



## Encountering the Other: Racism Against Aboriginal People

Chippewas of Nawash Unceded First Nation Report to the Ipperwash Inquiry  
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## ABSTRACT

This paper has four tasks. The first is to demonstrate there is a huge gulf between the culture of Turtle Island and that of Euro-Canada. The second task is to show how that gulf leads to misunderstanding, confusion and the nearly complete alienation of one from the other. The third is to define racism and see whether one effect of this alienation is racism against Turtle Island peoples. The fourth is to suggest what a new relationship between First Nations peoples and Euro-Canada might look like.

Some mention of the terms used in this paper is necessary. “Turtle Island” is often used as a synonym for “First Nations” but it includes the mindscape and culture and world view of First Nations—in this paper, usually the Anishinaabek and the Haudenosaunee. “Culture” is used to signify everything that might define a people: beliefs, worldview, language, institutions—everything. “Euro-Canadian” refers to Canadians of white, western European (especially British) stock, such as the writer. “Indian” is used to signify a Euro-Canadian construction, as in “*Indian Act*”. “The Crown” is used to refer to both or either the provincial government and the federal government. “*Mythos*” is used in the original Greek sense of “story”—in this case, the story of a people. “Other” is used to signal those outside a group. In this case it usually refers to Turtle Island peoples, but not always.

The predominant method of the paper is to look at the metaphors contained in the *mythos* and cultures of Euro-Canadians and the peoples of Turtle Islander. The reader is warned against treating anything here too literally—especially the creation and re-creation myths at the beginning. Quite a bit of space is devoted to these myths because, if interpreted correctly, they give profound insight into the mindscape of the people they belong to. They are “ground zero” of a people’s response and interpretation of the world around them. The myths are re-produced at length, for many of us have forgotten them and this is one of the reasons for disharmony among peoples.

The value of metaphor as an analytical tool is that it operates outside of human intention. It exposes the real story behind an event, or document (including art, for here art is as important as historical record). In fact, given the unreliability of historical record, metaphor might be more important.

There have been, for centuries, two parallel realities in Canada each with a culture so different from the other that they are nearly unrecognisable to each other, even after over 400 years of contact in this part of Turtle Island. One result is racism. If truly understanding “the other” is a lost cause, then another way of living together must be found. The clues to that new way are in the old Covenant Chain protocols that codified the proper relationship between the Crown and First Nations in Canada and in recent Supreme Court of Canada decisions around the Crown’s duty to consult.

The author, David McLaren, has worked with the Saugeen Ojibway Nations on the Bruce Peninsula for nearly 20 years. For a good part of that time he worked with the Saugeen First Nation and the Chippewas of Nawash Unceded First Nation on public education and in dealing with the backlash to their fishing rights (therefore much in this paper is based on direct, on the ground experience). He is married to Lenore Keeshig-Tobias, Anishinaabe poet and storyteller and lives at Neyaashiinigamiing, the home of the Chippewas of Nawash Unceded First Nation. He has also worked in the Ontario government and the private sector. He is a writer of drama, short essays and children’s books. In the mid-1980s he studied at the University of Toronto under a number of his culture’s elders, including Northrop Frye.

## A. IN THE BEGINNING ...

“First there was a void in the Universe. There was nothing to fill this emptiness but a sound. This sound was like that of a she-she-gwun (shaker). ...

“Gitchie Manito was the first thought. He sent his thoughts out in every direction but they went of forever. There was nothing on which to bounce them back, Finally, Gitchie Manito had to call his thought back himself. The stars you see at night represent his trails of his thoughts.

“First Gitchie Manito created Gee-sis (Sun), so that he could have light to see. Then he tried creating other objects. One was the Wa-bun-ah-nung (Morning Star) that tells us each day of the approach of the Sun. Then, he tried to create a place on which to put life. One of his attempts turned out to be covered with a cloud. One was a rock full of heat. And one was covered with ice. On his fourth attempt he created Earth. He found it to be pleasing so he sent singers to it in the form of birds. The birds spread the seeds of new life.”<sup>1</sup>

When Ah-ki (the Earth) was young, it was said that the Earth had a family. Nee-ba-gee-sis (the Moon) is called grandmother, and Gee-sis (the Sun) is called Grandfather. The Creator of this family is called Gi-tchie Man-i-to (Great Mystery or Creator).

The Earth is said to be a woman. In this way it is understood that woman preceded man on the Earth. She is called Mother Earth because from her come all living things. Water is her life blood. It flows through her, and purifies her.

On the surface of the Earth, all is given Four Sacred Directions—North, South, East, and West. Each of these directions contributes a vital part to the wholeness of the Earth. Each has physical powers as well as spiritual powers, as do all things.

When she was young, the Earth was filled with beauty.

The Creator sent his singers in the form of birds to the Earth to carry the seeds of life to all of the Four Directions. In this way life was spread across the Earth. On the Earth the Creator placed the swimming creatures of the water. He gave life to all the plant and insect world. He placed the crawling things and the four-leggeds on the land, All of these parts of life lived in harmony with each other.

Gitchie Manitou then took four parts of Mother Earth and blew into them using a Sacred Shell.<sup>2</sup> From the union of the Four Sacred Elements and his breath, man was created.

It is said Gitchie Manito then lowered man to the Earth. Thus, man was the last form of life to be placed on the Earth. From this Original Man came the Anishinabe people.<sup>3</sup>

This man was created in the image of Gitchie Manito. He was natural man. He was part of Mother Earth. He lived in brotherhood with all that was around him.

...

In winter, the cold winds of the Gee-way-din (North) brought the purifying snows that cleansed Mother Earth. Some of the plants died and returned their bodies to their Mother.

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<sup>1</sup> The Creation story is told in two parts in Edward Benton-Bania's *The Mishomis Book*. This part is taken from the re-telling of creation by Nokomis to Original Man (pp16-17).

<sup>2</sup> The sacred Megis Shell, still used in Anishinaabe (Medewinin) ceremonies. Edward Benton-Banai, *The Mishomis Book*, p. 4.

<sup>3</sup> All tribes came from this Original Man. Edward Benton-Banai, *The Mishomis Book*, p 4.

other plants fell into a deep sleep and awoke only when Grandfather Sun and the warm winds of the Zha-wa-noong (South) announced the coming of spring.

As Original Man travelled the Earth, he identified what fruits were good to eat and what was not to be eaten. As he went, he found that some o-gee-bic-coon (roots) were good for food. Others were good for mush-kee-ki (medicine). Some roots could be used to make dyes of different colours and flavourings for food. Other roots could be used as a strong thread in sewing and in making tools.

As he walked, Original Man talked with the animals. He named them as he went. He noted that some animals were good for we-sin-ni-win (food) and medicine. He noticed that each type of animal had its own individual kind of wisdom. He did not know that all of these plants and animals would play an important part for all the people what would be coming to live on the Earth at a later time.

Original Man travelled everywhere. There was not one plant, animal or place that was not touched by him. In his travels, Original Man began to notice that all the animals came in pairs and they reproduced. And yet, he was alone. He spoke to his Grandfather the Creator and asked, "Why am I alone? Why are there no other ones like me?"

Gitchie Manito answered, "I will send someone to walk, talk and play with you,"

He sent Ma-en-gun (the wolf).

With Ma-en-gun by his side, Original Man again spoke to Gitchie Manito. "I have finished what you asked me to do. I have visited and named all the plants, animals, and places of this Earth. What would you now have me to do?"

Gitchie Manito answered Original Man and Ma-en-gun, "Each of you are to be a brother to the other. Now both of you are to walk the Earth and visit all its places."

So Original Man and Ma-en-gun walked the Earth and came to know all of her. In this journey they became very close to each other. They became like brothers. In their closeness they realized that they were brothers to all of the Creation.

When they had completed the task that Gitchie Manito asked them to do, they talked with the Creator once again.

The Creator said, "From this day on, you are to separate your paths. You must go your different ways.

"What shall happen to one of you will also happen to the other. Each of you will be feared, respected and misunderstood by the people that will later join you on this Earth."

<sup>4</sup>

1:1. In the beginning God created the heaven and the earth.

1:2. And the earth was without form and void; and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters.

1:3. And God said, let there be light: and it was light. And God saw the light, that it was good: and God divided the light from the darkness.

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<sup>4</sup> Creation story from Edward Benton-Banai, *The Mishomis Book*, pp.2-4. This is the Anishinaabe creation story. In the Haudenosaunee story, a woman, heavy with child falls from the Sky World. She is saved by the water birds who put her on the back of a turtle. She planted seeds she had from the Sky World into the mud on the back of the turtle. She planted as she walked in ever-increasing circles and new life sprang up on what is now the Turtle Island.

1:9. And God said, that the waters under the heaven to gather together on to one place, and let the dry land appear: and it was so.

1:14. And God said, let there be lights in the firmament of the heaven to divide the day from the night: and let them be for signs, and for seasons, and for days, and for years:

1:25. And God made the beast of the earth after his kind, and cattle after their kind, and everything that creepeth upon the earth after his kind: and God saw that it was good.

1:26. And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.

1:27. So God created man in his own image, and the image of God created he him; male and female created he them.

1:28. And God blessed them, and God said unto them, Be fruitful and multiply and replenish the earth and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.

1:29. And God said, Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which is the fruit of a tree yielding seed; to you it shall be for meat.

1:30. And to every beast of the earth, and to every fowl of the air, and to every thing that creepeth upon the earth, wherein there is life, I have given every green herb for meat: and it was so.

...

2:7. And the Lord God formed men of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul.

2:8. And the Lord God planted a garden eastward in Eden; and there he put the man whom he had formed.

2:9. And out of the ground made the Lord God to grow every tree that is present to the site and good for food; the tree of life also in the midst of the garden, and the tree of knowledge of good and evil.

2:15. And the Lord of God took the man and, and put him into the garden of Eden to dress it and to keep it.

2:16. And the Lord God commanded the man, saying, of every tree of the garden thou mayest freely eat:

2:17. But of the tree of knowledge of good and evil, thou shalt not eat of it: for in the day that thou he eatest thereof thou shalt surely die.

2:19. And out of the ground the LORD God formed every beast of the field, and every fowl of the air; and brought them unto Adam to see what he would all them: and whatsoever Adam called every living creature, that was the name thereof.

...

3:1. Now the serpent was more subtil than any beast of the field which the LORD God had made. And he said unto the woman, Yea, hath God said, Ye shall not eat of every tree of the garden?

3:2. And the woman said unto the serpent, We may eat of the fruit of the trees of the garden;

3:3. But of the fruit of the tree which is in the midst of the garden, God hath said, Ye shall not eat of it, neither shall ye touch it, lest ye die.

3:4. And the serpent said unto the woman, Ye shall not surely die:

3:5. For God doth know that in the day ye eat thereof, then your eyes shall be opened, and ye shall be as gods, knowing good and evil.

3:17. And unto Adam he said, Because thou hast hearkened unto the voice of thy wife, and hast eaten of the tree, of which I commended thee, saying, Thou shalt not eat of it: cursed is the ground for thy sake; in sorrow shalt thou eat of it all the days of thy life.

3:22. And the LORD God said, Behold the man is become as one of us, to know good and evil: and now, lest he put forth his hand, and take also of the tree of life, and eat and live forever:

3:24. So he drove out the man; and he placed at the east of the garden of Eden Cherubims, and a flaming sword which turned every way, to keep the way of the tree of life.<sup>5</sup>

What is important to realize about the Genesis myth is that it is more complex than it appears. For one thing there are two versions—the Priestly version of 1-2:3 and the Yahwist version of 2:4-25.<sup>6</sup> The Priestly version is the later version but it comes first. Here the idea of man's dominion<sup>7</sup> over the creatures of the earth is strong. In this version Adam and Eve are made together, but the divine female spirit is nearly absent: it is the word of God that is the generative force and that force divides the night from the day, the light from the dark, the land from the seas and the waters below the firmament from the waters above.

In the earlier, Yahwist version, there are reminders of the ancient, sacred female. Eve, who is called the mother of all living things, is created from the rib of Adam. But Adam is created from mother earth herself (Hebrew *adamah*).<sup>8</sup> And a garden, always female in Hebrew and Christian myth, is planted “eastward of Eden”<sup>9</sup> (Gen 2:8).

There is a lot going on in Genesis 1-3 besides the Creation and the Fall. The creation of the universe by a generative male deity is as much a revolution (at least for that time and place) as the overthrow of the giants (and the prime generatrix, Gaia) by the gods in Greek mythology. It is also a revolution in understanding time: from cyclical to linear—from alpha to omega. Progress has entered the world.

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<sup>5</sup> Creation Story from *The Bible*, Kings James Version, Gen. 1-3.

<sup>6</sup> Northrop Frye, *The Great Code*, p.140. One of the distinguishing marks of this version is the use of “the LORD God” throughout. The Greek word “Adonai” (Lord) was used to substitute for the ineffable name of God (Yhwh) in Judaism because to pronounce the name was (and is) taboo.

<sup>7</sup> From Middle English *dominioun*, from Old French dominion, from Medieval Latin *dominio*, dominion; from Latin *dominium*, **property**; from *dominus*, **lord**. The American Heritage Dictionary, 1992. Both the King James Version and the Revised Standard Version use the word “dominion”, casting man at the “apex of God's creation” (The New Oxford Annotated Bible, note for Gen. 1:26).

<sup>8</sup> Northrop Frye, *The Great Code*, p.107. There is a suggestion that, at the point of creation, Adam is androgynous, for God creates “them” in “our own image” and *then* he separates out male and female—remember, Genesis is a story of separation from divine unity.

<sup>9</sup> Gen. 2:8. “Eden” means “delight” in Hebrew. It is not a real place, it is a spiritual place; although it is lost in Genesis, it can be regained.

The serpent in Genesis 3 is not Satan, at least not yet.<sup>10</sup> He is, however, an emissary of the ancient, cyclical, earth-born matriarchal world view. He is also a Trickster, for he “more subtil” and he “persuades” Eve into eating the fruit of the Tree of Knowledge.<sup>11</sup> It seems God isn’t so omniscient and omnipotent after all—the all-seeing eye must have blinked when the serpent made his pitch to Eve and God seems powerless to stop his adversary, unless, of course, that was the Plan.

The fruit of the Tree of Knowledge “opens the eyes” of Eve and then Adam. They perceive that they are naked—that is, they see themselves as separate from the animals, separate, in fact, from the rest of creation. And separate from God as well, and they hide, not because they are physically naked, but because they are spiritually naked—they know God knows they know.

In the older, Yawist version God does not set Adam higher than the animals. God brings them to Adam and Adam names them, as all people in all cultures do. But the knowledge of good and evil is catastrophic for the first humans. They fall (a spiritual death) from both the pleasure of God’s presence and the delightful Eden. Our perceptions of what is good or bad in, and about, creation have changed over the millennia, but one thing is certain, the children of Adam seem incapable of accepting, let alone knowing, nature on its own terms.

Making a judgement about what is good or bad (especially about creation) is God’s job: “And God saw every thing that he had made, and, behold, it was very good.” (Gen. 1:31) We know that God IS—he is the prime mover, the existential fiat, the YHWH.<sup>12</sup> Knowing good from evil (as long as one is not self-deceived, and God can never be deceived) is the foundation of choice. God chose to make the world. And, for Christians, he chose to re-make it by sending his Son. For his creatures Adam and Eve, the ones he made in his own image<sup>13</sup> no less, now to know good and evil, and therefore also able to choose his actions based on that knowledge, is dangerous.

For humans are now *God-like*, but unlike God, humankind is easily deceived (as the serpent has already proven) and frequently confuses what is good and what is evil. Choices made in our self-deception are generally not good news for the rest of God’s

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<sup>10</sup> “Satan” in Hebrew means “adversary”. The serpent is equated with Satan long after Genesis was written.

<sup>11</sup> There are Tricksters in all cultures (Hermes in the Greek *mythos* for example), but perhaps the better word for what the serpent did to Eve is “deceive”. For after the Fall, mankind, with all his knowledge, is perfectly able to deceive himself.

<sup>12</sup> The tetragrammaton, YHWH, is a mystery. It is unpronounceable on its own yet it has been translated as “He brings into existence whatever exists”. The Hebrew letters YHWH are all that is needed to write the Hebrew sentence meaning, “He was, He is, and He shall be.” Elsewhere in the Bible, God declares himself to be the great existential fact, “I AM THAT I AM” (Ex 3:14; John 8:58 and Rev 1:18).

<sup>13</sup> In the Priestly version only. I think it is dangerous to interpret the word “image” too literally. Genesis is a metaphorical and spiritual work and “image” may mean that God is able to recognize Adam’s Good children as his own. This spiritual meaning of “image” and “face” is manifest in 1Cor 12, 1 Cor 15:49 and 2 Cor 3:18.

creations.<sup>14</sup> No wonder God set “Cherubims, and a flaming sword<sup>15</sup> to keep the way of the tree of Life” from humans, “lest they should live forever” (Gen 3:24).

With the act of eating the fruit of the Tree of Knowledge, sin has entered the world. By “sin”, I don’t mean the usually understood, dogmatic Christian notion of “bad deed”, I mean the primary Hebrew idea of “missing the mark”. In the context of Genesis (and both Hebrew and Christian theology) to sin is to miss God and a sin is any action (including choice) that causes one to miss the target which, in theology, is always God. Choices made in sin are choices made in full knowledge that the resulting action is wrong; or they are choices made in self-deception that the action is right.<sup>16</sup>

Taken together, the Priestly and Yahwist versions of Genesis are a tale of coming into being and separating into “the other”—when God speaks light into being, darkness is created. When he gathers the water, land appears. When Adam and Eve eat of the Tree of Knowledge, they are separated from God and Creation. And the ground is cursed to him (but not, we may presume, to the rest of creation). It will be the task of humankind to find our way back to the Garden and to God. For Christians, that is the promise of Christ.<sup>17</sup>

The Fall generates a whole way of looking at the world. Conflict takes over from harmony (balance is forfeit); differences supplant unity (things are defined by their opposite); humans are at odds with both Creator and Creation. Along with progress, drama enters the world. At least a particular kind of drama; one defined by conflict between opposites that can only be resolved in a climactic way by the synthesis of opposing forces; or the victory of one over the other.

With the Fall, the shape of Western philosophy, science, art and politics takes form.<sup>18</sup>

Here a note of caution: this is not a bad thing. The reader must not read that either “Other” discussed in this paper (be it a way of thinking, a way of life, or a people) is better than the other, as long as it follows its own path. As the sign at the entrance to the

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<sup>14</sup> And for humankind—one of the first acts in the world outside Eden is the murder of Able by his brother Cain who is marked by God and sent somewhere “eastward of Eden” where he founds a city. From creation to herder to farmer to city dweller—the progress of mankind away from God and separate from creation in 4 short chapters.

<sup>15</sup> Fire is always a metaphor for the spiritual in the Bible, especially if it doesn’t consume. Nothing in this story should be taken literally.

<sup>16</sup> Other meanings of the Hebrew idea of sin include a consciously arrogant attitude that inevitably leads to strife and disharmony; and “rebellion against a superior or unfaithfulness to an agreement”—*ie*, the breaking of a covenant, either between men or between men and God. Alan Richardson, ed, “A Theological Word Book of the Bible”, SCM Press, Toronto, 1957, “Sin”.

<sup>17</sup> For the kabbalists, it is a task of preparing the world for the re-union of Yahweh (God) with the Schekinah, the female aspect of God that, at the moment of the Fall, separated from God to roam the earth. Gershom Scholem, *Major Trends in Jewish Mysticism*, Schocken Books, 1961. The Christian mystics equate that female aspect with Christ. In early Christian poetry you can find the poet addressing Christ as his sweetheart: “When I see on roode / Jesu my lemman [sweetheart] ...” (poem ca 1300, anon).

<sup>18</sup> Aided and abetted by the discovery, by Christian Europe of the ancient Greeks, whose deliberations must have seemed like proof of the rightness (and righteousness) of the Judeo-Christian way.

excellent Ziibiwing Heritage Centre<sup>19</sup> of the Saginaw Chippewa Trip in Isabella reserve in Michigan says, “All creation myths are true.”

The creation myth of the Anishinaabek is not so very different from the Judaic myth in many respects. In some versions of the Anishinaabe story, the act of creation is heralded (or done) by the sound of a rattle and the universe is brought into being by sound. Original Man, the founder of all tribes, is created from the Earth Mother herself. The Great Mystery animates Original Man by breathing into the earth. In both stories man is created last.

However, the two stories are very different in crucial ways. In the Anishinaabe creation story, the earth has her own presence and personality, complete with a family. Harmony and relationship is emphasized. A rhythm of life (as opposed to a definition of opposites) is begun: “Some of the plants died and returned their bodies to their Mother”. All things share the earth equally. No one part of creation is set above or given dominion over the others as man is in the Priestly version of Genesis.

Most importantly, there is no Fall in the Anishinaabe version of creation. Original Man might have been created by the breath of the Great Mystery on earth, but there is no sense he is above the other parts of creation. Indeed, he is very much an integral part of creation. Like Adam in the Yawist version of Genesis, Original Man names and therefore knows the purpose of the plants and animals and recognizes their individual wisdom and his own relationship to them.

When Gitchie Manito sends him Ma-en-gun (even before woman), this relationship between Original Man and the Other is deepened. Eventually Original Man and Ma-en-gun part ways—each following his separate path according to his nature. Neither has dominion over the other; each goes his own way, neither interfering with the other.<sup>20</sup>

Indeed, as the Anishinaabe re-creation myth tells us, he is entirely dependent on his neighbours.<sup>21</sup>

Although life was often hard for them, for many years the first people lived together in harmony with all of the Creation.

I regret to say that this harmonious way of life on Earth did not last forever. Men and women did not continue to give each other the respect needed to keep the Sacred Hoop of marriage strong. Families began quarrelling with each other. Finally villages began arguing back and forth. People began to fight over hunting grounds. Brother turned against brother and began killing each other. ...

When it seemed that there was no hope left, Gitchie Manito decided to purify the Earth. he would do this with water. The water came like a mush-ko-be-wun (flood) upon the Earth. The flood came so fast that it caught the entire Creation off guard. Most all living

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<sup>19</sup> Web site: [www.sagchip.org/ziibiwing](http://www.sagchip.org/ziibiwing).

<sup>20</sup> This is important, for as we see later, the idea of not interfering with another's path is an Turtle Island cultural imperative and even is used to define the ideal relationship between Native and European nations.

<sup>21</sup> *Bin-gaesdaugun* (“one who lives next to me”) in Anishinaabemowin; from Basil Johnston Anishinaabe storyteller, author and linguist.

things were drowned immediately, but some of the animals were able to keep swimming, trying to find a small bit of land on which to rest. Some of the birds were caught in the air and had to keep flying in order to stay alive. ...

Waynaboozhoo<sup>22</sup> managed to save himself by resting on a chi-mi-tig (huge log) that was floating on the vast expanse of water that covered Mother Earth. As he floated along on the log, some of the animals that were able to keep swimming came to rest on the log. They would rest for a while and then let another swimming animal take their place. It was the same way with the winged creatures. They would take turns resting on the log and flying. It was through this kind of sacrifice and concern for one another that Waynaboozhoo and a large group of birds and four-leggeds were able to save themselves on the giant log.

They floated a long time but could gain no sight of land. Finally, Waynaboozhoo spoke to the animals.

“I am going to do something,” he said. “I am going to swim to the bottom of this water and grab a handful of Earth. With this small bit of Earth, I believe we can create a new land for us to live on with the help of the Four Winds and Gitche Manito.”

So Waynaboozhoo dived into the water. He was gone a long time. Some of the animals began to cry for they thought that Waynaboozhoo must have drowned trying to reach the bottom.

At last, the animals caught sight of some bubbles of air, and finally, Waynaboozhoo came to the top of the water. Some of the animals helped him onto the log. Waynaboozhoo was so out of breath that he could not speak at first. When he regained his strength, he spoke to the animals.

“The water is too deep ... I never reached the bottom ... I cannot swim fast enough or hold my breath long enough to make it to the bottom.” ...<sup>23</sup>

The little Wa-zhushk (muskrat) ... dived down and disappeared from view. He was gone for such a long time that Waynaboozhoo and all the animals on the log were certain that muskrat had given up his life in trying to reach the bottom. ...

One of the animals on the log caught sight of muskrat as he floated to the water’s surface. They pulled his body onto the log. Waynaboozhoo examined the muskrat.

“Brothers and sisters,” Waynaboozhoo said. “Our little bother tired to go without air for too long. He is dead.” A song of mourning and praise was heard over all the water as Wa-zhushk’s spirit passed to the next world.

Waynaboozhoo spoke again. “Look! Muskrat has something in his paw. It is closed tight around something.” Waynaboozhoo carefully pried open muskrat’s tiny paw. All the animals gathered around trying to see. Muskrat’s paw opened and there, in a little ball, was a piece of Earth.

Waynaboozhoo took the piece of Earth from the muskrat’s paw. At that moment, Mizhee-kay (the turtle) swam forward and said, “Use my back to bear the weight of this piece of Earth. With the help of the Creator, we can make a new Earth.”

Waynaboozhoo put the piece of Earth on the turtle’s back. All of a sudden the noo-di-noon (winds) began to blow. The wind blew from each of the four directions. The tiny

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<sup>22</sup> Or Nanaboozhoo, the great Anishinaabe Trickster and Teacher whose exploits are lessons of how to maintain balance in creation. Some versions of the Flood story have Sky-Woman on the back of Turtle.

<sup>23</sup> Mahng (loon) tries next, then Shing-gi-biss (helldiver), then Zhon-gwayzh (mink), Ni-gig (otter), Mizhee-kay (turtle) all tried. No one could get to the bottom.

piece of Earth on the turtle's back began to grow. Larger and larger it became, until it formed a mi-ni-si (island) in the water. Still the Earth grew but still the turtle bore its weight on his back.

Waynaboozhoo began to sing a song. All the animals began to dance in a circle on the growing island. As he sang, they danced in an ever-widening circle. Finally, the winds ceased to blow and the waters became still. A huge island sat in the middle of the great water.<sup>24</sup>

After the creation of the earth, all the other animals withdrew into the places which each kind found most suitable for obtaining therein their pasture or their prey. When the first ones died, the Great Hare caused the birth of men from their corpses, as also from those of the fishes that were found along the shores of the rivers which he had formed in creating the land.<sup>25</sup>

6:5. And GOD saw that the wickedness of man was great in the earth, and that every imagination of the thoughts of his heart was only evil, continually.

6:6. And it repented the LORD that he had made man on the earth, and it grieved him at his heart.

6:7. And the LORD said, I will destroy man whom I have created from the face of the earth; both man, and beast, and the creeping thing, and the fowls of the air; for it repenteth me that I have made them.

6:8. But Noah found grace in the eyes of the LORD. ...

7:1. And the LORD said unto Noah, Come thou and all they house into the ark; for thee have I seen righteous before me in this generation.

7:2. Of every clean beast thou shalt take to thee by sevens, the male and the female; and of beasts that are not clean by two, the male and the female.

7:3. Of fowls also of the air by sevens, the male and female; to keep seed alive upon the face of all the earth. ...

7:10. And it came to pass after seven days, that the waters of the flood were upon the earth. ...

7:12. And the rain was upon the earth forty days and forty nights.<sup>26</sup> ...

8:7. And he [Noah] sent forth a raven, which went forth to and fro, until the waters were dried up from off the earth.

8:8. Also he sent forth a dove from him, to see if the waters were abated from off the face of the ground; ...<sup>27</sup>

8:15. And God spake unto Noah saying,

8:16. Go forth of the ark, thou and thy wife, and thy sons and thy sons' wives with thee.

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<sup>24</sup> Turtle Island, or North America. Creation story from Edward Benton-Banai, *The Mishomis Book*, pp.29-33.

<sup>25</sup> From the account of Nicolas Perrot an early French official, in Darlene Johnston, "Connecting People to Place: Great Lakes Aboriginal History in Cultural Context", for the Ipperwash Inquiry, 2005, p 6. The Great Hare is the great teacher of the Anishinaabek, Nanabush

<sup>26</sup> The standard biblical period of exile. The floodwaters did not abate for another 150 days.

<sup>27</sup> Noah sends the dove out three times before she finds enough land to rest on. Three is one of the sacred numbers of the Bible; for the Anishinaabek, it is four.

8:17. Bring forth with the every living thing that is with thee, of all flesh, both of fowl, and of cattle, and of every creeping thing that creepeth upon the earth; that they may breed abundantly in the earth, and be fruitful and multiply upon the earth. ...

8:20. And Noah builded an altar unto he LORD; and took of every clean beast, and of every clean fowl, and offered burnt offerings on the altar.

8:21. And the LORD smelled a sweet savour; and the LORD said in his heart, I will not again curse the ground any more for man's sake; for the imagination of man's heart is evil from his youth; neither will I again smite any more every thing living, as I have done. ...

9:13. I do set my bow in the cloud, and it shall be for a token of a covenant between my and the earth.

So the re-creation of the world ends well in both myths: the earth is cleansed of sinful humans and a new beginning made. The Judeo-Christian myth goes a little further. After the flood, Noah “began to be an husbandman, and he planted a vineyard” (Gen 9:20). This is a move from a shepherding, nomadic culture to a farming one<sup>28</sup>. This, in the Judeo-Christian world, is progress that, in the Old Testament has its climax with building of the Temple in the City of Jerusalem; in the New Testament it is the City of Revelations.

There may be striking similarities between the Judeo-Christian and the Anishinaabe flood myths, but it would be a serious mistake to attempt a synthesis. First, most cultures have flood myths and no one would think of trying to reconcile them all by pretending they hold the same clues for different peoples.

The Anishinaabe myth is a starting over, yes. But the renewal is of the old, harmonious relationship that Original Man had with Creation. Waynaboozhoo requires the help of the animals to re-generate the Earth. He re-discovers (as the rest of humankind had forgotten) that he needs Creation even more than it needs him. He celebrates *with* the animals that have helped re-create the world.

Whereas Noah cremates them. Remember, the Judeo-Christian mythos is on in which sacrifice (literally “the making sacred”) is a way of atonement (literally, “at-one-ment” or be reconciled) with God. In the pilgrimage from the Old to the New Testament, sacrifice is a key image. There is life lost in the Anishinaabe story as well, but here the muskrat gives his own life, not to the Creator, but so that the world might be reborn. The selflessness of plants and creatures, especially so that humankind can live, is something that is still honoured in Native cultures where the target of “at-one-ment” is the land.

Note that in the Anishinaabe story, man is created from the bodies of the animals. Perrot goes on to say,

Accordingly, some of the savages derive their origins from a bear, others from a moose, and others similarly from various kinds of animals. ... You will hear hem say that their

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<sup>28</sup> A move started when the farmer Cain slew the shepherd Able—the “evil from his youth” God identifies in Gen 8:21. But it is a move that takes several generations—from Abraham to Solomon.

villages each bear the name of the animal which has given its people their being—as that of the crane, or the bear, or of other animals.<sup>29</sup>

Perrot is referring to the dodems of the Anishinaabek clans. Everyone belonging to the same dodem was considered a close relative, responsible for one another's well-being. This identity facilitated trading networks and military alliances even among far-flung communities.<sup>30</sup> In addition, every individual had a helper—an animal or fish or bird that was of particular importance and help for them. Thus the link to their “neighbours”, the Others in creation, is deeply rooted in the *mythos* of Turtle Island culture and informs the peoples' relations to creation and to one another even to the present day.

But humankind seems bound to disappoint, regardless of the culture. The first act of Noah as a new farmer is to get drunk on his first wine. And Waynaboozhoo, in the later Trickster stories, has to re-learn (again and again) that he needs his relations, the animals and the plants, more than they need him.

### **World Views: Reason v Revelation (Plato v Nanabush)**

Two different world views are developing—the Turtle Island way puts creation at the centre of consciousness and focuses on how each part relates to the whole. The Judeo-Christian way puts God at the centre and focuses on how man should properly relate to Him.

The other great root in the growth of the western way is Greek. There is much of Greek thought ingrained in the Bible, for the King James Version was translated from both Greek and Hebrew. From the Greeks came teleology (the use of ultimate purpose or design as a means of explaining phenomena), the supremacy of the rational (over the physical), and dialectics, a powerful method of inquiry. With these ideas, western Europeans refined Greek ideas of progress (an evolution from savagery to civilization), the place of the body (somewhere below the mind which is somewhere below the soul), and the scientific method (by which rational, semi-divine humans can know and manipulate the natural world).

There is not room in this short paper to trace the progress of western thought (if indeed it is progress). That has been done elsewhere.<sup>31</sup> Besides, it is the methodology of this paper to look primarily at the metaphors of culture rather than directly at its philosophies or histories or even sciences. In this case, the metaphors examined are found in the “mythology” of western European culture and they are examined to understand how that culture perceives the indigenous culture of Turtle Island. By “mythology” in the context

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<sup>29</sup> Johnston, “Connecting People to Place”, op cit, p 6.

<sup>30</sup> Ibid, p 8.

<sup>31</sup> Notably and recently by Bruce Morito whose book *Thinking Ecologically: Environmental Thought, Values and Policy* (2002) takes a critical look at western thinking about the environment from the Greeks to Lovelock's Gaia Hypothesis and compares it to Native environmental thinking and values.

of this paper, I mean the western European *mythos* (in the ancient Greek sense of “story”) that is bred in the bone of white Canadians of European heritage. The “story” of a culture is revealed in its stories and, less directly, in the way it looks at the world through the lenses of its institutions.

However, a word or two about the Greeks is in order, if only to demonstrate the thesis that western European and indigenous North American thinking took separate paths—each as sophisticated and coherent and “civilized” in its own way as the other.

Plato’s famous divided line separates the intelligible from the physical and places the mind (which can contemplate the abstract) above the body which can only sense the physical world. Only the mind of rational man (gender intended) can contemplate what he called the “Forms”. For Plato, everything we see and “know” on earth has a perfect Form that only the mind can approach. So all tables are only bad or good interpretations of the one, true and perfect Table. All “good” in the world is a shadow of the one true Good. And all beauty is a shape of the one true Beauty. Plato said that Good and Beauty (the Forms) are the source of the existence and value of all the other Forms.<sup>32</sup>

Plato uses the metaphor of a cave to illustrate the difference between seeing with the eye and knowing with the mind. Prisoners in a cave forced to view shadows on a curtain cast by a fire are likely to mistake those shadowy shapes as real things. If they are released and dragged toward the mouth of the cave, they are moved from illusion to reason. They will then know the Forms (the things outside the cave) directly. Finally they will see the one true Good (the Sun).<sup>33</sup> It is the task of the philosopher to step outside the cave and see reality as it truly is, directly. The goal of all men on this path is to seek the true Forms of the things we see on earth.

But it’s useful to think about the metaphor of the cave itself. To take part in reality as defined by the Sun—to be able to perceive Plato’s higher Forms—you have to leave Mother Earth. There is no discussion in Plato of what has to be given up to gain knowledge of his Forms. There is also no discussion about what might be learned if you were to go deeper into the cave, away from the shadows cast by the Sun. There is an assumption that one ought to leave the Earth behind and “progress” toward the sun.

Plato also develops a hierarchal notion of function in society, with philosopher-kings at the top, for the Good is the one true goal of knowledge. Scientists (those who would know the physical world rather than the Forms that “inform” the physical world) are closer to the bottom. Artists (painters, poets, dramatists) are pretty much the bottom of the barrel because they are concerned with replicating in their art the physical world and so perpetuate illusion.<sup>34</sup> Their painted or sculpted tables are even further removed from the Forms than an actual table. To that end, artists are much more useless than the artisans who make tables and vases that people can actually use. Of course he would have got an argument from those artists who would maintain that they, through their art, are in

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<sup>32</sup> *The Republic*, Book VII [509-511]

<sup>33</sup> *The Republic*, Book VII [514-518]

<sup>34</sup> *The Republic*, Book X

direct knowledge of the one true Table, not to mention the Form of Beauty and therefore of Good.

But the Forms are only one of Plato's many ideas. The method of philosophical investigation, the dialectic, is another idea that finds mature expression in his dialogues. In general, dialectic is the art or practice of arriving at the truth by the exchange of logical arguments. Dialectics is a method of argument or exposition that systematically weighs contradictory facts or ideas with a view to the resolution of their real or apparent contradictions. By the beginning of the 19<sup>th</sup> Century, Hegel had refined this method into an investigation of the truth by stating a thesis, developing a contradictory antithesis, and combining and resolving them into a coherent synthesis.<sup>35</sup>

The dialectic is the antecedent of the scientific method. The scientist states a hypothesis, (*eg*, if the world is round); he determines a proper test (I should be able to sail in one direction and end up back where I started); he then observes what happens when the test is carried out (I sailed west and I came to the east). The hypothesis, that the world is round, is demonstrated.<sup>36</sup>

Of course, Plato and the other Greeks are much more subtle than they are portrayed here and in most criticisms of western thought. As if to prove the point, Plato writes the dialogue between Socrates and Phaedrus. *The Phaedrus* is a mature work, coming after *The Republic*. But it is a remarkable book in that Plato, by means of mythmaking, speculates on the nature of the soul (Gr: *psyche*). It is the prime mover of the body; it is like a prime mover of all things, uncreated and immortal.<sup>37</sup>

Plato's student, Aristotle, contemplates the problem of motion (*ie*, of change). He moves away from the Platonic abstract to the physical world. He concludes that all things move toward their own end. A seed is known by the plant that grows out of it. There are four causes of motion: matter (*eg*, the bronze of a statue), form (its shape), efficient (the actions or craft of the sculptor), and end (the intention or idea of the sculptor, which can also be its form).<sup>38</sup> But if something causes something else to come into being, what causes the first thing to come into being? Aristotle must postulate a "prime mover" or an "Unmoved Mover" as he does in book XII of his *Metaphysics*:

Life belongs to him too; for life is the actuality of mind, and God is that actuality; and his independent actuality is the best life and an eternal life. We assert, then, that God is an eternal and most excellent living being, so that continuous and eternal life and duration belong to him. For that is what God is.<sup>39</sup>

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<sup>35</sup> The American Heritage Dictionary of the English Language, Third Edition.

<sup>36</sup> But not proven. Ironically, the logic of the scientific method (if A, then B; B; therefore A) is an invalid argument. In logic, one cannot affirm the consequent (B); one can only deny it. So while the scientific method can demonstrate something is true time and time again until it takes on the colour of a natural law, it can never prove it's true. All it takes is one properly performed experiment to disprove the hypothesis.

<sup>37</sup> Plato, *Phaedrus* [245].

<sup>38</sup> "Aristotle, Physics" in *Encyclopedia of Philosophy*, MacMillan, 1967

<sup>39</sup> Aristotle, *Metaphysics*, Book XII (7), in Renford Bambrough, *The Philosophy of Aristotle*, New American Library, 1963. This is not far from the Jewish concept of YHWH and it helps to understand how Christian Europe could synthesize Jewish spirituality with Greek rationalism.

The important thing for the purpose of this essay is that between the Judeo-Christian mythos and Greek philosophy the shape of western European culture finds its final form: God, with his act of creation has started the history of humankind, the most important part of creation. Human history (the only history worth recording) is linear, male-centric and progressively civilized, evolving from bestial to celestial.

Meanwhile, civilization has developed on Turtle Island as well. What does it look like? Well, according to a remarkable paper written by George Blondin for the Royal Commission on Aboriginal Peoples, Dene views of the physical and the metaphysical worlds are very different from those taking shape in Europe.

For one thing the physical and the metaphysical are much more closely connected than in western thought—you just can't know the one without the other.

The Dene people's lifestyle was based on what I call medicine power, which they depended on and used. It's hard to explain where they acquired the power in the beginning. Medicine power is too complicated to explain in these modern times. But medicine power is an important issue since all the aboriginal people depended on it and their lifestyle was shaped by it.

When the world was new, everything the Dene people did came from medicine power. Some elders' stories say that medicine power was a loan from the creator. Some say that all the animals and human beings were one family: they talked together and had no problem understanding one another. The elders say medicine power existed then it was used by human beings and animals. ...

You couldn't own medicine just because you wanted it. It's difficult to explain but there was a system on who should own these powers.... Some people stayed alone in the bush for 10 to 40 years trying to own power, because almost everybody craved it. Yet most of them failed to own anything. That's how hard it was to own medicine power. Only a few could have it. But some individuals were lucky; they were born with all kinds of medicine power.

When the world was new, some of those people were very powerful and could run a whole nation. ... Some of the medicine man or women were good people who helped their people and protect them from others. They were really strong medicine people who could do almost anything. They could help the poor and sick. They could also settle disputes and could stop group war. They could kill more game and fish than anybody and could feed the people year-round. That is why people depended on them.

On the downside of medicine power, some of the medicine men were not using the power to help people, for which it was meant. Instead they abused people with bad medicine power and, sometimes, they even killed people with their power.<sup>40</sup>

Blondin gives several examples of medicine power by describing how his grandfather, Paul Blondin, who owned Eagle medicine power, overcame threats of death and how he was able to help his people with his power. Medicine power depended on, among other things, a close and proper relationship with animals.

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<sup>40</sup> George Blondin, "My Life in the Sahtu", pp3-4.

He describes the Dene laws. The first, with 8 branches, came from a very powerful medicine man, Yamoria.

1. Yamoria's Laws:
  - a. Share all the big game you kill.
  - b. Share fish if you catch more than you need.
  - c. Help elders with wood and other heavy work.
  - d. Help sick people in need—such as bringing wood, hunting and fishing—or gather for support.
  - e. If the head of the family dies, everybody is to help the widow and children with everything they need.
  - f. Love they neighbour strongly.
  - g. Orphans are to go to the closest kin of the one who dies or, by agreement, to another close kin.
  - h. Leaders of the tribe should help travellers if they have hard times from the their homeland.
2. Do not run around when elders are eating, sit still until they are finished. ... it's the parents' responsibility to teach children not to run around when elders are eating.
3. Do not run around and laugh loudly when it gets dark; everybody should sleep when daylight is gone.
4. Be polite, don't anger anybody, love each other.
5. Young girls are not to make fun of young males or even older men, especially strangers.
6. Love your neighbours and do not harm anyone by your voice or actions. Do not hurt anyone with your medicine powers.
7. All elders are to tell stories about the past every day.
8. Be happy at all times because mother earth will take care of you.<sup>41</sup>

Blondin relates a story or a reason for each law. For example, for law number 4, it was dangerous to mock someone who might be a medicine person. It is the parents' responsibility to teach their children these laws and the reasons for them.

And they seemed to work, for when the RCMP first sent police into the Dene territories, there was nothing for them to do. The people themselves handled all misbehaviour.. Their laws are concerned with creating and keeping harmony in society. They speak of the right relationship between people. The proper relationship between the Dene and the rest of creation seems to be governed more by the spiritual than by the laws of man. And indeed, "with regard to medicine power, it is attached to mother earth and all the animals, birds, fish, the air, the weather, and so on."

When I say everything was based on medicine power, it was just that. That's the way the aboriginal people of the north governed themselves. ... To them [the Dene, for he only speaks out of his own experience] the land represents a creation of the creator, that is why they have a lot of spiritual culture. That is why some elders pray to the sun, because it is a

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<sup>41</sup> Ibid, pp 6-8

creation of the creator. That is why some elders carry a drum at all times because it is used to pray with. ... They would say that the creation of the land by the creator represents a mother feeding her children, so our mother land is feeding us. We should thank the creator for that favour. Some elders would thank the creator for other benefits, and so on. They had a lot of spiritual and cultural attachments to the land. ... They thanked the creator for everything they got. ...

In time the land became part of their minds.<sup>42</sup>

This last sentence is most important. The land, particularly the land of a people's traditional territories, is part of the psychology of Turtle Island peoples in ways Canadians can only imagine. It is part of their minds and souls. Landscape *is* mindscape.

Ironically, the laws of the Dene (especially "love your neighbour"), and their own spirituality, pre-disposed them to embrace the message of the missionaries. They felt some kinship with the missionaries' stories about God and Christ who had his own medicine power. But the missionaries called the people's medicine power evil and the work of the devil. That was hard to take.<sup>43</sup>

In an anecdote about a group of people storm-stayed on the shore of Great Slave Lake, Blondin tells how each person who had medicine power helped the group. One had medicine for sore arms and legs. Another, with caribou medicine, stood and sang a song. While he was singing a great bull caribou came running on the shore toward them. Another was able to stop the storm and produce a favourable wind so the paddlers could set a sail.<sup>44</sup> It seems that medicine people could put their minds into the animal that gave them medicine.

A special medicine person could talk to caribou hundreds of miles away and tell them to come because the people were hungry. Some of them would talk to a raven to look into the future.<sup>45</sup>

Most everyone lived a healthy life and a long one—frequently over a hundred years old. That began to change as more and more non-Natives came into their territories. George Blondin says the medicine power began to disappear as well and, now that people are settled in communities and are losing their language, the medicine power has left them.

It is not hard to find the unique and close connection between people and the animals in other sources: certainly it's there in all the creation and re-creation stories. In many stories about the Anishinaabe Trickster, is a lesson about how much people need the animals and how little they need us; but how they help people anyway. Nanabush is the Great Teacher because he teaches by example. From his wisdom, and foolishness, from his cowardice and bravery, one learns how to be in the world and how to properly behave toward *bin-gaedaugun*, our neighbours.

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<sup>42</sup> Ibid, pp 8 & 9.

<sup>43</sup> Ibid, p 21.

<sup>44</sup> Ibid, p 14.

<sup>45</sup> Ibid, p 21. Later Blondin speaks of a successful hunter who "outthought" the animal he was hunting.

The pan-Turtle Island teachings of the Medicine Wheel are now more or less a codified body of Native epistemology and ethics. Each direction of the wheel: east, south, west and north holds its own teaching about how the world is known and how we should behave in it. No teaching (indeed, no *direction*) is more important than any other; for all must be known and given equal weight so that balance is learned and maintained. At each point of the wheel are places for the four aspects of human nature, the four colours of man, and the four sacred plants.<sup>46</sup>

- East: yellow, spirit, tobacco;
- South: red, emotion, cedar;
- West: black, body, sage;
- North: white, mind, sweetgrass.

The seven teachings of the seven grandfathers came to the people from the Seven Grandfathers who instructed their Messenger to find a particular boy who would grow to help the Anishinaabek. The people, at that time, were struggling in the world. When the Messenger brought the boy to the grandfathers, they instructed him in the seven teachings: wisdom, love, respect, bravery, honesty, humility, truth. Again, all must be learned, for one cannot truly exist without the six others.<sup>47</sup>

Basil Johnston, Anishinaabe linguist and author, says there is no word in Anishinaabemowin for “environment” or even “ecosystem”. The best word is *aki*, the word for “land” or “earth”. But it embraces more than the land. It embraces plants, animals, insects, fish, birds—“all our relations.”<sup>48</sup> The Anishinaabek clans adopted birds, animals and fish as their *dodems* and individuals found animal helpers in their visions or dreams.

There is another source of connection to the land, another way the land enters the minds of the peoples of Turtle Island—their ancestors are mixed with the earth. Native people have a special reverence for the ground that holds their ancestors’ remains; they are *sacred* burial grounds because a soul remains with the body, even after death. It is considered a great sacrilege to disturb remains.<sup>49</sup>

This very brief exploration of the *mythos* of two very different cultures will have to suffice for this paper. It is instructive, but risky, to summarize Turtle Island and Euro-Canadian culture as many people do, and as I have done in Appendix B. It is risky because each point of difference is taken out of the context of its culture. Oral history, for example, does not appear as rigorous as history written down until you appreciate how

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<sup>46</sup> In *Nishnaabe Bimaadziwin Kinoomaadawinan, Teachings of the Medicine Wheel*, Ojibwe Cultural Foundation, West Bay Ontario and N’da Gkenjge Gamig, Wikwemikong, Ontario.

<sup>47</sup> Banai, *The Mishomis Book*, pp 60-66.

<sup>48</sup> Meaning the rest of creation: all the creatures and plants. Basil Johnston, Anishinaabe storyteller and linguist also uses the idea of “neighbour” *bin-gaesdaugun* to express the closeness of Natives to the natural world; as in the instruction: “Leave some [fish, plants] for your neighbours.” Basil Johnston, personal correspondence. Mr. Johnston is a member of the Chippewas of Nawash Unceded First Nation.

<sup>49</sup> Darlene Johnston, “Connecting People to Place: Great Lakes Aboriginal History in Cultural Context,” for the Ipperwash Inquiry, 2005. This is an excellent paper on the deep connection between Turtle Island peoples and their traditional territories.

accurate oral history, properly kept and recounted,<sup>50</sup> can be. Similarly, the idea of man's "dominion" over nature seems to be a strong *mythic* clue to Euro-Canadians' disregard for the environment until you appreciate another *mythic* clue: the deeper theological ideas behind the imagery of husbandry in the Bible and God's answer to Job.

With this warning, here is a summary of Turtle Island ideas to serve as a comparison to the list of western European ideas below.

- One Gitichie Manitou who created the world, including humans.
- Spirit infused throughout creation and is present in all things.
- Mankind reliant on the rest of creation for survival.
- Humans and animals each have at least two souls—one remains with the body after death.
- Close physical and spiritual attachment to the land; everything is derived from the land.
- Individuals are very much dependent on the community for identity and survival.
- Non-interference in the affairs of others—individuals given a great deal of autonomy.
- Knowing the natural world by observation, dreaming and medicine power.
- Balance among a complex web of emotions, knowledge, dreams and interests is required to maintain right relationships with oneself, with the community, with the spirit world and with nature.
- Time, knowledge and history not seen as eschatological—as leading to an end of some sort (*eg*, a utopia, or a revelation, or a technological heaven or hell).

## B. "WE HAVE A DIFFERENT UNDERSTANDING"

Brother: The Great Spirit has made us all, but he has made a great difference between his white and red children. He has given us different complexion and different customs ... Since he has made so great a difference between us in other things, why may we not conclude that he has given us a different religion? ...

We do not wish to destroy your religion, or take it from you. We only want to enjoy our own.<sup>51</sup>

To you the Great Spirit has given the book, to us He has given the earth.<sup>52</sup>

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<sup>50</sup> "Properly kept and recounted" means, among other things: repeated often to children and the community; use of mnemonic devices such as winter counts and wampum; recounted by the groups charged with the history. The last is important, because Turtle Island society recognizes no one has the whole truth. Therefore, oral history is properly recounted by the group—one will have a piece, someone else another piece and everyone is reminded of more by what each person remembers. This is one of the ways in which the courts fail Native peoples. Court will allow oral history, but only one person at a time who must swear that they will deliver "the whole truth".

<sup>51</sup> The Seneca orator Red Jacket in 1805 to a young preacher from the Evangelical Missionary Society of Massachusetts who was attempting to convert the Haudenosaunee to Christianity. In Robert Wright, *Stolen Continents*, p 232.

<sup>52</sup> From the same speech as above. In Basil Johnston, *Honour Mother Earth*, p v.

## Contact

No arts, no letters; no society; and which is worst of all, continual fear and danger of violent death; and the life of man, solitary, poor, nasty, brutish and short.<sup>53</sup>

In Europe, a very different worldview was developing. The English in Canada might agree with Thomas Hobbes regarding life in the Canadian wilderness. Hobbes thought that fear of the “natural state” persuaded people to a social contract in which they surrendered their natural rights to the authority of government. Although Hobbes challenged the doctrine of the divine right of kings, he said the sovereign’s power was absolute and could not be challenged by subjects or the church.

The antithesis of Hobbes was John Locke who, a bit later, contradicted Hobbes by saying that the original state of nature was happy and characterized by reason and tolerance. All humans were equal and free to pursue “life, health, liberty and possessions.”<sup>54</sup> The social contract was not made under the threat of death, but in order to guarantee these inalienable rights. It was guided by natural law and governed by a series of checks and balances. Locke argued for broad religious freedom, put his faith in science, human goodness and the new English middle class. However, this liberal generosity did not extend to nature, which was seen as a source of resources that must be exploited to improve the economic well being of mankind. It is therefore wrong not to exploit nature.<sup>55</sup> And, in fact, nature acquires value only in so far as it can be used by mankind.

For Europeans at the time of contact, mankind was still at the apex of creation—he has never been successfully displaced from that position in European thought—and he has a mandate to use creation for his own ends.

Of course, just as today, very few people had a consistent or unified theory of mankind’s place in the world. Competing theories and beliefs about the real nature of human beings in the world meant that European immigrants must have been both attracted to the societies they found in Turtle Island and repulsed by them.

By contact in the early 17<sup>th</sup> Century and alliance in the 18<sup>th</sup>, western thinking takes this shape—some of it contradictory:

- God as the one true source of all Good & Beauty.
- Mankind was born to sin (to miss the mark) but can be saved by the grace of God.
- The sign of mankind’s sin is exile from Eden—the close relationship to God and His creation.
- Humans are the only creature with a soul.
- Individuals are independent, self-reliant.
- Individuals are constrained, if necessary, to conform to social norms.
- Reason (over emotion); intelligent consciousness (over dreaming).

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<sup>53</sup> Thomas Hobbes, *Leviathan*, in Charlotte Gray, *Sisters in the Wilderness*, p 60, on the disadvantages of living in the natural world, outside of civilized society.

<sup>54</sup> “Locke” in *The Concise Columbia Encyclopedia*, Columbia University Press, 1991.

<sup>55</sup> Bruce Morito, *Thinking Ecologically*, op cit, p 103.

- Empiricism is the only method of knowing nature.
- Growing sophistication of scientific tools to aid the senses in knowing the world.
- Religious certainty forged in the crucibles of the Inquisition and the Reformation.
- Religious tolerance based on the rise of liberalism and persecution in Europe.
- A certainty of the beneficence of western European civilization.
- Scorn and fear for the “natural man”.
- Praise and sympathy for the “natural man”.
- The use of natural resources gives them worth and contributes to mankind.
- Ownership bestows sovereignty.
- The development of technology to enhance the exploitation of creation.
- History as progress—the evolution of humankind to a higher plane.
- Knowledge as progress—the dialectical synthesis of thesis and antithesis.

Now, let’s see what this slightly schizophrenic mindset makes of a culture whose world-view is almost completely contrary.

### **Champlain and the Jesuits**

The figure of La Salle is more brilliant on the page of the historian, but he was inferior to Champlain as a leader, [who] was not only an explorer who “threw light into the dark places of American geography and brought order out of chaos of American cartography,” he was also the historian of his expeditions and of the early days of Québec, and in addition to that the most indefatigable promoter of French colonization.”<sup>56</sup>

Our ideas of aboriginal peoples are filtered through the mind-sets of those who write history and one of the earliest is Samuel de Champlain. The western ideas of history as evolving from some dark savagery to civilization is evident, not only in his memoirs, but in the writings of historians for whom history is made by great men (gender bias intended) who in one way or another bring enlightenment and progress.

Nevertheless, Champlain’s diaries, when he isn’t being judgemental, are a useful source of information. In one area of Georgian Bay (probably Huronia) he notes that there are some 20,000 people living on the Penetang Peninsula. They are healthy and strong and although “poor” they seem,

happy among themselves, for they have no other ambition than to live and to take care of themselves; and they are more certain of that than those who wander about the forests like brute beasts. They also eat many summer squashes, which they boil and roast under the ashes.<sup>57</sup>

Coming now to the feeding and bringing-up of their children: they put them, during the daytime, on a little wooden board, and wrap them up in furs, or skins, and bind them on

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<sup>56</sup> Edward G Bourne, ed, *Algonquins, Huron and Iroquois, Champlain Explores America 1603-1616*, Barnes 1906. p xv. Bourne was professor of history at Yale University and is here quoting from “Parkman, *Pioneers of France*” (no date).

<sup>57</sup> Edward G Bourne, ed, *Algonquins, Huron and Iroquois, Champlain Explores America 1603-1616*. p 184.

this little board. Then they set it up on end, leaving a little opening through which the baby may do its little duties. ... These children are extremely spoiled, as a result of not being punished, and are of so perverse a nature that they strike their fathers and mothers, which is a sort of curse that God sends them.<sup>58</sup>

Such is the nature of Champlain's observations—equal parts fascination and condemnation. On the one hand he is impressed with how self-sufficient the people are, on the other hand he is repulsed by some of their ways. He finds it remarkable that there is no one leader; that leaders emerge and recede depending on the matter at hand. To him there is no apparent order in the society (maybe he means hierarchy). Yet, he is impressed with the high degree of organization employed for deer hunts. He could find no laws or organized government—rather everything seemed to be settled in councils at which certain men who were deemed to be qualified gave advice that was nearly always followed.

When he and an Odawa war party march on a Haudenosaunee encampment on Oneida Lake, he is impressed with their appearance and their work ethic on the battle field. But he is extremely annoyed at the fighting tactics of the warriors, which he considers anarchic:

But then the chiefs have no absolute control at all over their companions, who follow their own inclination and do as they please, which is the cause of their disorder, and which ruins all their affairs.<sup>59</sup>

What Champlain was noticing was the great freedom given to individuals, especially children, in communal Native society.

Despite the traditional communal spirit and mode of life, the Anishinaubae people championed and upheld the importance of individuality and personal independence on the promise that the more self-reliant and free the individual, the stronger and better the well-being of the community. Both the individual and the community were best served by nurturing men and women who were resourceful, independent masters of their won time, space and spirit.<sup>60</sup>

This irksome independence—irksome at least from the missionaries' point of view, for they fought against it in their attempts to convert the people of Turtle Island.

Another obstacle [to their conversion], which you may conjecture from what I have said, is the opinion they have that you must never contradict any one, and that every one must be left to his own way of thinking. They will believe all you please, or, at least, will not contradict you, and they will let you, too, believe what you will. ... No one must come here in hopes of suffering martyrdom, if we take the word in its strict theological sense, for we are not in a country where savages put Christians to death on account of their religion. They leave every one in his own belief; they even like our ceremonies externally, and this barbarism makes war only for the interests of the nations. They kill

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<sup>58</sup> Ibid, p 189.

<sup>59</sup> Ibid, p 165.

<sup>60</sup> Basil Johnston, *The Manitous*, Key Porter Books, 1995, p xix.

people only in private quarrels, from intoxication, brutality, vengeance, a dream or extravagant vision; they are incapable of doing it in hatred of the Faith.<sup>61</sup>

The Jesuits took advantage of the Native disapprobation of contradicting someone by simply persisting in the face of diplomatic suggestions that they stop doing things that were deeply offensive. For example, in 1836 Father Buteux discovered that two boys, both relatives, were buried in the same grave because they were inseparable in life. However only one had been baptized.

Father Buteux sought to remove the baptized boy and bury him in consecrated ground. But no one would answer his pleas. That should have been hint enough and in polite Anishinaabe society, the matter would have ended there. But the priest pressed his case until a chief offered a compromise: take both to consecrated ground. The priest refused and, finally, the chief said: “Take up the one who has not been baptized, and throw as much water on his head as thou wishest, and then bury them in the same grave.”

But even this compromise was not satisfactory to the priest and he continued to insist that the baptized boy be separated from his life-long friend. Finally the chief relented and the boy was removed to consecrated ground, much to the dismay and bitterness of the mother.<sup>62</sup>

The cultural more against publicly disagreeing with someone is largely misunderstood by non-Natives even today. I have been at more than one negotiation table where the refusal of Native negotiators to disagree or contradict government agents was taken by those agents as agreement. Often non-Native people have no idea they have said or done something offensive.

Sometimes the priests went too far and even the taboo against confrontation did not prevent reprisal. In 1844, the Jesuits at Walpole Island (Bkejwanong First Nation) erected a church on a burial ground. They were told of their great sacrilege at a special council meeting:

You have defiled the most beautiful part of this island that belongs to us. You have cut down old trees that we had respected. ... To build a large Prayer cabin? ... You come to ridicule the practise of our nation, right on our own land. You are coming audaciously, you come to trample under foot—by your insults—ground that is the sacred resting place of our ancestors. You make fun of the bones of our forefathers. We cannot put up with this. We shall not tolerate you any longer. Leave and leave quickly, leave our island.<sup>63</sup>

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<sup>61</sup> In Johnston and Fitzgerald, “Draft paper for the Ipperwash Inquiry on Native Burial Grounds,” 2006, from Christian Le Clerq, first Establishment of the Faith in New France, Volume I, translated with notes by John Gilmary Shea, NY, 1881 at p 31.

<sup>62</sup> In Ibid, from Jesuit Relations, Vol 8, 1634-1636, p 253f.

<sup>63</sup> In Ibid, from Lorenzo Cadieux, SJ, Letters fro the New Canada Mission, 1843-1852: Letters #1 o #44, translated by William Lone, SJ and George Topp, SJ, Hamilton, 2001.

Even after such a lecture, profound considering the strong social and diplomatic taboos it breached, the priests didn't get the message and they built their church. A few years later, it was finally burned to the ground.<sup>64</sup>

It would be disingenuous to assume the Black Robes did not know what they were doing. They were keenly aware, being religious men themselves, of the existence of spiritual places. And they had already noted the veneration that the people of Turtle Island showed their dead and their burial grounds. To build a church on top of a sacred burial ground, is, literally, to supplant their religion over and above the Other's. This act went far beyond the early Church's trick of insinuating its own, Christian interpretations into pagan holy days.<sup>65</sup> It was a brutal and heavy-handed attempt at spiritual conquest. They should not have been too surprised that such an act was met with physical resistance.

The same sort of disregard of the sacred of the other persists in non-Native society today. For example, no one was prepared to believe or admit that a great injustice and sacrilege was done to the Chippewas of Nawash Unceded First Nation by ignoring, not only their wishes that a burial ground in Owen Sound be undisturbed, but also the treaty that protected it as reserve land. At least no one believed it until the First Nation camped out in the backyards of the people who owned homes illegally built on the burial ground.

It wasn't until the Nawash people physically took re-possession of the land their ancestors were buried in that the First Nation became part of the process that was to resolve the dispute. Previously, the First Nation was kept away from negotiations between the Crown and the home owners and talks dragged on for nine months. Once Nawash became involved, the matter was resolved within nine hours.<sup>66</sup>

As with most confrontations between the people of Turtle Island the people from Europe, the Owen Sound burial ground episode was years in the making. At the turn of the 20<sup>th</sup> Century, the Crown tried to persuade the Nawash people, who had been removed from the Owen Sound area by an 1854 treaty, to give up their burial grounds in Owen Sound. They refused. Notwithstanding this refusal, a local developer used the earth from the burial ground to manufacture bricks which went into the building of early Owen Sound.

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<sup>64</sup> This pattern of ignored diplomacy leading to direct action is often repeated, even today. In 1875, the Chippewas of Nawash physically removed the nets of a non-Native commercial fisherman, Mr Malory, from Georgian Bay when he and officials ignored repeated, diplomatic warnings that he was poaching in First Nation waters. (McLaren, "Under Siege", p52.) The Asubpeeschoseewagong (Grassy Narrows) First Nation in northern Ontario sent frequent messages to the Crown about Abitibi's cutting practices in their traditional territories before they set up their roadblocks in 1999. This FN was hit hard by mercury poisoning from Hydro dams in the 1950s. (Asubpeeschoseewagong media release, March 30, 1999).

<sup>65</sup> For example, both the winter solstice and the festival of Oestre (an ancient Celtic earth goddess) were celebrated by non-Christians in antiquity. The early missionaries of the Church used these celebrations to suggest that they also marked the birth of Christ at Christmas and his victory over death at Easter. The practice, derived from Paul's identification of the Roman Unknown God as Christ, was a very effective way of getting people to listen to the Word.

<sup>66</sup> The Owen Sound burial ground vigil is chronicled in "Under Siege", Submission of the Chippewas of Nawash Unceded First Nation to the Ipperwash Inquiry, Dec 2005.

Again the Crown was notified of what was happening, this time by a non-Native lawyer, Mr. Tucker, who wrote:

The cemetery is a resting place of very many Indians and it is surely a desecration to disturb their remains since, as they were buried without being confined, their remains have become practically a part of the soil and it is impossible to remove them. The writer, Mr. Tucker, was told this morning by an old and respected resident of Brooke, that some of the bodies had already been used in the manufacture of bricks.<sup>67</sup>

Just as the Jesuits tried to supplant their religion on the bones of the ancestors at Bkejwanong, so Owen Sound is, literally, built on the bones of the ancestors of Nawash. In the mid-1980s, when the builders were building one of the houses on that lot, they came across remains and artefacts. Rather than cease construction, the contractor poured concrete over the remains and continued construction.<sup>68</sup>

The excuse that people did not know the site was an Anishinaabe burial ground is not available—the evidence was there in story and in documentation on file at City Hall. It would be disingenuous to claim that the people were simply insensitive or ignorant of Anishinaabe spiritual ways. Metaphorically, it was a deeply offensive act and a clear supplanting of Native spirituality with, not another spirituality, but with commerce.

The most we can say about the developers who made the dead into bricks and, later, built on top of them, and the Crown officials that allowed it to happen, is that they had deceived themselves into believing the Anishinaabe dead didn't matter, or that their intentions for the land were more important—or both. But self-deception, as we have seen leads to unhappy consequences.<sup>69</sup>

In spite of the death of Dudley George at Ipperwash and the stand-off at Oka and the vigil at Owen Sound, the Ontario government still has not given itself the tools to deal responsibly with Native burial grounds. The current *Cemeteries Act* requires First Nations to desecrate their own burial grounds in order to prove, to the satisfaction of the Crown, that remains are present. Only then will ground sacred to aboriginal people be protected. A proposed draft of new legislation does not appear to be much better.<sup>70</sup>

In other words, the Crown has not, after nearly 500 years of desecrations and infringements on Native spiritual beliefs, learned tolerance and respect.

Western civilization, as it was known in the 17<sup>th</sup> Century, was perhaps best personified by the Jesuits. Educated, steeped in the traditions and philosophy of Europe, their path to

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<sup>67</sup> Ibid, p 22.

<sup>68</sup> Ibid, p 23.

<sup>69</sup> In the case of Adam and Eve, it was excommunication from God. In the case of the Owen Sound burial grounds, it was the further alienation of Anishinaabek from Canadians (see note on the nature of choice in the above discussion of Genesis).

<sup>70</sup> A much fuller discussion of how the Crown infringes on Anishinaabe spiritual beliefs to the point of risking future confrontations is in "Under Siege", op cit, pp 84-88 and in Johnston & Fitzgerald, "Draft paper for the Ipperwash Inquiry on Native Burial Grounds", 2006, op cit.

God was clearly the path of knowledge and reason.<sup>71</sup> It is perhaps no accident that they were given the task of re-shaping the savages of the New World in their own image. For people of Turtle Island, however, they were like the serpent in the Garden of Eden: subtle and persuasive.

There were a few who made an attempt to understand Native ideas. Jean de Brébeuf reports on the diversity of human souls:

Many think we have two souls, both of them being divisible and material, and yet both reasonable; the one separates itself from the body at death, yet remains in the Cemetery until the feast of the Dead ... The other is, as it were, bound to the body, and informs, so to speak, the corpse; it remains in the grave of the dead after the feast, and never leaves it, unless some one bears it again as a child. He pointed out to me, as a proof of this metempsychosis, the perfect resemblance some have to persons deceased. A fine Philosophy, indeed. Such as it is, it shows why they call the bones of the dead, *Atisken*, "The souls".<sup>72</sup>

But Brébeuf was as dismissive as he was knowledgeable of Native spirituality. Nevertheless he was acknowledged to have medicine power and he was the Father Superior at Ste Marie Among the Hurons.<sup>73</sup> There is an apocryphal Native story about Brébeuf and Ste Marie Among the Hurons. Many Native families brought their children there so they could learn the white man's ways, for learning by modelling and direct experience is the principle means of instruction. But whenever the parents came to visit their children, the Jesuits kept the children hidden in an inner part of the settlement, always making some excuse why the parents could not see them.

When contact with the children was finally made, the parents heard of the sexual abuse they were suffering there. The settlement was burned and several priests were killed as they made Brébeuf watch. He was then released with strict instructions to tell the French in Québec the truth. This he did not do and, as a consequence, he himself was tortured, tied upside down on a cross and left in the forest for dead.<sup>74</sup>

The Jesuits, it seems, attacked every facet of the life and culture of the people of Turtle Island. Perhaps this was because they, correctly, apprehended that Native spirituality was infused in every facet of Native culture, including their knowledge of the natural world.

There was, in Lake Erie, a spiritual place inhabited by a sacred stone, naturally formed, that all the First Nations honoured. When the Sulpician missionaries Casson and Galinee came across it after losing their provisions and alter service in a fierce storm, they took revenge on the stone by breaking it with an axe and dropping the major portion into the middle of the river.

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<sup>71</sup> There are three paths to God: Faith, Love and Reason. Any one path, religiously followed, will lead to atonement. However, in Turtle Island philosophy (the Medicine Wheel teachings), all must be pursued.

<sup>72</sup> *Jesuit Relations* Volume 10, p 287, in Johnston and Fitzgerald, "Draft paper for the Ipperwash Inquiry on Burial Grounds", op cit, footnote 17.

<sup>73</sup> *The Canadian Encyclopedia*, Hurtig 1988, p 1742.

<sup>74</sup> As related to the author by Anishinaabe storyteller Lenore Keeshig-Tobias and author Basil Johnston, 10 June 2005.

The Native belief in the interconnectedness of all of creation, including humankind is expressed in the famous speech of Chief Seathl to Isaac Stevens, Governor of the Washington Territories in 1854:

You must teach your children that the ground beneath their feet is the ashes of our grandfathers. So they will respect the land, tell your children that the earth is rich with the lives of our kin. Teach your children what we have taught our children: that the earth is our mother. Whatever befalls the earth befalls the sons and daughters of the earth. If you spit on the ground, you spit on yourselves. This we know—the earth does not belong to man; man belongs to the earth. This we know, all things are connected like the blood which unites one family, all things are connected.<sup>75</sup>

From George Blondin's submission to the Royal Commission on Aboriginal Peoples<sup>76</sup> we know that traditional knowledge of the environment is acquired by many different means—dreaming, medicine power, oral history and direct observation. But traditional knowledge is still discounted. Notwithstanding the fact that the Crown is enjoined by the Convention on Biological Diversity to engage indigenous traditional knowledge in its environmental management schemes, neither Ontario nor Canada has done so.

### **Alliance—the Understandings of the Covenant Chains**

There was a time when the Crown and First Nations were as equals, each recognizing the other as independent nations. It began with the tiny foothold with which Europeans clung to Turtle Island in the early days of contact. In those days the Native was the fiduciary of the European, for the European were wholly dependent on the people of Turtle Island for their well being. As the European grew stronger, the need for peace and friendship and trade with their Native neighbours grew stronger.

One of the first understandings was made between the Dutch of New Amsterdam (New York) and the Haudenosaunee. However, the Dutch saw the people of Turtle Island only as trading partners. When the British supplanted the Dutch, a treaty of trade was replaced by a treaty of alliance in 1677—a “Covenant that is betwixt ye Govr: Genll. And us is inviolable yea so strong yt if ye very Thunder should break upon ye Covenant Chain it wold not break it sunder.”<sup>77</sup>

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<sup>75</sup> As reported to the author by Henry Lickers, Director of the Department of Environment for the Council of Akwesasne, after a report by Dr. Glenn Olds (1979). Many regard the speech as spurious, but there is reason to believe the content is authentic. See McLaren, “Lost Words”, *Alternatives Journal* 29:1, Winter 2003, p 45-6.

<sup>76</sup> “My Life in the Sahtu”, op cit.

<sup>77</sup> Paul Williams, *Ohenton Karihwakekwen: Words Before All Else*, unpub, p 221. Garakondie at a conference with New York, Maryland, Virginia and 4 of the Nations of the Confederacy, 1677.

In his remarkable, unpublished but oft-referenced paper<sup>78</sup> Paul Williams, a Haudenosaunee lawyer at Six Nations, chronicles the history and development and imagery of the Covenant Chain. The relationship between the Crown and Haudenosaunee (and later, other First Nations, including the Anishinaabek of the Great Lakes) is revealed by the metaphors and the protocols of the Covenant Chain Councils. The language of the diplomacy of the Chain was Iroquoian and so was the imagery and ceremonies used in the Councils.

Therefore, the Chain is the clasping of arms, an action in which one links arms with the other in a much more solid bond than a mere handshake can give. The root of the Iroquoian word for “chain” translates literally as “arms linked together”. It is the bond the Chiefs of the Confederacy made when they received the Great Law of Peace.

The Peacemaker recognized that, for peace to exist, people must not only be rational but must also accept that other people are capable of rationality, for rational minds will seek, create and maintain peace.<sup>79</sup>

The clasping of arms is also an important part of the ceremony of adoption in Haudenosaunee culture. It is the greeting of brothers, of equals.

First there was a meeting at the edge of the woods—a welcoming is made, each shakes the hand of the other. A decision is made about whether to proceed. If the parties decide to proceed, they meet in Council in the village. There ceremonies of condolence and renewal are conducted. The ceremony of condolence is also an important part of the Great Law of Peace for it creates a way to break the cycle of reprisals that takes over relationships fuelled by hate and revenge. It clears minds, sets aside old grievances, and prepares people to consider the future.<sup>80</sup>

The ceremonies of the Covenant Chain were long and complex. They included time for each side to say how it has upheld the chain and for each side to respectfully admonish the other if they had not. Only when these long preliminaries were concluded could negotiations about improving the relationship get underway. The past, having been satisfied, will now not infect present negotiations; the future can be mapped out together.

Even today, when the Crown comes to talk with First Nations, the government’s negotiators fail to realize there are 100 or 200 hundred years of history at the table. Unless those old grievances are at least acknowledged by the Crown, negotiations toward a better relationship in the future will fail. This is why some sort of compensation for past losses and infringements is so important. And because compensation is never on the table (at least for First Nations), negotiations usually do fail.<sup>81</sup>

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<sup>78</sup> Paul Williams, *Ibid.* Referenced with permission of the author, 2006.

<sup>79</sup> *Ibid.*, p 2.

<sup>80</sup> *Ibid.*, p 3. For an excerpt from the Haudenosaunee condolence ceremony, see Volume 1 of the Royal Commission on Aboriginal Peoples, the section on “Iroquoians and the Iroquois.”

<sup>81</sup> You can see the consequences of the failure to address the past in “Under Siege”, Nawash’s other submission to the Ipperwash Inquiry. Generous compensation was given to the white home owners who had to surrender their homes built on a Nawash burial ground in Owen Sound. Generous compensation was

The metaphorical symbol of the Covenant Chain was first a Rope, but that could become frayed and break, so an Iron Chain was chosen. But that could rust, so a silver chain was chosen. But silver tarnishes so it was necessary to meet every so often to “polish” the chain—*ie*, to renew and improve the relationship.

The relationship, or more precisely, the *proper*<sup>82</sup> relationship was the important thing in the Covenant Chain negotiations. The proper relationship between people and between humans and “all their relations” is, as we have seen, a central cultural feature of Turtle Island civilization<sup>83</sup>. And the way to that proper relationship is by way of ceremony. The process of negotiation is as important as the outcome.<sup>84</sup>

The results of these Councils were chronicled in wampum belts that helped their keepers remember and recite the agreements between the Crown and First Nations with an accuracy and fluency that stunned the British. One such belt is called the Two-Row Wampum. Two rows of dark-coloured shells are separated by three rows of white. It symbolizes the path of the Crown and the Haudenosaunee as they travel together on the same river as allies, but neither interfering with the other. Their parallel paths are separated only by the three rows of shells representing peace, respect and trusting friendship.<sup>85</sup>

Here, of course is another strong cultural pillar for First Nations: non-interference with the “other”. In the case of individuals, it is a granting of freedom that, as we have seen, Europeans found quite foreign and the missionaries found demonic. In the case of governments, the jurisdiction of one should not cross the path of the other.

Such were the metaphors known and used by William Johnson during the negotiations of the Treaty of Niagara in 1764—after the Royal Proclamation of 1763. The British had defeated the French and were now looking to consolidate their gains in Turtle Island by assuring peace with its people. The Covenant Chain was extended to the “24 western nations” including the mighty Anishinaabek nation of the Great Lakes.

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paid to white commercial fishermen who were willing to leave the water to make room for Native fishermen after an Ontario court recognized the aboriginal and treaty rights of Saugeen Ojibway Nations’ to a commercial fishery. But no compensation was given to the Saugeen Ojibway Nations for the terrible desecration of their sacred burial ground or for having been excluded from their own fishery for 150 years.

<sup>82</sup> Proper derives from the French sense of clean, and the Latin *proprius*, one’s or its own. So proper relationship is one that is clean or cleansed (at least unsullied) and peculiar to the things or people or nations in the relationship.

<sup>83</sup> An English word that derives, we should remember, from the Latin *civis* or citizen in a right relationship with his or her society.

<sup>84</sup> This is one reason why there is some hope in decisions of the Supreme Court of Canada in its *Haida* 2004 SCC 73 and *Taku* 2004 SCC 74 and similar decisions from other courts regarding the Crown’s duty to consult, for they emphasize process over outcome as the principle way of reaching a reconciliation between First Nations and the Crown. As well, compensation for infringement on First Nations’ rights and claims is a proper outcome of the exercise of the duty to consult.

<sup>85</sup> Williams, *Ohenton Karihatekwon: Words Before All Else*, p 238

Two wampum belts were given to the Anishinaabek. The first depicted two figures clasping arms and the date 1764. It was taken to the Odawa Michilliackinac;<sup>86</sup> and from there to Manitoulin Island.

The second belt was also taken to Michilliackinac (and from there to Manitoulin Island). This was the Twenty-four Nations belt. This wampum showed 24 figures linked together by clasped hands and to a mountain on the left and a sailing ship on the right. The mountain is the home of the Anishinaabek and the ship is the Crown bearing presents promised by William Johnson. All the Anishinaabek had to do, if they were in need of something, was to pull on the chain and the ship shall be opened to them.

Not everyone understood the message of the Chains, including Sir William's superiors. Johnson was forced to correct them when they started thinking that the First Nations had sworn allegiance to their "Father the King" and as "his children" were now its subjects:

Altho' the words of the late Treaty [at Detroit, September 7-10, 1764] may at first appear extraordinary, yet, I am not at a loss to account for them, as I know it has been verry customary for many People to insinuate that the Indians call themselves Subjects, altho' I am thoroughly convinced they were never so called, nor would they approve of it. ... But you may be assured that none of the Six Nations, Western Nations &ca. ever declared themselves to be Subjects, or will ever consider themselves in that light whilst they have any Men, or Open Country to retire to, the very Idea of subjection would fill them with horror.

It is necessary to observe that no Nation of Indians have any word which can express, or convey the Idea of Subjection, they often say, "We acknowledge the Great King to be our Father, we hold him fast by the hand, and we shall do what he desires"; many such like words of course, for which our people too readily adopt & insert a Word verry different in signification, and never intended by the Indians without explaining to them what is meant by a Subjection.

Imagine to yourself, Sir, how impossible it is to reduce a People to Subjection, who consider themselves Independent thereof by both Nature & Situation ...<sup>87</sup>

Clearly, Johnson understood the language of the Covenant Councils consisted of metaphors of independence, not subjugation. Indeed, in matrilineal Haudenosaunee society, the man moves to his wife's family. As a father, his relationship to his children is the polar opposite to the one the English Victorian father had to his. The Haudenosaunee father was more a brother to his children. Victorian men considered their children (and their wives) to be under his dominion, if not part of his property. In any event, all Native societies allowed their children an extraordinary freedom. They were anything but subjects.

That Sir William's superiors did not grasp the true meaning of the metaphors of the Councils and, instead, seemed quick to interpret them in terms of their own culture—as

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<sup>86</sup> Verbatim transcript of the negotiations of the Niagara Treaty of 1764, by Lynda Jones for Saugeen Ojibway Nations, April 1994, p 161.

<sup>87</sup> Williams, *Ohenton Karihwatekwen: Words Before All Else*, p 156.

they would be understood in Victorian society—does not bode well for future relations between the Crown and First Nations.

That future is foreshadowed in Benjamin West's painting, *The Death of Wolfe*. The British General James Wolfe died on the battlefield of the Plains of Abraham after his troops defeated the French at Québec. The painting portrays Wolfe, lying in a pièta pose, light from heaven illuminating his body, his officers looking on in concern and sorrow. Crouched in the shadows in the bottom left corner is a Native warrior, looking on, more in mild curiosity than in grief. He is ignored by everyone else in the painting. Wolfe was killed in 1759, four years before the Royal Proclamation, five years before the Covenant Chain Treaty at Niagara. Yet, in this painting at least, the two solitudes could not be more isolated or more alien to one another.

The Native (Canadian) painter, Robert Houle, turns the visual imagery in *The Death of Wolfe* on its head in his own 1992 painting. In West's painting, Wolfe is like a martyred Christ whose death brings light to dark Turtle Island. In Houle's painting, West's famous painting is flanked by the names of extinct or nearly extinct tribes: the Beothuk, Mohican, Natchez, Neutral, Timucua, Tobacco and the Yamasee.<sup>88</sup>

After the betrayal of Tecumseh and his followers during the War of 1812<sup>89</sup>, mention of the Covenant Chain all but disappeared in British Chronicles. But not in Anishinaabe oral tradition. In a speech on Drummond Island in 1818, the Odawa Chief Ocaita (now the Sheshegwaning surname Cada) took the Superintendent of Indian Affairs, William McKay, to task for making peace with the Americans. That betrayal resulted in the loss of Anishinaabek territory and lives. He begins by reciting the promises made by William Johnson at the Treaty of Niagara. He lays before the Crown representatives the Covenant Chain wampum of 1764 and another, the McDouall wampum of 1786.

Father

Our chiefs did not consent to have our lands given up to the Americans, but you did it, my Father, without even consulting us and in doing that you delivered us up to their mercy. They are enraged at us for having joined you in the play (war) and they treat us worse than dogs.<sup>90</sup> ...

Ocaita reminds the British of the promises made by them at Niagara. Holding the 1764 wampum, he says:

Father

This my ancestors, received from our father [Sir William Johnson]. You sent word to all your red children to assemble at the crooked place [Niagara]. They all heard your voice

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<sup>88</sup> Rayna Green, *The Encyclopaedia of the First Peoples of North America*, Douglas and McIntyre, p 137. This turning of the usual understanding of history on its head to reveal the Native understanding is common to many Native artists—the Anishinaabe artist Carl Beam, for example.

<sup>89</sup> To get Tecumseh's alliance in fighting the Americans, the British pulled on the Covenant Chain to remind the Anishinaabek of their adherence by way of the 24 Nations Chain. They also promised Tecumseh an "Indian Territory" in the Michigan Peninsula. But that came to an end when the British made peace with the Americans behind Tecumseh's back.

<sup>90</sup> Speech of Ocaita to William McKay 7 July 1818. From web site of Kinoomaadong Cultural and Historical Research Centre at M'Chigeeng, Manitoulin Island: <http://www.mchigeeng.net/kinoomaadoog/petitions/>, accessed 21 January 2006.

[obeyed the message] and the next summer met you at that place—you then laid this Belt on a Mat and said—”Children, you must all touch this belt of Peace. I touch it myself that we may be all brethren [united as equals] and hope our friendship will never cease. I will call you my children, will send warmth [presents] to your Country, and your families shall never be in want. Look towards the rising sun, my Nation is brilliant as it is, and its word cannot be violated.”

Anishinaabek petitioners recalled in 1862, nearly 100 years after the Niagara Treaty, more of what William Johnson had promised them,

When your gaze turns towards the rising sun you shall see that sun rising red, similar to the color of the coat that I wear, when it rises higher that same sun shall be very bright with light ... After that sun has been up a little longer you’ll see in different places the flowers bloom. There is the image of the life of your children. ...

This vessel I give you, it shall never be empty my children. I tie a rope to this vessel which has become yours. My children you are twelve bands in number who hear my words, you will come in the same number to draw up your vessel. If any day my children you see something wanting I shall say my children are in want of something. I’ll go aboard the vessel, I will search for what is wanted and I’ll ship it and when I shall have brought it, you will then draw up your vessel. This is what you have said, you whom we call English.<sup>91</sup>

It is clear from the context that not only material goods were to come from the Crown, but justice and fair dealing as well. Sir Johnson put no caveat on the “presents” and compared the British Crown to the warm and constant morning sun. The morning sun rises out of the east, the direction of beginnings, renewal, guilelessness, warmth of spirit, courage, truthfulness, hope for the people, illumination and guidance.<sup>92</sup> It is clear how the Anishinaabek viewed and understood the Covenant Chain promises: as allies and equals to the Crown who has promised them security in their homelands and presents of material goods and fair dealings for them and their children.

But it is also clear, especially by 1862, that the Crown had forgotten (or rather, refused to remember) the Covenant between it and the people of Turtle Island. The War of 1812 broke the Chain for good, ending over 100 years of relative equality and mutual respect. The era of settlement, treaties, petitions and uncompensated wrongs begins.

## **Civilizing the Savage or Savaging the Civilized?**

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<sup>91</sup> Speech of Petitioners at Michigiwadinong (now M’Chigeeng) June 27, 1862. From web site of Kinooaadong Cultural and Historical Research Centre at M’Chigeeng, Manitoulin Island: [http://www.mchigeeng.net/kinooaadoog/petitions/petition\\_june\\_27th\\_1862.htm](http://www.mchigeeng.net/kinooaadoog/petitions/petition_june_27th_1862.htm) accessed 21 January 2006.

<sup>92</sup> Judie Bopp et al, *The Sacred Tree*, Lotus Light Publications, 1985; from a Summary Chart, the Gifts of the Four Directions, p 72.

Even war seldom shows as large a percentage of fatalities as does the education system we have imposed upon our Indian wards.<sup>93</sup>

After the War of 1812 settled the boundaries between the new United States of America and Canada, the Crown turned its attention to colonizing Canada. Ironically, the potato famines in Ireland and the clearances in Scotland fuelled the hunger for land in Canada and therefore the pressure to clear Turtle Island of its original owners.

The sad history of the treaties and the injustice that has been born of them is chronicled elsewhere.<sup>94</sup> The scope of this paper must more narrowly focus on what was going on in the 19<sup>th</sup> Century metaphorically.

The language of the treaties looks very much like the language of Covenant Chain diplomacy. The words “Father” (or “Mother” if referring to Queen Victoria) and “children”, in reference to First Nations are still there. During some negotiations the Crown promised presents, which must have sounded to the Anishinaabek like a renewal of the 24 Nation covenant.

How dissatisfied they must have been when those presents turned out to be farming implements, pigs and cows.<sup>95</sup> And how difficult it must have been for a people to switch overnight to an agrarian culture from a hunting culture, which, after thousands of years was, as it were, bred in the bone. We have seen how that culture reflects the world around and how *aki*, in its sense of “environment” (or the land as everything), runs through everything in Turtle Island society, from medicine power to kinship.

But, in the 19<sup>th</sup> Century, the wampum belts fell into the hands of museums and collectors where they are bought and sold and traded. Hard on the heels of the buying and selling of Native land comes the commodification of Turtle Island culture. Benjamin West may have seen the British victory at Québec as overshadowing and eventually eclipsing the people of Turtle Island, but it is the loss of the wampum belts and the protocols of the Covenant Chain that is perhaps the better marker.

Even Sir William Johnson took 100,000 acres of land in the Mohawk Valley after the Haudenosaunee ceded it to the British in 1768. Into the newly emptied Valley poured Scots dispossessed of their own ancestral lands by the clearances.<sup>96</sup>

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<sup>93</sup> *Saturday Night* magazine, November 23, 1907, on the report of Dr. P H Bryce, Chief Medical Officer, Indian Affairs Branch in which he looked at the disease and fatalities among Native children in residential schools.

<sup>94</sup> See, for example, Ronald Wright, *Stolen Continents*, and Boyce Richardson, *People of Terra Nullius*.

<sup>95</sup> Darlene Johnston, “Connecting People to Place: Great Lakes Aboriginal History in Cultural Context”, for the Ipperwash Inquiry, p 22. The Anishinaabemowin (Ojibway) word for farm animals is *waukaanuk* which translates as “slaves”: personal correspondence from Basil Johnston.

<sup>96</sup> Ronald Wright, *Stolen Continents*, p 136.

### Of Fairy Tales ...

The settlers brought with them ideas about the wild that couldn't be more foreign to those held by the people of Turtle Island. The imaginations of the immigrants to Canada were fuelled by the fairy tales all had heard but had only recently been set down by Jakob and Wilhelm Grimm in the early 1800s.

There was a time in Europe when the wolf was the second most populous animal, after man. During the fierce winter of 1439 the people of Paris were besieged by wolves. The alpha male they named Cut-tail. Finally, they lured the wolves into the city where archers cut them down.

Werewolves,<sup>97</sup> in European folklore are men transformed or capable of changing into wolves. In the European *mythos*, the transformation of wolf to man is a metaphor for the submersion of the intellect into the natural—it is a de-evolution. The result is a release of rapacious emotions that overwhelm reason and action based on rational motives. In other words, it is not the proper state for a gentleman. The transformation from wolf back to man is a replay of the evolution of mankind and an assertion of reason over base animal instinct.

In the tales of the Brothers Grimm, wolves are greedy and rapacious. In the tale of Little Red Cap (aka Little Red Riding Hood), the wolf tricks a girl on her way into the woods to visit her grandmother into straying off the path. While Little Red is trying to find her way back to the path, the wolf enters her grandmother's cottage and eats the old woman. When Red finds her way back to the cottage, the wolf eats her too. A huntsman happens along to apprehend the wolf. Little Red and her grandmother are cut out of the wolf's stomach unharmed and are rescued.<sup>98</sup>

As in most myth, everything is significant. The wolf has to trick his way into the cottage where the grandmother lives. She lives in the forest, not the town where Little Red lives because, being old, she is still part of the earthy dark force of nature that huntsmen, wood-cutters and towns are set in opposition to.

Huntsmen (never huntswomen) and woodcutters in the old tales are always poor, but heroic. The men who cut down the dark and dangerous forest for firewood, houses and furniture are, in European popular thought, culture-bearers. They are the heroic force of progress transforming wild nature into civilization and, in the process, rescuing the feminine from falling back into the chthonic.<sup>99</sup>

In western myth, all serpents are chthonic as well as certain powerful women, such as Medusa (whom the civilizing hero Perseus destroyed). Witches and old women who

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<sup>97</sup> From the Old English word for "man", *wer*.

<sup>98</sup> Jack Zipe, "Little Red Cap" in *The Complete Fairy Tales of the Brothers Grimm*, p 101-4.

<sup>99</sup> Chthonic. Oxford English Dictionary: Dwelling in or beneath the earth. Canadian Oxford Dictionary: of, relating to or inhabiting the underworld. American Heritage Dictionary: of or relating to the gods and spirits of the underworld. From the Greek for "earth", *khthon*. All three definitions are needed for this important word.

lived in the woods were considered chthonic and attracted the special attention of the Inquisition. In Turtle Island societies, however, women, especially elders who knew the healing powers of the woods, were (and still are) the culture-carriers.

As for wolves, even today, a ramble through an English Thesaurus will uncover mostly unhappy associations: poverty or famine (wolf at the door); deceit (cry wolf, a wolf in sheep's clothing); loneliness (lone wolf—but also freedom); lechery (wolf whistle); gluttony (don't wolf down your food); rapacious (wolfish); inequality (wolf and the lamb).

Wolves are still vilified by some in Canadian society—principally by sportsmen who see the wolf as a direct competitor for the deer they hunt. The Ontario Ministry of Natural Resources has only recently moved to protect threatened wolf populations.<sup>100</sup> Similarly, cormorants are being targeted by sportsmen, and by the MNR in response to the sport lobby. These birds are being portrayed as rapacious predators that are threatening to wipe out whole populations of fish. They are so vilified that some sportsmen refer to them as “nigger birds”.<sup>101</sup> Whether these birds need to be culled to preserve fish stocks is moot. The point here is that cormorants are denigrated for getting in the way of some who see them as a threat to “their” fisheries and that vilification has a racist bent to it.

Bears, however, are a more complicated creature, at least in fairy tales. As captives, they are portrayed as dancing, performing for the entertainment of town-folk. In the wild, they are hunted and killed. In the old European story, “Bearskin”, a decommissioned soldier is persuaded by the devil to kill a bear and dress in its skin. If he remains this way for seven years, he will become a rich man. During his sojourn as a bear, the soldier demonstrates his unselfishness and his compassion for the weak, to whom he acts as a kind of guardian spirit. At the end of seven years, he casts aside the bear-cloak and is re-born, so to speak, as a handsome, princely man. Meanwhile the bear, who was apparently not killed after all, is naked without his skin: he is dressed up like a soldier and paraded about.<sup>102</sup>

Although this story can also be interpreted as a metaphor for the victory of humans over nature and the progress of civilization, something deeper is going on. The bear is seen as being closer to humans than wolves are, almost our kin. In the story, the bear and the man trade places, although in a way that First Nations' people would find grotesque and very uncivilized.

The animals looked after the first Anishinaabek. Although the people were well fed and well cared for, they fell ill. The animals couldn't figure out what the sickness was. The

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<sup>100</sup> In 2001, the Ontario Ministry of Natural Resources banned the hunting of the wolf population in Algonquin Park once an advisory panel deemed it was a unique population. (OMNR press release November 16, 2001) And in March 2005, Ontario banned wolf hunting during the summer in central and northern Ontario. (CBC March 10, 2005) Otherwise, there is still no limit on the number of wolves a hunter or trapper can kill.

<sup>101</sup> Personal correspondence, Anna Maria Valastro, Peaceful Parks Coalition, February 2005.

<sup>102</sup> “Bearskin” in *The Complete Fairy Tales of the Brothers Grimm*, p 370. This tale is extremely complex and has as much to say about the psychic journey of men as it does about western European attitudes about the wild. As with all good myths, it works on several levels at once.

people just got sicker and sicker. Bear had a dream that the people would survive if she gave her flesh for food. After she gave up her life, the other animals followed the lead of the bear to ensure the survival of the Anishinaabek.<sup>103</sup>

The logo of the Nishnawbe Aski Nation pictures a bear standing on his hind legs. Nishnawbe Aski translates at “the people and the land”. Hunters who have killed and skinned bears often remark how similar to humans they look in their musculature.

We have already seen that the Anishinaabek knew the wolf as their elder brother and teacher—“elder” because wolf was made first. All animals are mankind’s elder brothers and sisters. But wolf was so much stronger and knew so much more.<sup>104</sup> Wolf’s relative the coyote is, for some, their Trickster, also known as the Great Teacher. The Munsee Delaware, under the pressure of colonization, expanded their social network to Algonquian First Nations including the Anishinaabek of the Great Lakes. The loose alliance was called the “League of Wolves”.<sup>105</sup>

The wolf, *Maengun*, is a dodem of the Anishinaabek, as is the bear, *Mkwa*. The bear clan in Anishinaabe society had responsibility for keeping peace and protecting the community. They also carry the knowledge of how to find and prepare medicines from plants. So, in the culture of the Anishinaabek, we might expect a close relation between peacekeeping and healing—a very different association than the European notions of peacekeeping and punishment.

### ... And Philosophy

By the time the first crush of settlers arrived in Canada in the early 1800s, the art and philosophy of Western Europe’s romantic movement was in full revolt against the classicist emphasis on rationalism and reason. Classicism was born of the Renaissance’s discovery of the Greeks and Romans. It sought clarity, elegance and rationality and eschewed emotion and subjectivity. The romantics sought a different view of mankind’s relationship with nature. Humans were innately good and to return to nature was to return to a state of grace akin to that known to mankind in Eden before the Fall.

In philosophy, the leading thinker was Jean Jacques Rousseau who maintained, like the English thinker John Locke before him, that human beings were essentially good and equal in the state of nature, but they were corrupted by the introduction of property, agriculture, science and commerce. People in society entered into a social contract to establish governments and educational systems to correct the inequalities brought about by the rise of civilization. Education itself is not the “filling up” of knowledge; rather it is the “drawing out” of what is already in the person.

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<sup>103</sup> Story courtesy of Lenore Keeshig-Tobias, Anishinaabe storyteller and poet, 2 April 2006.

<sup>104</sup> Basil Johnston, *Honour Mother Earth*, p 112.

<sup>105</sup> Correspondence from Darryl Stonefish, 26 October 2004.

Rousseau found his evidence for the natural life in “the savage”. The aboriginal is proof that the purpose of human life was to remain in the natural state—the “veritable prime of the world”—or to re-invent it in the social contract. For people who lived in a primitive state “lived free, good and happy... according to their nature” without knowledge of good or evil—that is, in a pre-Fall Eden. The people of Turtle Island, therefore, had no concept of law or morality, and so lived in a kind of blissful ignorance nourished solely by Mother Earth.<sup>106</sup>

It’s not hard to see where the idea of the “noble savage” came from. It was picked up by Henry David Thoreau and James Fenimore Cooper in the US and found its way into early letters and literature in Canada. As a social and political idea, the noble savage of the romantics melted before the rationalizations of the empire-builders of England and other European powers in the 19<sup>th</sup> Century, and the USA in the early 20<sup>th</sup>. But it has persisted in the arts and in the popular imagination.

So, when the Stickland sisters<sup>107</sup> immigrated to Turtle Island from England in the 1820s, they brought with them a mish-mash of notions about “the wild” and “savages” and their own place in nature.

### **Susanna Moodie**

Susanna and her sister Catherine had married military men, but neither their husbands nor they had much money. They were more or less forced to emigrate from England to Canada in 1832 to take up grants of land near Peterborough Ontario given by the Crown to their husbands for their military service.

Susanna’s husband, John Moodie had previously tried South Africa where the Crown was offering free passage and 100 acres of land to anyone who would settle the land and tame the Bantus (or *Kaffirs*, which means “infidels” in Arabic, as they were called by the English settlers). He gave up and returned to England in 1830.<sup>108</sup>

Catherine Parr Traill was the more practical of the two sisters. Her book, the *Backwoods of Canada* is the model of frontier savvy and British stiff-upper lip. Her sister, Susanna Moodie was, frankly, appalled by the penury and the hardships of *Roughing it in the Bush*, the title of her first book.

Neither the pretty landscape paintings, nor the poetry of William Wordsworth, chief among the romantic poets she would know, prepared Susanna for the “wilderness” of Canada. Not even the bleak moors of England were a match for the acres of trees that had to be cut and of stumps that had to be pulled. There was no respite from the wilderness

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<sup>106</sup> Jean Jacques Rousseau (1712-78) in the Concise Columbia Encyclopedia, 1991.

<sup>107</sup> Susanna Moodie and Catherine Parr Traill—two of the earliest settler diarists in Canadian literature.

<sup>108</sup> Charlotte Gray, *Sisters in the Wilderness*, p 30.

and no refuge in the small cabin of her sister or in her own, once it was finally built. For Susanna, there was “very little beauty to be found in the backwoods.”<sup>109</sup>

But here is the remarkable thing: into her complaints about the ugliness of the land, creeps praise for “the august grandeur of the vast forests” and a landscape that casts “a magic spell upon our spirits.”<sup>110</sup> And yet she is afraid of the dark and of straying off the path as Little Red Cap was. But then she will turn around and admire the setting sun over the lake their cabin is on.

The same ambivalent attitude she carries for the land, she also shows for the people of Turtle Island:

It was not long before we received visits from the Indians, a people whose beauty, talents, and good qualities have been somewhat overrated, and invested with a poetical interest which they scarcely deserve. Their honesty and love of truth are the finest traits in characters otherwise dark and unlovely. But these are two God-like attributes, and from them spring all that is generous and ennobling about them.

There never was a people more sensible of kindness, or more grateful for any little act of benevolence...

The tribes that occupy the shores of all these inland waters, back of the great lakes, belong to the Chippewa or Missisagua Indians, perhaps the least attractive of all these wild people, both with regard to their physical and mental endowments.<sup>111</sup>

But Susanna was impressed when these people with “observing faculties large, the intellectual ones scarcely developed” instantly recognized every bay and headland in Ontario on a map and “rapidly repeated the Indian names for every lake and river on this wonderful piece of paper.”

In one paragraph she will praise them:

I cannot think that deceit forms any prominent trait in the Indian’s character. They invariably act with the strictest honour towards those who never attempt to impose upon them.<sup>112</sup>

And in the next she will insult them: “His worst traits are those which he has in common with the wild animals of the forest.”<sup>113</sup>

Susanna can’t resist seeing these people in the light of the romantics. In a passage that could have come out of James Fenimore Cooper, she describes an Anishinaabekwe entering a tent at night:

The glow of the fire streamed upon her dark, floating locks, danced in her black, glistening eye, and gave a deeper blush to the olive cheek! She would have made a

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<sup>109</sup> Ibid, p 100.

<sup>110</sup> Ibid, p 101.

<sup>111</sup> Susanna Moodie, *Roughing it in the Bush*, “The Wilderness and Our Indian Friends” p 279-281.

<sup>112</sup> Ibid, p 286. Again, the value of non-interference.

<sup>113</sup> Ibid, p 287. The comparison to beasts may be an insult to Europeans, but not for a people who derive their identity from the land and their *bin-gaesdaugun* (neighbours).

beautiful picture; Sir Joshua Reynolds<sup>114</sup> would have rejoiced in such a model—so simply graceful and unaffected, the very beau ideal of savage life and unadorned nature.”

The very next moment the girl’s mother heard a deer in the bush, “a great way off”. She grabbed a rifle and went off, in the dead of night, to pursue it. At the sound of a shot, the girl Mrs. Moodie had so admired sets off to help the old woman bring in the deer.

This ambivalence toward the wild nature and the people of Turtle Island—admiration and recognition of beauty on one hand, but fear and condemnation on the other—is a theme that runs like a backbone through the Canadian imagination, at least as it is revealed in Can Lit.<sup>115</sup> It doesn’t seem to matter how long Susanna Moodie stays in Canada or whether she lives in the bush or in a town, she cannot help but view both nature and the Native through the prism of thousands of years of her own culture. Her viewpoint—the view of the world on which she bases her actions—is the same as that which informs the life of Francis Cornish, Robertson Davies’ hero in his novel *What’s Bred in the Bone*.

What’s bred in the bone is thousands of years of culture that will “come out in the flesh” and virtually pre-ordain how one lives his or her life.<sup>116</sup> The nature-nurture debate that clogs psychology journals would be better informed by the recognition of a third force—the *mythos* of western European culture. It would appear the treasured European idea of free will, so dearly purchased at Eden, is encrusted with the accumulation of centuries of perceiving and drawing conclusions about the world in a particular way. Once you admit this, you have to admit that your view of anything, other than what fits into your cultural knowledge-base, may not be accurate.

How remarkable, appalling even, must it have been for the scions of Euro-culture to admit that Native culture had an appeal for their children that theirs could not match:

When white person of either sex have been taken prisoners young by the Indians, in a short time they become disgusted with our manner of life, and ... there is no reclaiming them.<sup>117</sup>

In 1944 Erwin Ackerknecht looked at 9 well-documented cases of white children taken hostage by Native bands in the 1700s and early 1800s as well as several others.<sup>118</sup> His purpose was to put an end to the nature-nurture debate plaguing studies of racial

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<sup>114</sup> Principal English portrait painter of the 18<sup>th</sup> Century. He painted in the classical style.

<sup>115</sup> Canadian Literature. See Margaret Atwood, *Survival: A Thematic Guide to Canadian Literature*, Anansi, 1972. She modifies her opinions on Native people as victims only a little in her later *Moving Targets: Writing with Intent*, Anansi, 2004. In the US the people of Turtle Island are either good or bad and the only good Indian is a dead Indian—or at least the member of a dying tribe as is Chingachgook, a Mohican. But in Canada, the only good Indian is a victim. Atwood also makes a connection between the people of Turtle Island and the environment of Turtle Island—for her, both are victims in Can Lit.

<sup>116</sup> At the beginning of Davies’ novel, Darcourt, tormented about the story of his recently deceased friend, Francis Cornish, shouts: “What’s bred in the bone? Oh what was bred the bone?” Robertson Davies, *What’s Bred in the Bone*, Penguin, 1985, p 22.

<sup>117</sup> Benjamin Franklin in Ronald Wright, *Stolen Continents*, p 124.

<sup>118</sup> Erwin Ackerknecht, “White Indians”, originally in the *Bulletin of the History of Medicine*, Vol 15 (Johns Hopkins Press 1944). In Lasswell, Burma, Aronson, *Life in Society: Readings in Sociology*, 1965, pp 87-94

differences. For if white children become “White Indians”, then socialization is a greater factor in establishing a Native “character” than genetics. What he found was that the white hostages all displayed several traits that had been attributed to biological differences in Natives: a greater ability to withstand pain, greater healing powers, dream visions, greater ability to endure hardship, the infamous “stoicism”.

In addition, he noted that, when given a choice, the white hostages chose to remain with their adoptive Native families. They lost their English, but they gained the language of their new home, along with strong familial ties and complete integration into Native society—including the practical use of dreams to locate game and medicine to help in the hunt. When, years later, white hostages were “found” (and had regained some use of the English language) most expressed a decided preference for the cultures and belief systems of the people of Turtle Island. Although all seemed to have done well in Native society—some becoming chiefs, the one or two who chose to remain in white society spent the rest of their days as “marginal men” in a kind of cultural twilight zone.<sup>119</sup>

I am aware that the matter of “White Indians” puts at risk my developing thesis that one of the reasons for the vast gulf of misunderstanding that continues between the people of Turtle Island and the people from Europe is the thousands of years of very different culture acquired by each. If the 180 degrees of separation between Turtle Island culture and Euro-Canadian culture is “bred in the bone”, then why do white children taken captive seem to take to Native ways so readily, completely and irrevocably?

However, “what’s bred in the bone” is not the same as what’s bred in the genes. I am not claiming some sort of genetic link between culture and behaviour. I am claiming that thousands of years of culture make a strong socializing force—stronger than we may be prepared to admit.<sup>120</sup> This is something recognized in the Jesuitical boast: “Give me a child at five and I will have him for the rest of his life.”

And it’s something the architects of Canada’s Indian policy must have realized when they concocted the idea of residential schools. Perhaps they took some hints from the case stories of white children being so radically changed after being nurtured in Native society. Perhaps it was a challenge taken up after one of the abductees said, in 1837: “It is very easy to make an Indian out of a white man, but you cannot make a white man out of an Indian.”<sup>121</sup>

One thing is clear however. If literature is the collective imagination of a people (it is certainly the repository of their culture), then Can Lit reveals that Euro-Canadians have, at best, a confused idea of the Aboriginal “other”. At worst, their ideas about the peoples of Turtle Island are racist.

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<sup>119</sup> Ibid, p 92.

<sup>120</sup> In *Roget’s Thesaurus*, “bred in the bone” appears under “habit” alongside “customary”, “traditional” and “deep-rooted”. It also appears under “genetic” alongside “inherited”, “innate”, “inborn”, “connatural” and “congenital”. So “bred in the bone” is a useful metaphor for the strength of culture’s role in shaping our lives.

<sup>121</sup> Francis Sloan to her brothers when she was found in 1837. In Erwin Ackerknecht, “White Indians”, p 93.

### **Creating a *Terra Nullius* of the Land**

In the 19<sup>th</sup> Century, the worst is found in the unabashed imperialism of English colonial policy. The endeavour of empire (and its unintended consequences) is perhaps best summarized in Rudyard Kipling's 1899 poem, "The White Man's Burden":

Take up the White Man's burden—  
Send forth the best ye breed—  
Go, bind your sons to exile  
To serve your captives' need;  
To wait, in heavy harness,  
On fluttered folk and wild—  
Your new-caught sullen peoples,  
Half devil and half child.<sup>122</sup>

There was a fierce debate about this poem when it appeared in *McClure's*, a US magazine in 1899, because the US was flexing its imperial muscles at the time. It was engaged in a war with the Philippines and the Treaty of Paris, which officially ended the Spanish-American War, had ceded Puerto Rico, Guam and the Philippines to the US and placed Cuba under US control.

Was Kipling's poem an encouragement for US imperialism? Or was it, given Kipling's satiric reputation, a warning. Probably a bit of both. Kipling was an avowed imperialist and there seems little question that he believed in the manifest destiny of western European civilization and in the duty of white Europeans to govern non-white people and to impart their culture to them.

For the purpose of this paper, it matters less what Kipling really believed and more what was in the mind of the public. In case you think the imperial cause was not the popular idea in the latter part of the 19<sup>th</sup> Century and early 20<sup>th</sup>, here's an ad for Pear's Soap<sup>123</sup> and beside it, one of several editorial cartoons giving the other side of the story.

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<sup>122</sup> Rudyard Kipling, "The White Man's Burden", *McClure's Magazine* 12 (Feb. 1899). <http://www.boondocksnet.com/ai/kipling/kipling.html>. In Jim Zwick, ed., *Anti-Imperialism in the United States, 1898-1935*. <http://www.boondocksnet.com/ai/> (accessed Feb. 25, 2006). The complete poem can be found in Appendix A.

<sup>123</sup> As appeared in *McClure's Magazine*, Oct. 1899.



*The caption for the ad reads:*

The first step towards lightening The White Man's Burden is through teaching the virtues of cleanliness.

#### **Pears' Soap**

is a potent factor in brightening the dark corners of the earth as civilization advances, while amongst the cultured of all nations it holds the highest place—it is the ideal toilet soap.



The mindset of European settlers provided the psychology for imperial action. The settlers' hunger for land that they could develop by dint of their own labour and their notion of Natives as children of the wild who should make room for the adults meshed well with the colonial agenda of assertion of sovereignty, exploitation of resources and the unstoppable march of progress. The direction of the Indian Affairs Office was clear. Empty the land of Turtle Island people: create a *terra nullius*.

It's hard to believe, given what was bred in the bone in the psyche of Victorian-era Euro-Canadians and given the overt colonial policy of the British government, that the Crown did not know exactly what it was doing. It is beyond the scope of this paper to cross-examine the legal foundation for the Crown's aboriginal policy; however a few very good points have been made elsewhere:

- The Australian High Court in *Mabo* finally recognized aboriginal land rights. On its way to that decision, the High Court said that “it was unjust and racially discriminatory to perpetuate the idea [that] Australia had been *terra nullius*, empty land, when it was settled from Great Britain. They wrote that native title finds its origins and content in the peoples' traditional laws and could be protected in contemporary law.”<sup>124</sup> Notwithstanding this decision, the Australian Parliament has extinguished a host of Aboriginal title interests and the States fight cases every inch of the way through the courts.

<sup>124</sup> Quoting John Borrows, “Practical Recolonisation” in *UNSW Law Journal*, Vol 28(3) pp 614-645. *Mabo v. Queensland*, (1992) 175 CLR 1 (Aust HC).

- Following the argument of the Australian High Court, the *St. Catherine's Milling* decision of the Privy Council's Judicial Committee in 1888 is racist. The question here was whether Native lands ceded by the Anishinaabek in Treaty 3 in 1873 belonged to the Crown and if so, whether they belonged to Ontario or Canada. Notwithstanding the fact that the First Nations were not represented at the trials, and notwithstanding the Royal Proclamation and the Treaty of Niagara, the Judicial Committee (then the highest court in the Empire) decided that the Crown owned the land, even before treaties were signed. "Indian title was a mere burden."<sup>125</sup> Therefore, since Turtle Island land was, in the eyes of the Committee, Crown land from the time of occupation, it was now properly Ontario's and Ontario could do what it wanted with it.
- In a paper done for First Nations in Ontario to assist them in thinking about the Annex Regime of agreements among the Great Lakes States and Québec and Ontario, Kate Kempton follows the idea of *terra nullius* in the legal history of Canada:

More and more, jurists are arguing that the notion of *terra nullius* is, if not racist, at least a case of mistaken sovereignty.

To have been legally valid (according to the imperial law of Britain and international law at the time), such assertion of sovereignty would have required either the conquest of aboriginal peoples, or settlement on lands that were *terra nullius* (not occupied, or at least not occupied by organized societies), or ceding of sovereignty through treaty. None of these circumstances existed. ...

The British (and later Canadian) Crown did acquire title to areas of lands and waters that had belonged to aboriginal peoples, largely through treaties where such tracts were ceded and surrendered. But there is good evidence that all the treaties did and were intended to do was pass incidents of ownership to lands and waters, and nothing more (i.e., there was no subjecting of indigenous peoples to the governing powers of the Crown). And there is evidence that even ceding of title, as title was and is understood by Europeans and Euro-Canadians, may not have been intended by aboriginal parties.<sup>126</sup>

It is worth hearing what the lawyers and judges in *St. Catherine's Milling* said about Turtle Island people during the trial. The Premier of Ontario, who argued the case himself, said that the Crown did not need to negotiate treaties, but did so "only out of endeavour to satisfy the Indians." And the judge, Chancellor Boyd, called the people of

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<sup>125</sup> Quoting from the case in Michael Coyle, "Addressing Aboriginal Land and Treaty Rights in Ontario: An Analysis of Past Policies and Options for the Future," Paper for the Ipperwash Inquiry, March 31, 2005, p 17. As we shall see, it appears that, in spite of more enlightened rulings since, the ghost of *St. Catherine's Milling* remains with us, for Ontario still feels it can do what it likes with First Nations' traditional territories—notwithstanding recent instructions from the Supreme Court of Canada that it must first consult First Nations about perceived infringements and accommodate their concerns.

<sup>126</sup> Kate Kempton, "Bridge Over Troubled Water", legal opinion on the impact of the Annex diversion agreements on First Nations, April 2005.

Turtle Island “heathens and barbarians” and the rude red-men of the North-West”, unqualified to own land. The problem now for Ontario was,

how best to protect and encourage the individual settler, and how best to train and restrain the Indian so that being delivered by degrees from dependency and pupillage, he may be deemed worthy to possess all the rights and immunities and responsibilities of complete citizenship.<sup>127</sup>

How different this view of the relationship between the Crown and the people of Turtle Island is from the words exchanged between Sir William Johnson and the 24 Nations at Niagara just over 100 years earlier.

Notwithstanding the Royal Proclamation and the Covenant Chain agreements, once the treaty signing began, within 100 years Native lands had dwindled to roughly 1% of the total landmass of Ontario.<sup>128</sup> This is a far cry from the little “eastern Corner of your Mat [your land] which, I myself will occupy” that Sir William Johnson promised during the Covenant Chain talks in 1764.<sup>129</sup> The rest of Sir William’s sentence is, in hindsight, particularly ironic: “the Indians, being my adopted children their life shall never sink in poverty.”

Just as you can’t assume the Jesuits did not intend to supplant Native beliefs with Christianity, so you cannot assume the creation of a *terra nullius* by settlement was just a bad case of European ethnocentrism. The governments of the day knew very well they were emptying the land of its original peoples. They also knew the effect it had on the people of Turtle Island, for every First Nation objected through the diplomatic channels Sir William Johnson had established at Niagara in 1764. When diplomacy failed (as it usually did), many tried direct action: the Anishinaabek in Lake Huron when they evicted European poachers in the 1850s; Big Bear in the 1880s; the Haudenosaunee at Oshewkan in the 1920s; the people of Khanasatake at Oka in 1990; ; the Chippewas of Nawash at Owen Sound in 1992; the Stoney Pointers at Ipperwash in 1995; the people of Grassy Narrows in 1999; the people of Six Nations who occupied a subdivision under construction in 2006; the people of Big Trout Lake in 2006.

Ironically, but perhaps not surprisingly now that we have seen some evidence of the huge cultural differences between the cultures of the peoples of Turtle Island and of the peoples of Euro-Canada, the fullest expression of how First Nations’ people view their lands and rights comes when they step outside the law. For, when they step outside the framework of the other’s culture, they step into their own cultural framework. Direct action is less law-breaking for Turtle Island people as it is a re-assertion of their own laws. In other words, what looks like civil disobedience to Canadians is, to First Nations’ peoples, civil obedience.

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<sup>127</sup> Ibid, p 17, footnote 63.

<sup>128</sup> Johnston and Fitzgerald, “Draft paper for the Ipperwash Inquiry on Burial Grounds”, op cit, footnote 68. As of 1991 there are 198 reserves in Ontario comprising .7% of the land.

<sup>129</sup> Ibid, footnote 65.

I have been at more than one First Nation's community meeting forced by the deafness of the Crown in which people were planning direct action. Certainly there was an awareness that the laws of the other (of Canada) may be broken. But the rhetoric and the planning circled around how the laws of the First Nation might be best asserted.

For example, when Nawash, in 1992, determined that it had to re-occupy its reserved burial grounds at Sixth Avenue in Owen Sound, the vigil was planned by the community in terms of:

1. how to properly respect the ancestors buried there;
2. how to re-assert jurisdiction over lands illegally taken;
3. how to relate to the representatives of the Crown (the police and the politicians);
4. how to relate to the citizens of Canada (the neighbours on Sixth Avenue and to Canadians through the media).<sup>130</sup>

In 1996, Nawash and Saugeen were frustrated by years of harassment by the Ministry of Natural Resources and lack of good faith negotiations toward a fishing agreement with the Crown. No progress was being made in reconciling Saugeen Ojibway Nations' rights with the interests of Ontarians, even after 1993 *Jones-Nadjiwon* decision recognizing the Bands' rights to fish commercially and even after the violent summer of 1995 in which Native fishermen's nets were stolen from the waters of Georgian Bay, a Native fishing tug was burned and Native people were assaulted in Southampton and Owen Sound. In the regulatory and political vacuum that was created by the Crown's stonewalling and contempt, the Saugeen Ojibway Nations devised their own permitting and assessment systems to monitor their catches. Those systems were based as much on traditional practices of ensuring equality and conservation as they were on scientific knowledge of the fishery.

### **Creating a *Terra Nullius* of the Mind**

By "*terra nullius* of the mind", I mean two things:

1. in the mind of the red man, the strong connection with the land (*aki*) is severed;
2. in the mind of the white man, he has free entry onto the land to do with as he wills.

The imperial agenda might have driven the treaty process that created a *terra nullius* of the land. But it was what was bred in the bone of the British that created, and continues to foster, a *terra nullius* of the mind. And it began with the very wording of the treaties.

As Sir Francis Bond Head put it to the Anishinaabek assembled on Manitoulin Island in Treaty No. 45:

Seventy snow seasons have now passed away since we met in Council at the crooked place (Niagara), at which time and place your Great Father, the King, and the Indians of North America tied their hands together by the wampum of friendship.

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<sup>130</sup> See the section on the Burial Ground Vigil in "Under Siege", op cit.

Since that period various circumstances have occurred to separate from your Great Father many of his red children, and as an unavoidable increase of white population, as well as the progress of cultivation, have had the natural effect of impoverishing your hunting grounds, it has become necessary that new arrangements should be entered into for the purpose of protecting you from the encroachments of the whites.

In all parts of the world farmers seek for uncultivated land as eagerly as you, my red children, hunt in your forest for game. If you would cultivate your land it would then be considered your own property, in the same way as your dogs are considered among yourselves to belong to those who have reared them; but uncultivated land is like wild animals, and your Great Father, who has hitherto protected you, has now great difficulty in securing it for you from whites, who are hunting to cultivate it.

Under these circumstances, I have been obliged to consider what is best to be done for the red children of the forest, and I now tell you my thoughts.

It appears that these islands on which we are now assembled in Council are, as well as all those on the north shore of Lake Huron, alike claimed by the English, the Ottawas and the Chippewas.

I consider that from their facilities and from their being surrounded by innumerable fishing islands, they might be made a most desirable place of residence for many Indians who wish to be civilized, as well as to be totally separated from the whites; and I now tell you that your Great Father will withdraw his claim to these islands and allow them to be applied for that purpose.

Are you, therefore, the Ottawas and the Chippewas, willing to relinquish your respective claims to these islands and make them the property (under your Great Father's control) of all Indians whom he shall allow to reside on them; if so, affix your marks to this my proposal.<sup>131</sup>

In other words, the Anishinaabek ("the Ottawas and the Chippewas") should surrender their collective title to Manitoulin Island to the Crown and then move their communities to that great Island to farm and become civilized. To the Saugeen Ojibway Nations of the Bruce Peninsula, he gave a choice. Either surrender the whole of their territories (some 2 million acres, including the Bruce Peninsula) and move to Manitoulin; or surrender the territory south of the Peninsula and move into the Peninsula. They chose the latter.<sup>132</sup>

Some of the metaphors of the Covenant Chain are still there—it is, after all, 1836, only 70 years after the Treaty of Niagara. Besides, Bond Head must have known that the people he was talking to knew the Niagara Treaty perfectly, for they possessed the 1764 and the 24-Nations wampum belts.

But Bond Head's words convey a sense of inequality. The Anishinaabek are no longer valued allies; they are becoming wards of the Crown, child-like in the Victorian sense (not in the Covenant Chain sense) and in need of civilization. Unhappily, Bond Head says, even the Great Father is unable to protect them from the forces of settlement, notwithstanding the Covenant at Niagara and the Royal Proclamation. Not that the Crown wanted to of course, for settlement was now its policy for Canada.

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<sup>131</sup> *Indian Treaties and Surrenders, Volume 1, Treaties 1-138*, 1982, Treaty No. 45, 9 August 1836.

<sup>132</sup> *Ibid*, Treaty No. 45½, 9 August 1836,

The notion of British ownership, even of lands not surrendered, is slipped in: “It appears that these islands on which we are now assembled in Council are, as well as all those on the north shore of Lake Huron, alike claimed by the English, the Ottawas and the Chippewas.” However, unlike later courts (especially St Catherine’s Milling) he does not go so far as to say Britain has sovereign title. Perhaps he was aware of Sir William Johnson’s rebuke of his superiors some seventy years earlier for claiming First Nations were British subjects.

The land, *aki*, is equated to wild animals, a metaphor that would have resonated with his audience for, as we have seen everything comes from the land. But the English notion of “property” is foreign, although there is no evidence that First Nations people did not believe they owned the land. And the idea that land is not your “property” until you cultivate it is also foreign. You can see how Bond Head is re-framing the Anishinaabek understanding of things to the Crown’s advantage. Whether he is aware of what he is doing or whether he is operating out of what is bred in his bones is not known. Nor is it relevant; for the fact is, the images are right there, in the text of the treaty and the treaty is what now defines reality for the Anishinaabek of the region.

Here then is how western European ideas were insinuated into the relationship between the Crown and the people of Turtle Island. Seeking land for settlement is “natural”. Being “civilized” is the same as being “cultivated” and the same applies to the land. There is security in owning “property” which is wild land cultivated by “the sweat of thy face” to quote Genesis 3:19.

Lest we conclude that Sir Francis Bond Head was entirely an unsympathetic functionary, clearing the land of the Anishinaabek for the Crown by cynically twisting the words of the Covenant Chain, we should read his despatches to Lord Glenelg, His Majesty’s Secretary of State for the Colonies. This one from 20 November 1836:

The fate of the Red inhabitants of America, the real proprietors of its soil, is without any exception the most sinful story in the history of the human race; and when one reflects upon the anguish they have suffered at our hands ...

... but now that we have succeeded in exterminating their race from vast regions of land, where nothing in the present day remains of the poor Indian, but the unnoticed bones of his ancestors ... “The Red men,” lately exclaimed a celebrated Miami Cacique, “are melting like snow before the rain.”<sup>133</sup>

But, as soon as he completes his *mea culpa*, he writes this:

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<sup>133</sup> Sir Francis Bond Head, “Communications and Despatches Relating to the Recent Negotiations with the Indians”, *British Colonist*, 1836 p 3. From Early Canadiana Online, accessed 14 March 2006, <http://www.canadiana.org/ECO/PageView/91609/0002?id=2f209e3223a4cff7>. Although the sincerity of these words is thrown into doubt when you read an earlier letter from Sir Francis to Glenelg (20 August 1836):

It was evident to me that we should reap a very great benefit if we could persuade these Indians, who are now impeding the progress of civilization in U. Canada, to resort to a place possessing the double advantage of being admirably adapted to them, (inasmuch as it affords fishing, hunting, bird-shooting and fruit,) and yet in no way adapted to the white population. (Ibid, p 9)

I need hardly observe that I have thus obtained for Her Majesty's Government from the Indians an immense portion of most valuable land which will undoubtedly, produce at no remote period, more than sufficient to defray the whole of the expense of the Indians and the Indian Department in this Province. ...

Still it may appear that the arrangement was not advantageous to the Indians because it was of such benefit to us; but it must always be kept in mind that however useful rich land may be to us, yet its only value to the Indian consists in the game it contains. ... As soon therefore, as his game is frightened away, or its influx or Immigration cut off by the surrounding settlements of the Whites, his land, however rich it may be, becomes ... of little value or importance, and in this state, much of the Indian property in Upper Canada at present exists.<sup>134</sup>

Bond Head is suggesting to Lord Glenelg that the monies received from the sale of Native lands go to defray the costs of the Indian Department, a suggestions Lord Glenelg likes in later correspondence:

Your suggestion that the expense of the Indian Presents should hereafter be defrayed out of the sale of the lately ceded lands appears to be very judicious.<sup>135</sup>

In other words, the peoples of Turtle Island are to pay for their own "presents", which were, in the language of the Covenant Chain, the goods and fair dealing that were to come from England at the expense of the Crown. The same attitude persists today. For example, when the Crown finally moved to resolve the dispute around a sacred burial ground belonging to the Chippewas of Nawash Unceded First Nation, it intended to pay for the negotiations and for the compensation to the non-Native house-owners out of monies set aside to resolve the claims of other First Nations. The house-holders were paid an amount well in excess of the value of their house and property; the Nawash were never compensated for the sacrilege done to their ancestors.<sup>136</sup>

In his correspondence, Bond Head misinterprets the imagery of the Covenant Chain as a sign that Turtle Island people have joyfully accepted the sovereignty of the British Crown.

[The sum of money spent on presents] has purchased for us the blessings of our race—they love us—they have shed their blood for us—they would do so again—they look upon us as the only just and merciful people of the world; and, impressed with these feelings, their attachment to our Sovereign amounts almost to veneration. "When we see the sun rise in the East," said a warrior to me at the Great Council at the Manitoulin island, "it is our custom to say to our young men, there is our Great Father, he warms us, he clothes us, he gives us all we desire."

There is no doubt that up to the present page in the history of the British Empire we have acted well towards the Indians.<sup>137</sup>

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<sup>134</sup> Ibid, p 5.

<sup>135</sup> Ibid, p 8.

<sup>136</sup> "Under Siege", Report of the Chippewas of Nawash Unceded First Nation to the Ipperwash Inquiry, September 2006, p 32.

<sup>137</sup> Sir Francis Bond Head, "Communications and Despatches Relating to the Recent Negotiations with the Indians", *British Colonist*, 1836 p 5.

Although only 70 years had passed between the Treaty of Niagara in 1764 and Bond Head's "Great Council" on Manitoulin Island in 1836, it may as well be a 170 more.<sup>138</sup> Not only has the Crown, for all its paper records, forgotten the meaning of the words of the Covenant Chain, it has lost its memory of its own promises and must be reminded of them by so-called illiterate and half-civilized pagans:

I have mentioned these facts, because they will explain the confident reliance the Indians placed on the promises which, accompanied by the delivery of wampums, were made to them by our Generals during, and at the conclusion of the American wars.

These rude ceremonies had probably little effect upon our officers, but they sunk deep in the minds of the Indians. ... In every sense, these hieroglyphics are moral affidavits of the bye-gone transactions to which they relate—on our part, little or nothing of documentary exists—the promises which were made, whatever they might have been, were almost invariably verbal; those who expressed them are now mouldering in their graves. However, the regular delivery of the presents proves and corroborates the testimony of the wampums.<sup>139</sup>

"These rude ceremonies had probably little effect ... bye-gone transactions... promises which were made, whatever they might have been." Now the language of the Crown changes to dismissal. The wampum and therefore the complex ceremonies of diplomacy that accompanied the Covenant Chain councils have been degraded and discounted.

Of course all the discussion and hand-wringing was academic. Time, it seemed, was on the side of the Crown:

We have only to bear patiently with them for a short time, and with few exceptions, principally half castes, their unhappy race, beyond our power of redemption, will be extinct.<sup>140</sup>

In Ontario, the treaty process was well under way when, in 1844, the Bagot Commission of Inquiry laid out an agenda that was clearly aimed at assimilating "worthy" Natives and cutting the rest adrift. The Commission's recommendations would certainly satisfy Mr. Kipling; for example:

- Gather First Nations' peoples together in farming settlements and place their instruction in the hands of teachers "of strictly moral and religious character" to raise them to the civilized standards of western Europe.
- Establish a system of "labour or industrial" residential schools to remove the influence of family and community and instil a European education.
- Any "Indian qualified by education, knowledge of the arts and custom of civilized life and habits of industry and prudence" should be given 200 acres from reserve lands and a one-time payment for furniture, stock and tools. The remaining reserve land should be ceded to the Crown and sold for the benefit of the Band.
- The annual payments now made in compensation for land surrenders and for their allegiance in the War of 1812 should cease.<sup>141</sup>

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<sup>138</sup> That is to 2006.

<sup>139</sup> Sir Francis Bond Head, "Communications and Despatches Relating to the Recent Negotiations with the Indians", *British Colonist*, 1836 p 6.

<sup>140</sup> *Ibid*, p 7.

In the recommendations of the Bagot Inquiry, we see the goals of imperialism. But in its text we encounter the ambivalence of Susanna Moodie:

The red man ... [is] a person of the finest description. ... Height, beauty portion, and nobility carried it, activity, the strength and suppleness are [his] general characteristics. ... In his native state of the Indian in the simpleminded, generous, proud and energetic, docile ... of a lively and happy disposition... and very hospitable.

On the other hand, the “Indian” who had had contact with European civilization:

In his half-civilized state [the Indian] is indolent to excess, and temperate, suspicious, cunning, covetous and addicted to lying and fraud.<sup>142</sup>

But it was impossible to halt the progress of civilization by protecting First Nations’ traditional territories:

It would have been as impossible to resist the natural laws of society and to guard the Indian territory against the encroachments of whites as it would have been impolitic to have attempted to check the tide of immigration. The alternative would have been “the horrors of a protracted struggle for ownership,” which could have had only one result: the occupation of Indian lands “without any compensation whatever.”<sup>143</sup>

Even the romantic ideals of Rousseau and Thoreau, were brought to the aid of colonization. Alas the natural man, the Adam of the New World, is doomed before the inevitable progress of a civilization so totally alien to his existence. The people of Turtle Island are victims; let us be kind and put them out of the way of settlement, “totally separated from the whites”.

But the people of Turtle Island were proving resistant to European ways; so, in 1857 the Crown brought in the *Gradual Civilization Act—An Act to Encourage the Gradual Civilization of the Indian Tribes in this Province*. The premise of this legislation was that by removing all legal distinctions between Indians and non-Indians through the process of enfranchisement, it would be possible in time to absorb Indian people fully into colonial society. Enfranchisement meant freedom from the “protected” status of being an Indian. Protected reserve land, for example, converted to provincial land upon the enfranchisement of a Native. In other words, renouncing citizenship in Turtle Island brought citizenship in Canada. Between 1857 and the passage of the *Indian Act* in 1876, only one citizen of Turtle Island took the Crown up on its offer.

This was followed, in 1869, by the *Gradual Enfranchisement Act* by which the goal of assimilation was made even more explicit. Compulsory enfranchisement was introduced for Native women who married white men—a provision that survived in successive *Indian Acts* until 1985. The Act also over-turned the traditional governance systems used by First Nations and introduced Band elections, at which only men could vote (a European invention which severely eroded the balance of power traditionally held by

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<sup>141</sup> From the 1844 Bagot Inquiry in Boyce Richardson, *People of Terra Nullius*, Douglas and McIntyre, 1993, p 56-7.

<sup>142</sup> Bagot Inquiry in Ibid, p 58.

<sup>143</sup> Bagot Inquiry in Ibid, p 59.

Turtle Island women). It also introduced a form of private ownership in the form of a “location ticket” from the Superintendent General of Indian Affairs.<sup>144</sup>

In short, this Act was the first of a series of “Indian Acts” that were a flagrant and disruptive interference with the traditional societies of Turtle Island. Now, after the Church had planted its “prayer house” over the sacred burial grounds and the Crown its flag over Turtle Island, now the Canadian government was supplanting ancient Turtle Island governance with a parody of European government.

We know from George Blondin’s paper to the Royal Commission on Aboriginal Peoples that, in the world-view of people from Turtle Island, the land was “part of their minds”.<sup>145</sup> And we also know that the land is revered because it is Mother Earth and it contains the ancestors. There is an equivalency between the land and mankind: “Whatever befalls the earth befalls the sons and daughters of the earth.”<sup>146</sup>

Native language itself is shaped by the land. To make conversation, Native people ask of others, “Where are you from?”. In Anishinaabemowin, one says: “G’boonzehbah”, literally, “Where does your sound come from?” And where they are from is often named after a geographic feature. Neyaashiinigamiing, or “beautiful point of land partly surrounded by water is the home of the Chippewas of Nawash Unceded First Nation. It is also an apt description of what is known as Cape Croker on maps of the Bruce Peninsula. Regardless of where Nawash Band members are in the diaspora, Neyaashiinigamiing is where they are from.

To separate Aboriginal peoples from the land, whether by treaty or by “enfranchisement” is to empty the mind of the land—to create a *terra nullius* of the soul. It strikes at the heart of a people, at their very identity. What will happen to the *people* of Kashechewan if the federal government is successful in persuading them to leave their traditional territories?

The English language is a problem here unless you keep on your toes. “Enfranchisement” comes from the Old French, “to set free” and the Oxford English Dictionary defines it as “to release from slavery or serfdom or confinement (1531).” This would come as a surprise to the peoples of Turtle Island who, from all the evidence above, see themselves as a lot freer than the people of Europe. Even the children of Europeans taken hostage would agree with that assessment. What is enfranchisement to the white man, is disenfranchisement to the red. The *Enfranchisement Act* is a parody.

English also has a difficulty in conveying the aboriginal notion of “soul”. English does not have a word that embraces both mind and spirit; the two are generally believed to be separate in any event. We have to rely on *psyche*, the old Greek word for “soul” from whence comes “psychology”. The Anishinaabek have a word for what unites body and

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<sup>144</sup> For a much better discussion of the development of legislated measures of assimilation, see Volume 1, Part 2 of Royal Commission on Aboriginal Peoples, “False Assumptions and a Failed Relationship.”

<sup>145</sup> Blondin, “My Life in the Sahtu” op cit, p 9.

<sup>146</sup> Chief Seathl in McLaren, “Lost Words” op cit p 62.

spirit, however—the soul that remains with the body after death and imbues the earth with the spirit of the ancestors.<sup>147</sup>

### **Policies and Poetry of Assimilation**

Duncan Campbell Scott was the Deputy Superintendent General of Indian Affairs from 1913-1932. He was also Canada's unofficial poet laureate. He was elected President of the Royal Society of Canada in 1921 and was awarded the Lorne Pierce medal in 1927 for his contributions to Can Lit. In no other character does the cultural imagination of Euro-Canadians merge more completely with Canadian aboriginal policy.

On the one hand, his poetry portrays a romantic sympathy for the peoples of Turtle Island albeit as stereotyped members of a wild and disappearing race, as in the sonnet “Watkwenies”:

Vengeance was once her nation's lore and law:  
When the tired sentry stooped above the rill,  
Her long knife flashed, and hissed, and drank its fill;  
Dimly below her dripping wrist she saw,  
One wild hand, pale as death and weak as straw,  
Clutch at the ripple in the pool; while shrill  
Sprang through the dreaming hamlet on the hill,  
The war-cry of the triumphant Iroquois.  
  
Now clothed with many an ancient flap and fold,  
And wrinkled like an apple kept till May,  
She weighs the interest-money in her palm,  
And, when the Agent calls her valiant name,  
Hears, like the war-whoops of her perished day,  
The lads playing snow-snake in the stinging cold.<sup>148</sup>

On the other hand, as Deputy Superintendent, he suppressed Native languages and ceremonies. He suppressed the traditional Haudenosaunee long house government at Six Nations with a force of RCMP officers. He threatened Fred Loft of Six Nations with compulsory enfranchisement if he continued to work to establish a League of Indian Nations. And he helped sweep the Bryce Report under the rug. That report revealed Native students at residential schools were dying at an alarming rate (between 25-50%) from tuberculosis.

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<sup>147</sup> Jean de Brebeuf learned from the Huron the name *Atisken*. See discussion on the Jesuits, above.

<sup>148</sup> Duncan Campbell Scott, “Watkwenies”, 1898 at Library and Archives Canada: <http://www.collectionscanada.ca/canvers/t16-206-e.html>. Accessed 21 January 2006. The poem has the form and rhyme scheme of an Italian sonnet.

In 1921, he assured Parliament that “Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question”.<sup>149</sup> And in the same year, he issued these instructions to his agents:

It is observed with alarm that the holding of dances by the Indians on their reserves is on the increase, and that these practices tend to disorganize the efforts which the Department is putting forth to make them self-supporting.

...You should suppress any dances which cause waste of time, interfere with the occupations of the Indians, unsettle them for serious work, injure their health, or encourage them in sloth and idleness.<sup>150</sup>

In his report to the Royal Commission on Aboriginal Peoples, British Columbia Provincial Court Judge Alfred Scow testified that government harassment of the potlatch and other traditional ceremonies was harmful to the traditions of his people, the Kwakiutl of Vancouver Island:

The Indian Act did a very destructive thing in outlawing the ceremonials. This provision of the Indian Act was in place for close to 75 years and what that did was it prevented the passing down of our oral history. It prevented the passing down of our values. It meant an interruption of the respected forms of government that we used to have, and we did have forms of government be they oral and not in writing before any of the Europeans came to this country. We had a system that worked for us. We respected each other. We had ways of dealing with disputes. We did not have institutions like the courts that we are talking about now. We did not have the massive bureaucracies that are in place today that we have to go through in order to get some kind of recognition and some kind of resolution.<sup>151</sup>

Behind Scott’s romantic hymns to the peoples of Turtle Island lie the attitudes of Champlain, the work of the Jesuits, the ambivalence of Susanna Moodie, the duplicity of the British army in 1812 and not a little repressed Victorian sexual imagination, as in “Onondaga Madonna”:

She stands full-throated and with careless pose,  
This woman of a weird and waning race,  
The tragic savage lurking in her face,  
Where all her pagan passion burns and glows;  
Her blood is mingled with her ancient foes,  
And thrills with war and wildness in her veins;  
Her rebel lips are dabbled with the stains  
Of feuds and forays and her father’s woes.

And closer in the shawl about her breast,  
The latest promise of her nation’s doom,  
Paler than she her baby clings and lies,  
The primal warrior gleaming from his eyes,

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<sup>149</sup> *Report of the Royal Commission on Aboriginal Peoples*, Libraxus CD, Ottawa, 1997, Vol 1, Part 1: “Extending Measures of Control and Assimilation.”

<sup>150</sup> *Ibid*

<sup>151</sup> *Ibid*, Vol 1, Part 1, 9.5 “Attacks on Traditional Culture”.

He sulks, and burdened with his infant gloom,  
He draws his heavy brows and will not rest.<sup>152</sup>

This poem as well as “Watkwenies” are in the form of the sonnet. Whether he intended to or not, Scott imprisoned his wild women in the favourite form of western European poetry. For the Italian sonnet is the quintessential European art form: it states its thesis in the first eight lines and its antithesis in the last six. The reader is expected to provide the synthesis; but in these poems, there is only one outcome possible—a *terra nullius* of space and spirit.

We know the brother of Original Man, the wolf, is a powerful image for both Turtle Island and European. Onto the wolf, Scott piles, not the respect of the people of Turtle Island, but the all the horror and contempt his own culture has carried to Canada:

Whoo--whoo--  
The rain in the hollow  
The wan gray sleet will follow,  
The shaggy moor  
Will lie at the door,  
Heavy with mould,  
Dead with cold.  
Whoo--whoo;--yu-loo--yu-loo.<sup>153</sup>

It is a poem about starvation in winter: the wolf is literally at the door. Not just any wolf, but a “shaggy moor”, black, foreign, and foul, “heavy with mould”. It’s a wolf fallen on hard times ... a wolf fit only to accompany lost and starving tribes, emaciated in flesh and spirit, into oblivion in the next Century.

Scott’s Indian poetry is solidly in the mould of the Romantics. Designed to elicit certain sentiments—in this case sympathy for a disappearing race of noble savages. However, the wolf, as Scott’s metaphor for death, is to be feared and shunned and driven from the door of civilized folk: “The fire on the hearth/ Shakes its mirth/ At one of God’s poor, Outside the door.” The Great Mystery’s prophecy to Original Man and the wolf is coming true. European Canadians will hound both off the land.

Scott’s Natives are a conquered people—both the Onondaga Madonna and Watkwenies (Haudenosaunee and Anishinaabe) are women who seem to be representing their nations. Both are warlike, but both have been overwhelmed in the face of the inevitable progress of European civilization. The Onondaga Madonna even carries the burden of her conquest—a half-white baby. Her nobility, wild and warlike in Scott’s imagination, is defeated and diluted in her son. And maybe, his poem says, that is not such a bad thing. After all, Scott’s own government’s policies are designed to erode what is left. So, Scott is saying to the reader, be sympathetic and by all means magnanimous, but don’t be sorry, because her fate is inevitable.

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<sup>152</sup> Duncan Campbell Scott, “Onondaga Madonna” 1898 at Library and Archives Canada: <http://www.collectionscanada.ca/canvers/t16-206-e.html>. Accessed 21 January 2006.

<sup>153</sup> Ibid, “The Wolf”, 1898. For the complete poem see Appendix A.

This paper is primarily concerned with metaphor and therefore what the poems reveal about the views of a man who had a great deal of power over Turtle Island's peoples. However, it is important to understand just how far his poems are from reality. The role of women in both Haudenosaunee and Anishinaabe societies are completely misrepresented—they did not go on raiding parties. Scott may be using his poetic licence to cast the two women as symbols of their peoples, but in the process, he completely misrepresents Turtle Island peoples to his readers. No wonder Native people object to white artists telling their stories—they generally get them all muddled up.

In addition, neither the Haudenosaunee nor the Anishinaabek were defeated by Canada. At the exchange of wampum at Niagara in 1764, they were allies of the Crown; an alliance that was at least acknowledged if not honoured during the treaty-making in Upper Canada and Ontario.<sup>154</sup>

Scott's poetic imagery is romantic, but his Indian policy is imperial. It might be sad that this noble race is disappearing, but it is inescapable.

Residential schools, initiated before Scott entered government, were increased in number under his administration.<sup>155</sup> Given his own words, quoted above, there can be no doubt of his intent: to supplant the culture of Turtle Island with that of Europe. Residential schools existed for over 100 years, enthusiastically supported by both the Crown and the churches who ran them (even when the churches ran a deficit).<sup>156</sup> They were most active for over 3 generations, more than enough time to break the cultural imprinting of Turtle Island peoples.

Scott's promise to Parliament, "to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question" was only the latest statement of the goal of Crown policy in general and of the residential school system in particular. The goal is made manifest in the 1904 Report of the Department of Indian Affairs.

That report contained a photograph of a boy, Thomas Moore, on the day he was enrolled in the Regina Industrial School and another some time later, "after tuition".<sup>157</sup> In the "before" photo Thomas is dressed in his Turtle Island clothes, hair in braids and posed beside a buffalo robe. The "after" photo shows Thomas dressed in European clothes (a kind of quasi-military uniform), hair cut and combed. He is the picture of an English gentleman, leaning casually against a stone balustrade, a potted plant at his elbow.

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<sup>154</sup> See, for example, the text of the Manitoulin Treaty, above.

<sup>155</sup> To a high of 80 schools in 1931. John Milloy, *A National Crime: The Canadian Government and the Residential School System 1879 to 1986*, University of Manitoba Press, 1999, p 102. The story of residential schools is well told in this book.

<sup>156</sup> *Ibid*, p 103.

<sup>157</sup> *Ibid*, pp 4-5.



In his analysis of the photos, John Milloy catches the symbolism of the buffalo robe (from hunting culture) and the potted plant (to agrarian), but he doesn't catch the significance of the name. Thomas Moore was obviously not the boy's real name. He was re-named after a rakish Irish poet of Regency England who was a great friend and biographer of the Romantic poet Lord Byron and who personified the cultured wit of London in the early 1800s.

Thomas Moore of Turtle Island looks transformed in his before and after photographs. Everything has changed—except his eyes. He has kept something of what was bred in his bones for himself.

So the prophecy of Benjamin West's painting "The Death of Wolfe" has come to pass through the policies of Duncan Campbell Scott. The warrior in West's painting may be doomed, but he is hardly a victim. The Natives in Scott's poetry are victims: "Beautiful Losers", as Leonard Cohen calls them.<sup>158</sup> And just in case there is some doubt, Scott, in his role as Deputy Superintendent General of Indian Affairs, makes their victimhood more certain. That anything is left of the ways of the peoples of Turtle Island is either a miracle or a testament to the resiliency of both culture and people.

Ironically, at the same time Scott was setting Canada's Indian policy, the British Empire was beginning to unravel at the seams. Rudyard Kipling had already written his warning about empire, "The White Man's Burden". Mohandas Gandhi, having overturned some of

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<sup>158</sup> As personified by Catherine Tekakwitha. In the first few pages of the novel all the stereotypes come gushing out—wild, noble, saintly, keepers of secret ecological knowledge, objects of sexual desire, doomed victims. But Cohen himself is not a prisoner of his culture and there is always a self-mocking irony to serve as an anti-dote— "I am a well-known folklorist, an authority on the A\_\_\_\_s, a tribe I have no intention of disgracing with my interest" (p 7). He writes stereotypes, but that is what he knows and he admits it, for he also knows he cannot know the Other any other way.

the racist laws governing South Africa, returned to India in 1914. By the time Scott leaves Indian Affairs in 1933, Gandhi has set “the jewel in the crown” of the Empire on its way to home-rule.

In the arts, a similar revolution was beginning. At the same time Scott was writing his Romantic poetry infused with Victorian values, TS Eliot was writing “The Hollow Men” and the “Four Quartets”, his poetry of disillusion with war and empire and the spiritual malaise of Europe. Ezra Pound was beginning his *Cantos* and his flirtation with fascism. In Spain, Picasso was putting Impression out of its misery. In England, the Victorians and the Romantics had been supplanted with the Moderns, led by TS Eliot and Ezra Pound. In theatre, O’Neill, Cocteau, Ibsen, Brecht and a host of others were breaking down the rules of the stage and, on occasion, the stage itself.

By the yardstick of Europe, Scott’s Indian policy and poetry were a colonial anachronism—a condition from which Canadians, at least in the arts, have only recently been rescued by artists such as Michael Ondaatje, Deepa Mehta, Carl Beam, Tomson Highway and Rohinton Mistry. But political Canada has yet to catch up with even the UN on its ideas and policies regarding indigenous peoples.<sup>159</sup>

## C. FROM TERRA NULLIUS TO TOM FLANAGAN AND BACK

How have you paid us for our game? How paid us for our land?  
By a *book*, to save our souls from the sins *you* brought in your other hand.<sup>160</sup>

When they arrived, we had the land and they had the Bible and they told us to close our eyes to pray. When we opened our eyes, they had the land and we had the Bible.<sup>161</sup>

Equal rights for every white man south of the Zambezi.<sup>162</sup>

I had set for myself two tasks: one, to show the profound difference between the cultures of Turtle Island and of Europe; and, two to show what happens when the one interferes with the other. Historically and metaphorically, it was European culture that interfered with the culture of Turtle Island.

The temptation to label one as “bad” and the other as “good” must continue to be resisted. Neither is “bad” nor “good” in its own context. If one becomes “bad”, it is when it interferes in the course of the other, as the Two Row wampum, the Guswentah,

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<sup>159</sup> For evidence of this look at the Articles from the UN’s Draft Declaration on the Rights of Indigenous Peoples in “Under Siege” (Nawash Report to the Ipperwash Inquiry, op cit) and compare them to the O government policies described in the section, “Potential for Future Confrontations.”

<sup>160</sup> E Pauline Johnson (1861-1913), “The Cattle Thief” in *Flint and Feather*, Paperjacks 1972.

<sup>161</sup> Archbishop Desmond Tutu.

<sup>162</sup> “Rhodes”, in *Encyclopaedia Britannica*. Cecil Rhodes (1853-1902), aided by his control of De Beers and his political career in Britain’s Cape Colony, planted the flag for English civilization in southern Africa. Under liberal pressure, he later amended his policy to “Equal rights for every civilized man south of the Zambezi”, but, for him, “white” and “civilized” were the same thing.

predicted. But that is exactly what the Europeans did as they took over control of Turtle Island. They have got into the Turtle Islanders' canoe and have thrown it off course and just about capsized it.

It was to the advantage of Imperial England, economically and politically, to assume sovereignty over lands that, inconveniently, were already owned and occupied. The land had to be cleared of its first peoples before it could be cleared for settlement. This was done by re-writing the Covenant Chain agreements as treaties that re-cast First Nations from allies to wards. As we've seen, the clearances were aided by the cultural imperatives of the Crown's representatives.

What was bred in the bone of European settlers, together with the imperial and confederation policies of early Canada made the creation of *terra nullius* a foregone conclusion. The Crown's Indian policies and legislation that emptied the landscapes (both the geographical and the psychological) became a self-fulfilling prophecy. The disappearance of the red man before the manifest destiny of white civilization was prophesied. And all the tools of that civilization (reason, spirituality, industry, treaties, education, enfranchisement, legislation, military force) were brought to bear on the people of Turtle Island to turn that prophesy into reality.

These tools (actually weapons, when used this way) were aimed at the differences between European civilization and the Other's civilization. If, for example, the peoples of Turtle Island, unlike the peoples of Europe, do not cultivate their land, then they shouldn't possess it—let's give it to those who will work it. Or, if they do not occupy it to the exclusion of others, then it's *terra nullius* and open to free access and claim. Turtle Island peoples have an entirely different way of looking at the Great Mystery—through a manifestly spiritual bond between mankind and creation. This is heresy in Christianity, so let's supplant Native beliefs with Christianity. First Nations peoples have a different way of bringing up their children, one that passes on a hugely different cultural reality; so let's force their children into residential schools to re-orient<sup>163</sup> them.

The effect of creating a *terra nullius* of the land and in the mind, is the nullification of the peoples of Turtle Island. It is the eradication of place, language and culture and all the understandings that flow from those three necessary things. Both Canadians and First Nations peoples began to believe Turtle Island never existed.

But something interesting began to happen, even as the residential schools began to wind down after the Second World War. Now that *terra nullius* has been firmly established; now that the land and the mind have been cleared of people who might get in the way of progress, the differences that were the target of Canadian policy are diminished and are replaced by a belief that we are all the same. Before, Native people were the target of

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<sup>163</sup> The problem of language forever threatens to capsize comparative analyses of culture. "Re-orient" is in quotation marks, not because it is a euphemism for brainwashing (it's not, although it could be); but because in European culture, "to orient oneself" is to recognize where east is, for east is where Eden was created and Christ sacrificed. If you are "disoriented", you have lost your true direction, your stability, your proper focus; you have deviated from the true path; you are displaced.

manifestly *discriminatory* policies and legislation. Now they are subjected to the *same* policies and legislation, just like everyone else.

Or, as Judge Murray Sinclair put it in the *Manitoba Aboriginal Justice Inquiry*:

Systemic discrimination [defined as the result of racial prejudice] involves the concept that the application of uniform standards, common rules and treatment of people who are not the same constitutes a form of discrimination. It means that in treating unlike people alike, adverse consequences, hardships or injustice may result ... it is clear that operational policies applied uniformly to Aboriginal people sometimes have unjust or unduly harsh results. The reasons may be geographic, economic or cultural. However, it must be acknowledged that the application of uniform policies can have a discriminatory effect.<sup>164</sup>

### **Real Differences remain ...**

When we go into the Rockies we may have the sense that gods are there. But, if so, they cannot manifest themselves to us as ours. They are the gods of another race, and we cannot know them because of what we are, and what we did.<sup>165</sup>

We have already seen the very real and very profound differences between Turtle Island culture and European culture. These differences persist today, as the Ipperwash Inquiry found out during an Indigenous Knowledge Forum held at Mount Forest October 13 and 14, 2004. All the speakers, unless noted differently are Anishinaabe.

Land is still central in the minds of people from Turtle Island:

Stoney Point is the best gathering ground for medicine. Everything is there -- everything. And I just -- I would -- I would try and let you know how -- how important it is for us to be in our own -- our own surrounding and our own -- our own gathering grounds.  
(Carol Pelletier)

There is still a strong interconnectedness among history, spirit, language and land:

As we go through talking about the Anishnaabe people, that it was more than just a history, it was more than just the oral history, it was the connection to spirit, what makes us a Anishnaabe -- our Anishnaabe, our language, the sacred connections to our homelands.  
(Patty Shawanoo)

There is still a taboo against telling stories or passing on information without permission and against interfering with another person:

I'm very honoured to be asked to -- to share what little -- what little I can share in -- *with my father's permission*, because I -- I take my teachings and my responsibilities very seriously.

I try very hard not to use, from what my dad -- my father told me, never say to another Indian person or tell another person, you must do that, you have to do that, you can't do

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<sup>164</sup> In "Under Siege", op cit, p 200.

<sup>165</sup> George Grant, *Technology and Empire*, in Margaret Atwood, *Survival*, op cit, p 90.

that or you shouldn't do that. Always be positive. Come out from your heart and help people.

(Lorraine George)

Time is still thought of differently:

Each one of you may have heard the expression, he is on Indian time. The expression may be used to indicate that he is late or has no sense of timing. To an Euro Canadian, time is quantitative. But to the First Nation, it is qualitative, as evidenced by the older Aboriginal man, who was living on a reserve, when asked if he had been -- if he had lived on the reserve all his life, he replied, no, not yet.

The white man has the clocks and the watches ... but, our people have the time. A word to describe one of the major qualities of time among the First Nation circle, is appropriateness. An event begins when it is appropriate. Most aboriginal languages don't even have the words to designate time. In western cultures, however time is regarded as a commodity. Canadians buy it, sell it, borrow it, waste it, kill it, make it up, take it and if they run afoul with the law, do it.

The present is subject to the future. In the Aboriginal world, what I need to do in one (1) hour is subject to what I am doing right now, the future is subject to the present.

Aboriginal people have a circular view of time, as opposed to the Western's linear one. To the Westerner, time is like a flat line. And runs and moves from one end to the other. This linear view, separates time and life into three categories, past, present and future.

To the Aboriginal world, however, everything is internally connected because time is a continuous unbroken circle. Aboriginal people's history has a lot to say about the present and future because our identity is forever connected to our past.

In the 19th century there were no wrist watches. White men carried pocket watches, some Plains Indians said white man carries his God in his pocket because he never did anything without consulting it.

(Wally McKay)

Truth is not in the possession of one person—it is shared by all in the community and is best revealed in oral history, if that history is told by the community:

The medicine wheel best thought of as mirror reflecting everything. ...

[Reading from curriculum of Lambton County Board of Education] The perception of any objection, either tangible or abstract, is ultimately made a thousand times more complicated whenever it is viewed within the circle of an entire people as a whole. The understanding of this truth is but the first lesson of the medicine wheel in our teachings.”

...

Every person sees things in the wheel differently because of our perspective of the wheel. Truth is collective.

I believe that my mother was greatly helped in her latter years of her life to teach things that she knew and it was a reversal for her because she had been beaten in a residential school for speaking and she never taught any of us to speak. We grew up speaking up English because she didn't want us to follow in that same path and bear the same hurts that they did.

(Marcia Simon)

Prayer and ceremony is still important, even on secular occasions:

[At one of the early First Ministers' Constitutional Conferences, Pierre Trudeau], the Prime Minister opened up and asked the National Chief, "Are we going to pray every

morning?" And the National Chief, when his elders talked to him responded, "Mr. Prime Minister, we're going to pray every morning."

(Wally McKay)

Just as we saw with the protocols of the Covenant Chain, process is more important than product:

In other words, your specialization has become such an important part that we use it in a western sense, to identify -- you know, our speciality identifies who we are, you see. ...

But in -- in Native America generalist is really at the foundations of social organization and in some cases, knowledge and so forth. ...

Here the process always counts. In other words, how you do it is the important thing, okay? And, you know, we're seeing it here with our drums and so forth, with our prayers and so forth. How you do it is the important thing.

(Leroy Littlebear, Blackfoot)

View of nature is as a web, forever in flux. Generalists are better at seeing it all work together:

Picture ... a three (3) dimensional kind of spiral-geodesic type of a spider web network, that's forever moving, combining, re-combining, changing, transforming and so forth. You know, just continuing to mix all the time and so on, that's the picture of constant flux, okay? ...

You can begin to see why generalists [can grasp this], because in the Native mind, there are all these forces. There are all these objects, waves, energy waves, and so forth that are forever changing, combining, recombining, you know, transforming, decomposing and so forth, you know? ...

One of the things that arises out of this is that everything is animate. Okay? Everything is animate. In Blackfoot -- and I'm sure in Anishnaabe -- there's nothing inanimate. Okay? Everything is animate.

(Leroy Littlebear, Blackfoot)

Spirit still moves through everything.

Everything has spirit. And that's where, you know, lots -- lots of people try to accord the notion of religion to First Nations people, to Indians, and so on. We're not about religion, we're about spirit.

(Leroy Littlebear, Blackfoot)

Everything is still related, including the "neighbours" (*bin-gaedauguk*)

Relationships are very important, and you can easily see, coming back to this flux notion, that everything over here is interrelated, okay. Just like on a spider web, you know, you can go from any point to another point, you know. You might not make it in a straight line, but you can get to any point, you know, from any other point on the spider web. Everything is interrelated.

(Leroy Littlebear, Blackfoot)

Renewal ceremonies (also part of the Covenant Chain protocol) are very important.

The important thing about drums is that -- you know people refer to it as the heartbeat of our mother the earth, but one of the things that drums do and the beat that you hear is they keep us planted firmly on the ground, you know? Drums -- drums keep you connected to the earth. Well, the thing is, that renewal -- that renewal is so that this particular spot that we may know that -- you know makes for this present reality, is, you

know, maintained through renewal ceremonies.  
(Leroy Littlebear, Blackfoot)

Language and traditional knowledge are tied to the land—very specific to particular place. (As opposed to English and science which can verbalize and work anywhere).

Your language is based on this relational network that occurs, okay? Well, do you know the relational network in another territory? Therefore we make no claims beyond our traditional territories. Blackfoot is only good in Blackfoot territory. That's what it's made for, see?  
(Leroy Littlebear, Blackfoot)

The protocols of the oral tradition are still practiced:

As little children, the first winter, the first snowfall we would be so excited that we knew that storytelling was going to begin. ... And our Great-Uncle Alec, we would watch for him. And all day long we would -- we would be so excited waiting for him.  
(Merle Assance-Beattie)

### **Institutionally ...**

Miraculously much of Turtle Island culture remains intact. But Canadian institutions do not see it. Or, if they do see it they do not give it value or respect. This is one of the reasons Dr. Clare Brant, a Haudenosaunee psychiatrist wrote extensively of the differences in Turtle Island culture. He found that the helping professions were applying Canadian remedies to Turtle Island people, and they weren't working.

Psychiatrists assessing Native children and adolescents often find them passive, difficult to assess and not forthcoming. This behaviour, which actually reflects the influence of Native culture, is often misinterpreted by clinicians unfamiliar with that culture as evidence of psychopathology.<sup>166</sup>

Dr. Brant identifies a number characteristics that are bred in the bone of Native people by Turtle Island culture but which put them at risk when they find themselves in Canadian society. The first quality in his list in **non-interference**, that trait that frustrated Champlain on the battleground and horrified the Jesuits:

A high degree of respect for every human being's independence leads the Native to view instructing, coercing or attempting to persuade another person as undesirable behaviour.

...

Group goals are arrived at by consensus and achieved by reliance on voluntary cooperation. ...

Once the leadership had [been selected], it would rely on voluntary cooperation for the attainment of group goals, whether with regard to hunting, warfare or economic decisions. ...

The ethic of non-interference ... even extends to adult relationships with children and manifests itself as permissiveness.

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<sup>166</sup> Clare C Brant, MD, "Native Ethics and rules of Behaviour", *Can. J. Psychiatry*, Vol 35, August 1990 pp 534-9.

**Non-competitiveness** functions to ensure those who do not perform well are not made to feel embarrassment. My own daughter was a great runner in public school, but during a track meet, when she found herself way out in front of her classmates, she stopped running to allow them to catch up, even though some white kids passed her. In Canadian society, this quality is mis-interpreted as lack of initiative and ambition.

**Emotional restraint** is seen by Dr. Brant as a corollary of non-interference and non-competitiveness, for it teaches self-control and discourages violent feelings, such as anger, which are extremely toxic to harmonious relationships. However, repressed hostility can explode under the influence of alcohol or under the perceived oppression of a remote government bureaucracy that interferes even with the basic aspirations of Turtle Island peoples' lives.

**Sharing** not only helps to ensure that those who cannot provide for themselves are taken care of, but it assists the quality of non-competitiveness and supports the Native ethic of taking only what you need. Taking only what you need conserves fish and animal stocks. Sharing what you don't need averts jealousy. In fact, those who do well on a reserve may take great pains to avoid the appearance of wealth in order not to embarrass not only themselves, but also those less fortunate. Sharing is the traditional way of redistributing wealth.

**Turtle Island peoples do things when the time is right**, "when the whole array of environmental factors converge to ensure success."<sup>167</sup> While "we will do it when it is appropriate" is a value that serves the hunt and other traditional activities, it still serves to maintain harmony in the community.

**Gratitude or approval is rarely shown** or even verbalized. One is not rewarded for being a good doctor or lawyer or hunter or administrator, for that is what you are expected to do. But if you do poorly at what you do, that is not pointed out either, for that would be a great embarrassment for you. Generally speaking, both praise and criticism can be harmful, especially in children. Non-Native teachers can be frustrated that their own inbred notions of praise and punishment fail to motivate Turtle Island children.

You can see how the discipline and rewards of residential schools would simply not make sense to Native children. Over the years they were incarcerated in those schools they may have learned to "play the game" to avoid punishment, but eventually this accommodation of European ways can lead to a kind of half-life in what ever society they chose to live in.

Whereas white schools and society "shape" the behaviour of their children by rewarding them as they get closer to what is the desired behaviour, **Turtle Island culture models behaviour**: the desired behaviour is shown, then copied. This puts the onus on the *adult* to behave properly in order to teach the child the proper behaviour. Modelling is also the predominant mode of instruction: teachers show their students the correct way to do something rather than tell them how to do something.

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<sup>167</sup> Ibid, p 536.

Practically all of the Turtle Island values and rules of behaviour that Brant discusses, are either contrary to those of Euro-Canadians or they are employed in very different ways.

Rupert Ross, a Crown Attorney in northwest Ontario noticed some of these traits in his work. For example, Native people would appear reluctant to look him in the eyes when he was examining them on the stand. He took the time and trouble to meet with elders on justice matters and he learned that it was rude to look someone directly in the eyes—it was considered a challenge and inappropriately confrontational. It is proper to look back at the person every once in a while to signal you are interested in what they say; but you must not stare at their eyes.

Similarly, it is rude to outright disagree with someone. You can refuse to respond if you disagree, or you can change the subject. If you are pressed for an answer (itself very rude), you may appear to agree. There has been more than one meeting between representatives of the Crown and a First Nation in which the Crown thought it had consent for its plans from the First Nation, but, in fact had either breached protocol in presenting its case or had misread the verbal and non-verbal signals being given by the First Nation representatives.

Ross points out in his book, *Dancing with a Ghost*, that these sorts of cultural differences frequently put Native people on the wrong side of the law. The policeman who misreads a suspect's reluctance to make eye contact as a sign of guilt may well think he has his man. The attorney who badgers a Native witness on the stand until the witness agrees with the lawyer's version of events, might persuade a judge or jury to a conviction.

In his follow up book, *Returning to the Teachings*, Ross relates what else he has learned from the elders of the communities he serves. He realizes the extent to which the Canadian institution of justice is inimical to the peoples of Turtle Island—not just because Natives are arrested and incarcerated in excess of their representation in the general population, but because the adversarial nature of the system itself violates just about every Turtle Island norm and principle we have discussed.

The European-based justice system, in accord with its philosophies and religion, is confrontational. Native justice systems, in accord with Turtle Island traditions and culture are not. The pursuit of truth in the European-based system is empirical and dialectic: evidence is gathered and entered; witnesses are told to tell the “whole truth”; they are examined and then cross-examined; guilt or non-guilt is decided and punishment is meted out—all in the adversarial atmosphere of a courtroom.

In the Native system, facts might be revealed in dreams or visions or perhaps by hearing from everyone involved. No one is expected to have the “whole truth”—it might take days or weeks or years to know the whole story, for everyone has a different piece of it. Direct confrontation is avoided, for it is a cultural taboo to cross-examine someone let alone to do so in order to catch him or her in a lie. Besides, it may be the lie is told to avoid confrontation or to avoid the revelation of another matter altogether.

The goal of Turtle Island systems is less to punish than to restore balance in the community. And the best way to do that is to involve those who were offended against in the same process used to re-integrate, into the community, the person who committed the offence. That process or protocol (for it properly involves ceremony) is the justice or healing circle.

It is to the credit of the Canadian justice system that it is beginning to recognize the value of community justice circles not only for dealing with Turtle Island people but also for dealing with non-Natives who have “given offence”.

### **Spiritually ...**

At the Ipperwash Inquiry Community Forum at Chippewas of Nawash Unceded First Nation in September 2005, Commissioner Linden heard that many of the old Anishinaabe ceremonies had survived Duncan Campbell Scott.

For example, Nawash still held a Feast for the Dead every fall. And Chief Nadjiwan told of the importance of ceremony in seeing the dead into the next world and how the Crown’s legislation neither recognizes nor respects this most important cultural practice:

All those burials were done with ceremony and in Anishinaabemowin. Whenever these sites are uncovered, we have to conduct proper ceremonies because we believe the remains of our ancestors are active throughout all time. This is why we did traditional ceremonies. These traditions are still done today. But there is nothing in the *Cemeteries Act* that respects that. To do a traditional burial, it may take someone over 20 years to learn the ceremonies to properly see someone into the spirit world.<sup>168</sup>

In the Report of the Nawash Community Forum, there is a good discussion of how the Anishinaabe beliefs and practices are diametrically opposed to the legislation that directs the practices of the Ontario government’s Cemeteries Branch. The analysis reveals the potential for future conflict around burial grounds. The report also reveals, for much the same reasons, the potential for conflict around resource matters, particularly Native rights regarding fishing. As a general rule, whenever the rights, claims and way of life of a Turtle Island people are discounted and otherwise held in contempt, that is a recipe for conflict.<sup>169</sup>

Also at the Nawash Forum, Nawash Band member, author and storyteller Basil Johnston spoke of the Anishinaabe ideas of rights and responsibility:

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<sup>168</sup> Nawash Chief R Paul Nadjiwan at Nawash Community Forum, September 9, 2005 p 86. George Blondin says more or less the same thing in “My Life in the Sahtu,” his presentation to the Royal Commission on Aboriginal Peoples (June 1993): it takes a long time to learn the ceremonies and the old protocols and acquire the wisdom to employ them.

<sup>169</sup> *Ibid*, section B4: Potential for Future Confrontation.

When we ask someone “Ahniish aen-anookeeyin?” we are asking what you do for a living. The Anishinaabe word for “work” (*anookeewin*)<sup>170</sup> is more than “occupation”—it connotes our ideas of duty and right (*daebinaewiziwin*). It is our duty (*daebizitawaugaewin*) to our families and our community to support them, to help them prosper and exercise their rights to live and work. *Daebinaewiziwin* is the word we use for “right”. It is a right to make a living so far as we have need.

Basil Johnston went on to ask why this right to make a living is not recognized as an aboriginal and treaty right. It is a good question—why does Canada not recognize aboriginal and treaty rights of general and modern application? Why is the debate around section 35 rights always framed in terms of what was of cultural significance before contact? Are the *anookeewin* and *daebizitawaugaewin* that Turtle Island peoples performed after contact somehow not central to their survival as distinct peoples with land, culture and language?

Turtle Island people are anchored in the land of their ancestors. The Dogrib have decreed that Band members returning to the reserve cannot run for Chief unless they have lived at least two consecutive years in the community immediately preceding the vote.<sup>171</sup> Without being on the land—specifically on the reserve—and without the language of the people, it is hard to retain what is bred in the bone, because what is bred in the bone of Turtle Island peoples comes from their land. Even language, as we learned from Leroy Littlebear, reflects both the landscape where the ancestors are buried and the mindscape shaped (as George Blondin suggests) by thousands of years of living in a particular place.

But, as this paper has demonstrated, there are cultural commonalities among the peoples of Turtle Island. Surely, then, there are some rights that must exist simply because Turtle Island peoples still exist—the right to earn a living from the land for example and the right to assume managerial responsibilities for the stewardship of the land—*aki*. This is more crucial for Canadians own survival than they think. For, without a Turtle Island understanding of *aki*, there is a real danger that the land and the water and all our *bin-gaedaugun* will slip away. The world’s thirst for fresh water and the changes wrought by climate change and the huge footprint<sup>172</sup> Canadians leave on *aki* are all well-documented.

But that unique Turtle Island understanding is not being recognized in Canadian environmental laws or practices; and it’s not being taught to those who will be in charge of looking out for the land. The Report of the Nawash Community Forum tells of a young man from Nawash who spoke of his feelings of alienation from the Fish and Wildlife Course at Sir Stanford Fleming (the course potential Conservation Officers must take). What he was being taught was at odds to what he had learned from his father growing up on the reserve.

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<sup>170</sup> Personal correspondence with Basil Johnston, Anishinaabe story teller and linguist. Also conveyed to Ipperwash Inquiry Commission during Community Forum at Neyaashiinigamiing September 8, 2005.

<sup>171</sup> *Tlicho (Dogrib) Land Claims and Self-Government Agreement among the Tlicho and the Government of the Northwest Territories and the Government of Canada*, Plainspeak, 2003, section 8.2.4, p 79.

<sup>172</sup> Canadians lead the world in wasting water. If the rest of the world used resources in the amount that Canadians do, we would need 4 earths to sustain us.

He felt he was being asked to choose whether he was a “preservationist” (apparently someone who would exclude humans from the wild) or a wise-use “conservationist” (someone who uses resources, but who agrees to stiff regulation). In reality Natives are neither ... and both. To exclude humans from the wild makes no sense. But regulating harvesting, at least under the Euro-centric laws and regulations governing the taking of fish and wildlife, is culturally foreign as well. Turtle Island environmental ethics are not reflected or even acknowledged in the course.

To make matters worse, there was practically no instruction on the rather narrow aboriginal and treaty rights Turtle Island peoples have managed to squeeze out of Canadian courts:

There was about an hour and a half during the whole first year devoted to aboriginal and treaty rights to fish and hunt. We were taught that the terms of the *Fish and Wildlife Conservation Act* were over here and it was our job to enforce those. But we had to keep in mind aboriginal and treaty rights, which were over there. There was no discussion of constitutional law.<sup>173</sup>

He felt that the Turtle Island way of looking at fish and wildlife were, to Canadians, not only outside the white way of looking at nature; they were outside the law as well. You can see how future Ontario Ministry of Natural Resources Conservation Officers will have a tough time understanding the Turtle Island people they will be dealing with once they get their badge.

Other Native kids were taking the course as well, but they had not grown up on a reserve. They too felt alienated, but were coming to him looking for some sort of guidance, perhaps for help to put words on what they could only feel. The home land—even the small patches of reserve land left—informs Turtle Island culture to a degree Euro-Canadians can gasp but poorly.

In contrast, Europeans seem to be able to carry their culture around like a tent. Cultural identity does not reside in the land—in movies, books, art, TVs, music, food, clothing, religion, cars, portable things perhaps—but not in land. The Turtle Island sense of *aki* and its central importance to culture is difficult to comprehend for Europeans. Many cannot see why Natives can't still be Natives once the reserves dissolve.

### **Legally ...**

Canadian courts have come a long way since *St Catherine's Millings*. They have recognized that the justice system does not treat Native people fairly and have urged governments to accommodate the vast differences between how justice is delivered in Canadian society and how it has traditionally been delivered in Turtle Island societies.

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<sup>173</sup> Personal correspondence, August 2005.

They have also recognized the importance of oral history—a good thing to, given how quickly the British misinterpreted and then forgot the relationship of the Covenant Chain. They have opened the door to the recognition of aboriginal and treaty rights and true reconciliation between Canadians and the peoples of Turtle Island—if the Crown would only walk through it.

However, Canadian courts still remain stuck in the central (and racist, according to the Australian High Court) idea that the Crown’s claim to sovereignty in Canada is legitimate. And judges (who, after, all are also products of thousands of years of western culture) are still unable to grasp some of the philosophies of Turtle Island.

Perhaps the most famous example of this, aside from *St Catherine’s Millings*, is Chief Justice Allan McEachern of the BC Supreme Court who, in the *Delgamuukw* case, heard 374 days of argument and evidence, including oral histories and descriptions of the sophistication of Gitksan and Wet’suwet’en culture and society. In his judgment, he quoted from Thomas Hobbes to summarize his opinion of the life of these Turtle Island peoples before contact with Europeans:

The evidence suggests that ...[they] were by historical standards a primitive people, without any form of writing, horse or wheeled wagons ... The Gitksan and Wet’suwet’en civilizations, if they qualify for that description, fall within a much lower, even primitive order ...

There is no doubt, to quote Hobbes, that aboriginal life in the territory was, at best, “nasty, brutish and short.”<sup>174</sup>

John Borrows uses Nanabush, the great teacher of the Anishinaabe, to gently chide the Supreme Court of Canada for some of the thinking it does on behalf of Turtle Island peoples. In “Frozen Rights in Canada”<sup>175</sup> Nanabush walks ahead of Chief Justice Lamer and, if Lamer had been paying attention to how Nanabush did things (by, for example, standing up stream of a dam before you break it), he would not have got himself into trouble in *Vanderpeet*:

The Chief Justice steps into court. He notices that Aboriginal rights are “held by [A]boriginal people because they are [A]boriginals. ... The Court must define the scope of section 35(1) in a way which captures both the [A]boriginal and the rights in [A]boriginal rights.” ... He pulls the sticks from this structure; a deluge ensues. Aboriginal rights in section 35(1) exist “because of one simple fact: when Europeans arrived in North America, [A]boriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had done for centuries.”

The Chief Justice is nearly washed away by this flood. When he pulled the sticks he was standing on the wrong side of the weir and could have been knocked over. If Aboriginal peoples have prior rights to land and participatory governance, how did the Crown gain

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<sup>174</sup> *Delgamuukw et al v Regina* 1991, in Boyce Richardson, *People of Terra Nullius*, Douglas & McIntyre, 1993, op cit. p 300

<sup>175</sup> John Borrows, “Frozen Rights in Canada: Constitutional Interpretation and the Trickster” *American Indian Law Review*, Vol 22. pp 37-64. Borrows is a member of the Chippewas of Nawash Unceded First Nation and currently Law Foundation Chair in Aboriginal Justice at the University of Victoria Faculty of Law.

their right to adjudicate here? He has to stem the flow. He has to regain his footing. He plants a flag.<sup>176</sup>

“When in doubt”, said Cabot and Columbus, “plant a flag.” And that flag, for Canadians and their courts, is the assumption of British sovereignty over Turtle Island. Once again on familiar ground the Chief Justice moves on to define what aboriginality is. He does so, says Borrows, in terms of rights frozen in time before contact:

To establish an Aboriginal right, Aboriginal peoples have to demonstrate that the practices for which they seek protection are a “central and significant part of the society’s distinctive culture.”

In its reasons for judgement [in *Vanderpeet*], the Court elaborated upon ten factors it would consider in the application of the integral to a distinctive culture test. ... They form an important insight on how the Court developed the integral test. They also demonstrate the Court’s limited cultural understanding of Indigenous communities.<sup>177</sup>

For one thing, practices that developed as a result of contact with Europeans in order to protect the integrity of Turtle Island culture and society are not to be protected under section 35 of the 1982 Constitution. Some of those practices, such as the selling of game and furs to Europeans, were also necessary to the Crown’s existence in Turtle Island. Yet the “rightful” activities of First Nations are those that existed prior to contact, preserved like some diorama in a museum.

For another, the Court’s distinctive culture test allows only limited say by the people whose rights are being defined. For example, in *Pamajewon*, the Anishinaabek came to the Supreme Court asking it to give the Crown some guidance on what rights to self-government it had. But the Court re-defined the question: do the Anishinaabek have a right to high stakes gambling? It then answered its own question: no. It ruled that high stakes gambling was not a practice before contact, let alone one that was distinctive to Turtle Island culture.

Perhaps the Court was unfamiliar with the 1993 testimony of George Blondin to the Royal Commission on Aboriginal Peoples. In “My Life in the Sahtu”, he related stories of his grandfather, Paul Blondin, who took part in gambling games involving relatively large numbers of people and for very high stakes indeed. On one trip, his side had to use medicine power to win a hand game or they would have lost everything they had and could not have returned home.<sup>178</sup>

And perhaps Ontario Conservation Officers who zealously charge First Nations’ hunters for jack lighting have not read Susanna Moodie’s account of the Anishinaabekwe who, hearing a deer in the night, grabbed her gun and went out and shot it.<sup>179</sup>

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<sup>176</sup> Ibid, p 42.

<sup>177</sup> Ibid, p 45.

<sup>178</sup> George Blondin, “My Life in the Sahtu”, op cit, pp 26-7).

<sup>179</sup> Susanna Moodie, *Roughing it in the Bush*, “The Wilderness and Our Indian Friends” op cit.

When one attempts to define the other, it is always done with reference to whatever is bred in one's bones. In the case of Canadian judges, they have the twin disadvantages of European culture and Canadian common law. Or, as Professor Borrows says,

The net effect of these ten considerations [that define what is a Native right] is to circumscribe Aboriginal rights and bring them more fully under the cultural assumptions of the common law. ... [The Court's tests] compel the conformity of Aboriginal rights to "western" formulations of law in order to find recognition and affirmation in Canada's constitution. This creates problems for Aboriginal groups since these norms are generally not sensitive to the Aboriginal perspective on the meaning of the rights at stake.<sup>180</sup>

It is not the Jesuitical supplanting of a church over a sacred burial ground; nor is it a residential school eradicating Turtle Island culture from children. And at least the Court is admitting aboriginal forms of evidence. However the Court, like Little Red Cap, is loath to wander too far from the path carved through the wilderness by European civilization and fenced off by Canadian jurisprudence. This sort of situation is not apt to bring about the reconciliation between Turtle Island and Canada that the Supreme Court seeks from section 35.

The Supreme Court of Canada makes the stream of Native rights even narrower in *R v Marshall; R v Bernard*, 2005. In *Marshall-Bernard*, Chief Justice McLachlin argues that while she certainly agrees that the Mi'kmaq have a right to trade, that doesn't mean they have a right to trade in just anything—in timber for example. She narrows the right to trade in wood to things traded around the time of a 1701 Peace and Friendship Treaty (such as canoes, baskets and toboggans) essentially freezing the right and the treaty in time.

So the Mi'kmaq argued that their right to log arose from their aboriginal title to the land the trees grew on and they were claiming title. But Chief Justice McLachlin responded that the Court (in *Adams* 1996) had rejected the view that rights flowed from an overarching right to title to the land: "It is more accurate to speak of a variety of independent aboriginal rights."<sup>181</sup> But, as we have seen, this is the antithesis of Turtle Island philosophy where *everything* comes from land—language, work, rights, responsibilities, dreams. It is improper and inaccurate to "speak of a variety of independent rights", despite the Court's assertion to the contrary.

The Court, in *Marshall-Bernard*, took great pains to translate aboriginal title into English common law. It looked at whether the Mi'kmaq successfully proved "exclusive occupation" (realizing that other aboriginal groups may have used the same territory for hunting and fishing). The Court decided that the Mi'kmaq had not met their test—that the area in question was not under their exclusive occupation, "there just weren't enough people for that." (para 79b). "Occasional forays for hunting, fishing and gathering are not sufficient to establish Aboriginal title to the land."

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<sup>180</sup> Borrows, op cit, p 52.

<sup>181</sup> *R v Marshall; R v Bernard*, 2005 SCC 43, para 53. Referred to as *Marshall-Bernard*.

In other words, if the land is empty (*ie*, if it is not being *used*) it must not belong to any one. It is *terra nullius*. *Marshall-Bernard* is haunted by the ghosts of John Locke, treaty-makers such as Sir Francis Bond Head and, incredibly in 2005, *St Catherine's Milling*.

It can be argued that the translation of aboriginal ideas of title to the English common law is impossible. Certainly, the land of a Turtle Island people is of central cultural significance. They do not have to use it for it to be so considered. Nawash fishermen used to leave whole sections of the lake alone to improve stocks. But that didn't mean they relinquished title to the lakebed and the waters above it. On the contrary, they asserted title by removing the nets of non-Native poachers. Just because a traditional territory is large does not necessarily mean it is not owned.

If the Supremes applied the logic of *Marshall-Bernard* to their own summer cottages, would they (without a deed) still own them? More to the point, if they had to translate their European ideas of title on their cottages into the aboriginal idea, they probably could not satisfy the Turtle Island definition: they gain no sustenance from the land, they have no specialized language by which to describe the land their cottages occupy; their dead are not buried there, they have no spiritual connection (except in a Romantic, Walden Pond sort of way). Their cottages are not of central significance to their culture.

As I've noted earlier, the European dialectic—of progressing from thesis to antithesis to a synthesis—is foreign to Turtle Island culture. The very methodology of the Courts is flawed. There is no synthesis, for by its very definition, a synthesis must embrace the whole of each of its parts. If there is no synthesis, there is no justice, and if no justice, no reconciliation. Reconciliation by translation is impossible. If the Supreme Court of Canada cannot do it, what hope do mere governments have?

### **... But sameness is applied**

First and foremost, the men and women of The Heritage Front believe in equal rights for all, and special privileges for none. At the present, we feel the Native Canadians enjoy certain privileges, such as special gaming rights and tax exemptions unavailable to the rest of Canada's citizens. Recognizing that previous governments have perpetrated policies in the past that have caused social and economic hardship to the Native peoples, we believe these past wrongs should be rectified and an equitable solution to all disagreements should be sought through open dialogue.<sup>182</sup>

It's tempting to ignore all the complexities of dealing with an Other and say, "We're all the same underneath all our trappings of culture, so the same laws should apply to everyone." Well, as I hope I have shown, we are not all the same and, as Murray Sinclair

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<sup>182</sup> Heritage Front, *A Statement of the Heritage Front's Position Regarding the Affairs and Rights of Native Canadians*, Press Release, January 27, 1992. Intriguingly, the press release goes on: "The Heritage Front believes in the letting each people seek their own destiny, without outside interference" and says Canada should negotiate with First Nations to set aside areas of land for their exclusive use and recognize their "absolute right of self-determination over their own future."

has hinted, when you apply the same laws to people who are not the same, the result is discrimination. If that discrimination is applied to people of a particular race, then the result is racial discrimination.

One of the best examples of how treating unlike people as though they were alike produces racial discrimination is found in the *Jones-Nadjiwon*<sup>183</sup> decision of Judge David Fairgrieve of the Ontario Court of Justice, Provincial Division. Howard Jones and Francis Nadjiwon were charged with selling lake trout (specifically “splake” a hybrid species designed to replenish trout stocks in Lake Huron and Georgian Bay). The matter before the court was whether the Saugeen Ojibway Nations—the Saugeen First Nation and the Chippewas of Nawash Unceded First Nation—have aboriginal and treaty rights to fish commercially and, if they do, whether the Crown’s infringement of those rights by its licensing scheme was justified.

The Court found that the First Nations did indeed have commercial fishing rights in their traditional waters that surrounded their traditional territories. J Fairgrieve also found that the Ontario Ministry of Natural Resources had discriminated against the First Nations by applying to them a regulatory regime that neither recognized their rights, nor accounted for the vast differences between the Native fishery and the white fishery. For example, when the MNR calculated the annual quotas for each licence holder, it applied the same method to all licence holders without taking into account that the licence held by Nawash was a communal licence and some 12-15 fishermen had to fit under the quota assigned. The quota itself was unreasonably small and inappropriate for the nature and size of the Native fishery.<sup>184</sup>

All this “equal treatment” discriminated against Native fishermen to the advantage of white commercial and sport fishermen. The court recognized the First Nations rights to fish commercially; it ruled the Crown’s infringement on those rights was not justified; and it overthrew the regulatory regime of the MNR as it applied to the Saugeen Ojibway Nations. Howard Jones and Francis Nadjiwon were free to go. It took the Crown another seven years to reconcile itself to the fact that it could not translate Native rights into its own licensing system. In 2000, the Crown finally signed a Fishing Agreement with the Saugeen Ojibway Nations that established a parallel comanagement regime,

## **OFAH & ON FIRE**

The mantra of equal rights for everyone began in Ontario in the early 1990s—not long after the Oka standoff at Kahnésatake. The Ontario Federation of Anglers and Hunters seemed to be one of the first organizations, aside from the Heritage Front, to take it up.

For example, in its paper, “Problems Arising from Sparrow: Politics vs Conservation” the OFAH states,

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<sup>183</sup> *R v Jones* (1993), 14 OR (3d) 421.

<sup>184</sup> A fuller discussion of the case and the backlash that came after is in the Nawash Community Forum Report, “Under Siege”, p 49f.

“All game and fish laws are established for conservation and resource management purposes. This means all people, regardless of race, should be subject to the same laws.”<sup>185</sup>

And, in its submission to the Royal Commission on Aboriginal Peoples:

No one group should have any more rights to natural resources than any other group. A corollary is that everyone should be subject to the same law.<sup>186</sup>

The President of the OFAH during this time was Davison Ankney who in a letter to then Minister of Natural Resources Bud Wildman dated August 15, 1991, showed a little of the old imperial logic:

We have, in 2 centuries, brought Native people out of the Stone Age and have given them written languages, modern health care, education, our technology and many other benefits.

... Before European settlement, North American Indians had the “aboriginal” rights to do whatever they, as groups, decided to do ... among other things, the right to declare war on other tribes, and depending on the group, the “right” to practise human sacrifice and slavery.

Ironically, in the summer of 1995, about the time their campaign against special rights for Natives reached a fever pitch, the OFAH began to lobby the Harris government for legislation that would recognize the right to hunt and fish for sport—a kind of sportsmen’s bill of rights. Their argument, first trotted out to the Royal Commission on Aboriginal Peoples, was based on their view that sport hunting is the modern equivalent to their settler ancestors’ practice of hunting for food, which they characterized as a right. Moreover, as hunters and fishermen, they, just like Natives, derive a spiritual connection to their prey and to the forests they hunt in. This “spiritual” and “heritage” activity should be recognized and protected in legislation.

So, in November 2001, the Harris government tabled Bill 135, the *Heritage Hunting and Fishing Act, An Act to recognize Ontario’s recreational hunting and fishing heritage and to establish the Fish and Wildlife Heritage Commission*. Article 1(1) states: “A person has a right to hunt and fish in accordance with the law.”

The law is fairly innocuous, a political sop to a valued constituency. It is however, a parody of Turtle Island peoples’ constitutional rights and, in that sense, it is not so innocuous. It also established the Fish and Wildlife Heritage Commission which is dominated by sportsmen and makes strong recommendations to the Minister of Natural Resources on how to spend the roughly 50 million dollars Ontario collects in licence fees and other revenues from the sport hunting and fishing industry.<sup>187</sup>

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<sup>185</sup> Ontario Federation of Anglers and Hunters, “Problems Arising from Sparrow: Politics vs. Conservation”. p.13, 1994.

<sup>186</sup> Ontario Federation of Anglers and Hunters. 1993. *Self-Government and Comanagement in Ontario: The OFAH Submission to the Royal Commission on Aboriginal Peoples*. Peterborough, 1993, p.10.

<sup>187</sup> See section on the *Heritage Hunting and Fishing Act 2001* in McLaren, “Analysis of Current Policy of Ministry of Natural Resources,” Chippewas of Nawash Unceded First Nation, 2001 p 9, at <http://www.bmts.com/~dibaudjimoh/page111.html>. 2 August 2005.

ON FIRE (the Ontario Federation for Individual Rights and Equality) rose to some prominence in opposing the establishment of a reserve for the Caldwell First Nation and during the fracas at Ipperwash. For a number of years, they exerted some influence on the public's perception of Turtle Island peoples in southwest Ontario. On the group's website are records of meetings that included the Federation of Cottagers of Ontario (which agreed to act as a branch of ON FIRE), Justice Rob Reid, Rosemarie Ur then an MP in the area, Marcel Beaubien MPP for Sarnia-Lambton, Gordon Minielly, the Warden for Thedford-Bosanquet.<sup>188</sup>

Regarding the Royal Commission on Aboriginal Peoples, ON FIRE posted this on its website:

We do want to point out that this Commission was composed of native Indian radical activists and their sympathizers: we are aware of no one on the Commission who can claim objectivity. As such, what has been produced is a wish list for the native Indian leadership calling for - what else - more money. We don't buy this. ...

Canada has, since Confederation, pursued a policy in regard to Indians which is fatally flawed. This policy discriminates on the basis of race and treats Indians as members of a collective group rather than individuals. The original intentions were good: there was a sincere desire to protect the Indians from exploitation. The results, however, has been disastrous for the Indians and has led us to the quagmire of negotiations and confrontations which we find ourselves in now.<sup>189</sup>

It takes a little work, but in the confusion of emotion and logic, it is possible to tease out what is bred in the bone. In the ON FIRE web writings, there is the emphasis on individualism and individual freedom, a main pillar of western European culture. There is, of course, a lot of other things at work here as well: the denial of the historical fact that Turtle Island peoples were here first; the denial of the significance, let alone the terms, of the treaties; an ignorance (or an ignoring) of the Constitution and the numerous court cases that recognize Native rights; an ignorance of Turtle Island culture and a denial it is different from Euro-Canadian culture.

In the writings of the OFAH are the old settler notions of entitlement—we pay for fish and wildlife management, so we are entitled to say how that management is carried out. Natives pay nothing and do nothing, so they should have no say.

In fact, one of the reasons Native people do not get involved in deer habitat improvement or stream rehabilitation is because they believe in letting *aki* be, and leaving natural ecological processes to heal the damage. Of course that depends on removing the thing that caused the damage. But much of the harm has been done by Canadian environmental practices and, to Turtle Island eyes, mis-management. Removing the harm, according to Turtle Island protocol, is the job of those who did the damage in the first place, and it

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<sup>188</sup> Record of Community Information Meeting, November 3, 1995, from ON FIRE website, accessed February 17, 1997.

<sup>189</sup> "Royal Commission: \$58 Million Waste." From ON FIRE website, accessed February 17, 1997.

would be impolite, if not unethical for Turtle Island people to tell Canadians how to do that and how to properly treat *aki*—unless they were asked.<sup>190</sup>

Wrapped up in the OFAH's sense of entitlement is the old European belief that one can add value to nature by working it or improving it in some way. This "pride of place" is fused with a more recent belief that western science now knows enough to allow humans to tinker with complex ecosystems. If something does go wrong, technology based in rational science will help fix it. There is nothing in Turtle Island philosophy that would enable its peoples to interfere with creation to the extent western eco-engineering (or even MNR management) does.

The whole notion of "equal rights for all" could be dismissed as sour grapes, or rights envy, or even freedom of speech were it not for the consequences it holds for the peoples of Turtle Island. Because, when "equal treatment" is applied by the Crown or its agents, it has a devastating impact on First Nations' peoples.

### **Harris & Hodgson**

In May 1993, just before he was elected Premier of Ontario, Mr. Harris said, in an article in *Ontario Out of Doors*,

Unless a Supreme Court decision gives [sic] an Indian band special aboriginal rights to game and fish, Natives and non-Natives should be treated alike. ... The orders from Mike Harris will not be same as they are from Bob Rae to lay off.<sup>191</sup>

His feelings about Natives (as opposed to the current government's policy) were more clearly articulated in an interview in the *Peterborough Examiner*, October 29, 1994:

There's a whole notion of guilt because native people haven't fully adapted from the reservations to being full partners in the economy ... Too many (Natives) spend all their time on courts and lawyers and they just stay home and do nothing."

Chris Hodgson, shortly after being made Minister of Natural Resources in the new Harris government, said in *Ontario Out of Doors*,

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<sup>190</sup> And the Supreme Court of Canada, in *Haida* 2004 SCC 73 and *Taku* 2004 SCC 74 and other, more recent decisions such as *Mikisew* 2005 SCC 69, have told the Crown it must ask First Nations. The duty to consult is very clearly laid out in these court decisions, but the Crown has refused to consult with First Nations in Ontario. The Saugeen Ojibway Nations have asked for consultation on source water protection, on the Annex Agreements, and on a program review of the MNR's Fish and Wildlife Program. All 3 requests are, at this writing, being stonewalled.

<sup>191</sup> "Tory Leader Mike Harris Speaks Out on Game and Guns", *Ontario Out of Doors* interview, May 1993, p.61. Mr. Harris also told the Algonquin Land Claims Alliance that he would scrap the Province's Interim Enforcement Policy (IEP) that gave Natives "special hunting and fishing rights" (*Ontario Out of Doors*, August 1995, p.40). Chris Hodgson, as Minister of Natural Resources, did scrap the IEP and brought in the Aboriginal Compliance Guidelines. However, as a consequence of *Perry v. Ontario* (both before J Cosgrove at the Ontario Court of Justice, General Division, in 1996 and before the Ontario Court of Appeal in 1997) the MNR re-instated the IEP and amended it to embrace Métis.

As far as I'm concerned, conservation of species takes precedence over the race of the hunter. Conservation laws should be enforced equally."<sup>192</sup>

And in an article in the *Toronto Sun* on April 4, 1996 on the Ontario government's new policy to allow farmers to shoot deer raiding their apple orchards, Hodgson, as Minister of Natural Resources said that while hunting deer out of season will be new for farmers,

"It's been done by the First Nations. But that hasn't been within the law,"

From "equal treatment" and "same laws for everyone" it is a short hop to seeing Natives who practice their aboriginal and treaty rights as criminals. For Turtle Island people, it's a catch 22 if ever there was one. The courts recognize Native rights to hunt or to fish. The Crown adopts a policy in response to the courts' decision (in Ontario it is the Interim Enforcement Policy). The "special treatment" violates some people's ideas of "equal rights" and "same treatment". And presto, Natives who legitimately practice their rights find themselves, notwithstanding the constitution, the courts and official government policy, branded as criminals.

The Ontario Federation of Anglers and Hunters was certainly at the forefront of the criminalization of Native rights in Ontario. For example, from the OFAH kit sent to its clubs in 1993 to help them recruit members, Natives are alleged to be:

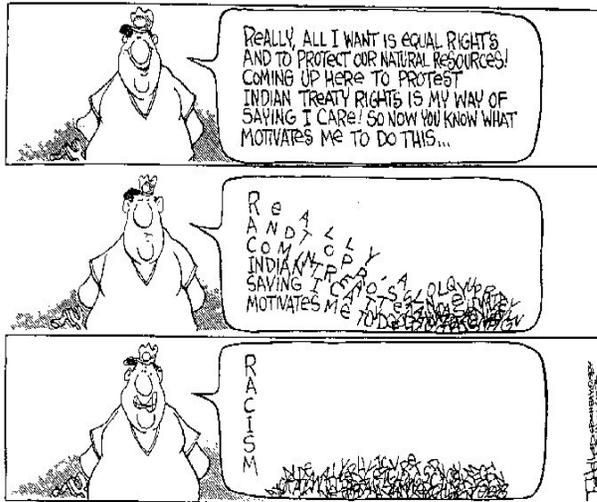
abusing fish and wildlife resources. ... So ... the carnage goes on. Spawning fish continue to be taken, pregnant deer and moose killed, wild turkeys shot and sold.<sup>193</sup>

The rationale for the OFAH and Common Sense Revolution attacks on Native rights in the mid-1990s was their deep concern for conservation of fish and game stocks—stocks that, because of OFAH-MNR management, have been artificially inflated for decades, sometimes at the expense of biodiversity. Some of the media that followed the fishing war between tribes and sportsmen in the US Great Lakes states ten years earlier caught the hypocrisy ...

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<sup>192</sup> "The New Minister of Natural Resources", *Ontario Out of Doors* interview, August 1995, p.40.

<sup>193</sup> For more quotes, see <http://www.bmts.com/~dibaudjimoh/page13.html>. And for a more complete analysis on the impact of the OFAH anti-Native rights campaign on the Saugeen Ojibway Nations see "Under Siege" op cit, section B3 "Fishing Rights, 1990-1995."



From *Green Bay Press Gazette*, 1989.<sup>194</sup>

The hate laws in Ontario were not strong enough to deal with the attacks on Native rights and many felt what the anti-Native rights lobby said about Native communities, hunters and fishers should be protected as free speech. On the other side, to quote Hadassa Ben-Itto, the author of *The Lie That Wouldn't Die*,

Lies and libels that set up a group of people as scapegoats, hate targets, potential victims of murder and extermination, should not be protected as free speech.<sup>195</sup>

### MNR Policy & Practice

Concomitant to the verbal assaults on Native rights from the OFAH, MNR Conservation Officers were going after Native hunters on Manitoulin Island with Operation Rainbow, a sting in which Officers posed as Americans and paid Native hunters to shoot deer for them. A sting at the Delaware of the Thames resulted in charges against a Native man who sold fish out of his store on the reserve.

But crimes against Native hunters and fishers were ignored. Neither the MNR nor the OPP investigated the theft of thousands of meters of Nawash and Saugeen fishermen's nets out of the waters of Georgian Bay and Lake Huron. And, according to a survey of First Nation fishing operations in Ontario, Turtle Island peoples are still experiencing official and unofficial harassment on their traditional fishing grounds.<sup>196</sup>

<sup>194</sup> Reproduced in *Walleye Warriors*, by Rick Whaley & Walt Bresette, NSP, PA 1994.

<sup>195</sup> Hadassa Ben-Itto, *The Lie That Wouldn't Die: The Protocols of the Elders of Zion*, Vallentine Mitchell, in *The Times Literary Supplement*, February 24, 2006, p 7.

<sup>196</sup> See "Under Siege", section B3, "Fishing Rights, 1990-1995." and B4, "Potential for Future Confrontation."

An examination of nine MNR policies and legislative initiatives I did in 2001 for the Chippewas of Nawash Unceded First Nation<sup>197</sup> shows just how toxic the Crown's regulatory atmosphere has become for First Nations. For example, the *Fish and Wildlife Conservation Act, 1997* contains not one reference to aboriginal rights, not even to say the *Act* must not abrogate or derogate from those rights.

Another example from that policy analysis is the Forest Accord and the resulting forestry policy, Ontario's Living Legacy. In May 1999, the Canadian Environmental Law Association wrote a damning critique of the proposals that came out of the Lands for Life consultation (a consultation from which Nishnabe Aski Nation withdrew because their rights and claims were being ignored). From the CELA critique:

The drawing of the boundaries of parks and protected areas without First Nation agreement may be a violation of Condition 77 [of the Timber Management Class EA] and may further be a violation of the Ontario government's fiduciary duties to First Nations.<sup>198</sup>

The Accord and the [Lands for Life] Strategy do contain rhetoric to the effect that the existing rights of Aboriginal peoples are not affected by the Accord. However, there is no provision as to how traditional uses of the land will be protected; or as to what will happen if the planned forestry activities are inconsistent with traditional and Treaty rights to use the land. There is no recognition of the fiduciary duties owed to First Nations peoples by the province in accordance with recent Supreme Court of Canada jurisprudence such as the *Delgamuukw* decision.<sup>199</sup>

The Nawash MNR Analysis concludes:

The resource management policies of the Ontario Ministry of Natural Resources are prejudicing Natives' constitutional aboriginal and treaty rights. Although the argument is made that government policies cannot trump First Nations' constitutional rights (some even contain a non-derogation clause), their practical effect is already denying Native people recognition and enjoyment of their rights and is excluding First Nations from the management of resources in their own traditional territories. Given the well-publicized guidance of the courts, the Convention on Biological Diversity and the Royal Commission on Aboriginal Peoples, one is left with the awful feeling that the Ontario government knows very well the debilitating effect its policies are having on First Nations peoples and government.

To quote from the Supreme Court in *Delgamuukw*: "Legislative objectives are subject to accommodation of the aboriginal peoples' interests. This accommodation must always be in accordance with the honour and good faith of the Crown."<sup>200</sup>

There is no indication that any of the MNR policies examined fulfilled the instruction of the Court in *Delgamuukw*. And there is no evidence the MNR properly consulted (as now defined by *Haida* 2004 SCC 73 and *Taku* 2004 SCC 74) First Nations on any of the

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<sup>197</sup> McLaren, "Analysis of Current Policy of Ministry of Natural Resources," op cit at <http://www.bmts.com/~dibaudjimoh/page111.html>. 2 August 2005.

<sup>198</sup> More properly, it is a clear violation of the Ontario Crown's duty to consult FNs as stipulated by the Supreme Court of Canada in *Haida* 2004 SCC 73 and *Taku* 2004 SCC 74 and in other decisions since.

<sup>199</sup> McLaren, "Analysis of Current Policy of Ministry of Natural Resources," p 4.

<sup>200</sup> *Ibid*, p 18.

policies and legislation I looked at. If First Nations received any notice at all of policy and legislative change, it was the same notice the public and stakeholders received and that, the courts have ruled, is inadequate.

While it may be that the notion of “same treatment” is nourished by deep cultural roots, just as the earlier notions of mission and empire were, cultural imperatives are not an excuse for the harm any of those ideas have done to Turtle Island peoples. The focus is properly on the effect. In this case, the effect of the argument “we are all the same” is to nullify the peoples of Turtle Island. It effectively makes them disappear from the Euro-Canadian mind. Bred in the bone or not, intended or not, the effect of the “equal rights” argument, especially if it finds its way into government policy, is to make an entire race disappear.

Here is how the Saskatchewan Conference Church Society Committee put it in their report, *Beyond Ethnocentricity*:

[Racism begins] first by exaggerating the differences between those with power and those without, and then by assigning values to these differences. The assigned values are made to stick and eventually to become part of the “natural” order of society. ...

Once the situation has jelled and powerful and powerless alike have begun to “breathe” such attitudes, then it is safe as a precautionary measure against change to do two things: to stress the flexibility of the situation by pointing to carefully selected “token members” of the powerless who have entered the ranks of the powerful; and to verbally minimize the still all-important differences and to insist that all are equal. Whereas initially, it was important to stress the differences, it now becomes advantageous to stress the sameness--the equality of *all* --in order to effect the same racist ends.<sup>201</sup>

### **Main-Stream Journalism**

Since the late 1990s, it has become unfashionable among journalists, to betray sympathy for the peoples of Turtle Island. If you do, you are labelled “politically correct” (PC for short) and it has become the mark of a “true” journalist and a “courageous” columnist if he or she writes “politically incorrect” articles. So it has become fashionable, in the name of good journalism, to strip away the clothing and rhetoric of those in the “Indian industry” and get a peak at the naked truth.

No one should have a problem with the truth. However, as this paper indicates, when it comes to Turtle Island peoples and their culture, Canadians are likely to get the story wrong. Even the Supreme Court of Canada gets it wrong. So there is a good chance journalists and columnists who decide to stroll through the mindscape of Turtle Island are not likely to get it right, especially if they themselves don’t make regular visits to Turtle Island country, which they don’t.

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<sup>201</sup> “Under Siege”, op cit in Appendix E: Definition and Checklist for Racism.

For me, the last real Canadian journalist covering Native issues in Canada was the very English Peter Moon of the *Globe and Mail*. Notwithstanding his editors' "requests" to refrain from doing Native stories and stay closer to home, Moon would land in remote reserves across the country and bring back incredible stories that were so well researched and written, they often ended up on the front page.<sup>202</sup> No one is doing that sort of journalism any more. At most, reporters fly into a First Nation in crisis, do their story and fly out, as they did at Kashechewan. You cannot know a people and a culture and hope to present a balanced story if that is what passes as journalism. Even the western reporters in Iraq stay for longer than that.

A complete analysis of main-stream Canadian journalists and columnists must wait for another paper. However, just as it is important to discover what was in the popular mind at the turn of the 20<sup>th</sup> Century by looking at the poetry of Kipling and the ads and cartoons it inspired, so it is important to look at what appears on the street at the turn of the 21<sup>st</sup> Century.

Tom Flanagan's *First Nations? Second Thoughts* is proof of the thesis of this paper. Mr. Flanagan has written a well-researched and insightful book ... on Euro-Canadian culture. Steeped as he is in western European culture, he is completely unable to lift his head above the water in order to see Turtle Island culture or even to acknowledge the vast difference between that culture and his. He ends up translating Turtle Island culture into Euro-Canadian culture. As we have seen, that is a feat not even the Supreme Court of Canada can do, but at least the Court, unlike Mr. Flanagan, doesn't completely nullify the existence of Turtle Island.

We had better look at some examples.

For one thing, the reader of *First Nations? Second Thoughts* hears very little from Turtle Island voices. By 2000, the year the book was published, a great deal of work had been published or recorded by Turtle Island writers, scientists, historians, and artists. Yet their voices are heard only occasionally in the book, and when they are, they are often dismissed, as is Chief Seahtl's speech on the environmental ethic of Native peoples.<sup>203</sup>

For another, Flanagan spends a lot of time defining his terms, which is good academic practice, even to the point of reaching back into the Greek and Roman roots of key words such as "civilization", "culture" and "property." But then he applies these definitions to Turtle Island societies, they do not fit the definitions and Native societies are therefore judged as lacking. He makes no attempt whatever to use the same method for key aboriginal words. Would he reach the same conclusions about Turtle Island society and culture if he consulted aboriginal teachers and elders about the concepts contained in words such as *aki* or *bin-gaesdaugun*? Would Euro-Canadian society come out looking as good if he had applied Turtle Island cultural values to it—taking from the land only what

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<sup>202</sup> Personal correspondence with Peter Moon, November 1999.

<sup>203</sup> Seahtle's "web of life" speech is dismissed as the product of a white script writer. It may be, but Flanagan does not stop to ask whether it is an accurate reflection of Turtle Island environmental philosophy. It is. (See McLaren, "Lost Words", *Alternatives Journal* 29:1, Winter 2003.)

you need to make a moderate livelihood, for example; or not interfering in the path of another, or reconciling people who have offended with those they have wronged?

In chapter 1, Mr Flanagan lays out his purpose: to critique the politically correct “Aboriginal Orthodoxy” as it finds expression in the Report of the Royal Commission on Aboriginal Peoples. There are eight propositions to the orthodoxy that he summarizes, the first three of which merit discussion in this paper:

1. Aboriginals differ from other Canadians because they were here first.

Aboriginal people were in almost constant motion as they contested with each other for control of land. In much of Canada, their present place of habitation postdates the arrival of European settlers. Europeans are, in effect, a new immigrant wave, taking control of land just as earlier aboriginal settlers did. To differentiate the rights of earlier and later immigrants is a form of racism.<sup>204</sup>

2. Aboriginal cultures were on the same level as those of the European colonists.

European civilization was several thousand years more advanced than the aboriginal cultures of North America, both in technology and in social organization. Owing to this tremendous gap in civilization, the European colonization of North America was inevitable and, if we accept the philosophical analysis of John Locke and Emer de Vattel, justifiable.

3. Aboriginal peoples possessed sovereignty.

Sovereignty is an attribute of statehood, and aboriginal peoples in Canada had not arrived at the state level of political organization prior to contact with Europeans. The “inherent right” of self-government” would be acceptable in contemporary Canada if it had the same meaning as the American formula of “domestic dependent nations” possessing “tribal sovereignty”; but in fact it means much, much more.

At least Mr Flanagan is honest. He identifies his core beliefs early:

- Society is a spontaneous order that emerges from the choices of individual human beings.
- Although it is imperfect, representative government under the constitutional rule of law is the only form of government yet discovered that promotes individual freedom while protecting the spontaneous order of society. ... When government sorts people into categories with different legal rights, especially when those categories are based on immutable characteristics such as race and sex, it interferes with social processes based on free association.
- The only economic system that has brought a high standard of living to a complex society is the free market ... it is the most effective method ever discovered for inducing self-interested individuals to serve the needs of others.
- Threads of progress are visible in the fabric of civilization. Developments in science and technology have led to a cumulative increase in mastery of nature. Advances in social organization have created larger and more complex societies, thus making the division of labour more elaborate and complex. These developments have led to increases in human numbers and longevity, the flowering of the art and sciences, and a refinement of human relationships, manifest in the abolition of slavery, democratic control over government, and

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<sup>204</sup> All quotes here from Tom Flanagan, *First Nations? Second Thoughts*, p 6. Actually, all eight of his ripostes to the “Indian Orthodoxy” merit deconstruction, but there is room in this paper only for a cursory examination of the first three.

legal equality between women and men. Although the word “progress” is out of fashion, there is no other term to describe such achievements.<sup>205</sup>

Now there is nothing wrong with these beliefs, as long as Mr Flanagan keeps them to himself, or uses them in analyses of western European cultures. But he doesn't. He applies them to Turtle Island society and only adds to the confusion Canadians already have about First Nations' people. In the process of translating Turtle Island people into Canadians he commits another academic sin: he re-writes history.

In reaching his conclusion, in chapter 2, that most First Nations only recently inhabited their treaty areas, he is trying to undermine the first “Indian Orthodoxy”—that Turtle Island people have a legitimate prior claim to land title and aboriginal and treaty rights. But much of his argument is admittedly based on the fact that European expansion caused, directly or indirectly, much of the “constant motion” of aboriginal people. He uses the fact of colonization to undermine the fact of prior occupancy. It's a bit like arguing that the people of an invaded country have no prior claim to their homelands.

In finding that First Nations had no permanent abode and only vague, flexible boundaries to their territories, he dismisses the boundaries of traditional territories outlined in the treaties. He also completely ignores aboriginal oral history. There is no mention, for example, of old Anishinaabe stories that put the Anishinaabek in the Great Lakes Basin at the time of the last ice age—the stories of the ice-runners, or of the land bridge between the tip of the Bruce Peninsula and the north shore of Lake Huron, or the stories of Nanabush fighting the giant beaver Waabamik and how that battle created the Great Lakes.<sup>206</sup>

He also ignores the Turtle Island practice of taking in refugees from colonial expansion, as the Anishinaabek of the Bruce Peninsula did for the Potawatamie and some Mohawks and others. Rather, he insists that the immigration of Europeans into North America is no different than the immigration of people from Siberia during the last ice-age, never mind that the Bering Street Bridge theory is quickly eroding.

Canada treats status Indians as a separate racial group. Call them Siberian-Canadians. The attribution of privileges to Siberian-Canadians on the basis of ancestry is anomalous in a liberal democracy because it contradicts a fundamental aspect of the rule of law—treating people for what they do rather than for who they are. Indians did not do anything to achieve their status except to be born.<sup>207</sup>

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<sup>205</sup> Ibid, pp 8-9.

<sup>206</sup> Stories of the Ice-Runners—people who ran from community to community over the ice pack are supported by islands of land forms found south of the Great Lakes that escaped glaciation (personal correspondence with Dave White, Head, Environmental Office for Bkejwanong FN). Recent underwater geological mapping by the Bruce National Park revealed geological features and events which existed some 10,000 + years ago that are reflected in old Anishinaabe stories (personal correspondence Lenore Keeshig-Tobias, National Park Service; also documented by Discovery Channel).

<sup>207</sup> Ibid, p 24.

In nullifying the assertion of Turtle Island peoples that they “never forfeited their right to govern themselves,”<sup>208</sup> Flanagan ignores the long, documented history of the Covenant Chain. He especially ignores the admonition of the British negotiator at the Treaty of 1764, Sir William Johnson, to his superiors that “none of the Six Nations, Western Nations &ca. ever declared themselves to be Subjects” (see above).

In the face of both Canadian and Turtle Island history, Flanagan asserts that British imperial power was, “for the most part, established peacefully and humanely.” He then launches into what amounts to a defence of colonialism by saying we should look on the European incursion as just another wave of immigrants who happened to have, “lighter-coloured skin.”

At bottom, the assertion of an inherent right of aboriginal self-government is a kind of racism. It contends that the only legitimate inhabitants of the Americas have been the Indians and the Inuit ... [They too were immigrants, from Siberia] and had the right to drive each other from different territories as much as they liked, even to the point of destroying whole peoples and taking over their land, but Europeans had no similar right to push their way in.

Another distinction between Europeans and Siberians in the Americas is that the Europeans were civilized, while the earlier inhabitants were not.<sup>209</sup>

In the next chapter Flanagan writes a cogent little essay defining civilization entirely as a product of western European progress. He then dispatches any talk of Turtle Island civilization as simply not up to snuff. It is, essentially, the old self-fulfilling prophecy of the colonists.

Civilization, for Flanagan, is reached when a society acquires certain attributes: intensive agriculture, urbanization, sophisticated divisions of labour, intellectual advances such as writing and astronomy, advanced technology, and a formal, hierarchal government.<sup>210</sup> It is not the place of this paper to make the case that Turtle Island societies before contact had these attributes—that has been done elsewhere.<sup>211</sup> It is the place of this paper to point out how inappropriate the yardsticks used by authors such as Tom Flanagan are and how inept their analyses must be when they apply them to Turtle Island culture.

All the attributes of civilization selected by Mr Flanagan depend on a large environmental footprint. The resources of the earth are stretched to provide the raw materials for the urban, technologically adept societies that serve as Flanagan’s model. As for the government of civilized states, we have already heard evidence from early white hostages that its hierarchal nature was not nearly as attractive for freedom-loving individuals as Flanagan would have us believe.

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<sup>208</sup> Ibid, p 24.

<sup>209</sup> Ibid, p 25.

<sup>210</sup> Ibid, p 33.

<sup>211</sup> See for example, David F Peat, *Blackfoot Physics* (Phanes 1994), Gregory Cajete, *Native Science* (Clear Light, 2000), Charles C Mann, *1491: New Revelations of the Americas Before Columbus* (Vintage 2006).

In other words, what Flanagan finds civilized, Turtle Island people might find barbaric. The context with which Mr Flanagan frames Turtle Island society does not fit. In fact, at bottom, his stated notions of the superiority of his race's culture over that of Turtle Island's is getting very close to two of the Oxford English Dictionary's definition of racism:

1. a belief in the superiority of a particular race;
2. prejudice based on this.

So close in fact that Mr Flanagan takes a time out to respond to this charge:

Drawing a distinction between civilized and uncivilized is sure to be denounced as ethnocentric and probably racist. ... But civilization as explained here is an objectively definable way of life, and societies that adopt it obtain a demonstrable increase in power over nature and over uncivilized societies.<sup>212</sup>

Well, yes, *if* you define civilization in terms of your own culture and *if* you believe that power over nature and the Other are marks of civilized behaviour.

Mr Flanagan uses the same methodology in chapter 3 ("the Fiction of Aboriginal Sovereignty") as he does in the previous chapters: he defines sovereignty entirely in terms of western European notions of what it is and then applies his definition to Turtle Island and (surprise) finds that First Nations are neither nations nor sovereign. To do this he must defend what the High Court of Australia has found indefensible—the idea of *terra nullius*.

When they [Europeans] spoke of *terra nullius*, they meant that the New World did not belong to anyone in the sense that no sovereign power ruled it, and therefore they [Europeans] could assert the sovereignty of their own states. The high-water mark of this doctrine was the Berlin Conference of 1885, which declared that all parts of sub-Saharan Africa were *terrae nullius*. After that meeting, the major European powers quickly proceeded to divide up the continent.<sup>213</sup>

Flanagan recognizes that subsequent international forums have condemned the Berlin Conference, as the International Court of Justice did in 1971:

It was a monstrous blunder and a flagrant injustice to consider Africa south of the Sahara as *terrae nullius*, to be shared out among the Powers for occupation and colonization.<sup>214</sup>

However, he insists that the Court did not condemn the concept, only that it did not apply in this case because the Court also found that "the African peoples had founded states and even empires of a high level of civilization."

Flanagan's sophistry is used to undermine the Royal Commission on Aboriginal Peoples's ideas of sovereignty as they find expression in the Commission's assertion of an inherent right of self-government. He finds these ideas dangerous for Canada:

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<sup>212</sup> Tom Flanagan, op cit, p 46.

<sup>213</sup> Ibid, p 56.

<sup>214</sup> The International Court of Justice, in Ibid, p 57-8.

In short, the claim to possess an inherent right of self-government, as that phrase is understood in Canada today, is an assertion of sovereignty contrary to the history, jurisprudence, and national interest of Canada.<sup>215</sup>

Tom Flanagan is deceiving himself. He can prove his thesis that First Nations are not what they say they are only by trapping Turtle Island in his own, bred-in-the-bone Euro-Canadian culture—much as Chief Justice Lamer did in *Vanderpeet. First Nations? Second Thoughts* is the fruit of the tree of knowledge Flanagan assumes he has of what is good for Turtle Island people and evil for Canada. He offers us this fruit as good to eat. If we bite, we too will deceive ourselves that the policies, practices and legislation that flow from Flanagan's book will be good for Canada or even, for that matter, good for First Nations.

Mel Smith's *Our Home and Native Land?* (1995) was one of the first mainstream journalistic books to take a "politically incorrect" look at the relationship between Canada and Turtle Island. It is a good chronicle of land claim negotiations and rights disputes from the point of view of a top-ranking British Columbia civil servant.

He is honest in his disagreement and disappointment with how much land and power provincial and federal governments are, in his opinion, giving away to First Nations. For most of the book he does not try to translate Turtle Island. There is very little evaluation of Turtle Island culture and society in terms of Euro-Canadian cultural values, and one is free to examine his research and agree or disagree.

In the last two chapters, however, Smith falls into the same trap Tom Flanagan set for himself. He applies his own cultural values in assessing why government policies are failing and in recommending a new direction.

For example, in his chapter 11, "The Reasons for Failure", Mr. Smith says the Native policies of provincial and federal governments "are based on race" and are therefore comparable to the apartheid of South Africa. This is a parody of history, for apartheid and the hated "homelands" were not entirely abolished until after power was returned to South Africa's indigenous people. As for Canada's raced-based policies, many of them (such as Ontario's Interim Enforcement Policy regarding First Nations' harvest of fish and wildlife) are reasonable responses to the constitutional reality of section 35 and to decisions of the Supreme Court of Canada.

What transpired before 1982 and the Court's decisions, is more properly labelled as race-based. The *Jones-Nadjiwon* decision of 1993 (discussed above) shows just how Native people were excluded from resources such as, in this case, the Lake Huron commercial fishery, and how that exclusion discriminated against the people of the Saugeen Ojibway Nations.

For Mr. Smith, the only solution to the "Indian problem", as Duncan Campbell Scott termed it, is complete and speedy assimilation. He recruits Tommy Douglas to his cause

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<sup>215</sup> Ibid, p 66.

by attributing to him the opinion that Canada should close reserves and integrate Native people into Canadian society as quickly as possible.<sup>216</sup> If Canada's unofficial poet laureate and its "Greatest Canadian" cannot see that such a solution would lead to the destruction of Turtle Island's remaining peoples, what chance do mere journalists have?

The guide Mr Smith would have Canadians follow is the "rule of law".<sup>217</sup> But whose law, Turtle Island's or Canada's? For Mr Smith it is Canada's as defined in entirely Euro-centric terms. He then lists a number of examples where he feels the rule of law has been ignored:<sup>218</sup>

- The establishment of Nunavut
- The signing of land claim agreements in BC that extend to First Nations "a cornucopia of land, money resources, and power."
- The "wholesale giveaway of massive chunks of the NWT and Yukon."
- Specific claims and treaty land entitlements that "would be thrown out of court if ordinary legal principles (which apply to all other Canadians) were applied in these cases."
- The recognition of First Nations' commercial fisheries in BC.
- The recognition of First Nations' inherent right to self-government.

In conclusion, Mel Smith quotes from a Dr Keith Martin a British Columbia MP who had worked with First Nations people in northern BC. It is the old boot-strap argument:

It is incumbent on the native people to ask themselves what they can do to help themselves. In my discussions with native people, it has been sorely lacking. They speak about getting back pride and self-reliance. I can tell members that the only way to get back pride and self-reliance is if you earn them yourself.

These sorts of arguments always beg the question, "whose bootstraps?" Usually the speakers don't mean Turtle Island bootstraps. If they did they would have to return to Turtle Island peoples their land base and resources.

Or, as Pauline Johnson, the Mohawk poet, put it in the late 1800s:

What have you left us of land, what have you left us of game?  
What have you brought of but evil, and curses since you came?  
How have you paid us for our game? how paid us for our land?  
By a *book*, to save our souls from the sins *you* brought in your other hand. ...  
Give back our land and our country, give back our herds of of game;  
Give back the furs and the forests that were ours before you came;  
Give back the peace and the plenty. Then come with your belief,  
And blame, if you dare, the hunger that *drove* him to be a thief.<sup>219</sup>

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<sup>216</sup> Melvin Smith, "Our Home Or Native Land?" 1995, p 251.

<sup>217</sup> Ibid, p 256.

<sup>218</sup> Ibid, p 257.

<sup>219</sup> E Pauline Johnson (Tekahionwake), *Flint and Feather*, p 13-4. From "The Cattle Thief" a poem about a Cree chief forced to steal a cow to stave off starvation and was hunted down and killed by the Englishmen he stole from.

Mel Smith's solutions for the "Indian problem" in his final chapter "New Directions" are not new at all. They are a re-hashing of Duncan Campbell Scott's: enfranchisement (Smith calls it "self-reliance") and assimilation (he calls it equal treatment under the law).

He recommends doing away with programs, policies, legislation and practices that "separate natives from their fellow Canadians" and build self-reliance with education, technical training, small business assistance and the like. He would not do away with aboriginal and treaty rights or reserves—those things that are protected by the law and the Constitution. Everything else, however, must be subject to the rule of law and equal treatment before the law.

He advocates ratification of new treaties by referendum. But First Nations would have to agree to extinguishments of all rights and claims not protected by the treaty—a practice the UN has condemned.

Reserve lands would be "rationalized"—that is, a Band that has more than one reserve would be encouraged to trade some of the reserve lands for land contiguous to the main reserve. Smith would like to see ownership of reserves transferred outright to Bands. Then they could borrow money against their reserve land and, as long as the community approved, even sell off parts of their reserves to anyone, including non-Natives.

As US tribes have found, policies and legislation, such as the *Dawes Act* of 1887, that encourage the sale of reserve lands, hastens, not the self-reliance of landowners so esteemed by Europeans, but the annihilation of Turtle Island peoples. From the Trail of Tears of 1838 to the repeal of the Dawes Act by President Roosevelt in 1934, all attempts to separate Turtle Island people from their lands as a way to encourage assimilation met with disaster.

Both *First Nations? Second Thoughts* and *Our home Or Native Land?* are more important than simply examples of flawed applications of cultural definitions. Mr Flanagan's high-ranking position in Conservative Party of Canada means his particular translation of Turtle Island may well become government policy. And Mr Smith was BC's "ranking official on constitutional law and constitutional reform issues for four successive provincial administrations from 1967 to 1987."<sup>220</sup> He remains in a position of influence.

Both books demonstrate just how incompatible, unsynthesizable, and unknowable Turtle Island is even for otherwise intelligent Canadians. The influence of western European thought is too strong for them to step outside the cave of their own culture (to borrow Plato's metaphor) and see the Other with any kind of clarity at all. No synthesis between Canada and Turtle Island is possible—reconciliation maybe, but that will come only when Canadians stop imposing their own cultural frames of reference on Turtle Island cultures and peoples. When that happens, they might see Turtle Island for the first time.

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<sup>220</sup> Ibid, quoting the dust jacket.

In the years after the publication of *Our Home Or Native Land?* the politically incorrect has become the politically correct and the “Indian Orthodoxy” that Tom Flanagan complained about has been replaced by another kind of orthodoxy. Let’s call it the Colonial Orthodoxy.

We find it in the writers of the *Globe and Mail*, John Ibbitson for example. In his commentary on the *Marshall-Bernard* ruling of the Supreme Court, he writes:

Cautiously, incrementally, the Supremes are pulling in their horns, defining and limiting the rights of native Canadians to exploit this country’s natural resources as they see fit.

The news is good for the environment, good for the economy and good for the federal and provincial governments. Ultimately, it will prove good for aboriginal Canadians as well. ...

[In previous rulings] The court also appeared to establish the right of native Canadians, especially the Mi’kmaq, to hunt, fish and otherwise exploit natural resources without seeking a permit, based on previous trading agreements with the Crown.

These rulings prompted fierce clashes between native and non-native fishermen, raised doubts about the right of provincial governments to permit logging and mining on Crown land claimed by first nations, and brought criticism of the court for what were seen as aggressive and ambiguous judgments that undermined the ability of governments to manage public lands and natural resources in the collective interest.

The judges, it appeared, read the newspapers. In this decade, the court has tried to clarify and limit the extent of previous rulings. It placed limits on the right of Mi’kmaq Indians to fish without licences; it said native groups that claimed title to Crown land did not have the right to veto forestry or mining permits on that land (although the court added that governments had a duty to consult before issuing such licences).<sup>221</sup>

Apart from the rather unnerving prospect that Supreme Court judges are susceptible to the commentary page of the *Globe and Mail* and perhaps even the *National Post*’s, Ibbitson has given fair comment—from a Euro-Canadian point of view. It’s the second paragraph that carries key cultural assumptions we have seen before.

He implies that the ruling is good for the environment, presumably because without Crown regulation, the result would be an “unlimited native exploitation of resources”, to quote the *Globe*’s editorial the same day. This is the same scare the OFAH tried to put into people. There is no evidence to substantiate the OFAH claims (I researched them) and the threat presumes that First Nations cannot do what they had done for thousands of years before contact—assess their harvests and regulate their harvesters. But, in every case in which Turtle Island people do regulate their own harvests, the result has proven good for the environment—the self-regulating Saugeen Ojibway Nations fishery for example.

The ruling in *Marshall-Bernard* is good for the economy and for governments, presumably because non-Natives will not now have to make room for an aboriginal forestry industry. So taxes will still be paid and governments will continue to collect

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<sup>221</sup> John Ibbitson, “Making Sense of Native Rights”, *Globe and Mail*, 21 July 2005. Excerpt.

stumpage fees. It also means that the Crown's claim to sovereignty over so-called "empty lands" remains intact and it can continue to be the sole regulatory force in the forest (although some environmentalists say that's part of the problem). Certainly, Canada's interests are protected, but Turtle Island's interests aren't even on the map except in the old colonial, "we know what's best for you" way.

"Ultimately," he says, "it will prove good for aboriginal Canadians as well." The old European presumption of civilization, of knowing what's good for the Other, bubbles up. Presumably it was better for the Mi'kmaq to have lost at *Marshall-Bernard* and escaped the racist backlash that would have ensued had they won. Here is a curious twist of logic—do court decisions actually cause "fierce clashes" between Natives and non-Natives, or is it First Nations who successfully defend their rights and claims who cause them? Maybe, just maybe, they're caused by people who are so stuck in their own bred-in-the-bone understanding of things, that they cannot or will not see the Other except as their Adversary.

In another column, John Ibbitson comments on the Kelowna summit between Canada's First Ministers and Turtle Island leaders.<sup>222</sup> His own suggestions for alleviating First Nations' poverty come from his own culture's notions of what should work: private ownership of land, investment of that equity in business, turning the education of Turtle Island students over to the Province, funding Turtle Island people directly and leaving it to First Nation governments to tax their members.

Knowing even the few differences between Euro-Canadian culture and Turtle Island culture highlighted in this paper is enough to know these suggestions would be doomed. The notion of collective ownership, the cultural disapproval of shows of wealth, the very strong ethics of non-interference and non-competitiveness ... all these and more work against solutions proposed by Euro-Canadians.

Meanwhile solutions suggested by Turtle Island people themselves (and echoed by the recommendations of the Royal Commission Canadians paid good money to get) are ignored or fought in courts or denigrated in the media: solutions such as sharing revenues from resources taken from First Nations' traditional territories; recognition of rights to effect a significant entry into resource-based industries; environmental stewardship of traditional territories; compensation for past infringements on rights and claims; expanding First Nations' land base by fairly settling land claims. Finally, once an economic base is so established, backing off and giving First Nations the jurisdictional room to manage their own affairs. These are only some ideas that First Nations themselves have offered that are entirely compatible with Turtle Island culture. It was what the Mi'kmaq were after in *Marshall-Bernard*.

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<sup>222</sup> John Ibbitson, "Aboriginal Poverty an Enormous Challenge", *Globe and Mail*, 20 September 2005, p A4.

In two columns Jeffery Simpson<sup>223</sup> and John Ibbitson<sup>224</sup> politely pose the hard question: is it time to do away with reserves? Clean up the water at Kashechewan and you are still left with 87% unemployment says Simpson. The problems will return. Ibbitson suggests we look to the third world for solutions to the third world inside Canada and he points to successes in Asia and India saying their road to success should be emulated by First Nations with a little help from Canada.

What Ibbitson doesn't mention is that the indigenous people in "economic miracle" countries have not been included in the renaissance. He also fails to mention that the solutions employed by his successful third world countries were solutions that came out of their own culture that they were free to apply once the colonial interregnum was over.

Along the way, Simpson also manages to imply that First Nation governments tend to be corrupt—thinking more of their own power than the good of their people:

Canada is never going to get away from the reserve system, and the problems that flow from it, until native leaders want to get away from it. Not many of them do, because change is hard and unsettling, their power depends on the system, and they have conceptually bought into the driving assumptions of aboriginal policy since the 1960s whereby they are leaders of self-governing "nations," proud, separate and independent from the rest of the country.<sup>225</sup>

And Ibbitson says that First Nation leaders are more concerned with "abstract" ideas such as sovereignty than with basics such as health, education, and infrastructure. Finally the "hard question" lurks behind his words too: Is it time to do away with reserves?

Two things emerge from this very brief look at mainstream journalism. First, not one of the commentators is looking at the matter through Turtle Island eyes and culture. Their viewpoint remains thoroughly Euro-Canadian and therefore blind to solutions from Turtle Island. They have picked up the white man's burden and now find they do not know where to put it down. They look around, but can see only the places they know—private ownership of land, bank loans against the land, self-improvement, small businesses. If they drop their burden in any one of these familiar places and it sinks, well it's not their fault, for those places work just fine for everyone else.

Second, The end of reserves will be the end of the peoples of Turtle Island. Once that bred-in-the-bone connection to the land is severed, the peoples will surely disappear. It is the old imperial self-fulfilling prophecy. Francis Bond Head and Duncan Campbell Scott lamented their prophecies of the disappearance of the red man and then did everything their cultures told them to make that prophecy come true.

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<sup>223</sup> Jeffrey Simpson, "Fixing the water is easy, asking tough questions is harder," *Globe and Mail*, 1 November 2005, p A21.

<sup>224</sup> John Ibbitson, "Third world rules will gauge success of native consult," *Globe and Mail*, 24 November 2005.

<sup>225</sup> Simpson, op cit, 1 November 2005.

Now John Ibbitson and Jeffrey Simpson and the other commentators say First Nations are doomed unless they pull themselves up by their bootstraps, but offer them only the frayed bootstraps of any culture *but* Turtle Island's. Surely it is disingenuous to say that Turtle Island people are voting with their feet for a better life by leaving reserves when governments past and present have done all they can to make the places uninhabitable. Surely it is getting pretty close to racist to then say, since people are leaving their homelands, maybe it is time to get rid of the reserves. For that solution will certainly lead to the disappearance of peoples whose very being comes from those places.

It is hard to escape the impression that all the commentators here are struggling with, as Duncan Campbell Scott put it, "the Indian question". As the *Encyclopaedia Britannica* points out in its article on racism, speaking of the "black problem" or the "Jewish problem" or the "Asian problem" is itself a "symptom or racism or ethnocentrism, and not an explanation thereof."<sup>226</sup>

While I will not be making an argument for the suppression of free speech and opinion, it is necessary to point out the danger of what's happening these days for Turtle Island. When "equal treatment" is applied by the Crown or its agents, and is intoned by mainstream media, it is a recipe for racism and a call to arms for bigots.

### Can Lit

Is there no one in Canadian society prepared to deal with Turtle Island on its own terms? What about the poets and writers? Canada is blessed with world-class literati. Can-Lit is studied all around the world. Surely those who have the best understanding of the importance of culture and the meaning of metaphor have something to offer.

Apparently not, for when Lenore Keeshig-Tobias told Canadian writers to "stop stealing our stories,"<sup>227</sup> they rose up with one voice and said, "Don't censor our imagination."<sup>228</sup>

At the time, in the mid-1980s, there were a number of movies and television shows being produced by white Canadians about Natives: for example, *Spirit Bay* (a TV show about life on a fly-in reserve), "Black Robe" (a movie about the Jesuits), and "Where the Spirit Lives" (a made for TV movie about residential schools in the west). Keeshig-Tobias' problem—and the problem a number of Turtle Island people had with these productions—was not that they were unsympathetic, because they were. It was that they got the Turtle Island *mythos* all muddled up.

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<sup>226</sup> "Racism", *Encyclopaedia Britannica*, 1983.

<sup>227</sup> Lenore Keeshig-Tobias, "Stop Stealing Our Stories" in *Globe and Mail*, March 1992. Lenore Keeshig-Tobias is an Anishinaabe poet and story-teller from the Chippewas of Nawash Unceded First Nation.

<sup>228</sup> In numerous articles and commentary, but most forcefully in the *Globe and Mail*, March 28, 1992, in which Margaret Atwood, Timothy Finlay, and a host of other writers managed to capture a full letters to the editor page.

For example, in “Black Robe”, even the Native actors had problems with the portrayal of Native people in the film—the apparent sadism of the Iroquois, the role of women in their societies was not properly presented, the grotesque and barbarous way in which a medicine man was portrayed.<sup>229</sup> In “Where the Spirit Lives”, the director was told by his Turtle Island advisor that he could not film certain ceremonies, so the director made them up. The depiction of Turtle Island peoples, even in film and art sympathetic to their causes, serves to warp the culture and distort the real Turtle Island in Canadians’ minds. In Canada, the only good Indian is a victim.

Lest you think literature matters less than legislation in how Canadians understand Turtle Island, remember the poetry and policies of Rudyard Kipling and Duncan Campbell Scott, not to mention all those John Wayne and Gene Autrey movies we all used to watch. And remember the damage the criminalized image the OFAH, Mike Harris and Chris Hodgson gave to Turtle Island peoples in the mid-1990s and the harm it did to their rights. Metaphor matters.

What Canada’s writers did not know, or if they did know did not respect, was that Turtle Island stories are not freely accessible. They are not *terra nullius* just waiting for some enterprising writer or filmmaker to claim them for him or herself. If you want to tell a story that you know someone else has, you must go to them and ask properly with the proper protocol. Ms Keeshig-Tobias learned her stories and their meanings from her elders. She fasted for the stories and for her right to tell them.

There is nothing similar in Euro-Canadian culture. Other people’s stories are there for the taking. If they aren’t going to use the stories themselves (and copyright them), then anyone can take them. How Canadian writers behave toward Native stories is exactly analogous to how early settlers and the Crown behaved toward Turtle Island lands; for Native stories, just as everything else in Turtle Island, come from the land.

Keeshig-Tobias’ response to Canadian writers who said she was censoring their imaginations was, “Your imagination comes up to my nose. Go further and I will fight you.” It is a line that First Nations have drawn in a number of different ways: the Mohawks at Oka, the Stoney Pointers at Ipperwash, Nawash at Owen Sound. But Canadians don’t seem to be hearing the message.

Finally, near the end of the cultural appropriation debate, Robert Fulford, the grand old man of English Canadian culture went to view the Fluff and Feathers exhibit at the Royal Ontario Museum. He said that perhaps it was time to bury the stereotype of the wild Indian—finally, after how many years of Jesuit relations, armed conflict, “redskins”,<sup>230</sup> poetry and policy?

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<sup>229</sup> Sandy Greer, “Walking Through a Broken Mirror: A Way to Understand and Challenge the Fractured View of the Indigenous World Through Western Cultural Productions.” Masters Thesis at Department of Education, University of Toronto, 1995, Unpub.

<sup>230</sup> There are all kinds of “redskins” in the popular domain—enough for another chapter—Peter Pan’s “redskins” and the wild “Indian Princess” Tiger Lily, the wild Iroquois in James Fennimore Cooper’s novels, the “redskins” of countless dime novels and movies, and, of course, a football team in Washington DC.

But Keeshig-Tobias said, “Well, if anyone’s going to bury him, it’ll be me.” And she did, in the following poem.

## Good Bye Wild Indian

### Part 1

Good bye, Wild Indian, Good bye.

I know it’s time  
for you to go.  
It’s a good day too,  
to go.

I want you to know I always  
rooted for you—  
all those times.

All those times when  
the cavalry and cowboys  
were kicking your ass and  
shooting you with their silver bullets.

All those times the history  
books were saying  
you were doomed  
to die, to vanish  
from the face of the earth—  
that meant  
mom and dad and me too—  
my whole family, eh.

And when you died, each time  
you died, up there  
on that silver screen  
and in the paperbacks  
and in the comics  
and on the airwaves,  
little bits of me  
died too.

Actually, they just went  
On reserve—  
Waiting for this day, Nyah.<sup>231</sup>

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<sup>231</sup> With permission of the author. This poem and “Running on the March Wind” are reproduced in their entirety in Appendix A.

## Are Canadians Racist?

How I loathe the term “Indian” ... “Indian” is a term used to sell things—souvenirs, cigars, cigarettes, gasoline, cars. ... “Indian” is a figment of the white man’s imagination.<sup>232</sup>

It is time to answer the questions that have been begging to be asked: Are the interferences we have documented racism? Are Canadians racist?

There is some debate in the literature as to whether racism can even exist given the very few biological and genetic differences between the so-called “races”. Whether or not the races really exist is not the point of this paper. The fact is, people still respond to the Other of a different colour in objectionable ways. Let us call those objectionable ways, racist.

It is also not my intention to debate whether racism exists in Canada. However a couple of recent polls may prove surprising to Canadians who think they are “kinder and gentler” than their American cousins:

- A poll done for the Dominion Institute found that one in six Canadians surveyed had been victims of racism; 10% said they don’t want people of another race living next door; and 13% said they would never marry or have a relationship with someone of another race.<sup>233</sup>
- An Ipsos-Reid poll done for the Canada Institute on North American Issues found that 44% of Canadians and 37% of Americans said that people from different racial and cultural backgrounds would be better off if they became like the majority.<sup>234</sup>

The Canadian Race Relations Foundation, The Task Force on Multiculturalism in Saskatchewan (1989), The Manitoba Aboriginal Justice Inquiry, the Saskatchewan Commission on First Nations and Métis Peoples and Justice Reform (2004), and the Royal Commission on the Donald Marshall Jr. Prosecution are among the groups who have done work on racism against Turtle Island peoples. It is impossible to review their work and not realize that racism against aboriginal peoples in Canada is a huge problem.<sup>235</sup> I hypothesize that, if reported, the number and prevalence of incidents of hate directed at Turtle Island people, would dwarf those against any other minority group.

It is beyond the scope of this paper to plough through the huge body of literature that shows racist attitudes have a profound effect on its targets. However, a couple of studies merit mention:

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<sup>232</sup> Lenore Keeshig-Tobias, 1990 in Ronald Wright, *Stolen Continents*, op cit, p x.

<sup>233</sup> “One in Six People Subjected to Racism: Report”, CBC Online, 21 March 2005

<sup>234</sup> “Ipsos-Reid poll shows Canadians are like Americans in racial attitudes,” CanWest, 13 May 2005

<sup>235</sup> See “Under Siege”, “Section D: Recommendations”, op cit for more on these reports.

- The Implicit Association Test (IAT) for race measures racial attitude on an unconscious level and that can be very different from your conscious attitude. Of the 50,000 blacks who have taken the Race IAT so far about half have stronger positive associations with whites than with blacks. According to the researchers, we all make an unconscious positive association with the dominant group because of all the positive associations we see with white all around us all the time, especially in the popular media. And that attitude comes out, regardless of how strong our conscious attitude is.<sup>236</sup>
- Psychologists gave 20 questions from the US Graduate Record Examination (the standardized test for entry into graduate school) to black students. Students who were first asked to self-identify their race on a pre-test questionnaire, did half as well as those who were not asked to identify their race.<sup>237</sup>

Race matters, and culture—what is bred in the bone—influences our attitudes about race more than we think.

Hopefully, there is not a lot of debate about some more obvious forms of racism. Take, for example, this exchange on an investor chat-line for Deep Well Oil and Gas (DWOG) regarding Lubicon resistance to that company's activities in the First Nation's traditional territories:

I never made a racist comment until now. So here it goes lubicon family and friends. First and foremost go stuff yourselves you government brown bagging heap of dog crap. I hope everyone from DWOG buys your shacks and panties and sells you on ebay to a reserve that can tolerate your miserable existance.

Being stuck up in north alberta where hell can freeze you over might not be a bad thing at all. I am personally all for DWOG bull-doing every square inch of your community and any other ignornant fawk who wants to barricade my future investment your moronic dim witted switch!!

Just because your unemployment cheque wasnt enough last month to cover the plastic bags and gas fumes you needed to inhale, doesnt mean you can sit and squat and block the main roads. Ah crap on it all, someone send a yankee to "accidentally" bomb them. Good ridance! ...

If you eliminated everyone of them would it be considered endangered or a blessing to the rest of society? ... I know the Public Relations officer from DWOG called these first nations people 5th on the human chain when it comes to importance, nothing first about them, perhaps first to win every darwin award possible.<sup>238</sup>

Or this testimony from elder John Nadjiwon at the Nawash Community Forum with Commissioner Linden:

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<sup>236</sup> Malcolm Gladwell, *Blink*, Little, Brown and Company, NY, 2005, pp 84-5. You can take the test yourself at [www.implicit.harvard.edu](http://www.implicit.harvard.edu).

<sup>237</sup> *Ibid*, p 16.

<sup>238</sup> In email bulletin from Friends of the Lubicon, 22 May 2005. Notwithstanding the fact that the Lubicon have never signed a treaty with the Crown, neither the government of Alberta nor the oil companies involved in exploration on their traditional territories have consulted with the First Nation. (see [www.tao.ca/~fol](http://www.tao.ca/~fol)).

I have a scanner at home and am very upset with what I hear out on that water from people using hand-held radios. We're always known as "f'n" Indians out on that water. "We should cut their f'n nets." It isn't any wonder that we become angry about what they do to us. Yet they blame us. We get the blame for taking "their" fish.<sup>239</sup>

In both these examples, we see the extraordinary visceral hatred carried by Canadians for First Nations peoples who are in the way. No matter how you say it, "fucking Indians" is in the same category of racial slurs as "fucking niggers."

In 2001, OPP and MNR officers and staff distributed emails containing autopsy and crime victim photos with racist captions. Six MNR staff members were fired and over 180 staff were disciplined; 60 OPP officers and staff were disciplined.<sup>240</sup> The caption under an autopsy photograph of an aboriginal woman was reported to read: "steak knives are good for more than just steaks."<sup>241</sup> Nawash has tried to obtain copies of these emails through the Freedom of Information process for the purpose of this report, but at this writing it has been unsuccessful; apparently because they are part of the Ontario Public Service Employee's Union bid to win reinstatement for the six employees dismissed from the MNR. No one was fired from the OPP.

### **A Practical Definition of Racism**

From the reaction of white residents she interviewed in Forest, and the ones she heard on radio call-in shows, "it started to dawn on me how deep racism is in this country."<sup>242</sup>

But how do we know what is racist and what is not? Well, that's what definitions are for. The Canadian Oxford English Dictionary defines racism as:

1. a belief in the superiority of a particular race;
2. prejudice based on this;
3. antagonism toward other races, especially as a result of this prejudice;
4. the theory that human abilities are determined by race.

But what if you don't believe in the superiority of your race? Can you still be racist? And what if you hold no conscious prejudice against people of other races? If, for example, someone says, "I'm colour-blind" is that racist? It may well be, if it denies the full reality of the Other which includes membership in another race. And if that membership brings with it a whole different set of cultural norms and imperatives than those of the colour-blind person, then he or she risks nullifying the Other.

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<sup>239</sup> "Under Siege", op cit p 84.

<sup>240</sup> "Porn, racist jokes found on government computers," CBC online 4 July 2001.

<sup>241</sup> "OPP sent racist/obscene email," *Toronto Star*, 6 July 2001.

<sup>242</sup> "Ipperwash and the Media: A critical analysis of how the story was covered," p 61 by John Miller, Professor of Journalism, Ryerson, Report for the Ipperwash Inquiry, October 2004. Quote from Julie Carl, Sarnia bureau reporter for the *London Free Press*.

And if a corporation believes it is “colour-blind” when it comes to hiring and promotion policies but cannot point to visible minorities in its upper management, then the effect of colour-blindness is discrimination.

If, for another example, a group of non-Natives leaves a cultural education workshop on Turtle Island peoples, returns to their own workplace and holds a mock circle, complete with handing around a feather, is that a racist parody of Native ceremony, or is it just a bit of fun? Sometimes it is helpful to find parallels in another culture.

For example, is it anti-Semitic for a group of Catholics, after learning about Jewish beliefs and traditions, to mill around in a mock Minyan quorum, donning phylacteries (tefillin) and prayer shawls (tallit) themselves? If the answer is yes, then the mock Native circle is racist.

Trying to determine if these hypothetical examples constitute racism leads you into a tangle of motives and intent. In the examples above, was the mock ritual done to parody the Other or was it done innocently, to explore a new way of looking at the world?<sup>243</sup> Unfortunately, that is the dodge used by people of ill will who are asked to account for their behaviour. “Oh, we were just having a bit of fun.” “Oh, I didn’t mean anything by that remark.” “Oh, I didn’t mean all Native people, but I see quite a few hanging around the Silver Dollar on Spadina.” (Are we to draw similar conclusions about white people who are hanging around the Brunswick on Bloor Street?) “Oh, I just wrote that to stimulate debate on the government’s Native/black/Jewish/immigration policy.”

However, as we have seen, the history of Euro-Canadian attitudes toward Turtle Island peoples, plus more recent research, suggest that it may not matter what we think or intend. Damage is done nonetheless. And those who do mean ill to Turtle Island peoples escape the label of racist by framing their words as legitimate debate. The Oxford definitions and several others I looked at do not address the specific *impact* of racial discrimination against First Nations.<sup>244</sup>

Therefore, the Saugeen Ojibway Nations, in association with other groups, wrote their own, carefully researched definition—one that focuses on the *effect* of racial discrimination against First Nations:

Racism is any communication, action or course of conduct, whether intentional or unintentional, which denies recognition, benefits, rights of access or otherwise abrogates or derogates from the constitutionally recognized rights and freedoms of any person or community on the basis of their membership or perceived membership in a racial group. The fostering and promoting of uniform standards, common rules and same treatment of people who are not the same constitute racism where the specificity of the individual or community is not taken into consideration. The public dissemination of any

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<sup>243</sup> But even this begs the question: Is it innocent will to explore an Other’s spiritual beliefs without real knowledge of the intent of the ritual or of the spiritual wisdom behind the ritual or of the sacred tools used in the ritual? Or does even the innocent performance of spiritual rituals disrespect the Other?

<sup>244</sup> In fact, neither do the official institutions set up to address racism and discrimination, such as the Ontario and Canadian Human Rights Commissions. See “Under Siege” Section C8: “The *Impotence* of Official Institutions for Redress.”

communication or statement which insults a racial, ethnic or cultural community or which exposes them to hatred, contempt or ridicule also constitutes racism.<sup>245</sup>

The focus on the abrogation or derogation of constitutionally recognized rights and freedoms makes the test of whether a practice is racist more concrete. It can be applied to others besides the peoples of Turtle Island. Of course there is a fine line between racist comment and freedom of speech and in “Under Siege”, the Chippewas of Nawash make some careful recommendations on how to draw that line in the Criminal Code.<sup>246</sup>

However, at the very least, this definition, or one like it, should inform the work of the Ontario and Canadian Human Rights Commissions and the Canadian Race Relations Foundation, especially when dealing with First Nations’ complaints.

Let’s start with the last part of the definition first and see what happens when we apply it:

The public dissemination of any communication or statement which insults a racial, ethnic or cultural community or which exposes them to hatred, contempt or ridicule also constitutes racism.

This definition would catch a lot of people and policies:

- the OPP and MNR officers who disseminated emails of Native crime victims,
- the OPP personnel who created the “Operation Ipperwash” mugs and the people who sold them in their stores,
- the Deep Well Oil and Gas investors’ blogs on the internet,
- the OFAH’s unsubstantiated accusations against Native hunters and fishers,
- the Jesuits’ comments on Turtle Island life and beliefs,
- the words of some officers of the court—in *St. Catherine’s Millings*, for example,
- the internet writings of groups such as ON FIRE,
- the statements of the authors of the Bagot Commission.
- the poetry and policies of Duncan Campbell Scott.
- the parodies of the *Enfranchisement Acts* and the *Heritage Hunting and Fishing Act*, and the parody of the language of the Covenant Chain in the treaties.

The middle part of the Saugeen Ojibway Nations’ definition says:

The fostering and promoting of uniform standards, common rules and same treatment of people who are not the same constitute racism where the specificity of the individual or community is not taken into consideration.

As we’ve seen, many of the Ministry of Natural Resources’ policies, practices and legislation negatively impact Turtle Island peoples claims, rights and ways of life because do not take their claims, rights, ways of life, or economies into consideration. There has been no consultation with First Nations about the impact of matters under the control of

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<sup>245</sup> Definition of racism by the Saugeen Ojibway Nations, September 1993 in “Under Siege”, Appendix E, reproduced in the Appendices for this paper.

<sup>246</sup> See “Under Siege”, op cit, Section D5g: “Recommendations from the Chippewas of Nawash Unceded First Nation on Redress.”

the MNR. The Ministry treats First Nations peoples the same as any other “stakeholder” group in Ontario. By the definition, MNR’s policies and practices are racist unless there is a parallel mechanism or process for accommodating First Nations.

Legitimate comment, even if it promotes the application of uniform laws for everyone, must be protected as free speech and Nawash suggests ways in which this can be done in “Under Siege”.<sup>247</sup> However, what about the rhetoric of politicians, and the writings of lobby groups and party policy advisors? Should the promotion of same treatment be protected if it leads to government policy and practice? “Under Siege” makes a clear connection between the OFAH campaign against the recognition of Native rights, and actual government practice during the Common Sense Revolution.

The effect of the campaign was to criminalize Turtle Island people who were practicing their rights. It gave the Provincial Crown permission to move against Native hunters and fishers, which Conservation Officers did indeed do, and are still doing. The government’s own practice of charging Native hunters and fishers based on this idea, plus the political rhetoric of its leaders (as revealed in the words of Harris and Hodgson, above), in turn, gave encouragement for a more aggressive lobby against First Nations’ rights.

The two—the aggressive lobby against aboriginal and treaty rights and the words of senior Ontario government representatives of the day—created a climate of hatred against Turtle Island peoples. It became permissible to express hatred in local media.<sup>248</sup> It became permissible, almost your civic duty, to report Natives you felt were breaking the law, which citizens did do. It became permissible to insult Native people on the streets, to vandalize their fishing boats and steal their nets, and even to attack them physically.<sup>249</sup>

In other words, it is not simply one event or person or set of circumstances that causes a confrontation such as the one at Ipperwash or on the waters around the Bruce Peninsula. A number of things (policies, practices, editorials, public and private statements by leaders, insults) contribute to an atmosphere of racial hatred that gives permission for racist action. Once the act is committed, be it the burning of a Native tug or the shooting of a Native protestor, things go quiet in a community. But that doesn’t mean racism is defeated. How could it be defeated when it has achieved its goal of keeping the Other in his place? It is just taking a break until circumstances similar to the summer of 1995 allow it to surface again.

The need for protection against this vicious cycle is the reason behind the first part of the definition:

Racism is any communication, action or course of conduct, whether intentional or unintentional, which denies recognition, benefits, rights of access or otherwise abrogates

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<sup>247</sup> “Under Siege”, op cit, section D5b) Recommendations from the Chippewas of Nawash Unceded First Nation on Legislative Reform.

<sup>248</sup> As John Miller has shown in “Ipperwash and the Media” and David McLaren has shown in “Under Siege”.

<sup>249</sup> All of these things happened to Nawash and Saugeen First Nations’ people in 1995, as documented in “Under Siege”.

or derogates from the constitutionally recognized rights and freedoms of any person or community on the basis of their membership or perceived membership in a racial group.

If the effect of something is to deny the constitutional rights of an Other who is a member of a racial group, that something is racist. Most people would agree that the suspension of the rights of Jews in European pogroms is anti-Semitic. They would similarly have no problem in saying that the Jim Crow laws of the US South were racist. And if a Province or the federal government forbade, let's say, blacks from moving to Calgary in pursuit of jobs (contrary to section 6 of the Charter); they would see that as racist. But, for some reason, they allow, unchallenged, Crown policies and practices that abrogate or derogate from Native aboriginal and treaty rights.

Let's apply this part of the definition to some of what we have already examined:

- The claim of sovereignty by the British Crown over Turtle Island is racist because it denies the very existence of Turtle Island peoples. More specifically it is an unreasonable seizure of property (section 9 of the Charter) and a nullification of aboriginal rights (section 35) and title.
- Champlain's musing on Natives, at least the ones in this paper, are not racist according to this definition; nor are Susanna Moodie's.
- The actions of missionaries in as much as they tried to forcibly supplant Turtle Island beliefs with Christianity are racist because they derogated from section 2 of the Charter.
- The Crown's negotiations at the Treat of Niagara and the resulting wampum are not racist.
- The Crown's negotiations and treaty making, in so far as they diminished First Nations' aboriginal rights, to fish and hunt for example, are racist.
- The various Enfranchisement Acts were racist in that they denied Turtle Island peoples the right to counsel (section 10), the vote (section 3) and the aboriginal right to self-governance.
- The residential school system was racist because it allowed the forcible detention of students (contrary to section 9), and it was a denial of Turtle Island cultural expression (contrary to section 2).
- The policies of the Indian Department under Duncan Campbell Scott were racist because they denied peaceful assembly, freedom of association and cultural expression (section 2); as well as aboriginal and treaty rights (section 35).
- The definition would catch those who "communicate" the abrogation or derogation of the constitutional rights of Turtle Island peoples. This is not unlike advocating the return of Jim Crow laws in the South. But is such communication racist or should it be protected as free speech?
- The fish and wildlife course at Sir Sanford Fleming College does not recognize the differences between Turtle Island peoples and Canadians and does not properly recognize or instruct future MNR Officers in aboriginal and treaty rights. Nevertheless, it would not be racist. The most you could say is that it will encourage racist attitudes in students. However, according to the middle section of the definition, any such course would foster and promote "uniform standards,

- common rules and same treatment [without taking into account] ... the specificity of the individual or community.” And that, according to the definition, is racist.
- Crown policies and legislation that impact on Turtle Island peoples but do not make provisions for recognizing and accommodating their rights and claims and ways of life will derogate from section 35 aboriginal and treaty rights and are, by the definition, racist.
  - The writing of Tom Flanagan and others opposed to Native rights are racist, in so far as they foster and promote “uniform standards, common rules and same treatment [without taking into account] ... the specificity of the individual or community.” But section 2 of the Charter which protects the fundamental “freedom of thought, belief, opinion, and expression” will balance an accusation of racism. However, the opinion of certain people matters if they find themselves in positions of power or influence (as Duncan Campbell Scott, Mike Harris, Chris Hodgson and Tom Flanagan have). If their opinions are translated into policies that derogate or abrogate the rights of Turtle Island people, should their opinions escape sanction?

The last point is what I call the Crown’s unofficial “Notwithstanding Clause for Aboriginal Peoples”: notwithstanding existing cultural and constitutional differences, and rulings of the Supreme Court of Canada, the rights, claims and way of life of Turtle Island peoples are to be ignored.

Many of the Ontario Crown’s policies and practices pretend First Nations are not there. If those policies and practices remain in place, the Crown takes an active role in fostering the atmosphere of racism that still hangs over the practice and recognition of aboriginal and treaty rights in Canada.

The problem of those advocating equal treatment and therefore the derogation or abrogation of constitutionally recognized aboriginal and treaty rights remains. Are the writings of the Ontario Federation of Anglers and Hunters, Mel Smith and Tom Flanagan (who remains a senior policy advisor to the current Harper government in Ottawa) racist? Here I would defer to the careful recommendations on legislative reform made by Nawash in “Under Siege”. However, it is very dangerous for First Nations’ rights and claims and way of life when such opinions leave the page and inform government policy.

## D. HOPE

In 1994, the Saskatchewan government set up a Committee on Multiculturalism to help implement the recommendations from the Task Force on Multiculturalism. However, in 2004, the Saskatchewan Commission on First Nations and Métis peoples and Justice Reform said that, in spite of the race and cultural relations policies of the Province and the work of the Committee, racism was still prevalent.<sup>250</sup>

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<sup>250</sup> “Under Siege” op cit, p 127.

When I was working with the Saugeen First Nation and the Chippewas of Nawash Unceded First Nation on communications regarding their burial grounds and their commercial fishing rights, I prepared a lot of educational materials (brochures, videos, press releases and articles) and attended, with Chiefs and Councillors, a lot of meetings. Although we were able to mount a reasonable public education campaign, we did not seem to make much of an impact in public perception.

When I attended land claim and fishing negotiations between the Crown and the First Nations, I noticed that the Chiefs and Councillors would spend practically the whole day teaching the Crown's representatives about their treaties, their history and the world-view of Turtle Island peoples—the importance of *aki*, or the old way of looking at the fishery, for example. By the end of the day, I could see the government negotiators start to “get it”. They began to see things from the Turtle Island point of view.

Then they would be gone—to Toronto or Ottawa and to their colleagues back at their offices. When they returned in a few weeks for the next round of talks, the First Nations representatives would have to start all over again to re-educate them in the Turtle Island way of looking at the world and the issues on the table. This pattern was repeated again and again. Very little progress was made.

What can explain the apparent ineffectiveness of race and cultural relations program the Saskatchewan Commission, in the quote above, identified? Why did our public education program not seem to make a dent in the opposition the Saugeen Ojibway Nations faced? And why was it so hard to get government negotiators to see things from an Anishinaabe point of view or, if they did finally get it, why they couldn't keep it.

When we adjusted our PR campaigns, to address more directly the racism behind much of the opposition we faced, we found we had more success in changing public perception.<sup>251</sup>

I am not saying that racism is bred in the bone, but the disposition for it certainly is. In its excellent article on racism, the *Encyclopaedia Britannica* says,

Far and away the most widespread, enduring and virulent form of racism and the costliest in terms of human suffering has been that which developed in western Europe and its colonial extensions in Africa, Asia, Australia and the Western Hemisphere. ...

The Netherlands and Great Britain were responsible for the growth of the most racist colonial societies that the world has ever known.<sup>252</sup>

Credible estimates put the population of the Western Hemisphere, in 1590, at some 100 million people. In less than 100 years, the population fell to 10 million. That's a death rate of nearly 1 million a year.<sup>253</sup>

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<sup>251</sup> Much of how the Bands dealt with the backlash to their rights and claims is chronicled in “Under Siege”.

<sup>252</sup> “Racism”, *Encyclopaedia Britannica*, 1983.

<sup>253</sup> Ronald Wright, *Stolen Continents*, Penguin, 1993 pp 3-4 and 123. And Olive Dickason, *Canada's First Nations: A History of Founding Peoples from Earliest Times*, 1993, p. 26.

In this paper, I have sketched some of the great differences between the culture of Turtle Island and the culture of Euro-Canada and what has happened to Turtle Island peoples when Europeans arrived and decided to stay. Except for the era of the Covenant Chains, there has been no progress in understanding and accommodating the other. Indeed, there has been a *loss* of understanding that has descended into racism—both institutional and in public discussion. While there is nothing inherently racist about European culture itself, the imposition of European culture on indigenous peoples certainly leads to colonialism and racism. It is a bred in the bone predisposition that Euro-Canada must work hard to keep in check.

What can keep it in check? Anti-racism work, cross-cultural training, public education all work to some degree, but obviously not enough to solve the problem. Perhaps this is not surprising, given how entrenched and muddled Euro-Canadian ideas about Turtle Island are. Besides, most anti-racism work relies on guilt to catch people's attention. But guilt is rather a useless emotion for motivating lasting change; it too easily becomes resentment, which then works against change. Naming the beast and "outing" it helps, but that wasn't enough to stop the violent backlash against Nawash and Saugeen fishing rights.

But staying mute in the face of such a backlash is not an option either. Nor is allowing the media and the Crown to drift toward assimilation, which is arguably a racist policy anyway. Of the various methods to reduce racial discrimination (from public education to legislation), the most effective is political action. But when the targeted group is without political power and the politically powerful do not provide workable alternatives, the most effective way to fight racism is, as the *Encyclopaedia Britannica* suggests, civil disobedience or guerrilla warfare.<sup>254</sup>

Short of militancy, where should we look for solutions? Perhaps back to the beginning, when new European immigrants relied on Turtle Island people to stay alive. The Covenant Chain protocols attended to Turtle Island protocols. They recognized the British and the peoples of Turtle Island as equals (as brothers) and encouraged each to follow its own path without interfering unnecessarily in the ways of the other. They "opened ears and mouths" in a good way so that each could understand and be reconciled with the other. They made for effective consultation and, when one had misused the other, they allowed accommodation. The old protocols, in the traditional Turtle Island way, emphasized process, for when the process is good and proper, the product is also good and proper.

## **The Duty to Consult**

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<sup>254</sup> This is the conclusion of the author of the article on racism in the *Encyclopaedia Britannica* as well as activists from Pontiac to Rosa Parks.

The government's duty to consult with Aboriginal peoples and accommodate their interests is grounded in the honour of the Crown. The honour of the Crown is always at stake in its dealings with Aboriginal peoples. *Haida* 2004 SCC 73, para 16.

Put simply, Canada's Aboriginal peoples were here when Europeans came, and were never conquered. *Haida* 2004 SCC 73, para 25.

The duty of honour derives from the Crown's assertion of sovereignty in the face of prior Aboriginal occupation. *Taku* 2004 SCC 74, para 24.

The fundamental objective of the modern law of aboriginal and treaty rights is the reconciliation of aboriginal peoples and non-aboriginal peoples and their respective claims, interests and ambitions. *Mikisew* 2005 SCC 69, para 1.

Consultation that excludes from the outset any form of accommodation would be meaningless. *Mikisew* 2005 SCC 69, para 54.

As stated at the outset, the honour of the Crown infuses every treaty and the performance of every treaty obligation. *Mikisew* 2005 SCC 69, para 57.

The jurisprudence of this Court supports the view that the duty to consult and accommodate is part of a process of fair dealing and reconciliation that begins with the assertion of sovereignty and continues beyond formal claims resolution. Reconciliation is not a final legal remedy in the usual sense. Rather, it is a process flowing from rights guaranteed by s 35(1) of the *Constitution Act*, 1982. This process of reconciliation flows from the Crown's duty of honourable dealing toward Aboriginal peoples, which arises in turn from the Crown's assertion of sovereignty over an Aboriginal people and de facto control of land and resources that were formerly in the control of that people. *Mikisew* 2005 SCC 69, para 32.

The duty to consult and accommodate, as it is being fleshed out by recent court decisions, is perhaps the most significant development in Crown-Turtle Island relations since the Covenant Chains. Done properly, with respect and attention to Turtle Island protocols, there is a real possibility for true reconciliation.

*If it is done properly*. British Columbia, where many of the duty to consult cases originate is well on its way to a proper process. Ontario is not. At this writing, Ontario is meeting with Turtle Island representatives to talk about developing a new relationship.<sup>255</sup>

As chronicled in "Under Siege", there are a number of things to be avoided and a number of things to strive for.<sup>256</sup> That paper identifies "four horsemen" of doomed relationships that must be avoided: criticism, defensiveness, stonewalling and contempt. Contempt is the most toxic of the four and a signal that the relationship is all but over. Respect is the best antidote, but respect must be displayed and encouraged through openness and generosity.

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<sup>255</sup> One of the first meetings to explore what a new relationship might look like was held March 2 and 3, 2006 in Toronto. Present were First Nations' representatives from all the Treaty organizations and Independents. From the Crown (Ontario Canada) were representatives from the Ministry of Natural Resources, the Ontario Aboriginal Affairs Secretariat, Ministry of the Environment, Ministry of Energy, Mines and Northern Development, Indian and Northern Affairs Canada, Environment Canada.

<sup>256</sup> Appendix H contains lists of "best practices" .. things that work.

After attending a number of negotiations on various matters with representatives of the Saugeen Ojibway Nations, there are certain identifiable symptoms of negotiations in trouble. Some of them are appearing in discussions between the Ontario Crown and First Nations around consultation.

**Lack of openness; unwillingness to share.** If one party or the other refuses to share their thinking or draft proposals for solutions to the issue at hand, then it is impossible to move toward an agreeable solution.

**One-sided discussions.** If all the talking is done by one party and the other contributes little to the discussion, this is a sign that the latter has either made up its mind or does not want to go where the other wants to go. One sided discussion is often a precursor to unilateral action.

**Educating the Crown.** If nearly the whole of a meeting is taken up with First Nations representatives educating the Crown about their way of looking at a matter (consultation and accommodation for example), then the parties are far from a common understanding, let alone agreement. Even if the Crown begins to see things from the Turtle Island point of view, there is no guarantee it will agree or that it will even retain that point of view over to the next meeting. The Crown's representatives need to be thoroughly educated in Turtle Island understandings, as Sir William Johnson was when he took part in the meetings at Niagara.

**Compensation not an option for accommodation.** Compensation for past infringements is important. Compensation is a way of reconciling the past so the future can be secured. A major theme in "Under Siege" is that failure to compensate leads to future conflict. If Ontario really is interested in a new relationship, it must be prepared to address the past.

Failure to compensate also perpetuates racist ideologies. Let us follow the lead of the High Court of Australia which has said that it is racist for a light skinned people to assume sovereignty over a dark-skinned people and to perpetuate the idea that the land of the dark skinned peoples was *terra nullius*. Surely, then, it is equally racist to do things that continue to assume the land is *terra nullius* and, for example, to build hydro dams that destroy Turtle Island ways of living and poison what's left.<sup>257</sup>

Every time a company offloads part of its true costs of production onto another race of people, that is racism.<sup>258</sup> Compensation is paid to light-skinned people displaced by actions governed by the Crown—those in communities flooded by the St Lawrence Seaway for example, and the folks in Owen Sound who were relocated from a reserved

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<sup>257</sup> Hydro dams drowned substantial portions of the traditional territories of Grassy Narrows, destroying trap lines and hunting opportunities, desecrating sacred burial grounds, and poisoning fish with mercury. Uranium mining has left a similar legacy for the people of Serpent River to deal with. In both these cases, the aboriginal and treaty rights of these people (as well as some Charter rights) were violated. In neither case was the First Nation properly consulted about the plans for their territories.

<sup>258</sup> Ironically, the North American Free Trade Agreement, in Chapter 11, provides foreign companies with protection against measures that might damage their investment and allows for compensation if their business is harmed.

Nawash sacred burial ground the Crown should have protected.<sup>259</sup> But compensation for environmental destruction of Turtle Island territories has not been paid. Until it is, the assumption of *terra nullius* (and its racist consequences) will prevail. Unless Ontario pays close attention to its duties to consult and accommodate, and exercises them in a generous and enlightened manner, future conflicts between First Nations and the Crown will arise out of Natives' anger over being excluded from decisions impacting the environment of their traditional territories.

Public consultation before Crown-First Nation agreement. If the Crown releases its interpretation of the duty to consult for public comment before it negotiates consensus with First Nations, the involvement of third party stakeholders such as mining and timber companies and the sport hunting and fishing industry will derail the “new relationship” entirely. As described in “Under Siege”, this is exactly why Nawash and Saugeen insisted that third parties be excluded from negotiations concerning a new Fishing Agreement. In fact, that was the only way a new relationship around fishing could have been achieved. Indeed, another negotiation (this one around a burial ground) was wrecked because the facilitator shared details of the talks with the local municipality and a local ratepayer's group.

In addition to the fact that First Nations have a constitutional reality that stakeholders do not, the very things this current paper discusses always work to undermine agreements between the Crown and First Nations. It has been this way ever since European immigrants “seek for uncultivated land as eagerly as you, my red children, hunt in your forest for game”, to quote Francis Bond Head in Treaty 36. This is why the Crown and First Nations must work these things out in bipartite or tripartite negotiations, free from interference from third parties. It will be up to the Crown to then square the result with its constituents.

If the “new relationship” the Crown is seeking with First Nations does not safe-guard the Crown's honour—if the minimum criteria set by the courts for consultation and accommodation are not met—then this “new relationship” initiative will also fail. Why would First Nations enter into a new relationship that will not provide even the minimal protection for their rights, claims, way of life and economies?

Here are a few very basic principles that the “new relationship” should honour:

**Start with the First Nation**—the rights and claims that are the Crown's duty to protect lie with First Nations, not the Chiefs of Ontario or even provincial treaty organizations. The Crown must strike consultation agreements with First Nations or their representatives and the First Nations must make themselves ready.

**Process over product**—process is important for First Nations. As we have seen, process (*ie*, protocol and ceremony) was the thing that drove the Covenant Chain consultations in the 18<sup>th</sup> Century. If the protocols and ceremonies are proper, the product will be right as well.

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<sup>259</sup> See section B2, “Burial Ground Vigil, Owen Sound” in “Under Siege”.

**Good faith**—openness in sharing information and views and a genuine willingness to work toward a mutually satisfactory resolution of differences.

**Reciprocity**—both sides exhibit a willingness to take on tasks and be responsible for their completion.

**Capacity building**—the First Nation must be in a position to be able to fully evaluate the impact of a matter on its rights, claims, way of life and economy. That may mean, as the courts have pointed out, that First Nations require funding to acquire the capacity to assess those impacts.

**Patience**—the timetable for consultation and accommodation cannot be short-circuited by timetables the Crown might have set or is being pressured to set by third parties.

**Talk early and often**—the Crown must consult early (when it contemplates an action), but the First Nation must respond in a timely manner.

**Flexibility**—timing and process must be flexible enough to accommodate First Nations concerns. That might mean a separate protocol for First Nations, running parallel to the usual public processes.

**Reasonableness**—this is the quality the courts will look for in determining whether a consultation process is fair.

**Balancing of interests**—this is the quality the courts will look for in determining whether the process of accommodation is proper.

**Compensation**—the courts are accepting compensation as a valid option for accommodation for harm to rights, claims, culture and economy.

In “Under Siege” there are 39 recommendations for improving the relationship between the Crown and First Nations. And in Appendix H of that paper there are a series of “best practices” that both First Nations and the Crown could adopt.

However, it is doubtful, given the huge differences between Turtle Island culture and Canadian culture, that understanding of the Other will be the basis for reconciliation. But that does not mean reconciliation is impossible. Between the old Covenant Chain protocols and the new Supreme Court decisions, the way forward seems clearly mapped out:

- Embrace the profound differences between Canada and Turtle Island—or at least recognize there are differences—and refrain from trying to translate the ways of one people into the ways of the other.
- Make room for parallel paths—both Turtle Island and British ways were recognized in the Covenant Chain protocols and, today, the courts are saying a different process should be available for First Nations in determining the impact of Crown initiatives on Turtle Island peoples’ rights, claims and ways of life.
- Compensate the past to satisfy present needs.
- Share the present (jurisdiction over resources and access to them) to lay a foundation for the future.
- Protect the future now (by generously honouring the duty to consult and accommodate).



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## Appendix A: Poetry

### Rudyard Kipling

#### The White Man's Burden, 1899<sup>260</sup>

Take up the White Man's burden—  
    Send forth the best ye breed—  
Go, bind your sons to exile  
    To serve your captives' need;  
To wait, in heavy harness,  
    On fluttered folk and wild—  
Your new-caught sullen peoples,  
    Half devil and half child.  
Take up the White Man's burden—  
    In patience to abide,  
To veil the threat of terror  
    And check the show of pride;  
By open speech and simple,  
    An hundred times made plain,  
To seek another's profit  
    And work another's gain.  
Take up the White Man's burden—  
    The savage wars of peace—  
Fill full the mouth of Famine,  
    And bid the sickness cease;  
And when your goal is nearest  
    (The end for others sought)  
Watch sloth and heathen folly  
    Bring all your hope to nought.  
Take up the White Man's burden—  
    No iron rule of kings,  
But toil of serf and sweeper—  
    The tale of common things.  
The ports ye shall not enter,  
    The roads ye shall not tread,  
Go, make them with your living  
    And mark them with your dead.  
Take up the White Man's burden,  
    And reap his old reward—  
The blame of those ye better

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<sup>260</sup> Kipling, Rudyard. "The White Man's Burden", *McClure's Magazine* 12 (Feb. 1899).  
<http://www.boondocksnet.com/ai/kipling/kipling.html>. In Jim Zwick, ed., *Anti-Imperialism in the United States, 1898-1935*. <http://www.boondocksnet.com/ai/> (accessed Feb. 25, 2006).

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The hate of those ye guard—  
The cry of hosts ye humour  
    (Ah, slowly!) toward the light:—  
“Why brought ye us from bondage,  
    Our loved Egyptian night?”  
Take up the White Man’s burden—  
    Ye dare not stoop to less—  
Nor call too loud on Freedom  
    To cloak your weariness.  
By all ye will or whisper,  
    By all ye leave or do,  
The silent sullen peoples  
    Shall weigh your God and you.  
Take up the White Man’s burden!  
    Have done with childish days—  
The lightly-proffered laurel,  
    The easy ungrudged praise:  
Comes now, to search your manhood  
    Through all the thankless years,  
Cold, edged with dear-bought wisdom,  
    The judgment of your peers.

**Duncan Campbell Scott (1862-1947)<sup>261</sup>**

**The Onondaga Madonna**

She stands full-throated and with careless pose,  
This woman of a weird and waning race,  
The tragic savage lurking in her face,  
Where all her pagan passion burns and glows;  
Her blood is mingled with her ancient foes,  
And thrills with war and wildness in her veins;  
Her rebel lips are dabbled with the stains  
Of feuds and forays and her father’s woes.

And closer in the shawl about her breast,  
The latest promise of her nation’s doom,  
Paler than she her baby clings and lies,  
The primal warrior gleaming from his eyes,  
He sulks, and burdened with his infant gloom,  
He draws his heavy brows and will not rest.

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<sup>261</sup> All poems in the public domain. Originally in *Labor and the Angel*, Boston, Copeland and Day, 1898.

**Watkwenies**<sup>262</sup>

Vengeance was once her nation's lore and law:  
When the tired sentry stooped above the rill,  
Her long knife flashed, and hissed, and drank its fill;  
Dimly below her dripping wrist she saw,  
One wild hand, pale as death and weak as straw,  
Clutch at the ripple in the pool; while shrill  
Sprang through the dreaming hamlet on the hill,  
The war-cry of the triumphant Iroquois.

Now clothed with many an ancient flap and fold,  
And wrinkled like an apple kept till May,  
She weighs the interest-money in her palm,  
And, when the Agent calls her valiant name,  
Hears, like the war-whoops of her perished day,  
The lads playing snow-snake in the stinging cold.

**The Wolf**

Whoo--whoo--  
The rain in the hollow  
The wan gray sleet will follow,  
The shaggy moor  
Will lie at the door,  
Heavy with mould,  
Dead with cold.  
Whoo--whoo;--yu-loo--yu-loo.

Whoo--whoo--  
The wind in the willow,  
The snow heaped up for a pillow,  
The shell of ice,  
An iron mould,  
To have and to hold,  
Whoo-- whoo;--yu-loo--yu-loo.

Whoo--whoo--  
The frost in the furrow,  
Heat takes long to burrow,

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<sup>262</sup> "The Woman who Conquers" (original text)

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The fire on the hearth  
Shakes its mirth  
At one of God's poor,  
Outside the door,  
Whoo--whoo;--yu-loo--yu-loo.

Whoo--whoo--  
Weary and worry him,  
Gnaw him, tug him, and carry him;  
Dig him a pit,  
Shallow and fit  
It will hold or unfold,  
Whoo--whoo;--yu-lo--yu-loo.

Whoo--whoo--  
The steam from the thatches,  
The casement tawny in patches;  
Look not yet,  
You might never forget  
The ghost of breath,  
Or the leper Death,  
Whoo--whoo;--yu-loo--yu-loo.

**Lenore Keeshig-Tobias<sup>263</sup>**

**Good Bye Wild Indian**

**Part 1**

Good bye, Wild Indian, Good bye.

I know it's time  
for you to go.  
It's a good day too,  
to go.

I want you to know I always  
rooted for you—  
all those times.

All those times when  
the cavalry and cowboys

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<sup>263</sup> All poems © Lenore Keeshig-Tobias 1993. Used with permission of the author.

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were kicking your ass and  
shooting you with their silver bullets.  
All those times the history  
books were saying  
you were doomed  
to die, to vanish  
from the face of the earth—  
that meant  
mom and dad and me too—  
my whole family, eh.

And when you died, each time  
you died, up there  
on that silver screen  
and in the paperbacks  
and in the comics  
and on the airwaves,  
little bits of me  
died too.

Actually, they just went  
On reserve—  
Waiting for this day, Nyah.

I remember—  
Dad and mom always went  
to those dark movie places  
and rooted for you.

Took me too, sometimes  
and I'd crane my neck  
when the shooting started  
because they always covered my eyes  
and held me tight  
as the whiteman's fear and fury  
whizzed through the air,  
slamming into our spirits  
again and again.

And I'd look up  
and see their scarlet tears

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And I'd feel their sobs  
    caught hard and silent  
    between heart beats and  
    dry throats.

But they kept their vigil,  
    mom and dad did,  
    time and again  
    because  
    you were still part of us  
    and we were still part of you  
    and, I think, they hoped  
    it would all end  
    some day,  
    and you would be free.

Yeah, I rooted for you  
    all those times—  
    after I got over  
    the negative part of  
    being “Indian,”  
    of playing Cowboys  
    and Indians  
    and not wanting to be  
    the “bad guy,”  
    the Indian.

It's the truth. It happened.  
And I ain't ashamed  
    to admit that either.  
We didn't know any better.

**PART 2**

Good bye, Wild Indian, Good bye.

I know it's time  
    for you to go.  
It's a good day too,  
    to go.

Oh you, red devil, you.  
What a ham you've been.  
Blood thirsty.  
Savage fiend.

And how could you?

How could you ravage  
    those white bosoms, those  
    swan-like necks,  
    those frail pale  
    voiceless women?

Yeah, I know.  
They made you do it,  
    those whitemen.  
What a novel idea.  
And they wanted you to,  
    to do it,  
    those whitewomen.

Imagine that!  
    *Deepening the intimacy—*  
    *He captured her mouth—*

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Incredible!

Fantastic!

*She moaned—*

*I cannot help but touch you—*

Now what an imagination!

What a story!

Oh you, handsome breed, you.

You raider.

You killer.

You scalper.

You wagon-burner.

You red de-flowerer of whiteman's women.

You shooter of whiteman's turkeys.

You poacher of whiteman-made fish.

You speaker of red-man's wisdom,

and whiteman's folly.

Golly.

You soothsayer.

You smooth-sayer.

You perpetual fucking conservationist.

Oh, they're out to get you now. They're all looking  
to bury you.

Aaay, as if 112 million dead  
over 500 years  
wasn't enough already.

*"We have created a monster!"*

they say, *"Let's bury the noble  
savage. "He has out-lived his  
usefulness (the old derelict)."*

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*“Indian can’t be noble. That’s  
a stereotype.” They say. “This is the new millennium.  
We’ve got to be politically  
correct. Beside they never  
had any royalty,”*

Can’t you just hear  
those shovels picking at the earth,  
bulldozers a-rumbling  
ready to gouge out great pile of clay?  
Red clay... Red Earth Man...  
Say, ever run into that guy, Adam? Nyah.

Hey, maybe 60 years from now  
they’ll dig you up again  
and crush your bones into bricks.

Wouldn’t be the first time  
neither,  
Wouldn’t be the first time they  
dug up Indian braves  
from their graves, aaay.

Like the Nawash and the city of Owen Sound—  
a fine Canadian city  
founded on dead Indians, and  
built of dead Indians.

Imagine Indian DNA in the walls of  
their oldest, most important and  
prestigious buildings—  
courthouses, churches, city hall,  
mansions, tenement buildings and stores.

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Some brick work! Aaay.  
What technique!  
Nyah! And how about us Indians  
    being trustworthy, reliable!  
    Solid as a brick.  
    Solid as a red brick, aaay.

Hits you like a ton.  
Doesn't it? Aaay.

Nyah, what a diatribe?  
Diatribes, eh?  
You know,  
    die-a-tribe,  
    die-tribe, aaay.  
Like the only good one  
    is a dead one, aaay.

Nyah.  
Feeling bitter? Besieged?  
Sat on? Aaay.

**PART 3**

Good bye, Wild Indian, Good bye.

I know it's time  
    for you to go.  
It's a good day too,  
    to go.

On the other hand— maybe

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they'll just make you into  
a stupid cup or something.

Bonafide bone china  
Bric-a-brac  
Kitch  
O Kitchi-Manidou  
What will they do to you next?

But I know  
you're not going to go.  
Not with them anyway...  
Down the old garden path  
Or is it up?

Either way  
it is still a rut,  
one paved with our  
treaty money.  
Like how many other Canadian highways?

On the other hand,  
they might just march  
you off in shackles,  
It wouldn't be the first  
time neither.

Hey, can't you just see  
a pair of empty shackles  
walking down the street—  
all by themselves. Nyah.

And you'll just let them think

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what they've always thought—  
that what's best for them is best  
for you,  
that what's best for them is best  
for us,  
and that you're following,  
and that we're all following you.

“It looks we're done for, Tonto.”

“What you mean we, whiteman?”

You know, I think they never  
think about how they  
could be like us unless  
it is for money, some financial  
investment down the line  
or a much higher level  
in communion with  
the Great Spirit  
than any real “Indian”  
could ever achieve.

I know— old Indian trick.  
Just let them think  
what they want—  
They always do anyway.  
That's their problem, aaay.

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And just between you and me...

It's been fun

hair-raising, in fact.

I'll miss you— sometimes.

But not much, honest.

You must be real

tired by now.

Five hundred years

of whoopin' it up

is one hellova party, eh.

Good bye,

Wild Indian.

Rest in Peace.

I'll always love you. Nyah.

## Appendix B: Some Cultural Differences

Culture charts of differences between Anishinaabe and western European (Canadian) ways of looking and being in the world are useful to highlight differences and similarities between peoples, but they carry a certain risk. Values and ways of doing things vary between First Nations and even between European nations. Charts are always somewhat artificial because the characteristics listed are without proper context, which makes them seem more like laws of nature than descriptions of culture.

Another cultural comparison chart can be found in James Dumont, “Justice and Aboriginal People”, Report to the Royal Commission on Aboriginal Peoples (RCAP Publications, Roundtable Reports).

**[Note the charts in RCAP & Dumont on justice. And see the chart by Deb McGregor on TK v Western Science in Dump.]**

Institution	Western European Way	Anishinaabe Way
Spiritual Beliefs	<p>One unmoved mover who made the world, including humans.</p> <p>One tripartite God: Father, Son, Holy Ghost no longer active in his creation.</p> <p>God cannot be known through his creation.</p> <p>Humans are the only creature with a soul.</p> <p>Adam (man) given dominion (sovereignty) over rest of creation but has responsibility to be a good steward.</p> <p>Man has free passage in Creation (except for the Garden of Eden).</p> <p>One indivisible soul which leaves the body at death.</p> <p>Everything in the spiritual belief system of Turtle Island is heresy (multiple souls with one remaining with the body after death; everything imbued with spirit; apparent idolatry; animals as relations; offerings to plants and animals.)</p> <p>The goal is reconciliation (at-one-ment) with God.</p>	<p>One Gitichie Manitou who created the world, including humans.</p> <p>One Gitichie Manitou, but many manitous many of whom are still active in the world.</p> <p>Creation is spiritual—spirit exists in creation.</p> <p>Mankind is only a small and very dependent part of the great web of life that is creation.</p> <p>One must ask before one takes from creation and before one enters the territory of another.</p> <p>Close spiritual connection between the earth and deceased.</p> <p>Diversity of souls in each person; one leaves the body at death, one remains with the body after death.</p> <p>The goal is reconciliation (at-one-ment) with the land (<i>aki</i>).</p>
Knowing the natural world	Dialectic: questions about how things work put into hypotheses and tested; <i>ie</i> ,	Observational: a thing is never removed from its place; it is always understood in

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(science)	<p>the scientific method.</p> <p>Experimental: individual things looked at as other things (variables) are controlled.</p> <p>Time is linear. When scheduled. Present defined by the future.</p> <p>Knowledge is individualistic and progressive: older findings are the thesis, new thinking is the antithesis and the trick to find a synthesis that explains both—knowledge builds on knowledge. [presumably to the ultimate goal of knowing everything – the teleology of Aristotle]</p> <p>The natural world is thought of as all creation except humans (which leads to the notion of parks as preserved gardens—nature only, no humans—capturing the ideal of Eden).</p>	<p>its natural context.</p> <p>Dreaming.</p> <p>Medicine Power.</p> <p>Ceremonial (knowledge gained and acknowledged via ceremonies).</p> <p>In depth knowledge of place (the traditional territories).</p> <p>Time is circular. When appropriate. Future defined by the present.</p> <p>Knowledge is collective: each individual has a piece of the puzzle, but only when brought together, in conversation, does the whole become clearer: the essence of oral history and traditional environmental knowledge. [not done properly in the courts].</p> <p>The natural world is all creation, including humans.</p> <p>Everything is connected (related); an impact on one part has an impact on another part and on our place in the web.</p>
Political	<p>One head of state (divine right of monarch) evolving to democracy.</p> <p>Focus on individual freedom. The individual and his or her freedom is the basic unit of society.</p> <p>Sharing money (via taxes) to ensure essential goods and services available to all.</p> <p>Goals are Peace, Order and Good Government.</p> <p>Progressive: societies evolve from hunter-gatherer to industrial; wealth is one determinate of level of civilization (“first world” v “third world”)</p> <p>Elaborate checks and balances with opposition parties, media, judiciary (the US system of checks and balances taken from the Haudenosaunee political system).</p>	<p>Many leaders: who leads depends on the issue and how many he can “count on” to back him up (<i>ogimah</i>).</p> <p>The community is seen as the basic building block of society (ironically individuals in community afforded great freedom).</p> <p>Sharing goods and services to ensure welfare of all. Strong cultural proscription against shows of wealth and favour.</p> <p>Goals are harmony and welfare of the community.</p> <p>Enduring: society provides a continuous framework for harmonious community and individual action.</p> <p>Elaborate checks and balances, often relying on the woman and the elders.</p>
Interpersonal Relations)	<p>Interference, for the good of an individual is allowed (<i>eg.</i> giving advice, warning of “wrong” behaviour).</p>	<p>Non-interference: it is rude to try to give another advice (unless asked for and even then under certain conditions) or to</p>

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	<p>Children are directly supervised and controlled by the parents.</p> <p>Direct eye contact.</p> <p>Confront opponents.</p> <p>Vigorous discussion in conversation, expression of opinion.</p> <p>Selfishness, if seen as “enlightened”, is valued as a motivator for the individual.</p> <p>Accumulation of wealth or goods is one measure of the worth of an individual.</p> <p>Judgemental, labels can be helpful.</p> <p>Impolite not to express gratitude.</p> <p>Respect must be earned.</p>	<p>interfere in even “wrong” actions unless those action threaten the balance of the community.</p> <p>Parents do not interfere with their children. Instruction and discipline, if it must be given, is given by the aunties and uncles.</p> <p>Prolonged direct eye-contact is rude.</p> <p>Confrontation is avoided. It is rude to disagree with someone (but can withhold agreement).</p> <p>Own opinion stated gently and without challenge (“For me ...”).</p> <p>Selfishness unbalances the community: take only what you need and leave enough for your neighbours (both human and not).</p> <p>Accumulation of wealth (unless it is followed by giving away) promotes jealousy.</p> <p>Avoid judgement and labels.</p> <p>Expressions of gratitude are unnecessary if one is doing what one should.</p> <p>Respect is yours to lose.</p>
<p>Environmental Ethic (the predominant attitudes in each culture—in the case of western culture those which have led to accumulation of wealth)</p>	<p>Particular: focus on only a few aspects of the wild at a time, <i>eg</i>, trees, fish, riverbanks, but rarely how the parts interact—perhaps a function of the scientific method of inquiry.</p> <p>Risk management: development or extraction can proceed if harm to environment can be managed.</p> <p>Nature frequently viewed as resources—source of things that humans can use.</p> <p>Nature (and resources) can be managed for the benefit of both nature and humans.</p> <p>Conservation means “sustainable development” or “wise use”: a belief that humans can take from nature and still leave enough for future generations of humans to use.</p>	<p>Holistic: preference is to see nature as interconnected whole (“web of life”).</p> <p>Animals and plants seen as our neighbours (<i>bin-gaesdaugun</i>) or “all our relations”.</p> <p>Precautionary principle: if there is risk of harm, do not proceed.</p> <p>Conservation is the preservation of naturally occurring ecological processes.</p> <p>Attention to ceremonies and protocols for taking from nature, including the killing of plants and animals for human use.</p> <p>Close affinity between humans and the earth through the ancestors buried there, the <i>dodem</i> (clan) system, language and ceremony. Landscape and mindscape become the same.</p>

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	<p>Preservation means excluding humans from protected areas.</p> <p>The natural world acquires value if it is used by humans.</p> <p>Private ownership of the land enhances stewardship and value of the land.</p> <p>If we break something in nature, human knowledge and technology can help repair the damage.</p> <p>Outcome oriented: Will the project protect the environment and how will we ensure that.</p>	<p>Cannot separate humans from rest of creation</p> <p>Native ethic (or assessment criteria) can be summarized as:</p> <ul style="list-style-type: none"> <li>▪ First do no harm.</li> <li>▪ Second, plan ahead 7 generations.</li> <li>▪ Third, take only what you need.</li> <li>▪ Fourth, if harm is done, remove it and let ecosystem heal itself.</li> </ul> <p>Process oriented: Have the correct protocols (ceremonies and diplomacies) been followed?</p>
<p>Law, Order and Justice</p>	<p>Complex system of laws to limit the freedom of individuals to harm others.</p> <p>Focus on determining guilt.</p> <p>Process is a trial: adversarial, rational, demand for truth, questioning (examination and cross-examination), determination of guilt and sentencing.</p> <p>Victims need “closure”.</p> <p>Punishment: separation (incarceration), treatment, labelling.</p> <p>Out come oriented: ensuring justice is done.</p>	<p>Complex system of ceremonies, shaming, teasing and taboos to prevent the individual from disrupting others.</p> <p>Focus on healing rifts—restoring the balance of the community and between the parties.</p> <p>Process is a circle (a “healing”): intuitive, discussion, telling the story from all points of view, honesty, reasonableness.</p> <p>Victims part of the process of “healing”.</p> <p>Restoring balance: achieved by re-integrating individuals (both the offender and the one offended against) into the community.</p> <p>Process oriented: ensure the process of the circle is properly done—reconciliation will follow.</p>
<p>Education</p>	<p>Questions and answers.</p> <p>Tested by examination.</p> <p>Competitive: grades, admission criteria, etc.</p> <p>Linear and hierarchal: progress up from one level to the next.</p> <p>Reliance on reading and writing the printed word.</p> <p>Instruction from trained professionals.</p> <p>Abstract: ideas (shades of Plato’s Forms) are promoted, as is mathematics as a tool for understanding the natural</p>	<p>Observation, modelling, experiential.</p> <p>Tested by performance.</p> <p>Non-competitive. Rewarding individual excellence is a breach of etiquette and since it creates embarrassment and jealousy, may be counterproductive.</p> <p>Not linear, rather accumulative: knowledge is acquired over years.</p> <p>Reliance on oral teaching, remembering and demonstration.</p> <p>Instruction from a range of teachers, including elders.</p>

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	<p>world.</p> <p>Goal is specialization—for the work world rewards special knowledge and it becomes who we are.</p> <p>Product is more important than process: does the student know the things he or she needs to work in society?</p>	<p>Goal is generalization—for that is how the world is known: holistically and specializing means ignoring other parts of knowledge.</p> <p>Process of learning is more important than the product for the process itself teaches the proper relationships among things and people.</p>
Child Rearing	Interference for the good of the child.	Non-interference to the point of letting the child decide whether he or she attends school.

## Appendix C: Saugeen Ojibway Nations' Definition of Racism

FINAL DRAFT: September 12, 1993

### Preamble

This preamble and definition is based on continuing discussions between staff of the Saugeen Ojibway and staff of the following supporters of that First Nation's fishing rights:

- Anti-Racism and Discrimination Alliance of Grey-Bruce
- Catholic Church (Hamilton Diocese)
- CAW (Port Elgin Educational Centre)
- Central Mennonite Committee
- Project North Circle (Wiarnton)
- United Church of Canada (Hamilton and Toronto Conferences)

The definition is an attempt to distil the essence of a number of definitions supplied by these and other groups (including the World Council of Churches and the United Nations). During the distillation, emphasis was placed on the practicability of the definition -- it had to help us identify racism in Canada in 1993. Hence we have added a "checklist for racism."

The definition below does not try to deal with the ideology of racism or whether it consciously motivates racial acts. Nor does it deal with the idea that race itself may be a social construct, having no basis in biology. The definition of racism below simply recognizes that racism exists and that it does harm to its targets. It tries to define this harm in a practical way, much as the definition of hate literature does in the Criminal Code.

### Semantic and Historical Shifts in Meaning of the Word "racism"

The popular usage of the word "racism" refers to *actions* that result from any attitude of comparison of one group to another group with negative or destructive results. The definition below recognizes the semantic shift in the vernacular by defining racism as an "action."

It is necessary to consider another "shift" -- this one in history. Here is how the Saskatchewan Conference Church Society Committee put it in their report, *Beyond Ethnocentricity*:

"Power is at the root of racism. [Alliances for those seeking power or in power are] made stronger first by exaggerating the differences between those with power and those without, and then by assigning values to these differences. The assigned values are made to stick and eventually to become part of the 'natural' order of society. ...

"Once the situation has jelled and powerful and powerless alike have begun to 'breathe' such attitudes, then it is safe as a precautionary measure against change to do two things: to stress the flexibility of the situation by pointing to carefully selected 'token members' of the powerless who have entered the ranks of the powerful; and to verbally minimize the still all-important differences and to insist that all are equal. Whereas initially, it was important to stress the differences, it now becomes advantageous to stress the sameness -- the equality of *all* -- in order to effect the same racist ends."

This theme of "equality for all" (in the context of institutional or systemic discrimination) is picked up by Judge Murray Sinclair in the report of the *Manitoba Aboriginal Justice Inquiry*:

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“Systemic discrimination [defined as the result of racial prejudice] involves the concept that the application of uniform standards, common rules and treatment of people who are not the same constitutes a form of discrimination. It means that in treating unlike people alike, adverse consequences, hardships or injustice may result ... it is clear that operational policies applied uniformly to Aboriginal people sometimes have unjust or unduly harsh results. The reasons may be geographic, economic or cultural. However, it must be acknowledged that the application of uniform policies can have a discriminatory effect.”

From Judge David Fairgrieve’s decision in the Saugeen Ojibway fishing trial:

The Band’s fishing income is a crucial part of its subsistence economy, and the limited access caused by the quota produced greater deprivation and poverty and contributed to increased unemployment and poverty, individually and communally. The quota had a serious adverse restriction and constituted an infringement under sec. 35(1) [of the Constitution].... The native fishery was seen as just one part of the commercial fishery. No special regard was given to the Band’s fishery operation, quite apart from the question of any constitutional priority. ...

I accept the defendants’ submission that the evidence established that the effect of the Ministry’s quota system has been to allocate to non-native fishermen the vast preponderance of fish available for commercial harvest. The failure to regulate the recreational fishery in accordance with the same conservation plan has had the inevitable effect of shifting a greater share of the resource to that user group. In neither respect has the Crown demonstrated that the plan ... recognized that s. 35(1) required that priority be given to the aboriginals’ stake in the fishery resource. ...

The quota restrictions do not meet current constitutional standards and are, accordingly, unenforceable against the defendants.”

### **Definition of Racism**

**RACISM is any communication, action or course of conduct, whether intentional or unintentional, which denies recognition, benefits, rights of access or otherwise abrogates or derogates from the constitutionally recognized rights and freedoms of any person or community on the basis of their membership or perceived membership in a racial group. The fostering and promoting of uniform standards, common rules and same treatment of people who are not the same constitute racism where the specificity of the individual or community is not taken into consideration. The public dissemination of any communication or statement which insults a racial, ethnic or cultural community or which exposes them to hatred, contempt or ridicule also constitutes racism.**

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