

CURRENTS/QUESTIONS D'ACTUALITÉ

Problematizing Settler Grievances: Danielle Smith and Contested Colonialism

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Abstract

Premier of Alberta Danielle Smith's comments comparing the Alberta Sovereignty within a United Canada Act to the Indian Act have sparked widespread outrage and condemnation. Premier Smith would later clarify that these remarks were intended to demonstrate that Alberta and First Nations have a "common problem" with Ottawa. In this brief article, we argue that these comments, as well as the act itself, can be analyzed using Jerald Sabin's contested colonialism framework. We then provide a brief critical discussion of what our analysis means for Canadian politics by addressing the possible intentions and harms of the comments.

Résumé

Les commentaires de la première ministre de l'Alberta, Danielle Smith, comparant la Loi sur la souveraineté de l'Alberta dans un Canada uni à la Loi sur les Indiens a suscité une indignation et une condamnation généralisées. La première ministre Smith apportera plus tard des précisions en faisant valoir que ses commentaires visaient à mettre en évidence que l'Alberta et les Premières nations ont un « problème commun » en regard d'Ottawa. Dans ce bref article, nous soutenons que ces propos peuvent être analysés à l'aide du cadre du colonialisme contesté de Jerald Sabin. Pour ce faire, nous comparons la loi et le cadre, puis nous concluons par une discussion critique de ce que notre analyse signifie pour la politique canadienne. Cet article prend en compte des travaux importants sur la politique canadienne, la résurgence autochtone et la littérature coloniale.

Keywords: Sovereignty Act; Alberta; settler colonialism; federalism

Mots-clés: Loi sur la souveraineté; Alberta; colonialisme de peuplement; fédéralisme

Premier of Alberta Danielle Smith's embattled Alberta Sovereignty within a United Canada Act has faced opposition from numerous sectors of civil society. First

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Nation and Métis leaders first criticized the act for ignoring the nation-to-nation and treaty relationship between Indigenous peoples and non-Indigenous people (the latter hereafter referred to as settlers) (Ghania and Kilem, 2022). On December 13, 2022, Premier Smith remarked in the legislature:

The way I've described it to the chiefs that I've spoken with is that they have fought a battle over the last number of years to get sovereignty respected and to extract themselves from the paternalistic Indian Act. We get treated the exact same way by Ottawa. They interfere in our jurisdiction all the time, and we are looking forward to pushing back and being treated exactly like Quebec. (Alberta, 2022a: 334)

The condemnation from Indigenous leaders was swift (Dryden, 2022). Smith returned to the legislature the day after and remarked:

If comments were misconstrued, I absolutely apologize for it. My intention was to demonstrate that we have a common problem with Ottawa. Ottawa, I think, unfortunately, treats First Nations with disrespect, and they also treat provinces with disrespect. What we need to do is to go back to the original intention of the Constitution and the Charter of Rights and Freedoms and make sure that Ottawa is respecting both First Nations sovereignty rights as well as our rights under the Constitution. (Alberta, 2022b: 385)

However, there is no common problem between Alberta and First Nations. When Alberta, consistently one of the wealthiest provinces in Canada, is fighting against a national carbon tax or for greater control over resource extraction, it is in a beneficial position. Alberta is wealthy because of colonization. First Nations, as well as Inuit and Métis nations, have been colonized in Canada through a consistent dismissal of their inherent autonomy, rights, and legal systems.

We argue that Smith's position is emblematic of Jerald Sabin's (2014) "contested colonialism" in which the colonizing population mistakes grievances among its own members as akin to colonization. The disgruntled settler population then asserts itself as a victim of colonization, misappropriating colonial injustice to further their own claims within colonial systems. This brief article considers Premier Smith's remarks through Sabin's contested colonialism framework and then, using the twin lenses of colonial incoherence and misrecognition, concludes with a critical consideration of what contested colonialism means for Canadian politics.

The Sovereignty Act and Contested Colonialism

The premise of the Alberta Sovereignty within a United Canada Act is simple: Alberta should have more political autonomy. The preamble of the act states that "Albertans possess a unique culture and shared identity within Canada" and that "actions taken by the Parliament of Canada and the Government of Canada have infringed on these sovereign provincial rights and powers with increasing frequency and have unfairly prejudiced Albertans" (Alberta, 2022c: 2). Subsequently, the bill authorizes the Executive Council of Alberta, or Cabinet, to pass resolutions that

would block or amend federal legislation deemed inappropriate for Alberta (Alberta, 2022c: 5).

General commentary on the act has varied. The original fear was that it would go against court rulings, which would be unconstitutional. The act itself does not do this, and while it is unprecedented in terms of actual legislation, it merely codifies something that provinces have already done in terms of abortion and HIV: not prosecute federal legislation (Hartery, 2022). Current criticism of the act is that it hands Cabinet the ability to unilaterally amend legislation without legislative approval—something that could be unconstitutional and, at the very least, is unparalleled in Canadian legislative history (Gollom, 2022; Snagovsky, 2022).

First Nations have told Alberta to withdraw the act, citing its potential infringement on treaty rights of Indigenous nations (Ghania and Kikem, 2022). The chief of the Assembly of First Nations stated: “We will not stand idly by. We will not allow it to happen.” The chiefs of Treaty 6, which covers a massive swath of southern Alberta, also released a joint statement: “We believe the proposed Act is self-centred, short-sighted, and in opposition to these [treaty] principles” (Paradis, 2022b). Overall, the act has attracted no shortage of criticism from Indigenous and non-Indigenous actors alike.

The deeper issue here is the continuing trend of settlers appropriating colonial discourse for perceived grievances against their own systems of government. Jerald Sabin (2014) calls this “contested colonialism,” where settlers who already belong to a colonial order contest this very order. Sabin develops this framework in the context of settler political development in mid-twentieth-century Yukon. The framework is in the context of settlers “bring[ing] colonialism to the North” while simultaneously “contesting elements of the same colonial order” (380–81). Sabin’s framework is particularly insightful because of the way it combines federalism—and the political conflicts that it inevitably creates—with settler-colonialism.

The contested colonialism framework operates on three distinct dimensions. The first is discursive, where “settler political elites [use] the language of colonialism to describe their own political situation” (Sabin, 2014: 384). It is this belief that colonialism is a “potent metaphor” that is the most straightforward for Smith’s case; Smith is equating the grievances of Alberta to suffering under the Indian Act, a piece of legislation designed to systematically erase Indigeneity (Sabin, 2014: 384). Smith’s comments do not reflect the nuance of the Indian Act: that despite its brutal impact and colonial intentions, its removal has been consistently refused by many Indigenous leaders since the proposal of the White Paper in 1969 because of the rights commitments it represents (ICA, 2011; Sanderson, 2014). The second dimension is structural—reflecting the “general alignment” of disgruntled settlers and the federal government, represented by the allegiance to the overarching settler-colonial framework of capitalist economic development, Westminster parliamentary democracy, and progressive liberalism (Sabin, 2014: 384). While progressive liberalism may be contested in modern conservative circles, there actually is a greater case that Smith is upholding the structural dimension more than the Yukon settler elites did. A close look at the act reveals constant references to upholding the Charter, the Constitution, and the rights they afford Albertans. In fact, the act can only be invoked if there is a resolution that “causes or is anticipated to cause harm to Albertans” or is found to be

“unconstitutional,” proving that Smith is not protesting constitutional exclusion but rather basing sovereignty claims in the Constitution itself (Alberta, 2022c: 4).

The third and final dimension of contested colonialism is the ability for settlers to “capitalize on political opportunities” (Sabin, 2014: 385). The act itself resulted in quite a bit of popularity for Smith in the leadership election, with her victory being the ultimate testament to this fact. The act also comes at an opportune time in Canadian federalism. Long-standing grievances between Alberta and Ottawa have been exacerbated since the 2015 election of Liberal Prime Minister Justin Trudeau. The act is an evolution of the pro-Alberta sentiment from Jason Kenney’s Fair Deal Panel (2020).¹ There is another, more curious, part of Smith’s remarks. Her demand to be treated “like Quebec” is a reference to asymmetrical features of Canadian federalism, such as Quebec having sway over immigration (Kostov, 2008). Alberta has long been envious of Quebec’s status and has pursued asymmetrical federalism through means such as being the only province to host an election for their senate representation (Hulme, 2016).² In sum, Premier Smith’s comments are in alignment with all three elements of Sabin’s framework.

Contested Colonialism and Canadian Politics

The impact of contested colonialism on Canadian politics can be analyzed by addressing Smith’s culpability in making those unfortunate and offensive remarks.³ How far can Smith be blamed for the utterances and what does such culpability, if any, mean for the greater settler population? We argue that her remarks can be construed both as a genuine mistake and as a purposive ploy with a clear intended effect.

On the one hand, it is a mistake born out of what Gina Starblanket has called the “politics of incoherency” that hides “the ongoing subordination of Indigenous legal and political systems and dispossession of land” (2019: 453). Such incoherence contributes to “the cultivation of popular misconceptions” regarding treaty rights, federal taxation policies for Indigenous peoples, and other harmful stereotypes (454). Starblanket observes that as settlers hold on to such misconceptions, this not only moves the conversation away from a crucial engagement with treaty relationships and toward secondary discussions regarding treaty terms but also dilutes the seriousness of Indigenous political challenges to systems of settler-colonialism by turning them into cultural grievances against the state, similar to those traditionally associated with minority and cultural politics (454).

These dilutions, in turn, feed into the broader problem of “colonial unknowing” of the settler that refuses to acknowledge the relationality and interconnectedness of the various dimensions of colonialism (Starblanket, 2019: 455; Leblanc, 2021). Smith’s remark is a product of this structural problem of manufactured incoherence and dissociative unknowing. This becomes apparent in her apology, as the “common problem with Ottawa” is nothing more than the present manifestation of decades of incoherence and unknowing. Because Smith understands Indigenous challenges to Ottawa to be tantamount to regional settler grievances against the state, she naturally finds them to be similarly aligned with Alberta’s

interests. Smith's mistake is genuine in this regard. It is an unavoidable result of settler political culture that breeds such incoherence.

On the other hand, such remarks from the premier of Alberta can be construed as an act of colonial recognition and must be held culpable for two types of harm. First, Smith's seemingly benign and abrupt recognition of Indigenous claims to self-determination in effect subsumes Indigenous normative arguments under the overall settler-colonial structure. Such recognition continues to hold Indigenous peoples as "subjects of Empire" (Coulthard, 2007). Alberta needs "land, labor and resources," and this act of recognition allows them to maintain the "strategic 'domestication'" that keeps the colonial relationship alive (Coulthard, 2007: 451).

Second, since this recognition is actually a form of *mis*-recognition, it has made Indigenous leaders upset and angry. Although pressure from Indigenous nations forced the premier to issue an apology, we note that such acts of misrecognition render consistent "Indigenous assertions of nationhood with the state's unilateral assertion of sovereignty over Native people's lands and populations" (Coulthard, 2014: 107). Such notions of reconciliation based on misrecognition result in anger, discontent and resentment among Indigenous people, which are then construed to be "negative emotions" by settlers (Coulthard, 2014: 107). Unfortunately, Smith's words are part of the norm and not an exception; the "common problem with Ottawa" comment is inflammatory fodder, comparable to Prime Minister Stephen Harper's astonishing claim that Canada has "no history of colonialism" (Coulthard, 2014: 105–6). Misrecognition of Indigenous political goals and the misidentification of a common struggle with provinces represent a continuation of a federalist framework that disregards the treaty and nation-to-nation relationship.

Contested colonialism is useful for understanding the impact of settler grievances appropriating the colonization of Indigenous nations. The concept delineates a three-prong relationship between a central settler government, a regional settler government and Indigenous nations. Most notably, the structural dimension of the framework explains that settler grievances are internal to the state; they are made by regional governments appealing to the proper functioning of the federal state. Appeals using the "potent metaphor" of colonialism create a powerful critique of federalism but simultaneously dismiss the fact that Canadian federalism, in and of itself, was created through colonial structures that continue to deprive Indigenous nations of their rights and their lands (Borrows, 2017). This type of appeal contributes to the incoherence of colonialism by settlers. Moreover, such acts of colonial misrecognition continue to impair renewed relations with Indigenous nations. Even if Smith's tenure is cut short by the 2023 election, we should extract an important insight: settler grievances are not the same as those of Indigenous nations. Attempting to make them so renders colonialism unintelligible and further inhibits settlers from developing a frank assessment of their positionality in a state built on colonialism.

Conflicts of Interest. The first author of this paper is affiliated with the same department as the English-language editorial team of the *Canadian Journal of Political Science*. To avoid a potential conflict of interest, Jack Lucas handled this paper as a guest editor.

Notes

- 1 The Fair Deal Panel recommended, among other things, a withdrawal from the Canada Pension Plan in favour of an Alberta pension plan, greater control over immigration, an Alberta provincial police force and a referendum on equalization. Two things should be noted. The first is that a provincial pension plan and control over immigration are two parts of Quebec's asymmetrical relationship with Canadian federalism. The second is that the equalization referendum was held on October 18, 2021, and passed with 61.7 per cent of voters voting yes to "Should section 36(2) of the Constitution Act, 1982—Parliament and the government of Canada's commitment to the principle of making equalization payments—be removed from the constitution?" (Elections Alberta, 2021). The referendum was not binding and would require constitutional reform to be implemented.
- 2 Alberta has hosted Senate elections since 1989. These elections are not binding, and the ultimate power to appoint senators rests with the governor general on the advice of the prime minister. Since then, people elected to the Senate of Canada were also elected by Albertan voters, yet the "vast majority" of Senate appointments for Alberta have come from outside this list (Hulme, 2016: 34; Elections Alberta, 2022).
- 3 Prominent connections can be made between other past remarks of Smith and settler-colonial literature. For example, on September 28, 2022, Smith tweeted that she possessed Indigenous ancestry, a claim seriously contested through an extensive Aboriginal Peoples Television Network investigation (Paradis, 2022a). Shifting claims to Indigenous ancestry risk dismantling the work of Indigenous nations and peoples to embolden the treaty and nation-to-nation relationship; Darryl Leroux conceptualizes these claims as "a twenty-first-century effort to transform the boundaries of whiteness and white identities in a context where Indigenous political claims risk undermining the established (white) order of things" (2019: 219). For a more in-depth analysis of these ancestry claims, see Daniel Heath Justice (2022).

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