, shared, and connected spaces—“the San,” for instance, not as “a people,” “native” to the desert, but as a historically constituted and de-propertied category systematically relegated to the desert.

In the Canadian context, this Aboriginal “spatialization of cultures” rooted in reserves created by the Indian Act can be summarized as the assignment of a “place” as discussed by Michel Lussault (2009). Within that framework, a place is not simply a location, but also connects to each individual, his social position in society, the standards of allocation and use of space in any group of people, and places that that individual can occupy in the physical space by reason of his social position and spatial standards (Lussault 2009). Thus, the idea of finding an appropriate place for Aboriginal peoples in the Canadian political community, as illustrated by the debate on the idea of citizenship, is closely related to the territorial ideology of the Canadian state. This resulted in a geographical organization of the national space based on a naturalization of reserves as the Indian reference space, a tool that originally served the colonial assimilation project. This allows us to foresee the relationship between cultural survival and mobility control generated by the state’s role in population management. This echoes Michel Lussault’s perspective:

Such space⁷ is assigned a particular territorial ideology based on the assertion of boundaries and their role in the belief in certain cultural values consubstantial with the space, which define the identity of those who inhabit that place This is the geopolitical landscape model that still prevails on many scales. (Lussault 2009: 90, our translation)

In fact, the incarceration represented by the spatial figure of the reserves, or, to put it another way, the assignment of that place, tends to unite politics and culture through a territorial ideology of reduction without which the state would not have been able to function. The edification of the Canadian state through the conquest of a territory already populated at the settlers’ arrival, a territory ironically considered as terra nullius, could not have succeeded without the administration’s skills as a spatial operator, and particularly those of positioning, dividing and delimiting. As pointed out by authors such as Agnew (1984) and Appadurai (1996), the ability to organize spaces following Westphalian spatial practices is used by governments to establish their sovereignty, in capitalizing on the tension between the right to mobility and its regulation by the threat of loss of cultural identity. The construction of the Canadian nation, from which emerged the consubstantial association between the Indian and his reserve, explains why the Aboriginal presence in cities has historically been erased.

The consubstantial association binding Aboriginality and rurality is not exclusive to the federal government. We are forced to admit that many First Nations are participating in the folklorization of their own identity by closely associating it with their traditional territory. This

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⁷ In our case, this is Indian reserves as well as the Canadian territory at large.
existential association is precisely the condition required for eligibility for traditional rights (Leclair 2011). The accession to Indian rights summons the evidence of cultural practices in place before the contact with Europeans, in which traditional territories play a crucial part. The “culturalist” approach adopted by the Supreme Court of Canada distinguishes the Canadian approach from that of the United States, where it is the recognition of a pre-colonial political organization that concedes rights to Aboriginal peoples (Leclair 2011). The Canadian context is characterized by the fact that identities judged as authentic are defined on a legal basis. This is why the suppression of Indian status and consequently of reserves in the White Paper has also been perceived as a way of undermining future claims of ancestral rights over potential traditional territories that were more than ever sought after in the second half of the twentieth century.

In such a context, the rejection of the White Paper proposals by Aboriginal peoples in Canada, symbolized through the publication of the Red Paper (Waubageshig 1970), is hardly surprising. In response to that reaction, the Trudeau administration had no other choice than to abandon the application of such a policy in 1970. However, if that event marked an important step in the process of administrative, territorial and legal relationships between the Canadian administration and Aboriginal peoples, this is in fact because it triggered a political protest movement and the progressive rise of an Aboriginal nationalism. A new era of politico-territorial demands began for Aboriginal peoples, marked by the will to free themselves from the imposed tutelage of the nineteenth and early twentieth centuries.

### 2. The City as a Hub for Aboriginal Societies?

#### 2.1 The “status-blind” principle in the Urban Aboriginal Strategy

By its intense exposure through media coverage and public debate, the notorious Oka crisis that took place in Quebec in the summer of 1990 literally brought the urban issue to the forefront of the relationship between the government and Aboriginal peoples, and between, non-Aboriginal and Aboriginal peoples. Inspired by Michel Lussault (2009), and in line with Marcel Mauss’ works, we can qualify this event as a total spatial fact because it revealed the tensions in the Aboriginal urban situation in Quebec. Yet, if that particular event crystallized the urban Aboriginal question, the issues were at that time very little known. For that reason, on August 26, 1991, the Canadian Parliament set up a commission of royal inquiry. Only thirty years after the Hawthorn Report, the Royal Commission on Aboriginal Peoples (RCAP) led to the conducting of a multitude of theoretical, archival, statistical and empirical studies across Canada, thereby producing an original appraisal of knowledge on First Peoples in Canada (Lévesque 2009: 460). Naturally, much emphasis was placed on the question of natural resources, but the RCAP also addressed urban Aboriginal issues. The fourth volume, entitled Perspectives and Realities, directly targeted, for the first time, Aboriginal populations living in urban areas (RCAP 1996).

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8 Moreover, the mode of oral transmission of Indigenous cultures amplifies the difficulty of demonstrating this antecedence.

9 At the time, the mayor of Oka, Jean Ouellette, granted planning permission to a developer for the expansion of a golf course, a project located on a Mohawk ancestral cemetery, which would have been destroyed. This conflict resulted in an armed confrontation between, on one side, the Mohawks of Kanesatake, near the municipality of Oka, later joined by those of Kahnawake, and provincial authorities on the other side, which necessitated the intervention of the Canadian army.

10 For an analysis of the causes and impacts of the Oka crisis, see Trudel (2010) and Lepage (2010).
Even if the recommendations remained unheeded (Lévesque 2009: 460), the RCAP’s work at least caused a reaction from the federal authorities, in the form of another report: Gathering Strength: Canada’s Aboriginal Action Plan (1998). The orientation regarding policies and programs for all Aboriginal peoples in Canada that has since been adopted by the federal government originated from that report. In keeping with the RCAP’s recommendations, this new orientation sought to make Aboriginal peoples partners in Canadian confederation (Boivin and Morin 2007). Following the same principle, the Urban Aboriginal Strategy (UAS) was developed in 1998. Without getting into too much detail here, we can state that this was an innovative initiative on the part of the federal government due to the nature of the governance that it implemented. Because local Aboriginal actors are to work directly in partnership with government officials, it represents a true “departure from traditional government practices” (Alderson-Gill & Associates Consulting 2005: 27). It therefore allows us to foresee a shift in the administrative, legal and territorial relationships between the Canadian state, the provinces and urban Aboriginal authorities toward Aboriginal peoples’ active participation in public policies relating to them.

Theoretically, this type of shared governance makes it possible to get around the problem of status, which is the cause of all public policy-related issues encountered by Aboriginal peoples living in urban areas. Graham and Peters qualified the situation as an “urban Aboriginal public policy maze” (2002: 5):

> Induced by the courts and, in some instances by social policy, the government has turned its attention off-reserve but, even in these cases, its focus is largely on Status Indian and Inuit. These groups are important components of the urban Aboriginal population but, as we will show, people who self-identify as Aboriginal but lack “status” are often the face of urban Aboriginal. These include Métis, who have as yet ill-defined rights under section 35 of the Constitution Act, 1982, and “non-Status Indians” who are in jurisdicitional limbo. It should now be evident that the jurisdictional lens that the Government of Canada has historically used to guide its Aboriginal policy reflects a different demographic and political reality than now exists. (Graham and Peters 2002: 7-8, our emphasis)

Through the abovementioned new partnership, the UAS circumvents the whole administrative and legal imbroglio based on the categories of Indian, registered or not, Inuit, and Métis, in order to cope with the challenge encountered by populations living in cities. Consequently, it is possible to postulate an administrative decentralization of the question of Indian status toward public policies. It seems that the debate is shifting toward the adoption of a “status-blind” policy, which does not involve the legal criteria of Indian status closely linked to affiliation with an Indian band rooted in the spatial figure of the reserves (Graham and Peters 2002).

### 2.2 Is the city becoming an epicentre?

The will to involve urban organizations through the intermediary of the UAS testifies to a bottom-up strengthening of governance mechanisms and to a recognition of the legitimacy and role of institutions such as the Native friendship centres, and their Quebec provincial association, the Regroupement des centres d’amitié autochtones du Québec (RCAAQ).11 Indeed, the new federal policies did provide these centres with greater visibility. The RCAP’s report underlined the role of the friendship centre movement, an “invisible infrastructure,” as an essential lever in the economic and cultural development of urban Aboriginal peoples (Newhouse 2003). Furthermore, in 2005, the political representative of Quebec’s First Nations, the Assembly of First

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11 Friendship centres have been around for 40 years and are established in nine cities throughout Québec (Bordeleau and Mouterde 2008).
Nations of Quebec and Labrador (AFNQL), signed an agreement with the RCAAQ that recognized the latter’s right to represent Quebec’s urban Aboriginal peoples. The voice of urban Aboriginal peoples was finally heard by Aboriginal and non-Aboriginal authorities, a legitimacy consecrated at the First Nations Socioeconomic Forum held in Mashteuiatsh in 2006. The institutional trajectory of the Native friendship centre movement is innovative because it goes beyond providing a new urban perspective; it also introduces new actors into the intergovernmental dialogue and gives an official place to Aboriginal peoples living in cities.

Developments in terms of citizenship came within the particular context of the Corbiere decision. Until then, only people that were actually living on the reserves could vote in band elections, based on the “Aboriginality residence” factor. The Corbiere decision considered that denying off-reserve Aboriginal people voting rights, on the basis of that factor, was discriminatory under the Canadian Charter of Rights and Freedoms. It should be remembered that the Supreme Court only examines cases of discrimination if the factor invoked cannot be changed, such as gender or race. Therefore, giving the right to vote on the basis of the place of residence amounts to a greater reification of the consubstantiality already made apparent between Indians with status and their reserve affiliation. However, by allowing urban Aboriginal people to vote, the decision also led to an expansion of the pool of voters specific to reserves. Yet the Corbiere decision is not synonymous with the expansion of federal jurisdiction to urban Indians. The reserve is still the geographic space corresponding to that governmental jurisdiction. That being said, the Corbiere decision opened the way for future challenges, notably in terms of community cohesion on the reserves. In the name of the inalienable right to democracy, the Corbiere decision challenged the Westphalian practices employed regarding limits and borders at the expense of the spatial dichotomy of city/reserve by “broadening the electoral base beyond the boundaries assigned to bands and [in] adjudicating at the same time the social and cultural roots that represent the band, an anchor that transcends geography and territory” (Lévesque 2003: 26, our translation).

In fact, the Corbiere decision led to a lessening of the cultural and political incompatibility between the social figure of the Indian and the spatial figure of the city, an incompatibility crystallized by the Indian Act.

By legitimating the existence of a new social force emerging from the city, the decision raised concern among Aboriginal leaders. However, it is far from certain that the new institutional actors behind the “invisible infrastructure” are looking for a new political role and wish to compete with traditional leaders. It has, in fact, been found to be quite the opposite. In the course of the consultations conducted by the RCAP, many voices were raised against that hypothesis, especially that of David Chartrand, president of the National Association of Friendship Centres (NAFC). To the idea of facing an eventual political responsibility, he responded:

Urban Aboriginal communities are composed of an ever-changing population of status, non-status, Métis people and Inuit. All of these people are represented politically in one form or another by one of the four national groups. The NAFC looks after their service needs—the needs of the entire community for programs to deal with their common problems. Aboriginal people in the cities, regardless of where they come from, are faced with the same issues. Friendship centres exist to address these concerns, not to speak for the people we serve. (RCAP 1996: 48)

Benefiting from an institutional recognition from non-Aboriginal and Aboriginal authorities, organizations such as the friendship centres are helping to establish what Michel Lussault calls a regime of visibility of social realities, thus making visible the “invisible structure” described by David Newhouse (2003). This greater visibility testifies to the existence of an
opening in the border dividing cities from reserves, which is weakening the ideology of reduction that elevated reserves to the rank of heterotopias. Consequently, new challenges are arising in terms of urban governance. If the institutions that are giving structure to the urban Aboriginal presence do not wish to assume the responsibility of acting as political leaders, how is it possible to legitimate Aboriginal communities’ ambitions regarding self-government while they are forced to recognize a form of de-territorialization of their interests and culture? One thing seems certain: Canadian Aboriginal peoples still have a long story to write, which is a very optimistic conclusion if we consider that the primary objective of the colonial assimilation project was to eradicate them.

**CONCLUSION: A PLEA FOR A NEW GEOGRAPHY OF CONTEMPORARY INDIGENOUS TERRITORIES**

Cities are considered today as a hyphen between several First Nations that would have few contacts in other spheres, thus making the urban experience an integral part of Aboriginal modernity (Lévesque 2003). The position taken by a segment of Aboriginal society in the cities is not limited, of course, to the acquisition of a spatial place. To legislate on Indian status means to assign Indians a symbolic place within the Canadian civil and political community, thus diverting the pivotal characteristic of the state-Aboriginal relationship from the question of status to the elaboration of concerted status-blind public policy. Urban Aboriginal social forces have assigned themselves a new, active place within that political context. This shift allows us to glimpse the space that should be occupied by the city in contemporary Aboriginal territories.

Some authors have drawn on transnationalism theories in order to rethink the situation of people living in cities. James Clifford, in particular, noted certain diasporic circumstances in the case of urban Aboriginal people (2006, 2007). Others have suggested a parallel between the experiences of immigrants and those of Aboriginal peoples (Peters 2005). In a way, these theoretical contributions reflect a questioning of the idea of status understood in terms of a Westphalian normativity that structures the governance of states, just as they weaken the “spatial incarceration of the Native.” However, the discussion about the diasporic nature of urban Aboriginal settlements must be approached with some caution. In fact, and unlike the classic diaspora, Aboriginal peoples are in constant contact with their “homeland.” Peters and Wilson (2005) noted that the mobility between city and community is what makes for the specificity of the Indigenous diaspora. So, if the urban Aboriginal presence is able to contradict the territorial ideology of the Canadian state, which culturally and politically incarcerates people in the pseudo-closed world of reserves, this urban presence has at the same time imposed more reticular standards, in recognizing the links between city and reserve.

Let us now conclude with a more conceptual perspective. It would seem that reducing cultural phenomena to simple power relations helps to reify culture as a mere residue of the social sphere. This view is summarized by Don Mitchell (1995), for whom “there’s no such thing as culture.” A widespread position in Anglo-Saxon cultural geography, this reduces culture to an empty abstraction, which makes sense in the “social game” only when challenged (Claval 2008). Some authors have nonetheless found that urban Aboriginal people have used innovative ways to revitalize their cultural practices through the reappropriation of urban space (Peters and Wilson 2005). In fact, a new geography of Aboriginal territories is emerging in Quebec, regardless of the territorial divisions imposed by the government, and this is not only because of the changing relationship between Aboriginal peoples and the federal state. Understanding Aboriginal modernity requires that we take into
account the mental outlook that has enabled the city to occupy a place, today, in Aboriginal territories.

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