

# On Using The Term 'Indian'

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"Indian" is the precise, legal and denotative term for what is in fact a purely race-based legal category of persons in Canada. It's in the title of the Indian Act and used throughout that statute. It's in the constitution of our country, referring to that class of aboriginals who inhabit southern Canada. (The other two legally defined types of aboriginals in the constitution are "Inuit" and "Metis".)

"It's used by our courts in their many decisions emanating out of this burgeoning area of law. Indeed, in a very recent and important Court decision, 'Keewatin', the court extensively discussed what it clearly regarded as the important and worthy concept of "Indianness".

"To me, it's offensive and counter-intuitive to our basic civic values that we should still have, and want to permanently keep, any category of Canadians defined solely on the basis of their race – and who would possess a whole series of special legal rights and entitlements based solely on the mere fact of their race – the mere accident of their birth...

"Canada's ultimate goal in this regard should be for us all to have no need or desire to have the word "Indian" in our constitution, in any of our statutes, or to be a meaningful legal term generally. Canadian history at least provides us with an explanation and a reasonable "excuse" for the original legal separation of Indians from non-Indians.

"But now, there is no reasonable excuse for our courts, our governments and governing classes generally to further entrench and expand this inherently illiberal and segregationist concept into our laws and civic life. But even though they have the best of intentions, that's what they're doing...

“Therefore, in order that the essentially segregationist and benignly racist nature of this case be brought to the fore and kept there – in order that the wrong and discomfiting nature of what is happening be not just read, but felt – I will be using, as if it were a verbal hairshirt, that precise, legal, racial term “Indian”.

“If the reader feels uncomfortable seeing and reading the word everywhere because it “sounds racist”, then good! That’s the point – it is inherently racist! And as such, it’s inherently wrong that it’s in our constitution, statutes and court decisions in the way it is.

“For the same reason – clarity of unpleasant thought – I will be trying to avoid as much as possible the use of those other sanitized, progressive-sounding terms now being used to denote Indians – terms such as “natives”, “elders”, “urban elder”, “aboriginals” and “First Nations” (the last, a complete recent fabrication, nowhere to be found in the historical record or in the wording of any of the original treaties).

“These are soft, vague, very emotive, relatively modern terms. They’re politically inspired and biased terms, connotative of pre-fall Edenic perfection, poorly supported in law or history, favoured and used by governments, the media, academia and by the “Indian industry” generally, and all of whom use the word “Indian” only when, usually for legal or technical reasons, they absolutely have to.

“These terms all have the deliberate effect of masking the fundamentally (albeit unintentional and benign) racist, segregationist nature of the current situation.

“They also have the Orwellian effect, as most mandated politically-correct terminology does, of clouding clear thought and deliberately constraining and debasing free speech and public discourse on this issue.”

–Peter Best, “Terminology”

<http://nodifference.ca/essay/chap1>

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It's amusing (as well as offensive) watching our 'legal beagles' and government agencies trying to grapple with the 'definitions' that are necessary for the continuation and administration of "race based law"... but if you're going to administer people by racial and ethnic categories, then you must divide people into racial and ethnic categories, which means that you must first define the racial and ethnic categories:

From Canada Revenue Agency's page:

"Note: We recognize that many First Nations people in Canada prefer not to describe themselves as Indians. However, we use the term Indian because it has a legal meaning in the Indian Act."

<http://www.cra-arc.gc.ca/brgnls/ndns-eng.html>

And from the Canadian Bar Association...

("A voluntary organization representing over 35,000 lawyers across Canada"):

"The term "First Nation" has come into popular use as a term of respect for the position of aboriginal people as the original inhabitants of Canada. However, IT HAS NO CONSISTENT LEGAL DEFINITION and ITS ACTUAL APPLICATION IS BECOMING UNCERTAIN as it is increasingly defined in various statutes. Generally speaking, it applies to Indian bands or groups of bands and to Indian people, and it is used in that way in this script..."

And: "The Metis are people of mixed aboriginal and non-aboriginal ancestry, but THEIR PRECISE LEGAL DEFINITION IS NOT CERTAIN... THERE STILL REMAINS A GREAT DEAL OF AMBIGUITY."

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“I am aware that some will argue that “First Nations” is indeed accurate, given that some aboriginal groups assert that they have never given up their sovereignty, and assert nation-state status.

“However, to label a collective of 300 or 3,000 people a ‘nation’ or ‘nation-state’, when ‘collective’ or ‘cohort’ {or ‘tribe’} is more accurate, is to make language opaque and undercut its purpose. I side with Aristotle and George Orwell, who asserted that one purpose of language is to clarify, not to confuse, proper conceptions.”

–‘Government spending on Canada’s Aboriginals since 1947’, Mark Milke, Fraser Institute – ‘Centre for Aboriginal Policy Studies’, December 2013

<http://www.fraserinstitute.org/uploadedFiles/fraser-ca/Content/research-news/research/publications/Aboriginal-spending-2013.pdf.pdf>

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Petition to END RACE BASED LAW:

<http://endracebasedlaw.com/petition>

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