

ALETHEIA

THE ARTS & SCIENCE ACADEMIC JOURNAL

Volume 1 . Issue 2 . April 2021



Justice and Democracy

A L E T H E I A



Aletheia is the first ever peer-reviewed journal that exclusively features the innovative and interdisciplinary work of students from McMaster's Arts & Science program. Each year, two editions are released, each revolving around a central theme and compiling research-based papers, and a few creative pieces, written during the previous semester. To make this possible, Aletheia has an incredible team of Arts & Science student Editors, Peer Reviewers and Graphic Designers.

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ISSN 2563-9846 | artsci.aletheia@gmail.com
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LETTER FROM THE EDITORS

Welcome to the second edition of *Aletheia*— a student-led, peer-reviewed journal showcasing written works from students in McMaster’s Arts & Science program. In this edition, we are excited to share a diverse array of papers written in Arts & Science courses from the Fall 2020 term, which were reviewed carefully this semester by our team of Peer Reviewers.

The theme for this edition of the journal is ‘Justice and Democracy.’ In the Arts & Science program, we are encouraged to critically engage with current world issues by analyzing injustices, unpacking ‘democracy’ in theory and practice, and discussing opportunities for change. Works featured in this journal touch on discrimination in the healthcare system, the danger of nationalist ideologies, as well as the legacies of colonization — specifically, land dispossession, education issues, oppressive legal systems, and food insecurity. The journal concludes with three essays which take a creative analytical approach to examine themes of justice and democracy using texts from ‘Literature’—a third-year Arts & Science course taught by director Dr. Jean Wilson.

On a more personal note, it has been a pleasure to get this journal off of the ground this year alongside our Editors-in-training Zahra Panju and Oishee Ghosh. While this year has certainly been different, we are proud that *Aletheia* was able to bring some of the Arts & Science community together during our time away from campus. It was very exciting to read the impressive work of authors, and to witness the reciprocal learning and passionate exchange of ideas which took place during the peer review process. After completing four years of the Arts & Science program, we know how valuable it is to continue the learning process outside of the classroom with our peers, so we hope that this initiative continues to allow students to do so for years to come.

To the authors involved in this edition, thank you for your openness to feedback and patience throughout the review process. To the Peer Reviewers, thank you for taking the time to provide such thorough and thoughtful revisions during the busiest times of the school year. And we remain so grateful for the creativity and dedication of our graphics team in putting this publication together.

Next year, the journal will continue under the guidance of three Editors-in-Chief: Zahra Panju, Oishee Ghosh, and Micah Maerov. Also on the Editorial Board will be Vanessa Natareno, who will serve as Managing Editor. We are very excited to see where the new Editorial Board takes the journal next school year, and to witness the evolution and continuation of *Aletheia* for years to come. We highly encourage students who are interested in getting involved to apply for a review position next fall, or to submit your work in the 2021/2022 school year.

It has been a highlight of our undergraduate years to bring *Aletheia* to the Arts & Science community. While we will miss the interdisciplinary and collaborative learning that we have enjoyed over these past four years, we look forward to staying connected to the work of Arts & Science students after graduation by reading future editions of *Aletheia*!

Thank you for taking the time to check out the journal. We hope you enjoy it!

Sincerely,

Anand Sergeant and Rhea Murti
Editors-in-Chief

LAND ETHICS IN CONFLICT

YaoYao MacLean

Arts & Science 1C03: Global Challenges

Imagine you find out one day that a mining company has staked land that your ancestors have always traditionally lived on for mining. That is, the company has marked out an area on your land for mining and successfully applied for an exploration permit. Imagine also that this mining goes against your traditional values. How might you respond? Recently, such conflict has surged over mineral extraction in Ontario. The case of Ardoch Algonquin First Nation (AAFN) v. Frontenac Corp. illustrates the key disagreements.

The AAFN are an Anishinabek community who have traditionally occupied the Madawaska, Mississippi, and Rideau watersheds.¹ Their people have lived alongside the Ottawa River for thousands of years, attuned to the ebbs and flows of the land.² In 2007, AAFN were notified that Frontenac Corp. had staked their traditional, unceded lands for uranium mining.³ AAFN saw this development as unlawful, and protestors soon blocked access to the staked area, Sharbot lake.⁴ According to AAFN co-chief Paula Sherman, the Ontario government lacked the jurisdiction to lease an exploration permit on traditional Algonquin land, and furthermore, the uranium exploration went against Algon-

quin Law.⁵ Frontenac Corp., a mining company, filed an injunction with the Ontario Superior Court calling for the removal of protesters.⁶ AAFN chose not to participate in injunction proceedings—they viewed the conflict as being between themselves and the Ontario government, explaining that “the provincial government did not fulfill its duty to consult [them] about an exploration project that it had approved.”⁷ The court granted the injunction, which AAFN disregarded, causing Frontenac Corp. to initiate civil contempt proceedings.⁸ The civil contempt application sparked a twelve week negotiation, which failed; AAFN walked away. In an interview, Chief Sherman explained AAFN’s frustration:

Ontario insisted that the talks should begin from the point of view that staking had already occurred and the only thing that needed to be discussed was where the hold would be . . . From our position, this was not consultation at all.⁹

Frontenac thus resumed its contempt motion. Ontario found AAFN defendants guilty of disobeying court rule and sen-

1 AAFN, www.aafna.ca

2 Ibid.

3 Gerry, “High-stakes battle.”

4 Ibid.

5 McCarney, “Indigenous Jurisdiction,” 92.

6 Gerry, “High-stakes battle.”

7 McCarney, “Indigenous Jurisdiction,” 92.

8 Gerry, “High-stakes battle.”

9 McCarney, “Indigenous Jurisdiction” 97.

tenced the co-chiefs to six months in jail.¹⁰

Hence, Ontario's "non-recognition"¹¹ of AAFN's legitimacy played a key role in escalating the conflict. Throughout, AAFN objected by citing Algonquin law, but these objections were not recognized and ultimately deemed criminal by the government. The Ontario government's non-recognition of Algonquin law stems from the land ethic underlying its land-use laws. Ontario's land ethic, I argue, is fundamentally at odds with that of the land ethic underlying Algonquin land-use laws.

I follow legal scholar Estair Van Wagner in my definition of "land-use law" as the "regimes that govern how land can be owned, used, and managed."¹² I draw on the work of Aaron Mills, an Anishinaabe legal scholar, to support my notion of a land ethic that underlies a system of laws. Mills speaks of the "lifeworlds" beneath all laws. "Lifeworld" is "the ontological, epistemological, and cosmological framework through which the world appears to a people."¹³ He argues that society upholds this value-imbuing framework through its legal system, and thus lifeworlds underly all law, not just the laws of the Indigenous peoples.¹⁴ I use Mills' "lifeworlds" theory to justify my search for the underlying land ethic, or "land lifeworld," implied by the land-use laws of the Ardoch Algonquin and the Ontario government.

10 Gerry, "High-stakes battle."

11 I borrow the term "non-recognition" from Anishinaabe scholar John Barrows, who uses it in his book *Canada's Indigenous Constitution* to refer to the Canadian government's history of ignoring the laws of the Indigenous peoples.

12 Van Wagner, "The Place of Private Property," 17.

13 Mills, "The Lifeworlds of Law," 850, n6.

14 Ibid., 855

Ardoch Algonquin: Minopimàdiziwin

The Ardoch Algonquin are people in the Anishinaabe family, so to understand the land ethic underlying Ardoch Algonquin land-use law, I first situate their law within Anishinabek law. John Borrows distinguishes between "sacred" and "natural" Anishinabek law. According to Borrows, "sacred law" describes those practices that emanate from creation stories.¹⁵ Sacred laws are afforded the "highest respect" in the Anishinabek legal order, as "they contain instructions about how all beings should relate to specific territories."¹⁶ Conversely, practices that come from "observation of the physical world" fall under "natural law."¹⁷ Borrows ascribes great weight to natural law as well, pointing to the serious repercussions of breaching natural law:

If the Anishinabek do not honour and respect their promises, relations and environments, the eventual consequence is that these resources will disappear. When these resources are gone, no matter what they are, the people will no longer be able to sustain themselves.¹⁸

Although the two laws seem distinct, they are not mutually exclusive. Some of AAFN's principles emerge from both. For instance, the principle of minopimàdiziwin, which guided AAFN during the uranium conflict, relies on both natural and sacred law.¹⁹

15 Borrows, *Canada's Indigenous Constitution*, 45.

16 Ibid., 46.

17 Ibid., 50

18 Barrows, *Recovering Canada*, 20.

19 McCarney, "Indigenous Jurisdiction," 69.

It draws from natural law because it advocates for the creation of a reciprocal relationship with the land to “achieve balance with nature.”²⁰ One retired AAFN chief demonstrates minopimàdiziwin’s natural basis:

You can learn a lot about how to treat the land and the water by watching the beaver. They know how to create balance around them. Even though they cut down trees and flood some of the landscape, their presence in the forest creates balance, harmony, and abundance for a great variety of both water and land species, giving us a model for how to act within our homeland.²¹

Yet minopimàdiziwin also stems from sacred law, which Robert Lovelace, elected co-chief of AAFN, demonstrates. Lovelace argues that minopimàdiziwin emerged from the Ardoch Algonquin creation story, in which all beings “were created here to carry out particular and specific responsibilities, and we cannot interfere with them.”²² Since it is both natural and sacred, then under Borrows’ framework, minopimàdiziwin invokes the highest respect and places the greatest duty on its followers.

Mills observes that “for Indigenous peoples, lifeworld is law.”²³ That is, for Indigenous peoples, their code of ethics serves also as their code of law. Thus, the princi-

ple of minopimàdiziwin is both a law and a land ethic. AAFN co-chief Paula Sherman even translates it as “living the Good life.”²⁴ Ardoch Algonquin land-use law is therefore a land ethic that requires “living the Good life,” or in other words, requires living in respectful balance with all created beings, human and beyond-human, that make up the sacred community.²⁵ In the lifeworld of minopimàdiziwin, the ‘land’ is not an object to be used for human ends, but a member of the community who demands the highest respect.

Underlying Land Ethic of Ontario Land-Use Law

While Anishinabek law is a land ethic, Ontario law attempts to appear morally neutral, so its connection to a land ethic is not as explicit. According to Van Wagner, Ontario follows land-use law that prioritizes an “ownership relation” to land as property.²⁶ The prioritization of land as property reflects an underlying land ethic that can be traced back to the origins of Anglo-Canadian property law.

Canadian property law is “grounded in the English system of property ownership.”²⁷ Bruce Ziff argues that British loyalists who settled in upper Canada adopted English property law because of a “resolute confidence in the superiority of English political institutions.”²⁸ English property law, in turn, was heavily shaped by the Enclosure Acts. These were legal processes whereby previously common land became private property.²⁹ Scholar Margaret Davies argues that

20 Sioui and McLeman, “Asserting Minopimàdiziwin,” 365.

21 Ibid. 364

22 Koschade and Peters, “Algonquin Notions of Jurisdiction,” 9.

23 Mills, “The Lifeworlds of Law,” 857

24 McCarney, “The Indigenous Jurisdiction,” 71.

25 Ibid.

26 Van Wagner, “The Place of Private Property.”

27 Smit and Valiante, *Public Interest, Private Property*, 9.

28 Ziff, “Warm Reception,” 113.

29 Neeson, *Commoners: Common Right*.

Enclosure Acts were grounded in Lockean property theory.³⁰ Hence Locke's theoretical justification of enclosure contains a founding land ethic of Canadian property law.

Locke provides a theoretical grounding for property in chapter five, book II of his *Two Treatises on Government*. He begins by noting that since "every man has a 'property' in his own 'person' . . . The 'labour' of his body . . . [is] properly his."³¹ From this, Locke deduces, "whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with it . . . and thereby makes it his property."³² Before this process, i.e., while still common, the land has no value: ". . . *labour makes the far greatest part of the value* [emphasis from original] of things we enjoy in this World: And the ground which produces the materials, is scarce to be reckon'd in."³³ For Locke, not only is uncultivated land worthless, but cultivating land is a God-given right. God meant humans to use land for "the greatest conveniences of life they were capable to draw from it . . . He gave it to the use of the industrious."³⁴ Land, according to Locke, exists to be exploited, and thus ought to be made into property through industrious labour.

The ARA's purpose is "to provide for the management of the aggregate resources of Ontario."³⁵ "Aggregate" refers to rocks and minerals.³⁶ The Act defines "management" as the "identification, orderly development and protection of the aggregate resources of Ontario."³⁷ The ARA's use of the word "protection"

seems at first ambiguous. "Protection" of aggregate resources could mean either the environmental conservation of aggregate resources, or the protection of aggregate resources from any activity that would hinder development. The latter is most likely the intended meaning, as it aligns with the ARA's development-centered interpretation of "protection," so centered because it must align with the PPS. Thus, the ARA's definition of "management" regarding aggregate resources, and subsequently its interpretation of "protection," prioritizes an exploitative relation with land, perpetuating the Lockean land ethic.

Carter-Whitney and Duncan argue that the Ontario Mining Act sets up a "free-entry system" driven by the prospector, someone who searches for mineral deposits.³⁸ They note four main characteristics of the Act:

- (1) Right of prospectors to enter lands containing Crown-owned minerals;
- (2) Right of prospectors to acquire mineral exploration rights;
- (3) Exclusive right of claim holder to carry out further exploration within claimed area;
- (4) Right of claim holder to obtain mining lease.³⁹

Noticeably absent from the Act is any consideration for the rights of other significant parties—like the Indigenous peoples as stewards of the land, or the land itself—in mining decisions. This prioritization of prospector rights aligns with Locke's theory of the legitimate ownership of land being justified by industrious labour. The view of land as property for exploitation is further evidenced by the exemption of mining activities from On-

30 Davies, *Property*, 88

31 Locke, *Two Treatises II*, para. 26.

32 *Ibid.*, para. 26.

33 *Ibid.*, para. 42.

34 *Ibid.*, para. 33.

35 *Aggregate Resources Act*, s 2.

36 *Ibid.*, s 1.

37 *Ibid.*

38 Carter-Whitney, "Balancing Needs," 2.

39 *Ibid.*, 2.

tario’s Environmental Assessment Act.⁴⁰ Not including mining activity within the EAA implies Ontario views land as unworthy of environmental protection, and therefore not valuable in and of itself.

All land-use decisions in Ontario must be consistent with the Provincial Policy Statement (PPS). Policy 2.5.2.1 states: “Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required.”⁴¹ Because justification of the need for minerals, and therefore also development, is not required, extraction becomes the default land use put forward by the PPS. Extraction is, in other words, a land-use ‘good’ within the PPS.

Policy 2.5.2.4 of the PPS states: “Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion.”⁴² As noted above, the ARA articulates its purpose as being to “protect” aggregate resources. Policy 2.5.2.4 clarifies exactly what that protection of resources entails. Protection is not for the sustainability of the resources; it is for the sustainability of always-expanding development. The land ethic implied by the PPS conveys a duty to ensure that the “good” land-use, i.e. development, is allowed to flourish.

Yet the PPS is not so straightforwardly Lockean as the above policies would imply; the Wise Use section of the PPS appears to make space for ecologically protective land-use. Policy 2.1.5.e, which deals with “natural heritage”—defined as “the long term *ecological function* and biodiversity of *natural heritage sys-*

tems” formed in “*settlement areas, rural areas, and prime agricultural areas*”—declares “*Development and site alteration shall not be permitted in significant areas* [emphasis in original].”⁴³ However, closer examination of the term “significant” reveals that this gesture toward stewardship is empty. The PPS defines a “significant area” as “an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.”⁴⁴ Unlike prior sections of the PPS that demand mineral resources be protected for development, the Wise Use section has loop-hole terms like “significant” that permit the Ontario government to amend its evaluations at will. This implies a land ethic in which the good of extraction is absolute, whereas the good of stewardship is contingent upon interpretation.

The Role of Opposing Land Ethics in the Land-Use Conflict

Returning to the case of AAFN v. Frontenac corp., the actions of the Ontario government and AAFN align with their respective land ethics. The principle of *minopimàdiziwin* gives its followers the sacred duty to maintain respectful relations with all beings in the community, including the environment. As articulated by AAFN’s leaders, *minopimàdiziwin* guided their actions throughout the case. After consulting Algonquin law, AAFN concluded that uranium exploration was unlawful.⁴⁵ AAFN’s refusal to disband their blockade indicated their absolute stance against any action that opposed *minopimàdiziwin*, the fundamental land lifeworld that underlies the highest governing principle of their laws.

40 Ibid., 12.

41 *Provincial Policy Statement 2014*, 2.5.2.1.

42 *Provincial Policy Statement 2014*, 2.5.2.4

43 Ibid., 2.1.5.e

44 Ibid., 6.0.

45 McCarney, “Indigenous Jurisdiction,” 92.

AAFN withdrew from negotiations because of their absolutism—they would not be swayed from their lawful duty.⁴⁶ During Chief Lovelace’s testimony in the contempt proceedings, he invoked Algonquin law: “I want to obey Canadian law but Algonquin law instructs me that I must preserve Creation. I must follow Algonquin law.”⁴⁷ Lovelace’s testimony captures how opposing land ethics underlying land-use laws lead to conflict in land-use decisions.

During the second stage of injunction proceedings, the judge must decide whether the plaintiff would suffer irreparable harm if the injunction were not granted.⁴⁸ Judge Cunningham ruled that irreparable harm would be suffered by Frontenac Corp., justifying his decision as follows: “The interference with property rights such as the current blockade and associated trespass . . . by its very nature, gives rise to irreparable harm . . . [W]ithout injunctive relief the plaintiff will be out of business.”⁴⁹ Judge Cunningham thus viewed harm to property rights which hinder economic growth as constituting grave harm. His decision aligns with the Lockean land ethic, where property is justified by industrious labour on the land so any hindrance to the fruits of labour, namely economic profit, would constitute grave harm.

The third stage of injunction proceedings is the balance of convenience, wherein the judge must weigh the harms and benefits suffered by both parties. Here, Judge Cunningham’s actions also reflected the Lockean land ethic. He determined that the financial harm Frontenac would suffer if the injunction were not granted was the only harm worth considering. He justified his conclusion thusly: “I

cannot imagine any situation where the illegal blockading of access to someone who has a legal right of entry would ever be justified.”⁵⁰

Judge Cunningham could only recognize the injustice done to the property rights, in this case legal right of entry, of the permit holder; he could not recognize the legitimate existence of more-than-ownership relations to the land, such as AAFN’s sacred stewardship duty to their unceded lands. As Judge Cunningham stated: “There is precious little evidence of potential adverse effects upon the traditional practices . . . There is virtually nothing on the record before me.”⁵¹ His non-recognition aligns with the Lockean theory of property, where the only legitimate land relation is that of economically productive exploitation, without which the land is worthless. The Anglo- Canadian, Lockean-influenced land ethic—which shapes the legal framework Judge Cunningham used to make this land rights decision—favours industry and profit over sacred stewardship and the intrinsic value of land. Consequently, he could not recognize the irreparable harm done to AAFN.

Implications

The results of AAFN v. Frontenac corp. demonstrate the need for just negotiation in land- conflicts between Indigenous peoples and the Ontario government. The Ontario government must broaden its conception of appropriate land-use—beyond ownership-exploitative relations—to recognize the legitimacy of holding a reciprocal relationship with Nature. As an intrinsically valuable member of the community, Nature deserves the highest respect; this respect manifests as rights in the legal system. Though such a move may seem difficult, there have been some

46 Ibid., 62

47 Harries, “Leader Jailed.”

48 Smitherman and Pratt, “Canada: First Nation Blockade.”

49 Ibid.

50 Ibid.

51 Ibid.

encouraging steps made in New Zealand, where the Whanganui River is a legal person with trustees from the Whanganui iwi.⁵²

However, asserting that Ontario recognize the natural world as an intrinsically valuable member of the justice community with rights gives rise to difficulties, both theoretical and practical. On a theoretical level, many justice theorists object to the plausibility of conceptualizing Nature as a member of the community of justice, since Nature does not satisfy membership requirements. John Rawls defined justice as the principle governing how to best distribute goods in society.⁵³ He argued it was incomprehensible to extend the notion of justice to ecosystems, as we cannot “extend the contract doctrine so as to include them in a natural way.”⁵⁴

Even if we can see land as deserving of rights, untenable consequences follow when we consider pragmatic land-uses like harvesting land for energy. If the land is intrinsically valuable, that is, if its value stems not from its usefulness to humans but from its own being, and is thus inherently worthy of respect, then it follows that it has an absolutely inalienable right to joyfully continue “being” in the fullest. Such being would supersede all human energy-harvesting needs, as harvesting would necessarily diminish the flourishing of the land’s being. This is clearly absurd.

I would argue that the issue is one of degree. Humans can ethically violate the land’s inalienable right to flourish, but only when people’s inalienable right to life requires it. Furthermore, even under those extenuating conditions, humans must recognize the land has a right to flourish and in harvesting energy we are violating that right. Additionally, we

should strive to harvest energy as respectfully as possible, that is, to give back to the land after harvesting. One might object to this response, arguing that prioritizing humanity’s right to life when it conflicts with the land’s right to flourish contradicts my original position on Nature’s intrinsic value. I would counter by pointing out that human interests are usually best served when the land is permitted to flourish, so in reality a situation where the two conflict is rare.

Recent scholarship on Environmental Justice has begun to address the theoretical issue. Originally concerned with the distribution of environmental harms among persons, scholars like Martha Nussbaum have expanded the domain of environmental justice from a mere distributive approach to a broader capabilities approach.⁵⁵ A just action is no longer merely one that distributes goods fairly amongst persons, but one that ensures the realization of the capacities necessary for individuals to lead fulfilling lives. Theorists have noted that the concept of fully actualized potential can be extended from a person to an ecosystem, and have used the capabilities approach to help shift from an anthropocentric understanding of justice to one that extends to the beyond-human world.⁵⁶

This shift aligns with Anishinaabe scholarship on justice, which “considers relationships not only among people but also among all our relations.”⁵⁷ As Anishinaabe legal scholar Deborah McGregor explains: “It is about justice for all beings of Creation, not only because threats to their existence threaten ours, but because from an Aboriginal perspective justice among beings of Creation is life-affirming.”⁵⁸ I would add that it is not only life-affirming, but crucial in the age of unprecedented threats to the sustainability of the planet.

52 Van Wagner, “The Place of Private Property,” 381.

53 Rawls, *A Theory of Justice*, 9-10.

54 Ibid: 512.

55 Scholsberg, *Defining Environmental Justice*, 32.

56 Ibid.

57 McGregor, *Honouring Our Relations*, 28.

58 Ibid., 27.

Works Cited

- AAFN. www.aafna.ca
- Aggregate Resources Act, R.S.O. 1990, Chapter A. 8.
- Borrows, John. *Canada's Indigenous Constitution*. Toronto: University of Toronto Press, 2010. Borrows, John. *Recovering Canada: The Resurgence of Indigenous Law*. Toronto: University of Toronto Press, 2002.
- Carter-Whitney, Maureen and Justin Duncan. *Balancing Needs/Minimizing Conflict: A Proposal for a Mining Modernization Act*. Vancouver: Ecojustice Canada, 2008.
- Davies, Margaret. *Property: Meaning, Histories, Theories*. New York: Routledge, 2007.
- Gerry, Peter. "High-stakes battle over mining rights; Century-old law giving prospectors right to drill on private land unites natives and non-natives." *The Toronto Star*, May 12, 2008. ProQuest.
- Harries, Kate. "Leader jailed for protecting Algonquin territory." *Windspeaker*, March 10, 2008. ProQuest.
- Koschade, Bettina, and Evelyn Peters. "Algonquin Notions of Jurisdiction: Inserting Indigenous Voices into Legal Spaces." *Geografiska Annaler. Series B, Human Geography* 88, no. 3 (2006): 299-310. <http://www.jstor.org/stable/3878375>.
- Locke, John. *Two Treatises of Government*. Edited by Peter Laslett. Cambridge: Cambridge University Press, 1988.
- McCarney, Paul. "Indigenous Jurisdiction in Ontario: Land and Resource Development in Ardoch Algonquin First Nation Territory." MA diss., Trent University, 2011.
- McGregor, Deborah. "Honouring our relations: An Anishinaabe Perspective on Environmental Justice." In *Speaking for Ourselves: Environmental Justice in Canada*, edited by Julian Agyeman, Peter Cole, Randolph Haluza-DeLay, and Pat O'Riley. Vancouver: UBC Press, 2010.
- Mills, Aaron. "The Lifeworlds of Law: On Revitalizing Indigenous Legal Orders Today." *McGill Law Journal* 61, no. 4 (June 2016): 847-884. <https://doi.org/10.7202/1038490ar>.
- Neeson, J.M. *Commoners: Common Right, Enclosure and Social Change in England*. Cambridge: Cambridge University Press, 1996.
- Provincial Policy Statement*. Toronto: Ministry of Municipal Affairs, 2014.
- Rawls, John. *A Theory of Justice*. Oxford: Oxford University Press, 1971.
- Schlosberg, David. *Defining Environmental Justice: Theories, Movements, and Nature*. Oxford: Oxford University Press, 2007.
- Sioui, Miguel, and Robert McLeman. "Asserting Mino Pimàdiziwin on Unceded Algonquin Territory: Experiences of a Canadian 'Non-Status' First Nation in Re-Establishing Its Traditional Land Ethic." *AlterNative: An International Journal of Indigenous Peoples* 10, no. 4 (November 2014): 354-75. <https://doi.org/10.1177/117718011401000404>.
- Smit, Anneke, and Marcia Valiante. *Public Interest, Private Property: Law and Planning Policy in Canada*. Vancouver: UBC Press, 2015.
- Smitheman, Neal, and Tracy Pratt. "Canada: First Nation Blockade Where First Nation Refused to Consult Leads To Injunction." *Mondaq Business Briefing*, May 13, 2008. LexisNexis.
- Van Wagner, Estair. "The Place of Private Property in Land Use Law: A Relational Examination of Ontario's Quarry Conflicts." PhD diss., York University, 2017.
- Ziff, Bruce. "Warm Reception In A Cold Climate: English Property Law And The Suppression Of The Canadian Legal Identity." In *Despotic Dominion: Property Rights in British Settler Societies*, edited by John McLaren, A. R. Buck, and Nancy E. Wright. Vancouver: UBC Press, 1997.

BAD BLOOD: THE CONDITIONS OF THE BLOOD BAN

Faris Mecklai

Arts & Science 4CI3: Diversity and Human Rights Inquiry

Introduction

I have bad blood. Every few weeks, Canadian Blood Services (CBS) sends me an email asking me to donate blood. However, CBS also tells me that because I love those that I do, I am ineligible to actually donate. In Canada, men who have sex with men (MSM) are not allowed to donate blood until three months after their last sexual encounter in order “to protect the blood supply from HIV” (Canadian Blood Services, n.d.-b). This regulation, however, was originally a lifelong ban. Previously, any man who had had sex with another man after 1977 could never donate blood (Canadian Blood Services, n.d.-b). This policy came to be known as the Blood Ban, and many have come to call it homophobic and discriminatory. Even though blood from all donors gets tested for HIV, very specific groups of people cannot give blood. Here, the gay man’s identity is profiled and systemically excluded. Rather than focusing on excluding individuals whose behaviours—such as having unprotected sex—may lead to a positive HIV infection, individuals’ identities are being targeted. As a gay man who has been excluded from giving blood on the premise that my blood could be tainted or impure, I have a personal and vested interest in this topic. I have always questioned why and how the Blood Ban came into prominence as well as the conditions that have allowed it to not only exist, but survive

and thrive in Canada.

Three main conditions contribute to the survival of the Blood Ban: 1) histories of homophobia and stigma, 2) irrational fear of possible HIV transmission, and 3) the delegitimization of citizenship for those wishing to be altruistic. These conditions have survived and thrived throughout Canada’s history of blood donation and HIV/AIDS. Furthermore, they allow CBS to rationalize and normalize the existence of this discriminatory policy. They legitimize irrational concerns of those fearful of contracting HIV/AIDS, perpetuate systemic discrimination, further marginalize the LGBTQ+ community, and are responsible for the creation of the Blood Ban. All three act both independently and in cooperation with one another to perpetuate the existence, survival, and thriving of the Blood Ban.

I. Histories of Homophobia and Stigma

The first cases of HIV/AIDS in North America were discovered in five young homosexual men in Los Angeles in 1981 (CDC, 1981). Immediately, the public associated this new and scary disease with homosexuality. After additional clusters of homosexual men were diagnosed with a never-before-seen disease in the following year, professionals assigned HIV/AIDS the name Gay-Related Immune Deficiency (GRID) (Stulberg & Smith, 1988). The nomenclature itself was homophobic—it

equated an infectious disease with being gay, even though an insufficient amount of time, energy, and research had gone into understanding the true risk factors for HIV/AIDS (Stulberg & Smith, 1988). Today, the world knows that anyone can contract HIV/AIDS and that the disease is not exclusive to the gay man's body (Herek & Glunt, 1988). Risky behaviour can lead to the contraction of HIV, not the gay identity. When HIV/AIDS first appeared in North America amongst gay men in the 1980s, people began to fear gay men and blamed them for this new threat to their health and well-being. At that time, homophobia was embedded into the social and political life of North Americans to a much more visible and tolerated extent than it is today. As a result, little critical thinking was applied to the connection between HIV and homosexuality, and the idea that gay men were a threat to society and public health flourished.

Today, many people know that HIV/AIDS is transmitted through an exchange of bodily fluids. Sharing needles with, having unprotected sex with, or accepting blood transfusions from someone who is HIV+, can all result in the contraction of the virus (Canadian Blood Services, n.d.-b). However, decades ago, the popular belief was that HIV/AIDS was a disease exclusive to MSM. Furthermore, many incorrectly believed that HIV/AIDS could be transmitted through close proximity, hugs, or any form of contact to HIV+ individuals (Herek & Glunt, 1988). As such, gay men were physically and socially distanced from the rest of society—no one wanted to interact with them. There was a clear inconsistency in society's premonitions of gay men. On one hand, they thought that HIV/AIDS was exclusive to MSM, but they were also scared to interact with them

for fear of catching the virus as well. These beliefs were popular because they reflected and fueled homophobia and were not rooted in science, rationality, or unbiased empirical evidence. Fear, panic, and hysteria infiltrated the minds of many North Americans during the 1980s and thus, a stigma around HIV/AIDS emerged: gay men were viewed as disease-ridden, as infectious, and as a plague to society.

Homophobia and the stigma of HIV/AIDS perpetuate one another. In the 1980s, North America had already stigmatized the LGBTQ+ community. Homophobia was socially acceptable. As such, when an unfamiliar disease seemingly appeared out of nowhere and was thought to be exclusive to gay men, homophobia surged (Herek & Glunt, 1988). Gay men were blamed for introducing HIV/AIDS to North America, and, as a result, were far more ostracized and discriminated against than before. HIV+ men faced discrimination everywhere. They were denied basic services like haircuts and mail delivery, were forced to resign from their jobs, and in some cases even had their houses burned down (Herek & Glunt, 1988). People physically avoided gay men because they were scared of contracting HIV themselves. Nowadays, these actions seem totally ridiculous and socially unacceptable; in fact, most can be severely punished by the law. However, the social and political context of North America during the HIV/AIDS epidemic of the 1980s allowed these acts to happen with little regard for human dignity, equality, and respect. Perpetrators of discrimination against individuals in the LGBTQ+ community believed that their actions were 'right' and were not concerned about any legal consequences. In many cases, systemic homophobia and stigma surrounding

HIV/AIDS in the legal system even allowed perpetrators of homophobic violence to receive reduced punishments (Herek & Glunt, 1988). Thus, as homophobia was deemed socially acceptable, and HIV/AIDS was seen as inexplicably linked to homosexuality, stigma against HIV+ individuals was tolerated and normalized. Since society saw HIV/AIDS as a threat to public health and safety, discrimination against all HIV+ men, and as an extension, all gay men, was deemed perfectly acceptable.

Systemic stigma about HIV/AIDS that stemmed from an inherently homophobic society also facilitated the creation of the Blood Ban (Robinson & Frost, 2018). The notion that MSM blood is tainted, impure, diseased, toxic, and bad penetrated the minds of those creating blood donation policies. Canadian Blood Services, The Canadian Red Cross, The American Red Cross, the American Food and Drug Administration, and the public, all believed in the idea of MSM blood impurity (Robinson & Frost, 2018). North Americans in the 1980s blamed the LGBTQ+ community, and specifically homosexual men, for the creation and outbreak of a disease. The social acceptance of homophobia and stigma bred homophobic regulations that barred MSM from donating blood. The perceived threat of HIV/AIDS led to the immediate implementation of these regulations with minimal critical analysis or reflection. Few realized that the Ban emerged from a place of discrimination rather than from a concern for public safety. Unfortunately, rhetoric that MSM are at fault for the existence of HIV/AIDS has persisted until today, and the perpetuation of the Blood Ban does nothing to help correct it (Fielstein et al., 1992).

The two main rationales for the Blood

Ban are that 1) MSM are a demographic with high HIV infection rates, and 2) HIV can be undetectable for a certain amount of time after infection (Fielstein et al., 1992). However, the gay man's body is no more physiologically likely to contract HIV than anyone else. Before information about sexually transmitted diseases, infections, and HIV/AIDS became widely available, MSM were unlikely to use protection as it was widely believed that condoms only prevented pregnancy (Robinson & Frost, 2018). As a result, HIV/AIDS and other STDs became widespread in the gay community (Robinson & Frost, 2018). Furthermore, a history of homophobia resulted in a lack of prevention and education efforts by governments to mitigate the risks of HIV/AIDS (Herek & Glunt, 1988). Gay men were allowed to suffer and risk infection because their governments did not see the need to value their lives and act in any capacity to increase public health and safety for MSM. To governments, it was not worth intervening when a barber did not want to cut a gay man's hair, a mailman did not want to deliver a gay man's mail, or a gay man's house was burned down. Thus, it was certainly not worth the trouble to help or listen to the MSM community when gay men wanted to be informed about healthy safe sex practices, or gay men wanted to donate blood (Herek & Glunt, 1988).

A prime example of a government failing to prevent the spread of HIV/AIDS throughout the U.S. occurred in the 1980s. The Center for Disease Control and the US Senate withheld funding for educational programs that would teach young Americans about safe sex and HIV/AIDS because those in charge believed these initiatives would spread a 'homosexual agenda' (Herek & Glunt, 1988). Thus, the reason MSM are

more likely to contract HIV—a cause of the blood ban—was the fault of governments and decision-making bodies. Governments and policymakers were perpetuating, and continue to perpetuate, systemic homophobia by not creating inclusive education and public health policies. The Canadian and US governments excluded gay men from their definition of human beings deserving happy and healthy lives. Pursuit of happiness is listed as an “unalienable Right” in the preamble of the US Declaration of Independence (US, 1776, preamble). MSM in the US could not pursue happiness since their own governments did not even allow them to pursue their health. Furthermore, Article 25 of the United Nations Declaration of Human Rights states that “everyone has the right to a standard of living adequate for the health and well-being of himself... including... necessary social services” (The United Nations, 1948, art. 25.1). As such, governments violated regulations they themselves had created and were answerable to, and tolerated the dehumanization of MSM by denying them basic social freedoms such as public health, safety, and safe sex education. Homophobia and stigma became endemic to public health and safety systems, and thus, concerns for equality, rights, and a social justice perspective were dismissed. These rights were not considered when governments were faced with an epidemic; their goal was to protect the non-homosexual population from MSM through policies such as the Blood Ban while the gay community suffered. Policies and actions that could have helped the gay community did not exist, and the Blood Ban acted to separate and other the gay community from everyone else (Herek & Glunt, 1988).

The perpetuated stigma surrounding

HIV/AIDS also deterred many MSM from getting tested (Herek & Glunt, 1988). They thought that living in ignorance was bliss. At the time, HIV was almost certainly both a literal and social death sentence. Because of HIV’s inevitable health outcomes, MSM preferred to not occupy themselves with the emotional burdens and consequences of receiving a positive diagnosis. Furthermore, a positive diagnosis also often meant that individuals were outed or believed to be gay, even if they were not, since homosexuality and HIV/AIDS were improperly linked (Herek & Glunt, 1988). Doctors were also reluctant to report positive HIV cases because they were scared other patients would not want to see them if it became known that they had been in contact with an HIV+ individual (King, 1986). Misreporting exemplified discrimination because it perpetuated the notion that gay men needed to hide their identities. Even the few mechanisms created to monitor and protect their health worked against them. Misreporting infiltrated the scientific method and biased the studies on HIV health risks as trends in infection counts were inaccurate (Robinson & Frost, 2018). Without such inaccuracies, there would have been less of a bottleneck on the invention of HIV testing technologies or medicines such as pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP). The route to combatting HIV/AIDS would have been clearer and more straightforward. These factors that stem from homophobia and stigma surrounding HIV/AIDS led to misinformation about the virus and consequently higher infection rates. This provided reasons for organizations like CBS to continue to claim that the Blood Ban is necessary.

All blood donations that come through CBS are tested for HIV and other diseases,

no matter who the donor is or what identities they may hold. Today, science shows that HIV is detectable by testing after a window period of only sixteen days from the point of potential infection (Canadian Blood Services, n.d.-a). It seems unnecessary to ban MSM blood for three months on the basis that the MSM community has a high proportion of HIV+ members. Although in the past, HIV testing was not as efficient and accurate as it is today, technology has now advanced greatly. The survival of the Blood Ban thus suggests that it is a product of perpetuated homophobia and stigma as opposed to scientific suggestions to mitigate accidental HIV+ blood transfers. MSM are barred from giving blood because of their identity, yet unprotected sex is the culprit of HIV infections—not homosexuality. While history suggests that the gay community may have catalyzed the HIV/AIDS epidemic in North America, this was not because of their identity, but rather because uninformed judgment, on part of the government, led to a lack of use of protection during intercourse (Robinson & Frost, 2018). Notably, however, not all MSM practice unprotected sex. Nonetheless, CBS seems to make this assumption and generalization when it bans all homosexual men from donating blood. Thus, a more appropriate blood donation restriction would be for sixteen days for anyone who has engaged in unprotected sex no matter their sexual orientation, as opposed to three months for all MSM.

The responses from CBS and the Red Cross, when asked about the existence of the Blood Ban, have been unclear and inconsistent (Bauer, 2019). Ironically, the Blood Ban arose from stigma against homosexuality, and now, the Blood Ban is itself stigmatized. CBS is often called homophobic and discriminatory

for targeting the MSM identity instead of the true culprit: HIV-transmitting behaviour such as unprotected sex. In Italy, for example, MSM are evaluated on eligibility to donate blood on a case-by-case basis (Weisberger, 2016). Italy asks behaviour-related questions to everyone, such as the number of sexual partners an individual has had, and whether one uses protection. High-risk behaviour and practices are banned instead of identity. To date, Italy's HIV transmissions via blood donations are stagnant (Weisberger, 2016). Italy has overcome the fear of transmission and contamination, yet CBS continues to perpetuate a rhetoric of fear, reinforces the stigma of HIV/AIDS, and leads policymakers to allow the Blood Ban to continue to survive and thrive.

II. Fear of Contamination and Precedent

In the early 1980s, a blood contamination incident occurred in Canada when over 2,000 recipients of blood donations were infected with HIV, and more than 20,000 contracted hepatitis C (Inwood & Johns, 2014). In 1997, a report was delivered by The Commission of Inquiry on the Blood System in Canada. The examination into the disaster, often called the Krever Inquiry, was chaired by Justice Horace Krever and commissioned by the federal government. The Krever Inquiry had three main findings. Firstly, blood safety compromises were the result of poor communication between organizations responsible for disease detections and blood donation (Weinberg et al., 2002). Secondly, HIV detection technologies were not being approved fast enough in Canada. Lastly, the general public, especially MSM, were grossly uninformed on the risks of HIV/AIDS and hepatitis and lacked knowledge

of prevention methods for the two diseases (Weinberg et al., 2002). Less than a year after the Inquiry's publication, control over blood donation was mandated to a new organization—Canadian Blood Services—in order to reify actions that would resolve the Inquiry's findings (Weinberg et al., 2002). Not long after the Inquiry's publication, CBS officially banned MSM from donating blood. Their rationale was that MSM are more likely to have infected blood, and they did not want a repeat of the disaster of the previous decade. Thus, the Krever Inquiry, and CBS' interpretation of it, are cited as a reason for the creation of the Blood Ban (Bauer, 2019).

The way CBS interpreted The Krever Inquiry and its severity caused the newly-founded organization to be reactive as opposed to proactive. The contamination disaster of the previous decade had rightfully sparked public fear and outrage. Therefore, in order to prevent the possibility of another contamination and scandal, CBS did everything in its power to shift the perception of the blood donation system from one of incompetence, to one that prioritized safety (Wilson, 2007). At the time of the large-scale contamination, HIV had only recently been discovered. As a result, testing had not yet been incorporated into the blood donation process and would not be until a few years later (Canadian Blood Services, n.d.-b). Nonetheless, at the time of the Krever Inquiry, both HIV and hepatitis testing were much more advanced than before. The conditions that allowed for wide-scale contamination to occur no longer existed, yet CBS acted more cautiously than critics argued was necessary (Wilson, 2007). This overcautiousness resulted in the introduction of cost-ineffective and unnecessary measures to mitigate risk and increase safety (Wilson, 2007). The Blood

Ban is one such measure. Every year, millions of perfectly healthy men are unable to donate blood to those who desperately need it. These overcautious and cost-ineffective measures have resulted in the rising cost of blood and have led to risk-averse mentalities that cause dissatisfaction with and distrust of the blood donation system (Wilson, 2007).

The exclusion of MSM to donate blood was legitimized by Justice Catherine Aitken of the Ontario Superior Court of Justice when she determined that public safety outweighs any form of discrimination that gay men may face as a result of the Blood Ban (Freeman vs. CBS, 2006). CBS is not deemed to be in violation of the Canadian Charter of Rights and Freedoms because concerns of health and safety are cited, in this case, as a reasonable priority over equality. Aitken offered this analysis as part of a ruling between CBS and Kyle Freeman—a man who was being sued by CBS for lying about having sex with another man on the pre-donation questionnaire and then proceeding to give blood (Freeman vs. CBS, 2006). Freeman countersued CBS stating that his human rights under Section 15 of the Charter protected him from discrimination on the grounds that his identity, and that they were being violated. Freeman lost and was ordered to pay \$10,000 in damages for negligence of public safety (Hamilton Spectator, 2010). This was only one-tenth of the total that CBS had originally sought (Freeman vs. CBS, 2006). Aitken also ruled that CBS was not answerable to the Charter of Rights and Freedoms because it is not a government entity (The Globe & Mail, 2010). However, while CBS is its own organization, it works in conjunction with the public to receive donations, and with public hospitals to distribute donations. This point reinforces Krever's findings that

blood-donation organizations had poor communication; having the different parts of the same system answerable to different legislation can cause miscommunication and complications.

Ultimately, Aitken's ruling perpetuated homophobic discrimination and the prominence of the Blood Ban by pitting safety concerns against equality rights. However, this dichotomy between safety and equality was created by CBS' reaction to The Krever Inquiry. CBS automatically chose safety, reactivity, and cautiousness in the hope of never having to endure another contamination incident and scandal instead of a progressive and proactive response to satisfy both safety and equality rights. Nonetheless, as advanced technologies, research, detection methods, and policies have developed since the time of the 1980s contamination incident and the Krever Inquiry, perhaps it is time to reexamine the rationale for the Blood Ban, and end it once and for all (Wilson, 2007). The Blood Ban was instituted to regain a sense of trust from Canadian citizens and distance the blood donation system from a terrible and tragic scandal that impacted the lives of thousands (Wilson, 2007). However, now, forty years later, that incident is long in the past. All donated blood is thoroughly tested for HIV, hepatitis, and other blood diseases, and as a result, public confidence and trust have been restored (Wilson, 2007). As such, CBS' priorities and the dichotomy between public safety and equality must be reexamined (Wilson, 2007).

In 2007, the CBS Board of Directors concluded that the Blood Ban should remain in effect, but more research should be undertaken on the topic (Canadian Blood Services, n.d.-b). As a result, CBS launched the MSM Research Program and the MSM

Research Grant Program. The programs aim "to ensure the generation of adequate evidence-based research for alternative screening approaches for blood or plasma donors, which could evolve the current deferral policy for MSM while maintaining the safety of the blood supply" (Canadian Blood Services, n.d.-c). Eventually, Judge Aitken in her infamous ruling called the lifelong ban unnecessary as she saw no scientific justification for its indefiniteness (The Hamilton Spectator, 2010). Thus, in 2011, shortly after Aitken's ruling, CBS changed its policy to shorten the Blood Ban for the first time in its history. In the same year, on its fifteenth anniversary, CBS issued a statement stating that the organization had "evolved from being reactive...to proactive" (Canadian Blood Services, 2013). Over the past decade, CBS has reduced the Blood Ban from being indefinite, to five years (2011), one year (2016), and most recently three months (2019). Nonetheless, while CBS calls itself proactive and has reduced the Blood Ban over time, the history of contaminations, scandals, and an overly cautious mindset has rooted itself in policy and decision-making. Furthermore, although these reductions in ban lengths seem progressive, even the most recent—at three months—disregard the fact that accurate HIV testing can be done after only sixteen days. Thus, the impacts of Canada's blood donation system's unfortunate contamination history and the Krever Inquiry still exist and allow CBS to claim them as conditions that require the perpetuation of the Blood Ban.

III. Delegitimizing Citizenship and Human Rights

The act of donation, in itself, is altruistic. CBS has used the slogan "it's in

you to give” to appeal to Canadians to take time out of their day to be generous and donate blood (Grace et al., 2019). However, ironically, CBS only wants specific people’s blood. The significance of blood as a literal lifeline has associated blood donation with good citizenship (Titmuss, 1970). People are not obligated to donate blood, yet, out of the goodness of their hearts, they donate to better the lives of others. As such, the Blood Ban’s refusal of MSM blood donation exemplifies social exclusion—gay men are barred from a selfless process of civic involvement (Valentine, 2005). Thus, the Blood Ban excludes MSM from acting and, in fact, engaging in society as good citizens.

In her infamous ruling referenced earlier, Aitken claimed that blood donation was not a right, but a ‘gift’. While Section 15 of the Canadian Charter of Rights and Freedoms analogously protects against discrimination on the grounds of sexual orientation, deeming blood donation a gift and not a right excludes it from protection. Critics of this ruling would argue that blood donation is an act of altruism, citizenship, and generosity that embodies the Canadian spirit. Thus, they argue that the law should view the ability to enact acts of altruism as a right (Bennett, 2009). Again, while donating blood is not mandatory for Canadians, the option to do so should exist for all healthy individuals. The exclusion to donate blood based on identity is a denial of one’s ability to be a good citizen and thus to an extent, a denial of citizenship itself (Grace et.al, 2019). Unfortunately, this is not what the judicial system of Canada says. Aitken’s use of the word ‘gift’ removes the notion of human rights from the discourse of the Blood Ban. As a result, its existence has been easier to justify and prolong. The Blood Ban, therefore, acts to delegitimize

the citizenship of and dehumanize MSM and the LGBTQ+ community. The Blood Ban unfairly targets a community and impacts a minority of people. Social forces and political actors allow this ban to exist without giving a second thought to minority rights. Instead, policymakers ensure that the rights of the non-MSM majority are not infringed upon. Less discriminatory systems, such as Italy’s blood donation policies, exist. Italy’s policies evaluate who is eligible to donate blood based on behaviour, not identity. Canada’s systems should also change to reflect disapproval of unsafe behaviour, and not homosexuality.

The act of delegitimizing citizenship feeds into the condition of historical and contemporary homophobia and stigma. As discussed earlier, homophobia became so systemic, governments were not concerned with acts of aggression towards HIV+ gay men. Another form of systemic homophobia and dehumanization emerges when governments and public health organizations restrict MSM from participating in good citizenship. In the aftermath of traumatic events such as 9/11 and the 2016 Orlando gay nightclub shooting, millions of Americans and Canadians rushed to blood banks to donate their blood (Weisberger, 2016). However, MSM were barred from doing so and were thus unable to give back to society. Even when their own community was impacted, in the case of Orlando, they could do little to help. The performance of blood donation is an opportunity that can give moral worth to an individual (Bennett, 2009). Legally, being a ‘good citizen entails going to jury duty and not murdering anyone. Yet, morally, a ‘good citizen’ can be difficult to define. The aspiration of going above and beyond to become that ‘good citizen’—by donating blood, for example—fosters harmonious,

collaborative, and cooperative societies (Bennett, 2009). The exclusion of part of the population from trying to become good citizens diminishes the potential for a society to prosper (Bennett, 2009).

Citizens of a country are granted certain rights, freedoms, and protections by their government, its legislations, and its courts. The Canadian judicial system, through Judge Aitken, and CBS deny MSM the right to be good citizens as the MSM right to altruism—through blood donation—is lost. To CBS, good citizenship is an optional privilege and a gift—not a right. Homophobia and HIV/AIDS stigma allow the Blood Ban to exist and continue to delegitimize citizenship by denying the right to altruism. The Blood Ban thrives because homophobia and stigma still permeate the systems of governance, policy, and decision-making that oversee public health, safety, and human rights.

Conclusion

The Blood Ban is an example of institutionalized discrimination. Because CBS, a legitimate entity, excludes MSM from a very normal process, their discrimination is inappropriately rationalized and normalized. In fact, the non-discrimination and inclusion of MSM in the blood donation process can lead to legal and financial penalties, as proven in the case of Freeman vs. CBS. As such, the Blood Ban is authoritative and contributes to a compliance effect of Canadians accepting MSM discrimination without critical inquiry.

The histories of homophobia and stigma, unclear rationales, fear of blood contamination, an overly risk-averse mindset, and the delegitimization of citizenship, are all conditions that work independently and together to perpetuate the existence, survival, and livelihood of the Blood Ban. Today, the

Blood Ban still thrives in Canadian policy, despite being the result of homophobia and undue stigma. To justify the policy, CBS refers to a history of contaminated blood and the Krever Inquiry even though all donated blood is tested for HIV/AIDS before it is distributed, and blood can be accurately tested after only sixteen days from the point of infection. CBS prioritizes unfounded safety concerns over equality and rights and creates a superfluous binary by pitting the two against each other. The Blood Ban's existence continues to perpetuate fear, homophobia, and stigma against those living with HIV/AIDS because it restricts gay men from participating in an act that is open to most of the rest of the population. This segregates and others MSM from the rest of the population and excludes them from engaging in good citizenship and altruism. The Blood Ban thrives because CBS, the Canadian courts, and Canadian society allow it to.

Every few weeks, I get an email from CBS asking me to donate blood. They tell me that every year, millions need blood transfusions to live, and that I would be generously giving a gift and saving lives due to my rare blood type. Every email I receive is a slap in the face. They are asking me to save a life, but also proclaim that I cannot, because of the life I live and the lives I love. Hopefully, one day, I will be able to receive an email and not feel the urge to immediately delete it. Hopefully, one day, my blood won't be seen as bad. Hopefully, one day, things will change.

Works Cited

- Bauer, G. (2019, May 31). This Is Not Your Father's Gay Blood Ban Era. We're Overdue for a Comprehensive Reassessment. *The Canadian Broadcasting Corporation*, www.cbc.ca/news/opinion/blood-ban-1.5154732.
- Bennett, J.A. (2009) *Banning Queer Blood Rhetorics of Citizenship, Contagion, and Resistance*. University of Alabama Press. doi:10.1080/00335631003796693.
- Canadian Blood Services. (n.d.-a). Window Period. www.blood.ca/en/about-us/window-period#:~:text=Previous studies indicate that this, period of about 16 days.
- Canadian Blood Services. (n.d.-b). Men Who Have Sex with Men. www.blood.ca/en/blood/am-i-eligible/men-who-have-sex-men.
- Canadian Blood Services. (n.d.-c). MSM Research Grant Program. www.blood.ca/en/research/our-research-activities/our-research-funding-opportunities/msm-research-grant-program.
- Canadian Blood Services. (2013, Sept. 27). Restore Confidence in the Blood System. www.blood.ca/en/journalists/web-statement-15th-anniversary.
- Center for Disease Control. (1981) Pneumocystis Pneumonia--Los Angeles.
- Fielstein, E.M., et al. (1992). AIDS Knowledge Among College Freshmen Students: Need for Education?. *Journal of Sex Education and Therapy*, 18(1), 45–54. doi:10.1080/01614576.1992.11074039.
- Freeman vs. Canadian Blood Services. (2006, Apr. 18). Ontario Superior Court of Justice. *CanLII*. <https://www.canlii.org/en/on/onpsc/doc/2006/2006canlii12308/2006canlii12308.html?searchUrlHash=AAAAAQakRnJIZW1hbiBhbmQgQ2FuYWVpYW4gQmxvb2QgU2VydmljZXMGAAAAAAE>
- Grace, D., et al. (2019). Gay and Bisexual Men's Views on Reforming Blood Donation Policy in Canada: A Qualitative Study. *BMC Public Health*, 19(1), 1-14. doi:10.1186/s12889-019-7123-4.
- Herek, G.M., & Glunt, E.K. (1988). An Epidemic of Stigma: Public Reactions to AIDS. *American Psychologist*, 43(11), 886–891. doi:10.1037/0003-066x.43.11.886.
- Inwood, G.J., & Johns C. (2014). *Commissions of Inquiry and Policy Change: A Comparative Analysis*. University of Toronto Press. doi:10.3138/9781442668867-016
- King, W. (1986, May 27). Doctors cite stigma of AIDS in declining to report cases. *New York Times*, <https://www.nytimes.com/1986/05/27/us/doctors-cite-stigma-of-aids-in-declining-to-report-cases.html>.
- Robinson, R.K., & Frost D.M. (2018) The Afterlife of Homophobia. *Arizona Law Review*, 60(1), 213-289. doi:10.2139/ssrn.3210390.
- Stulberg, I., & Smith M. (1988). Psychosocial Impact of the AIDS Epidemic on the Lives of Gay Men. *Social Work*, 33(3), 277-281. doi:10.1093/sw/33.3.277.
- The Globe and Mail. (2010, Sept. 10). Blood Donation Is Benevolent, but Not a Right. *The Globe and Mail*, www.theglobeandmail.com/opinion/editorials/blood-donation-is-benevolent-but-not-a-right/article1379821/.
- The Hamilton Spectator. (2010, Sept. 10). Court Decision Upholds Ban on Gay Blood Donations. *The Hamilton Spectator*. www.thespec.com/news/2010/09/10/court-decision-upholds-ban-on-gay-blood-donations.html
- The Red Cross. (n.d.) Frequently Asked Questions - Eligibility - HIV, AIDS. *The Red Cross*. www.redcrossblood.org/faq.html#eligibility.
- The United Nations. (1948). *Universal Declaration of Human Rights*.
- Titmuss, R.M. (1970). *The Gift Relationship: From Human Blood to Social Policy*. George Allen & Unwin.
- United States of America. (1776). The Declaration of Independence. <https://www.archives.gov/founding-docs/declaration-transcript>
- Valentine, K. (2005). Citizenship, Identity, Blood Donation. *Body & Society*, 11(2), 113-128. doi:10.1177/1357034x05052464.

- Weinberg, PD., et al. (2002, Feb. 19). Legal, Financial, and Public Health Consequences of HIV Contamination of Blood and Blood Products in the 1980s and 1990s. *Annals of Internal Medicine*, 136(4), 312-319. doi:10.7326/0003-4819-136-4-200202190-00011.
- Weisberger, M. (2016, June 16). Calls Escalate for Lifting Blood Donor Ban on Men Who Have Sex with Men. *Scientific American*. www.scientificamerican.com/article/calls-escalate-for-lifting-blood-donor-ban-on-men-who-have-sex-with-men/.
- Wilson, K. (2007). The Krever Commission - 10 Years Later. *Canadian Medical Association Journal*, 177(11), 1387–1389. doi:10.1503/cmaj.071333.

MOVING TOWARDS AN AGE OF RECONCILIATION: SOCRATIC EDUCATION AS A MEANS TO RECONCILE WITH OUR SETTLER COLONIALIST HISTORY

Gabrielle Maerov

Arts & Science 2A06: Social and Political Thought

Canada's history is composed of many horrors. Settler colonialism and the resultant cultural genocide against Indigenous peoples exhibit how Canada is far from achieving a clean slate. Not only has Canadian society yet to fully reconcile with its history of settler colonialism, but also settler colonialist sentiments and values are still systemically intertwined within it. There is a subconscious separation in many Canadians' minds surrounding the idea that Indigenous people are "other." They are in the polis, but not *of* the polis (Razack 55). Plato's *Republic* delves extensively into the treatment of those who are not of the polis, presenting a starkly different approach to the consideration and treatment of these people than was the accepted sentiment in Athens at the time. The Platonic praxis concerning those deemed "other" as well as the educational program geared towards that praxis in Plato's *Republic* can guide Canadian society towards becoming a more just polis in relation to its mindsets and practices surrounding Indigenous peoples.

The structure of *The Republic* depicts an educational process. Socrates' interlocutors enter their discussion with unexamined ideas of what justice is and are educated towards a different understanding of the concept as the text progresses. Similarly, Canadians and Canadian society as a whole can be thought of as "miseducated" with regards to the settler colonialist fabric of our society.

They are in need of a re-education similar to that which is depicted in the *Republic*. In this essay, I will discuss the ways in which this miseducation is expressed in our society and explore Plato's educational ideology as a means to shift our society's settler colonialist propensities. Plato's ideology can be applied to reconciliation in three steps. Firstly, there must be a change in our practices of knowledge surrounding 'the other' (in this case, Indigenous peoples) and how to coexist with the other. Secondly, Canadian society must work to shift away from unjust, settler colonial practices of knowledge, a process that is painful but necessary. Finally, those who have been reeducated have an obligation to help re-educate their fellow members of society. This process requires the educators to empathize with those whom they are re-educating, understanding that the re-education process can be difficult.

The first part of the re-education of an unjust polis that I will discuss surrounds the treatment of those who are "other." This essay uses the term "other" in the context of comparison with Plato's *Republic*, with the intention of demonstrating how to engage in re-education surrounding marginalized populations. As Sherene Razack points out, the "othering" of Indigenous peoples can be a problematic sentiment in other contexts (54). It is important to note that in the *Republic*, Socrates discusses the treatment of those who are other in the context of enemies and

those with whom a city is fighting. This essay does not assert that Indigenous peoples and Canada as a society are or should be considered enemies. Rather, it will consider the broader meaning of the educational stance that Socrates takes in re-educating the polis on the treatment of “the other.”

The sentiments of Polemarchus and Thrasymachus in Book I of *The Republic* parallel many of the problematic sentiments interwoven into Canada’s current relationship with Indigenous peoples. The starting point in Polemarchus’ and Thrasymachus’ journeys of “re-education” surrounding justice can be compared to that of Canadian society. Thrasymachus boldly asserts that “the just is nothing other than the advantage of the stronger” (Plato 338c). He then claims that “each ruling group sets down laws for its own advantage” (Plato 338e). Thrasymachus insinuates that if one person or group dominates another group, the dominating group defines just practices in ways that are conducive to its own agenda. This claim parallels the mindset behind settler colonialism. In his essay entitled “Jagged Worldviews Colliding,” Leroy Little Bear asserts that “One of the problems with colonialism is that it tries to maintain a singular social order by means of force and law” (77). Colonialism is, at its core, the overpowering of one group’s culture, governance, self-determination and economic independence. This overpowering, or “advantage of the stronger,” is still at the heart of Canadian society. For example, Indigenous peoples live in societies in which they possess the potential ability to govern themselves, and according to anthropologist Michael Asch, many groups of Indigenous peoples feel that they should have the right to do so. However, as Asch writes, what they

do not have is “the recognition of that right by the Canadian and provincial governments, which continually use their police forces - and even the military - to impose Canadian laws on Aboriginal individuals and their societies” (1). A lack of recognition on the part of the Canadian government leads to a lack of resources to help Indigenous peoples realize the goal of self-government.

An example of how Canada inhibits the self-government of Indigenous peoples can be observed in the reliance of Indigenous peoples on the Canadian government for educational funding, and how this reliance prevents them from expanding their own education systems. According to a fact sheet produced by the Assembly of First Nations, there is a large discrepancy between the funding for Canadian public schools and First Nations schools (1). This funding discrepancy is problematic because First Nations communities are reliant on the government for money to operate schools, and yet the funding gap implies that Indigenous schools are somehow less worthy of funds than other schools. In an interview with the *Toronto Star*, Dr. Pamela Palmater, a Mi’kmaq lawyer, professor and activist, discusses the discrepancy between the quality of education in Canadian public schools and First Nations schools. She claims that the discrepancy is a result of more than a simple funding issue; there is a lack of political will to fix the problem, and to do so would require both a mental and legal shift on the part of the government (Palmater, “First Nations Education”). From an ethical standpoint, the poor quality of First Nations education due to a lack of government funding and support is decidedly unjust. However, it is permissible in Canadian society because the colonial government (the “stronger”) has allowed it to be so. When discussing these problems

of dependence, the Royal Commission on Aboriginal Peoples states that “Aboriginal peoples must have room to exercise their autonomy and structure their own solutions,” to escape Canada’s pattern of “debilitating and discriminatory paternalism” (Ponting, 469). As a result of being dependent on the “advantage of the stronger,” many First Nations communities do not have the room or autonomy to find solutions to issues such as the educational funding gap.

In addition to Thrasymachus’ views manifesting in Canadian society, Polemarchus’ idea that “justice is helping friends and harming enemies” (Plato 334b) is prevalent in Canada. The idea that it is just to harm those who are not friends is extremely problematic. This sentiment allows a society to adopt the mentality that people are either “of the group,” or “other,” and that it is permissible to act unjustly towards the latter. That is not to say that those who are other are always viewed in a negative light in our society. Indeed, Canada is a country that celebrates the multiculturalism of its inhabitants. However, there often exists an implicit separation between Canadians and Indigenous peoples, one which can prove to be detrimental to Canada’s relationship with its Indigenous population. An example of this in Canadian society is the disturbing phenomenon of freezing deaths among Indigenous people. These deaths occur when police “arrest” Indigenous individuals and deposit them, often without proper clothing or shoes, on the outskirts of cities in the dead of winter with no means to get back home (Razack 53). The question we must ask ourselves is, what sentiments ingrained in Canadian society would give police officers leave to commit these atrocities? Sherene Razack asserts that there is “a pervasive

and active dehumanization of Aboriginal people,” which allows police to regard them as “other” rather than as members of society (54). Socrates challenges Polemarchus’ aforementioned notion of justice, claiming that when human beings are harmed, “they come out worse” (Plato 335c). Socrates explains that an unjust action imposed on an individual will cause that individual to be unjust. To harm a human being can cause that person not only to be unjust to others, but also to themselves. The segregation of a class of people deemed to be “enemies” diminishes the dignity of that people and can perpetuate feelings of anger and self-loathing. It is clear that to define justice as “the advantage of the stronger” or “doing good to friends and harm to enemies” is a problematic way to view justice. These views define the starting point of both *The Republic* and Canada’s current societal state -- the point from which Plato’s process of re-education can begin.

When Plato wrote the *Republic*, Athens was engaged in a brutal war with Sparta. As demonstrated by the views of Polemarchus and Thrasymachus, justice in that time of war was largely equated with dominance in conflict. By contrast, Socrates maintains that even to an enemy of war, the just person must show respect and dignity (Plato, 469b-470a, 471a-471b). For example, according to Socrates, a victor in war must never enslave the defeated, disrespect their dead, defile their religious institutions or ravage and burn their countryside and homes (Plato, 469b-470a). This is a truly revolutionary stance for a city engaged in ongoing violence.

An important message can be gleaned from Socrates’ point in relation to settler colonialism in Canada: we exist in a society in which one group has dominated another for many centuries. Yet, this fact does not,

and should never, give Canadians leave to treat Indigenous peoples without dignity. Furthermore, there are two facets of dignity that ought to be considered. Firstly, we must consider the dignity of human beings. In prohibiting his polis from disrespecting the dead of the vanquished, Socrates is indicating that even if one is facing the body of an enemy, it is crucial to remember that it is the body of a human being, and that every human being is inherently valuable. Secondly, one must respect “the other” not only as a human being but also *for their otherness* and their existence as a people. This is demonstrated by Socrates’ preaching that a conqueror must never disrespect the religious institutions of the conquered. Religious institutions play a key role in the culture and identity of a people; thus, by respecting them one respects the validity of the existence of that people. Socrates also notes that one must not ravage the lands of an enemy. This principle, in addition to that of respecting the religion of “the other,” has been, and continues to be, grossly neglected by the Canadian settler state.

While discussing the recommendations of the Royal Commission on Aboriginal Peoples, University of Calgary professor Rick Pointing asserts that “Sociologically, recognition is extremely important to colonized or otherwise subordinated people. [It] offers not only social status and symbolic gains, but also eligibility for a share of scarce resources” (454-55). Fred Kelly, a survivor of residential schools, discusses the damage that a lack of recognition of the lands and religions of Indigenous peoples can inflict. . He writes, “By section 91(24) of the *British North American Act*, the federal government reserved for itself exclusive and total control over “Indians, and Lands reserved for the Indians” (20). He argues that “To take the

territorial lands away from a people whose every spirit is so intrinsically connected to Mother Earth was to actually dispossess them of their very soul and being” (20).

Settler colonialists in Canada have done the opposite of what Socrates teaches with respect to those who are “other,” with ongoing intergenerational impacts on Indigenous communities. An example of these repercussions can be observed in the effects of the Indian Residential School system on Indigenous communities. Through this system, settler colonialists took Indigenous children from their homes and communities in an attempt to “re-educate” them into being civilized Canadians (Taylor). The goal of the schools was to assimilate Indigenous children into Canadian society and dispossess them of their cultural identities. Children in the residential school system were victims of both physical and emotional abuse. In contrast to the values outlined in Socrates’ teachings, residential schools were designed to strip children of their dignity. Furthermore, the schools were created specifically to rid Indigenous people of their “otherness” rather than to celebrate it. Not only did the schools cause trauma to survivors, but they also continue to be the cause of intergenerational trauma in many Indigenous communities. For example, Fred Kelly writes that trauma from the schools often emerges in the survivors as “personal dysfunction or aberrant behaviour that also has consequences for the family and the community” (29). Further, this trauma can perpetuate instances of rage and lateral violence, as well as addictive and suicidal behaviour (29-30). The effects of the residential school system are a testament to the consequences of societal actions that cause harm to the “other.”

In light of Canada’s historic and

ongoing settler colonialist tendencies, reconciliation can be an opportunity to adopt Socrates' revolutionary principles. All of the ways in which Socrates discusses the treatment of "the other" involve physical actions taken rather than simply idle talk about justice. For example, Socrates states that victors in war must actively treat "their opponents in a kindly way, not punishing them with a view to slavery or destruction" (Plato 471a). In teaching that victors in war must never disrespect the bodies of their enemies or defile their homes and institutions, Socrates demonstrates the importance of embodying justice towards "the other" through one's actions, even amidst the brutality of war. Thus, reconciliation in Canada must move beyond speech and into embodied reconciliation, or reconciliation through action. Historically, Canada has made speeches of reconciliation that are not always reflected in governmental policies (Kelly 21-22). Thus, a question remains: how can Canada be educated towards a true, embodied reconciliation, and what might this process look like?

Plato's Allegory of the Cave can provide insight into the above question. In the Allegory of the Cave, Socrates describes human beings who are trapped in a cave, seeing shadows of things outside projected before them. These people are bound and are thus unable to see the real forms of the things passing by the cave (Plato 514a). Socrates maintains that these people would believe that the shadows are the true forms of what they are seeing, when in reality, they are artificial (Plato 515c). The people in the cave view the world through the scope of a narrow lens. The allegory insinuates that people must adopt a wider lens when examining the truths of their existences. Applied to the Canadian context, this would require Canadians to

critically examine the lens through which the Indigenous community is perceived. When settler colonialist values have been ingrained in the structure of society for a long time, people in a settler colonialist society grow up within the cave of these values. It is easy to go through life without challenging these views, and continuing to hold them as a form of truth. Yet, in order for there to be a societal shift towards a more just existence, people must be released from the bonds of society's structural discrimination. To truly bring about this shift is an immensely complicated endeavour; it means more than simply speaking words of reconciliation. Rather, we must come to terms with the atrocities of our country's past, and fundamentally shift many policies and practices. These may include a rebalancing of political and economic power, an acknowledgment of our settler colonialist history, and a fundamental reallocation of lands and resources (Ponting 470).

The process of coming to terms with our past and leaving the cave will be very difficult and painful. Indeed, Socrates describes that when a man who is released from his bonds and views the world in the light of truth, he experiences pain and wishes to flee from this revelation (Plato 515e). However, Socrates continues, if that man were to become accustomed to the light, he would be able to perceive the highest form of good (Plato 516a-516b). It is important to note the emphasis that Socrates places on the difficulty and pain that accompanies an exit from the cave. It requires a full shift of one's body towards a light that one would rather not see. This is a salient point, as this reluctance characterizes much of Canada's history. For example, Canada has often subsisted on a reputation for being a pure, peaceable country. In fact, at a G20 summit,

former prime minister Stephen Harper stated that Canada has no history of colonialism (Wherry 1). It is clear that the denial of our history has pervaded society even to the highest level of government, and Socrates prepares us for the fact that a fundamental re-education will be both difficult and painful.

In order for re-education to occur, its process must be executed through the collective responsibility of society. That is, re-education must come not only from our leaders, but also from the accountability of us as individuals. Socrates states that the power of education is “in the soul of each” (Plato 518c). Further, those who have been reeducated must “go down...into the common dwelling of the others and get habituated along with them to being [in] the dark” before helping to educate those who are trapped in the cave (Plato 520c). This means that in order for one to educate one’s fellow members of society towards a more just existence, one must find empathy for them, recognizing that the process of re-education is difficult and that others might be reluctant to be re-educated. The idea that empathy for others is a key component of societal re-education is further reflected when Socrates states that “the community of pain and pleasure is the greatest good for a city” (Plato 464b). This means that in the most just society, if one member or group of society experiences pain or misfortune, this pain is felt by all due to the presence of empathy. In order for a society to be just, its members must have empathy for the practices of knowledge of marginalized groups. In Canadian society, this empathy can manifest itself in two ways. Firstly, the practices of knowledge of Indigenous people should be celebrated instead of suppressed. Secondly, we must empathize with those who still practice

knowledge in the cave of denial about settler colonialism, so as to understand the starting point from which they can be re-educated.

With this idea of empathy in mind, Plato’s *Republic* is an exemplary text. Not only are we, as readers, taught how to educate a society towards a more just existence using empathy, but we are also shown what this educational process looks like from a practical standpoint. Plato allows us to beflies on the wall of an educational process between Socrates and his interlocutors. We read and learn as Socrates gently guides his interlocutors from their skewed views of justice towards a better understanding of what it means to be just.

Using Plato as a guide for the re-education of Canadian society, we learn that Canadian ideas of what it means for someone to be “other” and what it means to serve justice to the “other,” must be shifted. Rather than doing good to friends and harm to enemies (those who are other), we must treat those who are other with dignity and respect. We also learn that the process of reconciliation will be difficult and painful, yet ultimately it is our pathway towards a more just existence. Finally, we learn that we must be accountable as individuals for shifting the settler colonialist fabric of society. Ponting writes that “governments and national Aboriginal organizations [must] commit themselves to building a renewed relationship based on justice and fairness - in particular, on the principles of mutual recognition, mutual respect, sharing, and mutual responsibility” (458). If we re-educate society according to these values, perhaps we will be able to pave the way to an age of reconciliation.

Works Cited

- AFN Fact Sheet - First Nations Education Funding*. Assembly of First Nations, May 2002.
- AFN Fact Sheet - Misconceptions*. Assembly of First Nations, May 2002.
- Asch, M. "Self-Government in the New Millennium." *Nation to Nation: Aboriginal Sovereignty and the Future of Canada*, edited by J. Bird et al., Irwin Publishing Inc., 2002.
- Kelly, F. "Confessions of a Born Again Pagan." *From Truth to Reconciliation: Transforming the Legacy of Residential Schools*, Aboriginal Healing Foundation, 2008, pp. 13-40.
- Little Bear, L. "Jagged Worldviews Colliding." *Reclaiming Indigenous Voice and Vision*, edited by M. Battiste, University of British Columbia Press, 2000, pp. 77-85.
- Monture-Angus, P. "Lessons in Decolonization: Aboriginal Overrepresentation in Canadian Criminal Justice." *Visions of the Heart: Canadian Aboriginal Issues*, edited by D. Long and O. Dickason, Harcourt Canada Ltd, 2000, pp. 361-386.
- "Pamela Palmater on First Nations Education." Interview of Pamela Palmater, Toronto Star, 5 Sept. 2014, www.youtube.com/watch?v=kGzXk-onOos.
- Plato. *The Republic of Plato*. Translated by Bloom Allan, 2nd ed., Basic Books, 1991.
- Ponting, J. "Getting a Handle on Recommendations of the Royal Commission." *First Nations in Canada*, McGraw-Hill Ryerson Ltd, 1997, pp. 445-472.
- Razack, S. "It Happened More than Once: Freezing Deaths in Saskatchewan." *Canadian Journal of Women and the Law*, vol. 26, no. 1, 2014, pp. 53-80.
- Taylor, Adam. "Did Canada Commit a 'Cultural Genocide'?" *The Washington Post*, WP Company, 2 May 2019, www.washingtonpost.com/news/worldviews/wp/2015/06/05/did-canada-commit-a-cultural-genocide/.
- Wherry, A. "What He Was Talking About When He Talked About Colonialism." *Macleans*, October 1, 2009.

THREATS OF THE HIJAB: HOW FRANCE'S COLONIAL FABRICATION OF THE ISLAMIC HEADSCARF AFFECTS ITS MUSLIM WOMEN

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Arts & Science 1C03: Global Challenges

In the late 1980s, when headscarves on Muslim girls became a fairly common sight in French public schools, several people in France expressed their worries. Girls who wore the headscarf would be told by school administrators to remove their head coverings at school, and arguments ignited when they refused (Abdelgadir & Fouka, 2020). In 1989, when three Muslim girls from Paris took their case to the French Supreme Court—after being expelled for failing to remove their headscarf—bitter debate in the nation began (Das & Shirvani, 2013, p. 259). Eyes turned to the 5 million Muslims living in France, and discourse surrounding the place of the Islamic headscarf in French society reached a peak (Abdelgadir & Fouka, 2020). From debates on TV to news articles, people questioned whether it was acceptable to allow this religious headscarf to be worn in the educational system France uses to create citizens (Abdelgadir & Fouka, 2020). The frenzy surrounding the headscarf proved to be so great that in the fall of 2004, the French government passed a law banning what it called “ostentatious religious symbols” from public schools (Abdelgadir & Fouka, 2020). This law entailed the banning of the Islamic headscarf.

Discourse in France on the Islamic headscarf is still omnipresent, even if its presence in schools is not. There are polarizing views in the literature on whether Muslim

women can truly integrate into French society if their religiosity and headscarf appear to go against the republic's principles of equality, liberty, and fraternity (Rahsaan & Erik, 2014, p. 157). Yet, while this inquiry may be prevalent, there has been little interdisciplinary discussion on what invokes such negative reactions from the majority of the French population towards the Islamic headscarf. There has been even less discussion on the impact of this reaction on Muslim women in France. This paper seeks to contribute to those apertures in the scholarly literature. Using the French ban of 2004 as a case study, I explore how France's colonial fabrication of the Islamic headscarf is pervasive and impacts the identity and livelihood of Muslim women in France. The term ‘hijab’ in this paper refers to the Islamic headscarf Muslim women wear to meet religious requirements. I will start by analyzing France's colonial history with Algeria and its depiction of the hijab during that period. Then, I will illustrate its importance in French understandings of the headscarf by highlighting parallels between arguments used for the ban on headscarves and France's historical repackaging of the Muslim headdress. Concluding illustrations will reveal the impact of the hijab ban on the rights, identity, education, and socioeconomic class of Muslim women in France.

France's colonization of Algeria between 1840 and 1860 marks the period where it significantly began to spread the narrative

that Muslim women were oppressed. When France first conquered Algeria, the French government justified their colonization to the Western community by portraying it as a “civilizing mission”: an operation where Algerian people were given “superior,” French republican, secular, and universalist values (Scott, 2007, p. 46). This colonial rule was further validated through France’s racist representations of Arabs, Muslims, and North Africans, where these three different groups were frequently portrayed as the same, and the men were illustrated as savage, uncivilized peoples who oppressed women (Delcroix, 2009, p. 88; Scott, 2007, p. 46). After 1871, when France’s political regime changed and a republic was established, the French government incorporated Algeria as part of France itself. All Algerians were granted French citizenship except for those who were Muslim; if Muslim Algerians wanted to attain a similar status, they had to denounce Islam (Delcroix, 2009, p. 88). However, this form of discrimination went against the French Republic’s principles of equality, liberty, and fraternity for all (Delcroix, 2009, p. 88). To justify this discrepancy, the French employed a similar discourse to their justification for imposition in Algeria: they claimed that Muslim men were regressive and oppressed women (Delcroix, 2009, p. 88). Ideas of Muslim women as being subjugated under male dominance had already begun to entrench itself into the national French community, which impacted their perception of Muslim women.

These images were revived during the 1954-1962 Algerian War of Independence, as France employed a politically driven “emancipation” movement for Muslim women by pressuring them into removing their hijab. The need for this began when the National Liberation Front, a popular political party in

Algeria, ignited conflict with the French government to become independent (Scott, 2007, p. 61). France was put in a sticky situation: it had to prove to observers that its presence was necessary and thereby gain international support (Scott, 2007, p. 61). French officials decided to achieve this by focusing on the liberation of Muslims from “traditionalism” and backwardness, which they had already begun portraying when they first colonized Algeria (Macmaster, 2020, p. 15). They hoped that establishing a gendered campaign that sought to emancipate and modernize these women from the perceived thresholds of Islamic “patriarchy and seclusion” would gather support from people who saw the futility of holding onto Algeria—both nationally and internationally (Macmaster, 2020, p. 5; Scott, 2007, p. 61).

France wanted to show that it was capable of advancing Algerian Muslim women to modernization and “the model of European womanhood,” so officials reconfigured how Muslim women, and the French government itself, were viewed by foreign observers in order to illustrate their success in the modernizing mission (Macmaster, 2020, p. 5; Scott, 2007, p. 61-62). To achieve this, France targeted the hijab. An example of this is a report from the Association of Muslim Girl Scouts, a group created by French officials to supposedly “fix” mannerisms of Muslim women and save them with intervention from the French state (Perego, 2015, p. 352). The report published by the group stressed that the advancement of Muslim women was occurring as a result of exposure to French culture, and the authors stated that the hijab was contradictory to Muslim women’s ability to practice “modern activities such as making a phone call” (Perego, 2015, p. 352). To further this idea, the French government employed propagandists and produced a film for

international observers called *The Falling Veil* (Scott, 2007, p. 62). In this movie, the Algerian Muslim woman has to hide behind her headscarf and is confined to “prison-like homes” by Algerian men with no independence (Scott, 2007, p. 62). With documentaries that also showed French women supposedly assisting Algerian Muslim women through removing their headscarves, France was reframing the hijab to be a symbol of an uncivilized Islamic society where regressive gender relations required French intervention to save Algerian Muslim women (Perego, 2015, p. 352). These examples illustrate how the hijab was equipped to be an emblem of otherness and the oppression submissive Muslim women faced in the Islamic society.

Though Algerian Muslim women faced independence issues, France inaccurately conveyed that this was the essence of Islamic society and Muslim gender relations, which they illustrated through the hijab. Rather than focusing on how issues in Algerian tradition and culture were shaping the negative experiences of Muslim women, France portrayed the hijab, a general Islamic requirement, to be reflective of the traditional and cultural values Algerian people possibly held. Whether or not the values of Algerian people were shaped by interpretations of the Quran, the holy book for Muslims, does not significantly matter in this context. There are Muslim communities who strongly condemn any form of male dominance over women and call for all women to be independent and have equal rights. These are values that have been motivated by their understanding of “Islamic law.” The headscarf was worn by many women around the world to meet religious requirements, and thus the traditions of Algerian people—which France connot-

ed the hijab was indicative of—were not reflective of the religious values all Muslim women and men were accustomed to. It was certainly not reflective of all interpretations of Islamic law, nor was it the case for every single Muslim woman around the world.

Despite this issue, France continued to associate the advancement of Algerian Muslim women with the removal of the hijab to illustrate its necessary colonial presence. French officials would frequently stage and create falsified events, images, and texts of Algerian women being oppressed, but upon the removal of the headscarf, they would transform into twentieth-century, European women (Perego, 2015, p. 357). A striking example of this is evident in the case of Monique Améziane. During France’s attempt to justify its modernizing mission, French officials established “feminine solidarity” centres all over Algeria (Scott, 2007, p. 63). These centres were dedicated to Algerian women’s emancipation with an end goal of attaining their loyalty to the French cause (Scott, 2007, p. 63). To quicken this process, the wives of French military officers, who had sponsored these centres, took part in a pro-France rally on May 16, 1958 (Scott, 2007, p. 63). During this rally in the city of Constantine, Monique Améziane—an Algerian woman—made a speech. Elizabeth Perego remarks in “The Veil or a Brother’s Life” that in this speech, “[Monique] expressed her desire to become ‘emancipated’ and then ripped off her veil” (349). Monique tried to show hijabi Algerian women that to become “modern” and liberated from the constraints of oppression, Muslim women needed to be exposed to the light through discarding their hijabs. What was not shown on that stage, however, was how French officials struggled for days to find a Muslim woman willing to show loy-

alty to France by removing the veil in public (Perego, 2015, p. 350). Monique Améziane, who had never worn a hijab, only got on the stage after French officials threatened to kill her brother (Perego, 2015, p. 350). France sought to show that once these women got rid of the veil and began looking more like their hegemonic, European counterparts, they would be “liberated” from patriarchal oppression and moving to modern ways of life.

Though these images were fabricated, they were distributed to international and national media by the French government, which proved to be so impactful that “between 50% and 75% of global media images of the war hailed from the [French] army’s cameras” (Perego, 2015, p. 350). Observers were shown through the photos that Muslim women were being “saved” from their ignorance by the French people, one of the biggest tactics the French government employed to illustrate the success of the modernizing mission. The hijab was a sign that was easily recognizable for international observers, and by using it as a symbol of female subservience and its removal a step towards emancipation from male dominance in popular media, this narrative became pervasive in France. The impact of this perception on the Islamic headscarf in France can be analyzed through the details leading up to France’s 2004 law, which codified the ban on headscarves in school.

During the 1970s-1980s, after the Algerian War of Independence had ended and the French were defeated, Islam went through a religious resurgence in France (Abdelgadir & Fouka, 2020). After the independence war, a secret agreement had been formed between the new government of Algeria and France, which allowed for Algerians to emigrate and work for French employers (Delcroix, 2009, p. 88). Thus, the population of Muslims in

France grew and Islamic headscarves became a common sight in French public schools; according to French officials, there were a total of 1256 headscarves in schools during the years 2003-2004 (Thomas, 2006, p. 239). This, however, stirred anxiety for the non-Muslim, French population (Bowen, 2008, p. 68).

Public schools were thought to be a means through which the French Republic transmitted a “common culture,” homogenizing their ways of knowing, perceiving, and being (Keaton, 2006, p. 91). It was a system aimed at creating citizens, and so with the government’s colonial framing of the hijab, the French population grew concerned when Muslim girls became more visible in schools (Abdelgadir & Fouka, 2020). This issue came into view in 1989, when three girls who had been expelled from Gabriel-Havez Middle School filed a lawsuit after refusing to remove their hijab. People had become increasingly concerned about scarves—which had meanings pushed onto them by the government during their emancipation movement—entering the public sphere and infiltrating the “common culture” France was trying to provide; Muslim immigrants were visible representations of the growing threat to Western values (Keaton, 2006, p. 91). Yvette Roudy, who was a member of the Socialist Party and a prominent feminist politician, highlights this (Bowen, 2008, p. 209). In an article, she claimed that “the foulard [hijab] is the sign of subservience, whether consensual or imposed, in fundamentalist Muslim society. . . . To accept wearing the veil is tantamount to saying ‘yes’ to women’s inequality in French Muslim society” (Bowen, 2008, p. 209). Influential people were highlighting their discontent towards the hijab and used the argument fabricated by French officials in their 132-year colonial reign over

Algeria: the hijab is a symbol of female oppression and violates the dignity of women. Newspapers like *Le Monde* illustrated the hijab using caricatures and feminist movements in France focused on how the removal of headscarves from schools was necessary to ensure gender equality (El Hamel, 2002, p. 299; Bowen, 2008, p. 210). Media at this time was extremely influential; people were being shown, once again, of the perceived oppressive nature of the hijab (Bowen, 2008, p. 244). It is evident that the colonial narratives pushed onto the French population during France's "emancipation" movement and rule over Algeria had succeeded to some extent; people were citing concerns that paralleled what the government had tried to portray during their colonial regime. Thus, a popular, but fallacy-riddled, question arose: if girls wore symbols of perceived female subservience and male domination in public schools, then could they truly be part of a system dedicated to making them French citizens? Growing dissent against the hijab led to the creation of the Stasi Commission in 2003 by the French government, which was composed of politicians and public intellectuals to reflect on the concerns about headscarves in schools (Thomas, 2006, p. 238). On December 11, 2003, the widely publicized Stasi Report was published by the commission, which called for government intervention, and amongst other proposals, a ban on the headscarf (Thomas, 2006, p. 240).

France's colonial repackaging of the hijab's meaning is a narrative that parallels arguments made for the enactment of the French ban on headscarves in 2004. Many who ended up advocating for the law against Islamic headscarves said they did so because they hoped it would protect women. An example of this is when a member of the Stasi

Commission, Jean Bauberot, argued that advocates for the hijab ban were so successful in framing it as way of protecting women, that he would be seen as a terrible person who tolerated the submission of women if he opposed it (Bowen, 2008, p. 208). In his book *Why the French Don't Like Headscarves*, Bowen says, "A vote against headscarves would, we heard, support women battling for freedom in Afghanistan, schoolteachers trying to teach history in Lyon, and all those who wished to reinforce the principles of liberty, equality, and fraternity" (1). Thus, during the Stasi Commission hearing, the biggest argument was this: the hijab represents the oppression of women and acts as a means for their continued subjugation in France (Bowen, 2008, p. 209). Islamists are forcing girls into thinking they must wear the hijab, and by banning it from schools, Muslim girls will be emancipated and the values which the hijab reflects—of submission and lack of independence—will not be forced upon non-Muslim students. There was now a shift from the colonial era; there was the fear of an Islamist threat from within the West itself and not just from an external enemy, highlighting how influential France was when it depicted hijabs to be symbols of otherness and oppression during their Algerian reign (Macmaster, 2020, p. 16). Consequently, in the fall of 2004, France passed its law banning headscarves from elementary to secondary public schools.

The hijab for a majority of Muslim women is not interpreted as, or even remotely close to, a form of submission to men. Chouki El Hamel, in his work on Muslim Diaspora in Western Europe, notes how Muslim women do not agree with the positions of secular feminists who claim the hijab to be a symbol of "male domination and female subservience" (303). The hijab is a form of religiosity; like

going to church every Sunday, it is a tradition and religious duty to carry. Connotations and meanings imposed on the hijab during French colonial rule, such as its reflection of the oppressive traditions Algerian men invoked, were thus inaccurate and extremely harmful. When debates raged on about whether or not hijabs could be truly accepted in French public schools, it just showed how pervasive France's depiction of the headscarf was during its colonization. The 8% of the French Muslim population was, perhaps, not heard.

If the Muslim population was not heard, it is evident that Muslim women were impacted by it; the ban of 2004 infringed upon their rights, identity, education, and socioeconomic class. When the ban was first passed, The Human Rights Watch put out an article expressing concern over limiting the freedoms of Muslim women, and validly so. The ban violates the rights of French Muslim women to freedom of religion under the International Human Rights Law and the European Convention of Human Rights, to which France is a signatory. Prohibiting girls from wearing headscarves in public schools seems to have an ironic dichotomous effect: while it seeks to emancipate girls from oppression, it undermines the autonomy of girls who actively chose to wear the hijab as they cannot freely engage with their religion.

Alongside their rights, the ban and its frenzy impacted the identities of Muslim women in France. As discourse surrounding the headscarf became popular and reinforced colonial depictions, Muslims were seen—and still are—as the hardest group to integrate into France; they did not seem to agree with the fundamental values of equality and liberty that the French population held (Rahsaan & Erik, 2014, p. 155). Public opinions on Muslim women, their identity, and their

ability to be French and Muslim at the same time seem to have made an impact; a study found that after the ban was passed, religious identity increased more for devout Muslim women, and French identity increased more for Muslim women who, by specific metrics of psychological and language assimilation, were initially more integrated into French society (Abdelgadir & Fouka, 2020). The study suggests that psychological integration could interact with popular, colonial perceptions of the hijab and Muslim women's values. If language assimilation was also a metric, that means that they could have been exposed to French narratives for quite some time, where media and politicians portrayed a French identity to be superior and separate from the draconian, Muslim identity in their modernizing mission. The symbolic meaning of the veil, a perceived form of female subjugation and oppression, has led people to continue to debate their presence in other public spaces and wonder if the Muslim identity goes against French republican principles (Abdelgadir & Fouka, 2020). These results show how women may have almost been coerced into choosing which community to identify more with; they felt they had to be either more French or Muslim in the wake of the debates. This can be linked to how studies have found that France still views French citizenship and identity as disassociated with Islam (Adnan & Naseem, 2019, p. 91). Consequently, it seems, Muslims who also have stronger religious attachments, like wearing the hijab, are associated with less social contact outside of their community than other religious minorities, highlighting possible feelings of inferiority and being othered (Laxer et. al, 2020).

While arguments behind the ban reproduced identity differences between Muslim women and the rest of the popula-

tion, the ban also impacted Muslim women's educational trajectory. Abdelgadir and Fouka's report, "Assessing the Effects of the Headscarf Ban," found that there was an escalation in secondary school dropout rates for Muslim girls who were 17 and older. Muslim girls who had previously veiled in France's public secondary schools, and now could not, were found more likely to have had to repeat classes and took more time in completing high school (Abdelgadir & Fouka, 2020). This can be connected to how discrimination increased in schools after the passing of the ban—French officials reported "a newly aggressive climate" towards Muslim girls in schools to remove the headscarf (Abdelgadir & Fouka, 2020). Since Muslim girls who wore the hijab previously experienced more racism in school, it could have been a factor in their educational journey. However, it is also relevant to know that this persists today: Muslim girls are more likely to drop out of secondary education or they take longer to complete it (Abdelgadir & Fouka, 2020; Adnan & Naseem, 2019, p. 91). This is where one can turn to the debate these girls may constantly face: entering a system that makes them "French citizens" or choosing to fulfill religious requirements. When the ban was about to pass, Bowen, the author of *Why the French Don't Like Headscarves*, said that, "One member of the [Stasi] Commission told me that "if even one girl were protected from pressure to wear the voile, the law would be worth it" (208). However, the statistics show an opposite result, where more Muslim girls are dropping out of school. Some of these Muslim students may face pressure from their families to choose the veil over education, which contradicts the aim of the law—to liberate these women.

With the education of veiled Mus-

lim girls impacted, their socioeconomic class faced detrimental effects as well. As discourse surrounding the hijab in France continues to grow, Muslim women are increasingly becoming victims of discrimination. According to statistics, the 2004 ban increased the employment gap from the initial 10.9% between non-Muslim and hijabi Muslim women by a third (Abdelgadir & Fouka, 2020). Another report found that visibly Muslim women "were the least likely to gain employment, worked the least number of hours and earned the lowest salaries" (Adnan & Naseem, 2019, p. 79). Their appearance, due to the hijab, makes them seen as "others" in the eyes of employers, and this is facilitated through the colonial fabrication of the veil; hijabi Muslim women are perceived to not share the same values as the French Republic. Thus, they are excluded from civic and professional jobs that require them to interact with clients (Adnan & Naseem, 2019, p. 79). Even when they attain jobs, they are faced with the challenges of being unable to get promotions because of their visible Muslim identity, which has been made to seem incompatible with French identity starting from France's colonization of Algeria (Adnan & Naseem, 2019, p. 90). In short, they face detrimental economic marginalization, which also translates to their social circumstances: they are not able to pursue higher education, and are faced with lower quality housing, schooling, and social capital (Adnan & Naseem, 2019, p. 91). The colonial repackaging of the hijab continues to reproduce social and economic differences between Muslim women who wear the headscarf and those who do not, contributing to creating distance in integration.

European Muslims continue to report feelings of being excluded from social, cul-

tural, and economic life (Rahsaan & Erik, 2014, p. 156). Even after the hijab ban of 2004, anti-Islam narratives in France continue to flourish: when President Emmanuel Macron was interviewed on the hijab in 2018, he said, “[the hijab] is not in accordance with the civility of our country” (Helleyer, 2020). Colonial, fabricated narratives of the hijab circulate to this day in France, and Muslim women continue to be disproportionately affected and marginalized. As questions about burkinis, niqabs, and the hijab continue to proliferate in France and beyond, a majority of the French and international community must wonder: what shapes their perceptions of Muslim women and Islam?

Works Cited

- Abdelgadir, A., & Fouka, V. (2020). Political Secularism and Muslim Integration in the West: Assessing the Effects of the French Headscarf Ban. *American Political Science Review*, 114(3), 707-723. <https://doi.org/10.7910/DVN/KSSFDI>
- Adida, C. L., Laitin, D. D., & Valfort, M-A. (2010). Identifying barriers to Muslim integration in France. *Proceedings of the National Academy of Sciences of the United States of America*, 107(52), 22384–22390. <https://doi-org.libaccess.lib.mcmaster.ca/10.1073/pnas.1015550107>
- Bowen, J. R. (2008). *Why the French Don't Like Headscarves*. Princeton University Press.
- Das, P., & Shirvani, S. (2013). Discourse of Muslim Identity in the Context of the French Hijab Ban. *Ohio Communication Journal*, 51, 257–275.
- Delcroix, C. (2009). Muslim Families in France: Creative Parenting, Identity and Recognition. *Oral History*, 37(2), 87-94. <http://www.jstor.org/stable/40650296>
- El Hamel, C. (2010) Muslim Diaspora in Western Europe: The Islamic Headscarf (Hijab), the Media and Muslims' Integration in France. *Citizenship Studies*, 6(3), 293-308. <https://doi.org/10.1080/1362102022000011621>
- Helleyer, H. A. (2020, September 28). *Why populists in some pockets of Europe feel threatened by a hijab*. N Opinion. <https://www.thenationalnews.com/opinion/comment/why-populists-in-some-pockets-of-europe-feel-threatened-by-a-hijab-1.1084325>
- Keaton, T. D., & Diawara, M. (2006). *Muslim girls and the Other France : Race, identity politics, and social exclusion*. Indiana University Press. <https://ebookcentral.proquest.com>
- Laxer, E., Reitz, J. G., & Simon, P. (2020). Muslims' political and civic incorporation in France and Canada: testing models of participation. *Journal of Ethnic & Migration Studies*, 46(17), 3677–3702.
- Macmaster, N. (2020). *Burning the veil: The Algerian war and the 'emancipation' of Muslim women, 1954–62*. Manchester University Press. <https://doi.org/10.7765/9781526146182>
- Naseem, J., & Adnan, W. (2019). Being a Second Generation Muslim Woman in the French Labour Market: Understanding the dynamics of (visibility of) religion and gender in labour market access, outcomes and experiences in France. *Research in Social Stratification and Mobility*. <https://doi-org.libaccess.lib.mcmaster.ca/10.1016/j.rssm.2019.02.003>
- Perego, E. (2015). The veil or a brother's life: French manipulations of Muslim women's images during the Algerian War, 1954–62. *Journal of North African Studies*, 20(3), 349–373. <https://doi-org.libaccess.lib.mcmaster.ca/10.1080/13629387.2015.101394>
- R. Thomas, E. (2006) Keeping Identity at a distance: Explaining France's new legal restrictions on the Islamic headscarf. *Ethnic and Racial Studies*, 29:2, 237-259. <https://doi.org/10.1080/01419870500465355>
- Rahsaan, M., & Erik, B. (2014). What Makes Muslims Feel French? *Social Forces*, 93(1), 155–179. <https://www-jstor-org.libaccess.lib.mcmaster.ca/stable/43287821>
- Reitz, J. G., Simon, P., & Laxer, E. (2017). Muslims' social inclusion and exclusion in France, Quebec, and Canada: does national context matter? *Journal Of Ethnic And Migration Studies*, 43(15), 2473–2498. <https://doi-org.libaccess.lib.mcmaster.ca/10.1080/1369183X.2017.1313105>
- Scott, Joan Wallach. (2007). *The Politics of the Veil*. Princeton University Press

AN EXAMINATION OF SETTLER COLONIALISM IN CANADA'S LEGAL INSTITUTIONS: 1492 LAND BACK LANE

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Arts & Science 4CI3: Diversity and Human Rights

In this paper, I will investigate how Canadian legal institutions function to serve the interests of the settler colonial state through the dispossession of Indigenous peoples. This investigation will be facilitated through an examination of the court proceedings of 1492 Land Back Lane. In this contemporary example, land defenders are being criminalized by Canadian courts for re-occupying their unceded land in Caledonia to protect it from a proposed housing development. Here we see an example of oppression, and therefore, it is useful to draw on Sensoy & DiAngelo's (2017) definition of oppression: the prejudice and discrimination of one social group against another backed by legal authority and historical, social and institutional power (p. 84). In this case, the oppressors are the settlers, and the oppressed are Indigenous peoples. Focusing on legal authority, I seek to ultimately demonstrate how anti-Indigeneity, or colonial ideals, are embedded within the Canadian legal system.

In order to do this, I will begin by examining key historical legal documents, namely, the Constitution of Canada and the Indian Act, with a focus on the settler colonial ideology of paternalism underlying them. I will then turn to the court proceedings of 1492 Land Back Lane in order to establish their problematic and paternalistic nature and ground them within existing case law on Indigenous land rights. Utilizing this example,

I will demonstrate how Canadian courts can serve to perpetuate settler colonialism and land dispossession, often through the legal mechanism of injunctions. Ultimately, I will demonstrate how the very concept of 'land back' is incompatible with Canadian law.

To begin, I will explore to what extent Indigenous dispossession has been embedded within the highest level of Canadian law: the Canadian Constitution. Kallen (2010) notes that, under the provisions of section 94(24) of the Constitution Act, "the Parliament of Canada [acquired] constitutional jurisdiction to enact laws concerning Indians and lands reserved for Indians," rendering Indigenous peoples as "virtual wards of the state" (p. 277). In this way, the 'inferior' status assigned to Indigenous nations by the Canadian government was cemented in legislation. Along similar lines, while the Royal Proclamation of 1763 (enshrined in Section 25 of the Constitution Act) does explicitly acknowledge that Indigenous title exists and has existed, it also consolidates the "ward" status of Indigenous peoples by asserting that "Indians" live on "our Dominions, and Territories" [para. 6, emphasis added]. Such an assertion places Indigenous societies under the common law of the colonial state (Pasternak, 2014). Furthermore, the Royal Proclamation sets out rules that make it "illegal for Indigenous peoples to sell land to third parties unless they are first ceded to the Crown" (Pasternak et al.,

2019, p. 17)—this clearly serves to establish the Crown’s monopoly over Indigenous lands.

That being said, in 1982, Aboriginal and treaty rights were recognized as constitutional; section 35(1) of the Constitution Act recognized and affirmed “the existing aboriginal and treaty rights of the aboriginal peoples of Canada.” Unfortunately, the nature and content of these collective rights have not been elaborated upon, and ultimately, it has been left up to the courts to decide how section 35 would be applied (Pasternak et al., 2019). This has produced mixed results, as we will see later when we turn to the *Delgamuukw* decision. It is also worth noting that the constitutional amendment process, whereby the rights of Indigenous peoples were recognized, was tumultuous. Notably, after four constitutional conferences, convened for the sole purpose of defining Aboriginal rights, these rights remain undefined (Kallen, 2010). From this, one can conclude that the Canadian government is hesitant to constitutionally recognize Indigenous rights. If the government must recognize rights, it will do so only so long as they are undefined, and therefore, state responsibilities and protections to be afforded are unclear. From the above, we can also conclude that there is a troubling contradiction in the Canadian Constitution: while section 35(1) protects Indigenous and treaty rights, section 25 enshrines the Royal Proclamation which consolidates the Crown’s authority and monopoly over Indigenous land (Pasternak, 2014).

To wrap up our discussion of historical documents, it is important to also consider the Indian Act: a strong legal instrument of colonization which has served to further cement in legislation the ‘inferior’ status accorded to Indigenous peoples by the colonial government (Kallen, 2010). Kallen (2010) argues that Canada’s colonial policy of cultural genocide

was most starkly embodied “by the paternalistic conditions for the treatment of Status Indians set forth under the Indian Act” (p. 191). Under paternalism, the dominant group takes on the position of ‘father,’ or ‘absolute ruler’ over his ‘subhuman’ subjects, who are positioned as permanent children and denied the right to self-determination (Kallen, 2010). Paternalism is rationalized through the ideology of white supremacy and has historically served as the rhetoric behind almost all government policy towards Indigenous peoples (Kallen, 2010). This is exhibited in section 94(24) of the Canadian Constitution and the Royal Proclamation—both serve to reiterate the status of Indigenous peoples as ‘wards’ in their own lands. Paternalism continues to underpin present-day violations of the collective land claims held by Indigenous peoples.

A clear example of paternalism currently playing out is in the court proceedings of 1492 Land Back Lane, titled *Foxgate Developments v Doe et al.* To briefly summarize the situation, since July 19, 2020, Haudenosaunee Land Defenders have been peacefully occupying a portion of their unceded territory along the Haldimand Tract in Caledonia, Ontario (Antonacci, 2020). The Haldimand Tract was granted to the Haudenosaunee in the 1784 Haldimand Proclamation, in recognition of their allyship with the British during the American Revolution (Filice, 2020). However, in 2015, the Canadian government – namely Haldimand County – unlawfully sold part of the land to Foxgate Developments: this corporation intends to build a housing development on the site (Robinson & Shaker, 2020). The site in question has since been re-occupied by land defenders and renamed 1492 Land Back Lane.

With the necessary context established, we can return to a discussion of the court pro-

ceedings and establish their problematic and paternalistic nature. In *Foxgate Developments v Doe et al*, Justice Harper’s blatant disregard for Indigenous legal orders is clear: he refuses to allow Skyler Williams, a spokesperson for 1492 Land Back Lane, to speak. Mr. Williams was charged with contempt during the hearing on October 9th, where Justice Harper issued an ultimatum to him, stating that unless all land defenders vacate the land, he would not be allowed to participate in the hearing on October 22nd (*Foxgate Developments et al.*, 2020a). Not only was this ultimatum impossible to comply with, given that—as Mr. Williams repeatedly stated—had no control or power over the actions of other people, it was also constitutionally flawed. This is because, under the Constitution, all Canadians have the “right to make full answer and defence” (Canadian Charter, 1982, s 7(3)).

Despite this constitutional right, Harper ruled Mr. Williams to be in contempt, asserting that he will “not allow any further participation by Mr. Williams . . . due to abuse of this court’s process. Any material pleadings he has filed – which I have not seen [emphasis added] . . . will be struck” (Forester, 2020). By openly admitting that he had not read any of Mr. Williams submitted materials, Justice Harper clearly demonstrates bias. Further evidence of bias was exhibited throughout the trial—prior to the above declaration of contempt, Justice Harper constantly interrupted Mr. Williams, but did not allow Mr. Williams to correct false information being presented to the court (1492 Windsor Law Coalition, 2020). Meanwhile, in a clear display of favouritism, Justice Harper allowed counsel for Foxgate and Haldimand to make multiple corrections and allowed them to make their full statement uninterrupted (1492 Windsor Law Coalition, 2020). Furthermore, display-

ing an abuse of power, Justice Harper muted Mr. Williams on Zoom, which is the courtroom equivalent of physically gagging him—an act that is unconstitutional and unacceptable (1492 Windsor Law Coalition, 2020).

Indeed, throughout the trial, Justice Harper seemed preoccupied with making an example out of Williams for his “open defiance of both the process and of the orders of this Court” (*Foxgate Developments Inc. v. Doe et al*, 2020b, para. 6). Embodying the colonial patriarch, Harper refused to attempt to understand the historical reasons for why Williams would assert, “I am a Haudenosaunee man who does not belong before this colonial court” (*Foxgate Developments Inc. v. Doe et al*, 2020b, para. 111). Instead, he proclaimed Williams’ statement to be evidence of an abuse of process. Furthermore, embodying a fundamental ignorance, Justice Harper, along with counsel for Foxgate and Haldimand, repeatedly referred to land defenders as “occupying other’s lands” and “trespassing” (1492 Windsor Law Coalition, 2020). Such claims reflect colonial values and lie in a denial of the reality that the disputed territory is in fact unceded and belongs to the Haudenosaunee people.

Given the actions and statements made by Justice Harper during the court proceedings, we can see Harper as personifying the colonial father that resides over his unruly children. During the trial, Harper was more preoccupied with asserting the supremacy of Canadian law, rather than focusing on reconciliation and obligations owed to Indigenous peoples given Canada’s colonial history.

Indeed, indicating a pattern of paternalism in court proceedings, we see a similar case in *Henco Industries Ltd v Haudenosaunee Six Nations Confederacy* (2006). The judge in this case, named Marshall J, was similarly preoccupied with contempt

and refused to allow those charged with contempt to be heard. That being said, Marshall J was ultimately deemed to have engaged in an abuse of process by The Ontario Court of Appeal (ONCA) for denying procedural fairness to persons accused of contempt.

In their closing comments of the Henco case, the ONCA acknowledged that the rule of law requires a justice system that can ensure court orders are enforced and the court process is respected. However, they asserted that by focusing on vindicating the court's authority through the use of the contempt charge, Marshall J ultimately neglected to consider other important dimensions of the rule of law: namely, "respect for minority rights, reconciliation of Aboriginal and non-Aboriginal interests through negotiations, fair procedural safeguards for those subject to criminal proceedings" (Henco Industries Limited v. Haudenosaunee Six Nations Confederacy Council, 2006, para. 142). There are clear parallels to this case and that of the Land Back Lane court proceedings—Justice Harper did not prioritize reconciliation, land defenders were not granted procedural fairness, and the Haldimand Proclamation was not adequately considered.

The ONCA also emphasized the importance of considering other factors beyond the obligation to enforce the law, considerations which include: "Aboriginal and treaty rights, constitutional rights... and importantly, the government's obligation to bring about the reconciliation of Aboriginal and non-Aboriginal peoples through negotiation" (Henco Industries Limited v. Haudenosaunee Six Nations Confederacy Council, 2006, para. 117). With these considerations in mind, the ONCA asserted that hasty enforcement and prosecution of violations of law are not always the best course of ac-

tion. Finally, they pointed to the importance of prioritizing negotiation over litigation when reconciling state and Indigenous interests, citing the 2004 case of Haida Nation v British Columbia (Ministry of Forests).

A case of particular relevance to the court proceedings of 1492 Land Back Lane, Haida Nation v British Columbia (Ministry of Forests) established that the Crown has a duty to consult with First Nations when their "established or asserted constitutional or treaty rights may be impacted by government actions" (Pasternak et al., 2019, p.19). Indeed, the duty to consult and accommodate is a constitutional right protected under section 35 (Pasternak et al., 2019).

That being said, in Foxgate Developments v Doe et al, Justice Harper asserted that, because Foxgate Developments is a private corporation, they had no legal duty to consult any Indigenous groups. He also claimed that despite there being no legal duty to consult, there was "extensive consultation and communication with the Six Nations and other Indigenous communities" by Foxgate Developments (Foxgate Developments Inc. v. Doe et al, 2020, para. 109). What he neglected to mention was that, while the public consultations were poorly attended, the majority of Six Nations people in attendance opposed any type of development on the property (Dockstader, 2020). Furthermore, it is important to recall the context which Justice Harper is neglecting, namely that Foxgate Developments acquired the land in 2015 through the Canadian government, which sold the unceded territory unlawfully. All this exhibits the limits of domestic Canadian law in protecting Indigenous land. While Haida Nation v British Columbia (Ministry of Forests) established that the Crown has a duty to consult, this duty did not extend to private corporations.

Finally, to wrap up our grounding of *Foxgate Developments v Doe et al* in existing case law, it is essential that we discuss *Delgamuukw v British Columbia*, whereby the test for determining if Indigenous title exists was established. In *Delgamuukw v British Columbia*, the Supreme Court of Canada found that Aboriginal title was a right entrenched in section 35 of the Constitution (Pasternak, 2014). More importantly, we see the first acknowledgement of Indigenous people's collective ownership of the land—that is, the Supreme Court of Canada recognized the nation as “the collective title and rights-holder, not the band council” (Pasternak et al., 2019, p. 30). This has important implications for 1492 Land Back Lane. It implies that—regardless of alleged support for the development at one point in time from The Six Nations Elected Council (“1492 Land Back Lane spokesperson,” 2020)—Indigenous nations are ultimately the proper title holders. Thus, they should be the ones making the decisions on any issues affecting their territory (Pasternak et al., 2019). Returning to *Foxgate Developments v Doe et al*, even under settler law, Justice Harper's verdict is ultimately difficult to justify. That being said, this case points to a common trend of Canadian courts being reluctant to acknowledge collective land rights held at the level of the nation (Pasternak et al., 2019). Finally, to wrap up our grounding of *Foxgate Developments v Doe et al* in existing case law, it is essential that we discuss *Delgamuukw v British Columbia*, whereby the test for determining if Indigenous title exists was established. In *Delgamuukw v British Columbia*, the Supreme Court of Canada found that Aboriginal title was a right entrenched in section 35 of the Constitution (Pasternak, 2014). More importantly, we see the first acknowl-

edgement of Indigenous people's collective ownership of the land—that is, the Supreme Court of Canada recognized the nation as “the collective title and rights-holder, not the band council” (Pasternak et al., 2019, p. 30). This has important implications for 1492 Land Back Lane. It implies that—regardless of alleged support for the development at one point in time from The Six Nations Elected Council (“1492 Land Back Lane spokesperson,” 2020)—Indigenous nations are ultimately the proper title holders. Thus, they should be the ones making the decisions on any issues affecting their territory (Pasternak et al., 2019). Returning to *Foxgate Developments v Doe et al*, even under settler law, Justice Harper's verdict is ultimately difficult to justify. That being said, this case points to a common trend of Canadian courts being reluctant to acknowledge collective land rights held at the level of the nation (Pasternak et al., 2019).

Importantly, there are also real limits to the progress made in the *Delgamuukw* decision. While it did establish a test for determining if Indigenous title exists, even in cases where “Indigenous nations [had] proven in court the continuity of their occupation, use, and unceded title from pre-contact to the present” (Pasternak et al., 2019, p. 24), there remains no legal avenue for Indigenous peoples to reclaim full jurisdiction over their lands. From this, one can tentatively conclude that the very notion of “land back” is incompatible with Canadian domestic law.

Another piece of evidence which supports this notion of incompatibility can be found in the court proceedings of *Foxgate Developments v Doe et al*. Ultimately, the case culminated with Justice Harper granting a permanent injunction against the 1492 Land Defenders and ordering Skyler Williams to pay \$168,163.85 by way of legal costs to Fox-

gate Developments and Haldimand County. By criminalizing land defenders for simply asserting their rights, this case demonstrates the ways in which Canadian courts continue to enable ongoing colonization in Canada. It is particularly notable that this continued oppression is occurring through an injunction.

In simple terms, an injunction is “a legal tool that restrains someone from doing something” (Pasternak et al., 2019, p. 30). Over the last 20 years, there has been a dramatic increase in the number of injunctions filed (Yellowhead Institute, 2019). This may be a reflection of how the legal tools of oppression wielded against Indigenous peoples have evolved in response to section 35 and the rise of Aboriginal rights law. While in theory injunctions can be used by Indigenous peoples and corporations alike, in reality they are often used to “override the lack of consent by Indigenous peoples to development on their lands,” and to move land defenders off their land by force (Pasternak et al., 2019, p. 30). Yellowhead Research shows that 76 percent of injunctions sought by a corporation against an Indigenous land claim were granted, while in comparison, 81 percent of injunctions filed by First Nations (the term used in the research) against corporations were denied (Pasternak et al., 2019). Perhaps most revealing is that 82 percent of injunctions filed by First Nations against the Canadian government were denied (Pasternak et al., 2019). In this way, it is clear that injunctions often function as a weapon used to deny Indigenous sovereignty.

Ultimately, by granting an injunction, it seems that the *Foxgate Developments v Doe et al.* case is part of a larger trend. After all, a similar verdict was reached in *Coastal GasLink Pipeline Ltd. v Huson*, where Coastal GasLink Pipeline Limited was granted an injunction against the Unist’ot’en clan. There are many

more cases that indicate a pattern of Canadian courts granting injunctions which enable governments and corporations to dispossess Indigenous peoples of their land, ultimately serving to perpetuate settler colonialism.

Indeed, no resource is more fundamental to the existence of Indigenous peoples than their land. This fact is acknowledged in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which explicitly states, “Indigenous peoples shall not be forcibly removed from their lands or territories” (Article 10), and stresses the necessity of “free, prior, and informed consent” (Article 10). Considering that Indigenous Affairs Minister Carolyn Bennett declared in 2016 that the Canadian government was “a full supporter of the declaration, without qualification” (Fontaine, 2016), it is absolutely unacceptable that the government has yet to enact legislation which give UNDRIP principles the force of law (Robinson & Shaker, 2020). This lack of legislation enables the Canadian settler state to continue to dispossess Indigenous people of their lands, a trend that will likely continue beyond 1492 Land Back Lane unless major changes take place.

To conclude, the Canadian government refuses to recognize Indigenous peoples as self-determining nations. Indigenous land dispossession is embedded within the Canadian Constitution and the Indian Act, and it continues to be perpetuated today through Canadian courts—primarily by way of injunction. Through an in-depth analysis of the court proceedings of 1492 Land Back Lane, I sought to establish the problematic and paternalistic nature of the Canadian legal system. Furthermore, by grounding the proceedings within existing case law, I sought to demonstrate that *Foxgate Developments v Doe et al.* is far from the exception, but rather the rule,

indicating the tendency of Canadian courts to enable land theft and further settler colonialism. If Canada truly believes in reconciliation, it is essential that the government make major changes to the legal system. Further, the colonial ideologies underpinning major legal documents may signify the necessity of nothing short of a revolution to ensure Indigenous life, liberty and land is respected. Despite the court ruling, 1492 Land Back Lane acts as a site of Indigenous-led revolution, serving as the beginning of a new relationship between the settler colonial state of Canada and Indigenous peoples.

Works Cited

- Antonacci, J.P. (2020, December 16). Indigenous land defenders mark 150 days at Caledonia construction site. *The Hamilton Spectator*. <https://bit.ly/3nKJ1Bp>
- Canadian Charter of Rights and Freedoms*, s 7, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c11
- Coastal GasLink Pipeline Ltd. v Huson*, 2018 BCSC 2264 (CanLII)
- Delgamuukw v. British Columbia*, 1997 CanLII 302 (SCC), [1997] 3 SCR 1010
- Dockstader, K. (2020, October 20). 1492 LAND BACK LANE INJUNCTION HEARING EXPLAINER. *One Dish One Mic*. <http://1dish1mic.com/409/>
- Filice, M. (2020). Haldimand Proclamation. In *The Canadian Encyclopedia*. <https://www.thecanadianencyclopedia.ca/en/article/haldimand-proclamation>
- Fontaine, T. (2016, May 10). *Canada officially adopts UN declaration on rights of Indigenous Peoples*. *CBC News*. <https://bit.ly/3rpEjez>
- Forester, B. (2020, October 23). *Land Back Lane's Skyler Williams could be on hook for \$20M in damages*. APTN National News. <https://bit.ly/3axIJKB>
- Foxgate Developments Inc. v. Doe et al*, 2020a ONSC 6244 (CanLII)
- Foxgate Developments Inc. v. Doe et al*, 2020b ONSC 6529 (CanLII)
- Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73 (CanLII), [2004] 3 SCR 511
- Henco Industries Limited v. Haudenosaunee Six Nations Confederacy Council*, 2006 CanLII 41649 (ON CA)
- Henco Industries Ltd V Haudenosaunee Six Nations Confederacy Council*, [2006] OJ No 4790, 277 DLR (4th) 274
- Kallen, E. (2010). *Ethnicity and Human Rights in Canada* (3rd ed.). Oxford University Press.
- 1492 Land Back Lane spokesperson says he's appealed injunction telling them to leave. (2020, November 26). *CBC News*. <https://bit.ly/2WG4jUU>
- 1492 Windsor Law Coalition. (2020, October 23). EXPLANATION of Oct 22 Injunction Hearing 1492 LandBackLane - 1492 Windsor Law Coalition. *The Credible Mohawk*. <https://bit.ly/3hdVaMF>
- Pasternak, S. (2014). Jurisdiction and Settler Colonialism: Where Do Laws Meet? *Canadian Journal of Law and Society*, 29(2), 145-161. doi:10.1017/cls.2014.5
- Pasternak, S., King, H., & Yesno, R. (2019). *Land Back: A Yellowhead Institute Red Paper*. Yellowhead Institute. <https://redpaper.yellowheadinstitute.org/wp-content/uploads/2019/10/red-paper-report-final.pdf>
- Robinson, R., & Shaker, E. (2020, October 28). 1492 Land Back Lane: Respect for Indigenous land protectors. *Behind the Numbers*. <https://bit.ly/3mJGR3Q> Royal Proclamation, 1763 (UK), reprinted RSC 1985, App II, No 1.

Section 35, Part III of the *Constitution Act*, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11, canlii.ca/t/ldsx

Sensoy, Ö., & DiAngelo, R. (2012). *Is everyone really equal? An introduction to key concepts in social justice education*. New York, NY: Teachers College Press.

United Nations General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly*.

Yellowhead Institute. (2019). *A review of over 100 injunction cases involving First Nations across Canada found the following*: [Infographic]. RedPaper. YellowheadInstitute.org. <https://bit.ly/3p9XJ5o>

BURYING PATRIOTISM ALIVE: AN EXAMINATION OF THE THREAT OF MODERN HINDU NATIONALISM ON PATRIOTIC VALUES IN INDIA

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Arts & Science 1C03: Global Challenges

Abstract: The election of Prime Minister Narendra Modi magnified the prevalence and significance of Hindu nationalism in India. Naturally, the magnification of Hindu nationalism begets many questions: how is it materializing? What role does the government of India play in perpetuating it? Should we care—what is at stake? This paper will examine exactly what is at stake—patriotic values in India. Patriotism is practiced by preserving the values of a nation that benefit and protect all of its citizens. These patriotic values may materialize in the form of human rights and the nation's constitution. Narendra Modi's party, the Bharatiya Janata Party, has been responsible for multiple human rights violations and is working to undermine many of India's constitutional values in their effort to sustain Hindu nationalism. This paper will assert that modern Hindu nationalism, as perpetuated by the Bharatiya Janata Party, threatens patriotic values in India.

Discussions regarding nationalism and patriotism are often imperfect due to a general inability to make necessary distinctions between the two. While the terms will be defined more precisely in the next section of this paper, it is important to note that the two ideologies are not, and have never been, interchangeable synonyms. However, this is frequently overlooked as society strays from a true understanding of the terms. Further, when the terms are so often grouped as the same, a general disdain for nationalism leaves the observer with an equally bitter view on patriotism. Socially, patriotism can play a vital role in preserving the basic values of a nation and generally directly serves the interest of its people. Igor Primoratz points out a notable difference in the way that patriotism and nationalism operate, stating that when the ideology's actions are carried out reasonably and without ill thoughts about oth-

ers and hostile actions towards them, that is patriotism (n.pag). When the actions become uncontrolled and cause one to think ill of others and act towards them with hostility, that is nationalism (Primoratz n.pag). This statement demonstrates the staggering difference between the ideologies, and shows us that patriotism is capable of preserving the values of a nation without causing harm to any of its citizens—patriotism works in their best interest.

Nationalism and patriotism can be more accurately termed as antonyms, as the disparity between the two causes them to frequently come into direct conflict with each other. This clash of ideological values is blatantly observed in India today where the nationalistic agenda of the Bharatiya Janata Party (BJP) threatens to overrule the nation's patriotic values. I will concern myself with patriotic values rather than nationalism as a whole, as it will be more plausible to distinguish certain aspects of patriotism that are

being undermined by Hindu nationalism than to investigate whether patriotism in India is dying entirely. To begin, it will be important to define both nationalism and patriotism and point out key distinctions between the two. This will help to define a certain value or action as patriotic. This paper will delve deeper into the ways that Hindu nationalist actions, as perpetuated by the BJP, conflict with and neglect Indian patriotic values.

Patriotism is a broad term with many applications, but for the demonstration of the patriotic values in India, there are three aspects of the ideology I intend to focus on. First, as Igor Primoratz asserts, patriotism involves love for one's country and special concern for its well-being and that of compatriots (n.pag). "Special concern for its well-being and that of compatriots" is the piece I deem to be most important, as it humanizes the ideology and reminds us that patriotism is concerned with the wellbeing of a nation's people. One of the largest critiques of patriotism stems from the belief that patriotism encourages group attachment and that it is this group attachment that creates mindless followers of an ideology (Kateb n.pag). This harsh cyclic view of patriotism is one-sided and neglects the benefits that patriotism may have on a community. This leads to the second important aspect of patriotism: patriotism is the peoples' awareness of their moral duty to their political community and patriotism is devoted to the way of life its practitioners deem best, uninterested in imposing its beliefs unto others (Primoratz n.pag). I recognize the subjectivity of "the way of life its practitioners deem best," as it may be presumptuous to state that all citizens of a nation have a singular way of life that is best for them. However, a way of life that emphasizes freedoms and autonomy and provides physical protection and basic re-

sources can be objectively considered as beneficial. I feel it is important to emphasize that patriotism begets group support and creates a nation that acts as a community, instead of enforcing group attachment and sheep-like thinking. This is also where patriotism differs significantly from nationalism, as nationalism intends to gain power and prestige for its nation through any means necessary, regardless of beliefs in a preexisting area (Primoratz n.pag). Patriotism, on the other hand, is not concerned with imposing its belief unto others, allowing for diversity in the nation and ensuring that no enmity will develop. The element of patriotism I will use to finalize my definition of the term is that patriotism "must be founded upon a knowledge of, and belief in, democratic values. But more is required since public servants must guarantee those rights to others under all conditions" (Frederickson et al. 547). This emphasizes that patriotism is devoted to preserving a system of equality that guarantees the autonomy of its citizens and generally serves the best interest of the people. It also reminds us that patriotism must involve ensuring that each member of the nation is given access to their rights in all circumstances. In "The Public Service and the Patriotism of Benevolence," Frederickson and Hart go so far as to say that patriotism (being inherently benevolent) should be the primary motivation of all public servants (547).

Nationalism also requires a clarified definition as its interpretations differ from person to person. In this paper, nationalism will be defined as an ideology founded upon the notion that an individual's loyalty to the nation-state should exceed other individual or group interests (Kohn n.pag). This is another place where we see nationalism directly conflict with patriotism, as patriotism is first and foremost concerned with the well be-

ing of a nation's people, and nationalism is concerned with the wellbeing of the nation. This statement may raise more confusion: how do we define a nation if not as the collection of people who inhabit it? Essentially, nationalism uses ethnographic principles and looks for homogeneity when determining a nation, generally disregarding parts of the population that do not fit into these groups. This paper will delve deeper into the religious and cultural elements that the Hindu nationalist movement in India is founded on.

The questions "what does nationalism solve?" or "why might nationalism exist" seem natural when we consider the perpetual and violent presence of nationalism throughout history. It seems most obvious that nationalism is a form of scapegoating. It is easier to assign blame to the "others" in society, than to acknowledge the role that the majority can play in resolving an issue. This acknowledgment can come with the uncomfortable realization that people with every capability to take action sometimes choose not to do so. Nationalism is a veil created by hatred that hides the truth behind problems within a nation.

The Bharatiya Janata Party is the political wing of the 'family' of organizations formed around the Rashtriya Swayamsevak Sangh (RSS) (Harriss 713). The RSS was established in 1925, operated by party-activists and propagandists with beliefs of Hindu supremacy, and it quickly turned into a quasi-military organization. Today, the RSS and its affiliations are credited with the successful spread of Hindu nationalism in India. This nationalism is rooted in the belief that "Hindu culture is the life-breath of Hindustan... that if Hindustan is to be protected, [they] should first nourish the Hindu culture... It is therefore the duty of every Hindu to do his best to consolidate the Hindu society" (Har-

riss 713). This reflects the idea that nationalism concerns itself with the interest of the nation-state over the interests of its people. Hindu nationalists ignore the diverse collection of religious groups that make up the country, identifying supremacy with an antiquated idea of preserving the once-prominent group. Further, "Hindustan" was appropriately renamed to "India" to represent the heterogeneity of religious populations in the nation, a notion disregarded by the BJP's insistence that the nation should be defined by the beliefs and customs of one religion. It is important to highlight that religious homogeneity is the largest goal of the Hindu nationalist movement that operates according to an Islamophobic and generally anti-Muslim agenda.

Currently representing the BJP, Prime Minister Narendra Modi has explicitly demonstrated his affinity with Hindu nationalism. While serving as chief minister of the state of Gujarat, Modi's government was widely considered to be responsible for the most severe outbreak of violence between Hindus and Muslims experienced in independent India. Modi and the BJP have taken several steps in parliament to push their nationalistic agenda, including creating updates to immigration systems (Citizenship amendment act¹), introducing legislation bar-

1 "Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act;" (Citizenship (Amendment) Act).

ring interfaith relationships (Love Jihad²), and harshly overrunning areas with large Muslim populations (The Kashmir Conflict³). Many of these actions directly conflict with the elements that define patriotism. By establishing which elements of patriotism are being contradicted by the nationalist movement perpetuated by the BJP, I will determine how the Hindu nationalist movement is threatening patriotic values in India.

Whether a single specific written document or a collection of documents and statutes, a constitution forms the fundamental organizing principle of a political state (Spiro n.pag). While every state has a constitution, the extent to which its doctrines are abided by varies drastically. The constitution can be regarded as a nation's democratic values, and thus, attempts to preserve constitutional values and ensure that constitutional rights are guaranteed to all citizens can be regarded as inherently patriotic. Frederickson and Hart explain that liberty is directly correlated with a nation's constitutional values, enforcing that patriotism which defends the constitutional values of a nation plays a critical role in ensuring the well-being of its citizens (548). Similarly, actions that deliberately contradict constitutional rights and values can be considered anti-patriotic. In examining how the BJP's actions attack Indian patriotism, I will demonstrate two specific constitutional values being undermined by the government's nationalist goal

2 An anti-conversion law founded upon the "Love Jihad" conspiracy which suggests that Muslim men force Hindu women to convert to Islam through marriage (Gupta).

3 A conflict that developed with the British partition of India, founded in both Pakistan and India's feelings of entitlement to the border-residing state of Jammu and Kashmir (Indurthy et al).

to establish Hindu-supremacy in the country.

First, and perhaps most significant in the discussion of current Hindu nationalism, is the constitutional value of secularism. The Indian constitution begins with a resolution to constitute India into a "sovereign socialist secular democratic republic" (The Constitution of India). India was established as a secular state, ensuring the right to freedom of religion to its citizens.⁴ This is a discipline that the BJP constantly debates, leading with the argument that Indian secularism has transformed into minority appeasement in an attack on the majority (Bharatiya Janata Party n.pag). While previous governments have also ineffectually upheld secular principles, their failures were generally in the form of errors, rather than the result of deliberate anti-secular policies (Ganguly n.pag).

The passage of the Citizenship Amendment Act (CAA) is the first of these endeavours I will examine. The CAA aims to ensure expedited citizenship for oppressed minorities in the bordering countries of Bangladesh, Pakistan, and Afghanistan; however, the legislation excludes Muslims from this accelerated citizenship process. This deliberate exclusion is blatantly unsecular and contradicts the Indian constitution's declaration that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India" (art. 14). The update to the National Register of Citizens (NRC) is in accordance with the CAA's desire to redefine citizenship on religious grounds (Ganguly n.pag). The NRC intended to determine the legitimacy of Indian citi-

4 "Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion" (The Constitution of India art. 25).

zens, and an update to the NRC for the state of Assam in 2019 found nearly 700 000 Muslim citizens excluded (Ganguly n.pag). This sparked widespread protest, which was intensified when the BJP announced its intention to update the NRC nationwide. The NRC crackdown is further complicated by the illiteracy, poverty, and itinerancy that often leaves mass populations in India without the legal documents required to prove citizenship. Residents excluded from the NRC become labelled as illegal immigrants and may be placed into detention camps while their claims are adjudicated. However, the CAA provides an escape from prosecution for most religious groups. This leaves Muslim residents with an illegal status, and puts them at the highest risk of deportation. This process once again demonstrates a conflict with India's constitutional value of secularism and its assurance of equal treatment concerning religion.

The second constitutional value at stake under the BJP's leadership is article 370⁵ regarding the special status of the state of Jammu and Kashmir. On August 6th, 2019, a presidential order revoked the special status of Jammu and Kashmir. The terms of the ordinance divided the state into two union territories that will be directly ruled from New Delhi, and many critics have regarded this move to be an ode to the BJP's advancement of Hindu nationalism. The previous autonomy of Jammu and Kashmir allowed the state to restrict migration and property purchasing, maintaining the state's predominantly Muslim population. By stripping away this autonomy, the BJP invites a shift in the demographic of the nation's only Muslim-majority state, allowing for the immigration of

non-muslims. This can ultimately lead to the loss of significant Islamic tradition and culture in the state, assimilating it with the rest of India's majorly Hindu population. The introduction of the CAA and NRC as well as the rescindment of the special status of Jammu and Kashmir, are all examples of the BJP's perpetuation of Hindu nationalism to establish a state which demonstrates Hindu supremacy. Further, these nationalistic actions directly conflict with the nation's constitutional values and can therefore be viewed as inherently anti-patriotic. Continuing to govern in this nationalistic manner will continue to dwindle patriotic values in India.

"Human rights" is a term that does not have a universal concrete definition, generally because many questions arise in conversations regarding human rights. For example, how should they be validated? Who should validate them? Should they be considered irrevocable? Are they political tools of predominantly progressive "elites" and do they perpetuate Western imperialism? (Weston n.pag). To simplify our explanation of human rights, we can refer to "empowerment" rights which are generally accepted worldwide: Freedom of assembly and association, freedom of speech/expression, freedom of religion, freedom from violence, and worker's rights. All of these rights work towards creating a state that guarantees the autonomy of its citizens and is concerned for the well-being of its citizens. We can see how human rights are founded upon the same principles which motivate patriotism, and we can assume that actions that violate human rights can also be considered anti-patriotic. In "Nationalism and human rights: A replication and extension," Holzer expresses that nationalism is negatively associated with government respect for human rights (n.pag). This is because national-

5 "The provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir" (The Constitution of India art. 370).

ism prioritizes the interests of one group over any other concerns, identifying with their idea of the nation-state while disregarding any others. I have chosen to examine three instances of the BJP's perpetuation of Hindu nationalism that have caused human rights violations.

First, is the callous disregard the government displayed towards the actions of Hindu vigilante groups that have attacked Muslims and other religious minority groups involved in the cattle trade. The apparent justification for these attacks was that the traders were transporting cattle for slaughter and the police in BJP states (where most of these incidents have occurred) repeatedly turned a blind eye to the perpetrators. Cow slaughter is forbidden in most parts of the Hindu-majority country. However, its mention in article 48⁶ of the Indian constitution is included in the directive principles of the state as a means to help guide states in policymaking without enforcement⁷. BJP leaders have made strong statements about the need to protect cows to appeal to Hindu voters, which in turn has enabled -- and in certain instances incited -- communal violence. In Uttar Pradesh, a BJP governed state, the chief minister referred to a specific attack as an accident and went on to emphasize that cow-slaughtering is illegal (Ganguly n.pag). This is one of many instances of neglect demonstrated by the BJP's government

6 "The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle" (The Constitution of India art. 48)

7 "The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws" (The Constitution of India art. 37).

towards violent cow protection in India and the right of its citizens to freedom from violence.

Next, a series of arrests based on sedition demonstrate the government's blatant disregard for freedom of speech. These arrests were made in compliance with section 124A of the Indian Penal Code⁸. Sedition was used to criminalize dissent in multiple arrests, which included Pa Ranjith, a director, Hard Kaur, a rapper, and Shehla Rashid, a Kashmiri politician and activist among multiple others who have spoken out against the Indian government. The provision of sedition has been widely critiqued throughout history, and during his trial in 1922, Mahatma Gandhi expressed his belief that section 124A was designed to suppress the liberty of the citizen (Correspondent n.pag). The BJP's abuse of this provision is rooted in its nationalistic motives. Nityanand Rai, minister of state for home affairs, refused to remove it, saying that the provision is needed to effectively combat anti-national, secessionist and terrorist elements (The Times of India n.pag). The BJP has dangerously associated freedom of speech with an attack on the government and has told Indian citizens that disagreement with the BJP's ideologies will result in punishment.

Finally, freedom of expression was violently disregarded following nation-wide protests of the CAA. On December 15th, 2019, police forcibly entered the campus of Jamia Millia Islamia in New Delhi and used

8 "Whoever, words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine" (Indian Penal Code § 124 (A)).

physical force to disrupt the peaceful protests. Four days later, various administrative authorities imposed bans against public gatherings, especially in BJP governed states. In January, members of Akhil Bharatiya Vidya Parishad (ABVP) entered the Jawaharlal Nehru University (JNU) in New Delhi and attacked students belonging to a left-winged student union (Ganguly n.pag). The ABVP is the student wing of the RSS, the militant arm of the BJP. Police passively observed these attacks reminding us of their relationship with the BJP and its nationalistic ideals. In defending the nationalistic CAA, the BJP has demonstrated that they have little regard for human rights in the country. In the examples of violent cow protection, sedition-based arrests, and the oppressive response to the peaceful CAA protests, the government has shown its citizens that the preservation of human rights, an inherently patriotic value, is not enough to stop their nationalistic agenda.

Patriotism serves to defend the patriotic values of a nation. These include human rights and proximity to the nation's constitutional values. Patriotism is concerned with the wellbeing of every citizen of a nation and is not concerned with defining and di-

viding the nation in ethnographic ways. Current Hindu nationalism in India is perpetuated by creating enmity between the citizens and catering only towards the wellbeing of one majority group. It is further enforced by a government that is driven by these ideals and systemically implements them, demonstrating little regard for those affected. Modern Hindu nationalism frequently contradicts the patriotic values of India, threatening to drown out patriotic values in the nation entirely. A government that works to systematically enforce nationalism will eventually bury patriotic values and those who attempt to enforce them, as repeatedly demonstrated through the BJP's violent disregard for human rights. This paper was not entirely concerned with the validity of nationalism as a concept, but now raises the question of how serious its implications truly are, especially if it will so obviously work to dismantle patriotic values in a country. Is patriotism a cost that nationalists are willing to pay, and how long will it be until they feel the sting of its absence? After examining the realities of the BJP's perpetuation of Hindu nationalism, I assert that it poses a colossal threat to Indian patriotic values.

Works Cited

- Bharatiya Janata Party. www.bjp.org/?__cf_chl_captcha_tk__=c89f692d0b02ab0a9af7aad8db1fe2639aa391cc-1
- Correspondent, H. "When Gandhi Stood Trial for Sedition." *Hindustan Times*, 1 Oct. 2020, www.hindustantimes.com/india-news/when-gandhi-stood-trial-for-sedition/story-5NKJFXXvjL4mSdum64vFYP.html.
- Frederickson, H. George, and David K. Hart. "The Public Service and the Patriotism of Benevolence." *Public Administration Review*, vol. 45, no. 5, 1985, pp. 547–553. JSTOR, www.jstor.org/stable/3109929. Accessed 7 Dec. 2020.
- Ganguly, Sumit. "Is Empowered Hindu Nationalism Transforming India?" *University Of California Press, University of California Press*, 1 Apr. 2020, online.ucpress.edu/currenthistory/article/119/816/123/110421/Is-Empowered-Hindu-Nationalism-Transforming-India.
- Gupta, Charu. "Hindu Women, Muslim Men: Love Jihad and Conversions." *Economic and Political Weekly*, 2009, pp. 13–15, doi:10.2307/25663907.
- Haas, Ernst B. "What Is Nationalism and Why Should We Study It?" *International Organization*, vol. 40, no. 3,

1986, pp. 707–744. JSTOR, www.jstor.org/stable/2706824. Accessed 7 Dec. 2020.

Harriss, John. “Hindu Nationalism in Action: The Bharatiya Janata Party and Indian Politics.” *South Asia: Journal of South Asian Studies*, vol. 38, no. 4, 2016, pp. 712–18, doi:10.1080/00856401.2015.1089826.

Holzer, Joshua. “Nationalism and Human Rights: A Replication and Extension.” *PLOS ONE*, edited by Geoffrey Wetherell, vol. 14, no. 8, 2019. Crossref, doi:10.1371/journal.pone.0219409.

Indurthy, Rathnam, and Muhammad Haque. “THE KASHMIR CONFLICT: WHY IT DEFIES SOLUTION.” *International Journal on World Peace*, vol. 27, no. 1, 2010, pp. 9–44. JSTOR, www.jstor.org/stable/20752914. Accessed 7 Dec. 2020.

Kateb, George. “Is Patriotism a Mistake?” *Social Research*, vol. 67, no. 4, 2000, pp. 901–924. JSTOR, www.jstor.org/stable/40971420. Accessed 7 Dec. 2020.

Kohn, Hans. “Nationalism.” *Encyclopedia Britannica*, 19 Feb. 2020, www.britannica.com/topic/nationalism.

Primoratz, Igor. “Patriotism.” *Stanford Encyclopedia of Philosophy*, 26 Apr. 2017, plato.stanford.edu/entries/patriotism.

Spiro, Herbert John. “Constitution.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., 2020, www.britannica.com/topic/constitution-politics-and-law.

The Citizenship (Amendment) Act. 2nd ed., Ministry of Law and Justice, 2019.

The Constitution of India. art. 14, 25, 37, 48, 370.

The Times of India. “What Is Sedition Law: Explained.” *The Times of India*, 2019, timesofindia.indiatimes.com/india/what-is-sedition-law-explainer/articleshow/73168127.cms.

Weston, Burns. “Human Rights.” *Encyclopedia Britannica*, 2014, www.britannica.com/topic/human-rights.

Yazici, Emir. “Nationalism and Human Rights.” *Political Research Quarterly*, vol. 72, no. 1, 2018, pp. 147–61. Crossref, doi:10.1177/1065912918781187.

A HUMAN RIGHTS APPROACH TO FOOD INSECURITY IN INUIT NUNANGAT

Hannah Feldman

Arts & Science 4CI3: Diversity and Human Rights

Experiences of food insecurity are pervasive across Inuit Nunangat, the Inuit homeland comprising Nunavut, Nunavik, Nunatsiavut, and the Northwest Territories (Inuit Tapiriit Kanatami, 2017). These widespread and disproportionate experiences of food insecurity in Inuit Nunangat require critical examination, especially when access to adequate food has been identified as a human right (OHCHR, 2010). A human rights lens prompts important questions about Canada's obligation to respond to food insecurity in Inuit Nunangat. In this paper, I argue that Canada has domestic and international obligations to uphold rights to food, health, and Indigenous self-determination; however, the Canadian government has failed to endorse these human rights in relation to food security in Inuit Nunangat. More effective actualization of these rights-based obligations is needed: first, the government must reconstruct domestic policy to increase the enforceability of food rights in Canada; and second, there must be strengthened collaboration between the government and Inuit partners to more appropriately conceptualize, and respond to, food needs in Inuit Nunangat. I first provide background to food (in) security and Inuit food systems, outline applicable human rights frameworks that intersect with Inuit food insecurity, and conclude by evaluating Canada's current response, with recommendations for future action.

Background: Food Insecurity in Inuit Nunangat

Food security was aptly defined in the 1996 World Food Summit, and this definition continues to be endorsed by the Canadian government (Power, 2008). Food security refers to the "physical and economic access to sufficient, safe and nutritious food," for all people, at all times, "that meets their dietary needs and food preferences for a healthy life" (Food and Agriculture Organization 1996). The Food and Agriculture Organization (FAO) outlines four components of food security: availability, access, utilization, and stability (FAO, 2006). *Food availability* means that there are sufficient amounts of food obtainable for consumption. *Food access* indicates that individuals have the means to acquire nutritionally and culturally appropriate foods; these means are often referred to as "entitlements," as in legal, political, economic, and social resources. *Food utilization* mandates that food meets nutritional and physiological needs. Lack of fresh produce, clean water, or sanitation measures are examples of food utilization factors that impact food security. Finally, *food stability* entails constant access to food at all times (FAO, 2006). In short, an individual who is food secure has stable access to food that is adequate, appropriate, and usable.

Existing Inuit food systems rely on both market foods from the south and country (traditional) foods from the land (Inuit Ta-

piriit Kanatami, 2017). However, both store-bought and country food remain inaccessible, inadequate, inappropriate, and/or unusable for many individuals. In 2012, more than half (52%) of Inuit in Inuit Nunangat over the age of 25 lived in a household that experienced food insecurity within the previous year (Arriagada, 2017). Some individuals are especially vulnerable to food insecurity. Generally speaking, Inuit are more likely than non-Indigenous northerners to experience food insecurity (Leblanc-Laurendeau, 2019); but Inuit women, families on social assistance, single parent families, those who are unemployed, and those struggling with addiction are even more likely to be food insecure (Arriagada, 2017; Ferguson, 2011). Children are especially susceptible. In 2008, 70% of Inuit preschool children in Nunavut experienced some degree of food insecurity (Leblanc-Laurendeau, 2019). Overall, these individuals experience increased financial stress and often lack the means to alter their socio-economic position. Food insecurity in Inuit Nunangat must therefore be understood as a reflection, and amplification, of economic and social disadvantage.

What factors have enabled these dramatic rates of food insecurity in Inuit Nunangat? First, efforts to assimilate Inuit have had significant consequences on their food systems. There is a longstanding history of racist policies exercised by the Canadian government to exert control over Inuit and animal populations in the North. These policies continue to impact many individuals, families, and communities today. Land dispossession, for example, forced Inuit into underfunded communities with dismal living infrastructure, separating communities from familiar food sources (Inuit Tapiriit Kanatami, 2017, p. 9). Moreover, the residential and

day school system enforced throughout the twentieth century halted the intergenerational transmission of ecological knowledge as “many Inuit were unable to learn and then pass on these essential life skills” (Inuit Tapiriit Kanatami, 2017, p. 9). Moreover, the slaughter of sled dogs, documented in the *Qikiqtani Truth Commission*, has similarly destabilized Inuit food systems. Sled dogs provide important transportation for hunting, yet members of the RCMP began systematically killing loose sled dogs in the 1950’s. The commission summarizes that hunters found these shootings to be “illogical, unnecessary, and also harmful” for hunting practices and for communities at large (Qikiqtani Inuit Association, 2013, p. 15). These selected historical examples emphasize how colonization has undermined current food stability in many Inuit communities, disrupting traditional hunting practices and diminishing Inuit power over food. Modern forms of colonialism continue to this day, including growing pressure to adopt a westernized diet. The westernization of diets in Inuit Nunangat involves the transition to low-cost, high-caloric, and highly processed foods (Qikiqtani Inuit Association, 2019). Although these foods are more affordable, they lack the nutrients necessary for a healthy diet (Ferguson, 2011). One woman shared her experiences in a Nunavut-based focus group: “I usually buy pop, chocolate to fill them [her children] up. It’s cheaper than other foods, cheaper than fruits and milk” (quoted in Chan et al., 2006). Another participant, a female elder, adds: “When one eats seal, you are full all day. When you eat packaged foods, 2 hours later you get cold” (quoted in Chan et al., 2006). Socio-economic and cultural shifts have also influenced engagement with traditional harvesting. The combined costs for a weekend hunt, including gas and ammunition, may be near \$200 (Ferguson, 2011),

making many hunters “increasingly reluctant” to access country food, and even less likely to share with others (Ferguson, 2011). The imposition of legislation to limit hunting also impacts engagement with traditional harvesting, limiting access to country foods. For example, the Species at Risk Act of 2002 imposed hunting quotas that have inhibited Inuit ability to hunt and trade (Ferguson, 2011). These restrictions have ultimately resulted in significant barriers to accessing local species, impeding subsistence-based diets. Many young people are also preferring to learn skills that help them participate in the wage-based economy, instead of learning traditional hunting techniques (Ferguson, 2011). Colonial pressures towards both westernized diets and careers create a growing disconnection from traditional ways of living, with “decreased transfer of cultural knowledge from elders to young people” (Power, 2008, p. 96). This disconnection is especially concerning as traditional foods are an integral component of Inuit wellbeing and identity; as the Qikiqtani Inuit Association (2019) summarizes: “colonization has disconnected us from harvesting, the very cultural practice that reinvigorates our sense of identity, feeds our communities and stimulates our local economy” (p. 4).

The majority of Inuit communities are also geographically isolated. Geographic isolation, in conjunction with the westernization of diets, creates dependency on shipments to bring southern food to grocery stores in the North, making food prices “prohibitively high” (Inuit Tapiriit Kanatami, 2017). Even with efforts to subsidize the cost of transportation, private grocery stores have been known to “price gouge,” surging product prices for profit (Ferguson, 2011). According to the Revised Northern Food Basket, it costs approximately \$400 a week for healthy food

to feed a family of four, whereas the same shopping list costs closer to \$200 in a southern city (Leblanc-Laurendeau, 2019). Indeed, in 2012 almost one-third (32%) of Inuit in Inuit Nunangat “ate less than they should have eaten” because they could not afford food (Arriagada, 2017). These prices are especially concerning considering the high rates of poverty and low average household income across Inuit Nunangat. In Nunavut, for example, half of Inuit adults earn less than \$20,000, but the annual cost of groceries for a family of four is around \$19,760 (Council of Canadian Academies, 2014). Beyond high prices, reliance on inconsistent flight shipments means food in stores suffer from insufficient quantities and poor quality, with perishable foods growing mold or being sold past expiry (Inuit Tapiriit Kanatami, 2017). Moreover, this barrier of remote geography can be understood as a product of newfound reliance on southern market foods. Indeed, Inuit communities have always been geographically removed from the southern parts of Canada; instead, this geographic isolation is only a barrier to food security due to the development of colonial corporate food systems. As a result of, remote geography poses serious barriers to achieving affordable, appropriate, and utilizable food.

Finally, climate change is one of the most pressing factors intersecting with food insecurity in the Inuit regions. Warming temperatures in Arctic territories have made sea ice dangerous and unpredictable for animals and hunters alike, in addition to changing migration patterns, increasing chemical contamination of water and soil systems, and altering food preservation techniques (Inuit Tapiriit Kanatami, 2017). Flight schedules for food shipments are also increasingly unpredictable with changes to weather patterns. These effects will inevitably worsen in com-

ing years, as the effects of the climate crisis become more severe. Consequently, the Inuit Tapiriit Kanatami (ITK), the national organization for Inuit in Canada, has called for immediate action from Canada to “reduce the impact of climate change” on Inuit food systems (Inuit Tapiriit Kanatami, 2018, p. 39).

A Human Rights Approach to Food Insecurity

Natan Obed, the president of the ITK, calls for better “adherence to and respect for the human rights and values Canadians espouse” (ITK, 2018, p. 3). Adopting a human rights approach to food insecurity functions as both a pathway to investigate, and a tool to inform, legislation regarding food (Ayala & Meier, 2017). As Kallen (2010) explains, a human rights framework holds the Canadian government accountable to their “international reputation” and “constitutional mandate” to grant equal protection of rights to all citizens (p. 46). Inuit food insecurity intersects with three branches of rights frameworks: specifically, those to food, health, and Indigenous self-determination. Rights to food and health are easily identifiable at an international level. Article 11 of the 1976 International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes a universal right to “an adequate standard of living [...] including adequate food” (p. 4). Food insecurity also has serious, and often life-long, implications for health (Ayala & Meier, 2017). The ICESCR additionally recognizes the right to “the highest attainable standard of physical and mental health” under Article 12 (p. 4). Further, the Convention on the Rights of the Child (1990) specifically addresses children’s right to the “highest attainable standard of health,” which includes the “provision of adequate nutritious foods” to children (p. 7). Canada

is a state-party to the ICESCR and therefore legally bound to align domestic policy with the treaty (Kallen, 2010). Canada has also ratified the Convention of the Rights of the Child and is, again, legally obliged to enforce the convention through domestic policy (Kallen, 2010). As a result, these conventions hold binding commitments for Canada to ensure access to adequate food necessary for a healthy standard of life for adults and children alike.

There has been some debate, however, about what these commitments to food security rights look like in practice on a national level. Most scholars agree that a government should provide ‘negative’ protection from food-based rights infringement, meaning that the government cannot *inhibit* access to adequate food (FAO, 2006). For example, the government cannot destroy crops or forcibly evicting people from their land and food sources (FAO, 2006). However, the government is not responsible for providing free food to all citizens—we do not have a “right to be fed” (OHCHR, 2010, p. 3). The more contentious matter is whether a government has a duty to provide ‘positive’ protection of these rights, with the provision of services and welfare that increase access to food. To resolve this debate, the FAO (2006) concludes that a country with a high income *and* with high levels of malnutrition indicates “a failure to take necessary and appropriate steps to the maximum of available resources” (p. 75). In other words, a country with high income has the means, and thus the responsibility, to ensure all residents have “access to food in all circumstances” (FAO, 2006, p. 75); a country with a high income, but also high levels of malnutrition, has failed to take the “necessary” steps to support food access. Along these lines, Canada—a high-income country—has a responsibility to positively

enforce food rights, yet the high rates of food insecurity among Inuit communities suggests that Canada is not fulfilling this obligation.

It is clear that Canada has international responsibilities to respect and promote human rights to food and health. Still, the true enforceability of these international obligations is only as strong as domestic policy allows (Kallen, 2010). On a national level, has Canada taken measures to assert rights to food and health within the Canadian legal system? Nationally afforded rights to food and health are best captured in the “right to life” under section 7 of the Canadian Charter of Rights and Freedoms. However, as Rideout and colleagues (2007) explain, the Canadian courts “have not yet held that section 7 of the Charter actually requires Canadian governments to respect, protect and fulfil (facilitate and provide) the right to food in Canada” (p. 568). That is, there is not yet legal precedent that section 7 applies to food rights in Canadian courts, negating the enforceability of food rights in Canada under human rights legislation. In addition, enforceability is further hampered due to the split in jurisdiction over Inuit health between the federal government, responsible for Indigenous affairs, and provincial/territorial governments, responsible for health. There has been criticism that this lack of coordination has impeded protection of rights to food security (Ferguson, 2011). On the whole, rights to food remain largely unenforceable at a national level.

Promoting Inuit food security is also a matter of Indigenous rights protection. International recognition regarding the inherent rights of Indigenous peoples is addressed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007). Article 20 most aptly captures food-specific rights. This section specifies that Indigenous peoples

have the right to “engage freely in all their traditional and other economic activities” in order to maintain independent subsistence and development, which includes country food harvesting (p. 16). The declaration has significant ramifications for promoting Indigenous food sovereignty. Coté (2015) expresses that UNDRIP is a crucial step towards indigenizing food security: it “enshrined global Indigenous collective rights that constituted the minimum standards for their survival, dignity, and well-being” (p. 63). Under UNDRIP, Inuit have a right to follow self-determined approaches to promote food security, with autonomous decision-making about how to revitalize Indigenous ecological knowledge, food, and control over Indigenous wellbeing (Coté, 2015).

Canada signed on to UNDRIP in 2016 (Indigenous and Northern Affairs Canada, 2016). However, an international declaration is not a convention: UNDRIP is not legally binding. Instead, the impact of UNDRIP rests exclusively on Canada’s independent dedication to promoting Indigenous rights domestically, as *outlined* in international law. Carolyn Bennett explains that “adopting and implementing the Declaration means that we will be breathing life into Section 35 of Canada’s Constitution” (Indigenous and Northern Affairs Canada, 2016). Unfortunately, Canada has shown slow progress integrating UNDRIP into domestic policy. In fact, upon visiting Canada in 2012, the UN Special Rapporteur on the right to food articulated explicit concern that Canada has failed to achieve its international obligations to support Indigenous access to food (De Schutter, 2012). From a constitutional standpoint, section 35 of the Canadian Constitution recognizes and affirms existing Aboriginal and treaty rights, and section 15 of the Charter guarantees equality and freedom from discrimination, which applies to Indige-

nous identities (Kallen, 2010). To the best of my knowledge, there has yet to be case law setting precedent that Indigenous food insecurity—or Canada’s colonial infringement on Inuit food systems—is a violation of Canadian law (see, for instance, Walsh, 2017). However, there has been a political shift in recent months: in December 2020, the Trudeau administration released a proposal for implementing UNDRIP in Canada (Government of Canada, 2020), though the effectiveness of the proposed legislation remains contested. Overall, it is apparent that the legal enforceability of domestic legislation remains weak, despite international obligations to advance Inuit food security based on rights to food, health, and Indigenous self-determination.

Initiatives to Address the Food Insecurity Crisis

In light of these unmet mandates, it is important to analyse existing policies to better understand current shortcomings in addressing Inuit right to food security, and possibilities for future improvement based on Canada’s unfulfilled obligations to protect Inuit rights to food, health, and self-determination. Federal responses have largely lacked Inuit direction, and are based on narrow conceptualizations of food and health. At the same time, many community-based initiatives have been grounded in Inuit knowledge and leadership but lack funding for sustained implementation.

Nutrition North Canada is the current federal initiative to address Inuit food security. This program aims to increase access to healthy foods by subsidizing costs for perishable food items. Although Nutrition North Canada attempts to improve upon the Federal Food Mail Program (the previous Federal initiative), many scholars have heavily criticized

the program’s ineffectiveness. The Qikiqtani Inuit Association (2019) lists key shortcomings to the Nutrition North Program: the lack of subsidies for hunting, fishing, and harvesting equipment; the prioritization of “imported, factory-farmed animal protein” over local country food; market-driven priorities that treat foods “as a commodity rather than a basic human right”; giving “arbitrary power” to retailers, with little concern for local residents; and a general lack of transparency (p. 6). These concerns highlight the overemphasis of a western diet, with little concern for access to country food. In fact, because the program focuses on subsidizing ‘nutritious’ food, the price of common nonperishable foods, as well as other essential household items, continues to rise (St-Germain et al., 2019). The Special Rapporteur on the right to food shares specific concern about the implementation of Nutrition North Canada, stating that “the programme is not achieving its desired outcome” (De Schutter, 2012, p. 8). These federal responses highlight the prioritization of market-driven, western-centric, and homogenous approaches to addressing Inuit food insecurity, with little appreciation for location-specific conceptualizations of Inuit food systems.

At the same time, community-level initiatives revolve around Inuit-guided understandings of food and food security, yet often lack funding necessary for the long-term implementation. Ferguson (2011) gives the example of the Healthy Foods North initiative, an initiative in the Northwest Territories and Nunavut that supported local self-sufficiency food projects. However, the federal government discontinued funding in 2010, and the program was forced to close (Ferguson, 2011). Another program in Kuujuaq, Nunavik offers community-owned freezers (crucial for food preservation in the face of climate

change), boats to support harvesting and storage, as well as a knowledge sharing program and a community kitchen that runs cooking programs for children and youth (ITK, 2016). This initiative similarly lacks secure funding, with no information inputted under “funding sources” on the ITK website (ITK, 2016). In general, community-level initiatives display a recognition of specific local needs and a broader conceptualization of food, but lack the finances needed for secure implementation.

Thus, collaboration between the government and Inuit partners appears vital to providing long-term, holistic, and multifaceted responses that address deeper socioeconomic and environmental barriers. Long-term responses require sustainable funding, which can be procured through federal partnership. Holistic initiatives require broad conceptualizations of health and food that resist westernized food systems and promote food sovereignty in Inuit Nunangat. Finally, responses must be multifaceted; promoting education and intergenerational knowledge sharing, mitigating the effects of climate change, and responding to poverty and unemployment are essential to promoting food security. Efforts to simply subsidize food prices fail to acknowledge the complexity of food insecurity and fall short of the multi-level intervention needed.

There are current efforts to actualize such collaboration. In 2019, the Federal Government released a Food Policy for Canada called “Everyone At The Table,” the first national plan to address food insecurity (Agriculture and Agri-Food Canada, 2020). This plan was based on the Agriculture and Agri-Food Canada’s (AAFC)’s report *What We Heard*. This consultation guide not only mentions the shortcomings of Nutrition North Canada, but additionally documents the objective to establish a government-Inuit partnership with the

“co-development and implementation of policies that impact their respective food systems” (AAFC, 2018, p. 31). The National Food Policy Plan in Canada has pledged \$15 million to fund initiatives in isolated communities in Northern Canada over the next five years (Agriculture and Agri-Food Canada, 2020). However, it remains unclear if this initiative will have the long-term effects required to not only promote, but sustain, food security in Inuit Nunangat. Moving forward, research into the effectiveness of this federal food plan towards promoting Inuit food security will be essential.

Here, it is important to acknowledge resistance to this notion that intervention should include involvement from the Federal government. Coté (2015), for example, argues that any connection to Settler government structures—for example, through Federal funding of programs—is contradictory to processes of food system decolonization. Coté (2015) explains that food system decolonization instead depends on the “revitalizing Indigenous foods systems and practices through the reaffirmation of spiritual, emotional and physical relationships to the lands, waters, plants, and all living things that have sustained Indigenous communities and cultures” (Coté, 2015, p. 58). In this sense, the praxis of decolonizing food systems is contingent on increasing *independence* from the colonial governance systems that have instigated the eradication of Indigenous traditions and cultures. However, despite the need for disconnection from State governance to work towards Inuit food system decolonization, efforts to increase collaboration between Inuit and State partners is still vital in the interim. Importantly, the ITK continues to call for intervention that prioritizes both self-determination and collaboration, advocating for “meaningful, equitable and sustainable partnership” between Inuit regions

and the Canadian government (ITK, 2017, p. 19). More specifically, the ITK outlines that this partnership depends on “utilizing Inuit governance structures for decision making” and recognizing that “Inuit organizations are best positioned to develop strategies and manage food system programs” (ITK, 2017, p. 17). In addition to prioritizing Inuit self-determination, the ITK expresses value in having “long-term, flexible, multi-year funding transfers to Inuit regional organizations for sustainable food security programming” (ITK, 2017, p. 17). In this sense, Federal funding used at the discretion and direction of Inuit communities can still operate as a steppingstone towards eventual sovereignty from Settler governance, by enabling “Indigenous peoples [...] to direct change from within and through action, change, strategies, and policies working toward becoming ‘sustainable’ self-determining nations” (Corntassel, 2008, as cited in Coté, 2015). Consequently, there is still value in including the Canadian government in efforts to promote food security in Inuit Nunangat—yet, crucially, the governments’ role in intervention must exist in a manner that fosters Inuit autonomy.

Conclusion

Blay-Palmer (2016) writes that “a lack of food is a symptom of a lack of power” (p. 1). Indeed, the current food insecurity crisis across Inuit Nunangat reflects the historic and continued disempowerment of Inuit and devaluation of Inuit knowledge. Barriers to food—including institutional discrimination, pressures to westernize food systems, restrictive access to harvesting country foods, and worsening effects of climate change—are reflections of, and exacerbated by, social and economic inequities across Inuit Nunangat. It is also important to acknowledge a limita-

tion of this research paper. Namely, I have often homogenized food insecurity across Inuit Nunangat when experiences of food insecurity, food services, and shipping arrangements, vary across and within communities throughout Nunavut, Nunavik, Nunatsiavut, and the Northwest Territories, negating unique experiences of food insecurity. This essay adopted a human rights lens to reveal Canada’s unfulfilled/unrealized commitments to international mandates protecting rights to food, health, and Indigenous self-determination. It is crucial that, moving forward, Canada works to increase the enforceability of food security in domestic legislation, in addition to increasing partnership between the government and Inuit communities to more appropriately respond to food needs in Inuit Nunangat, keeping in mind the need for Inuit agency over their own food systems without chronic reliance on the Canadian State. The Canada Food Plan offers potential for achieving these objectives, but investigating the efficacy of the program is of utmost concern to advance actions that protect and promote Inuit rights to food, health, and self-determination.

Works Cited

- Agriculture and Agri-Food Canada (2019, June 17). "Everyone at the Table!" Government of Canada announces the first-ever Food Policy for Canada [Press Release]. <https://www.canada.ca/en/agriculture-agri-food/news/2019/06/everyone-at-the-table-government-of-canada-announces-the-first-ever-food-policy-for-canada.html>.
- Agriculture and Agri-Food Canada (2020). *Everyone at the table! Investing in The Food Policy for Canada*. Government of Canada. <https://www.agr.gc.ca/eng/about-our-department/key-departmental-initiatives/food-policy/everyone-at-the-table-investing-in-the-food-policy-for-canada/?id=1597861079592>.
- Agriculture and Agri-Food Canada (2017). What We Heard. Government of Canada. https://www.agr.gc.ca/resources/prod/doc/pdf/first_nation_outreach_sessions_spring2017_v2-eng.pdf.
- Arriagada, P. (2017). Food insecurity among Inuit living in Inuit Nunangat. *Statistics Canada*, (75-006-X), 1-12. Retrieved from: <https://www.nunivaaat.org/doc/publication/Food-insecurity-among-Inuit.pdf>.
- Ayala, A. & Meier, B. M. (2017). A human rights approach to the health implications of food and nutrition insecurity. *Public Health Reviews*, 38(10), 1-22. DOI 10.1186/s40985-017-0056-5
- Blay-Palmer, A. (2016). Power Imbalances, Food Insecurity, and Children's Rights in Canada. *Frontiers in Public Health*, 117(4), 1-14. DOI: 10.3389/fpubh.2016.00117.
- Chan, H. M., Fediuk, K., Hamilton, S., Rostas, L., Caughey, A., Kuhlnein, H., Egeland, G., & Loring, E. (2006). Food security in Nunavut, Canada: barriers and recommendations. *International Journal of Circumpolar Health*, 66(5), 416-431. DOI: 10.3402/ijch.v65i5.18132.
- Council of Canadian Academies. (2014). *Aboriginal Food Security in Northern Canada: An Assessment of the State of Knowledge*, Council of Canadian Academies. https://foodsecurecanada.org/sites/foodsecurecanada.org/files/foodsecurity_fullreporten.pdf.
- Convention on the Rights of the Child (UNCRC), September 2, 1990, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.
- Coté, C. (2016). "Indigenizing" Food Sovereignty. Revitalizing Indigenous Food Practices and Ecological Knowledges in Canada and the United States. *Humanities*, 5(3), 57-71. DOI:10.3390/h503005.
- De Schutter, O. (2012). *Mission to Canada*. Special Rapporteur on the Right to Food. https://foodsecurecanada.org/sites/foodsecurecanada.org/files/20120321_SRRTF_Aide-m%C3%A9moire_Canada.pdf.
- Ferguson, H. (2011). Inuit Food (In)Security in Canada: Assessing the Implications and Effectiveness of Policy. *Queen's Policy Review*, 2(2). Retrieved from: <https://www.queensu.ca/sps/qpr/sites/webpublish.queensu.ca.qprwww/files/files/16%20Inuit%20food%20insecurity.pdf>
- Food and Agriculture Organization. (2006). *Food Security* (Policy Brief No. 2). FAO Agricultural and Development Economics Division. http://www.fao.org/fileadmin/templates/faaitaly/documents/pdf/pdf_Food_Security_Coept_Note.pdf.
- Food and Agriculture Organization of the United Nations. (1996) *Report of the World Food Summit* (13-17). Rome, Italy.
- Food and Agriculture Organization of the United Nations. (2006). Justiciability of the Right to Food. In, *The Right to Food Guidelines: Information papers and case studies* (pp. 71-139). FAO Publishing.
- Government of Canada. (2020). *Implementing the United Nations Declaration on the Rights of Indigenous Peoples in Canada*. Justice.gc.ca. <https://www.justice.gc.ca/eng/declaration/index.html>
- Indigenous and Northern Affairs Canada. (2016, May 10). *Canada Becomes a Full Supporter of the United Nations Declaration on the Rights of Indigenous Peoples* [Press Release]. <https://www.canada.ca/en/indigenous-northern-affairs/news/2016/05/canada-becomes-a-full-supporter-of-the-united-nations-declaration-on-the-rights-of-indigenous-peoples.html>
- International Covenant on Economic, Social and Cultural Rights, January 3, 1976, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.
- Inuit Tapiriit Kanatami (2016). Kuujjuaq Community Kitchen. ITK.ca. <https://www.itk.ca/nuluaq-mapping-project/initiative/kuujjuaq-community-kitchen/>.

- Inuit Tapiriit Kanatami: National Inuit Committee on Health. (2017). An Inuit-Specific Approach for the Canadian Food Policy. *Inuit Tapiriit Kanatami*. Retrieved from: https://www.itk.ca/wp-content/uploads/2019/01/ITK_Food-Policy-Report.pdf.
- Inuit Tapiriit Kanatami. (2018). Inuit Perspectives on a Canadian Poverty Reduction Strategy. *Inuit Tapiriit Kanatami*. Retrieved from: https://www.itk.ca/wp-content/uploads/2018/08/ITK-Submission-on-CPRS_Final_Jan2018.pdf
- Kallen, E. (2010). *Ethnicity and Human Rights in Canada*. Oxford University Press.
- Leblanc-Laurendeau, O. (2019). *Food Security in Northern Canada: An Overview* (18-E). Library of Parliament: Ottawa Canada.
- Office of the High Commissioner for Human Rights (OHCHR). (2010). The Right to Adequate Food. *Food and Agriculture Organization of the United Nations*. Retrieved from: <https://www.ohchr.org/Documents/Publications/FactSheet34en.pdf>
- Power, E. M. (2008). Conceptualizing Food Security for Aboriginal People in Canada. *Canadian Journal of Public Health*, 99(2), 95-97. <https://www.jstor.org/stable/41995048>.
- Qikiqtani Inuit Association (2013). Thematic Reports and Special Studies 1950–1975: Analysis of the RCMP Sled Dog Report. *Qikiqtani Truth Commission*. https://www.qtcommission.ca/sites/default/files/public/thematic_reports/thematic_reports_english_rcmp_sled_dog.pdf
- Qikiqtani Inuit Association (2019). Food Sovereignty and Harvesting. *Qikiqtani Inuit Association*, 1-24. Retrieved from <https://www.qia.ca/qia-releases-food-sovereignty-and-harvesting-report/>
- Rideout, K., Riches, G., Ostry, A., Buckingham, D., MacRae, R. (2007). Bringing home the right to food in Canada: Challenges and possibilities for achieving food security. *Public Health Nutrition*, 10(6), 566-573. DOI: 10.1017/S1368980007246622
- St-Germain, A-A. F., Galloway, T., Tarasuk, V. (2019). Food insecurity in Nunavut following the introduction of Nutrition North Canada. *Canadian Medical Association Journal*, 191(20), 552-558. DOI: 10.1503/cmaj.181617
- United Nations Declaration on the Rights of Indigenous Peoples, September 13, 2007, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf
- Walsh, J. (2017). Supreme Court of Canada cases involving Indigenous peoples. *Simon Fraser University*. <https://www.lib.sfu.ca/help/research-assistance/subject/criminology/legal-information/indigenous-scc-cases>

HOME: A PLACE TO CALL MY OWN? INVESTIGATING THE QUESTION OF A “JUST” HOME THROUGH LITERATURE

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Arts & Science 3A06: Literature

As a result of the COVID-19 pandemic, our work and our academic lives have intruded into our homes in unprecedented ways. In many ways, this intrusion is but an intensification of the ways in which our homes—whether they be our houses, our cities, or our nations, among others—have increasingly become laid bare to outsiders as our world becomes ever more interconnected. Being confronted by outside forces within these spaces calls on us to re-examine the ways in which we exist in, interact with, and conceptualize our homes. Critically, they demand that we consider the question of justice in the home: what does a just home look like? What does it mean to treat outsiders justly when they come to exist within the realm that we consider to be our home?

These struggles of cohabitation between people and outside presences in their homes permeate both ancient and modern literature. In the Homeric epic *The Odyssey*, widely regarded as a foundational text in Western literature, the family of the protagonist, Odysseus, find themselves at odds with a group of suitors who have infiltrated their home, hoping to wed Odysseus' wife Penelope. The suitors are mostly wealthy and powerful men from the surrounding lands. After Odysseus' disappearance, they start living in his hall in Ithaca. Operating under the assumption that Odysseus is dead, they live in his home, eating his food and drink-

ing his wine, trying to win Penelope over—or wait until she eventually gives in to their demands (Homer I). From the start of the text, we can see that these suitors are a burden to Odysseus' family and advisors, and in many ways are constructed as adversaries to the family. A more modern rendition of the archetypal struggle, “Loulou: or the Domestic Life of the Language” by Margaret Atwood (“Loulou” from now on) tells the story of Loulou, a potter, who struggles with the daily presence of the male poets who live in her home. While these poets were once Loulou's lovers—and one still is—in many ways they have become a nuisance to Loulou, and it's not clear whether she still wants them there at all (Atwood 45-47).

Both texts show us that these unwanted outsiders in the home can work to shape and reshape us, stopping us from expressing our true selves and thus preventing us from feeling “at home”. However, these stories present radically different ways of grappling with outside forces in the home—offering different ways of reconceptualizing and reifying the just home in the presence of. Ultimately, I argue that “Loulou” gives us a more compelling account than *The Odyssey* for how we can conceptualize and create just homes when in the presence of outsiders.

Before we delve into the texts, we must spend a moment on the topic of justice. Being a nebulous concept, ideas of what constitutes justice can vary wildly across time,

borders, and even from person to person. In the context of the home, it is worthwhile that we consider justice through a capability approach. The capabilities approach to justice, in effect, stipulates that a system is just inasmuch as it allows those within it to fulfill certain basic capabilities. In her landmark 1992 paper on the capability approach to justice, Martha Nussbaum outlines some of these capabilities. A few of these capabilities can be directly tied to the home:

“3. Being able to avoid unnecessary and nonbeneficial pain and to have pleasurable experiences (...)

7. Being able to live for and with others, to recognize and show concern for other human beings, to engage in various forms of familial and social interaction (...)

10. Being able to live one’s own life and nobody else’s; being able to live one’s own life in one’s very own surroundings and context. (Nussbaum, 222)”

These last two capabilities are of particular relevance to the idea of the just home, as the home is one of the principal contexts through which these capabilities can be realized. Understanding it through the lens of these capabilities, a just home is one that allows for individuals to live in meaningful relationships, while at the same time having the capability to self-determine and express one’s true self. Each of these texts present different conceptualizations of the condi-

tions necessary for a just home and the methods through which we can create such places for ourselves when they are made party to outsiders. In this paper, I am contending that “Loulou” offers us the more compelling conceptualization of the two texts. I am not attempting to argue here why one conceptualization would better fulfill these capabilities in a sort of idealist or philosophical sense, but rather I am trying to make my account as grounded and as self-evident as possible.

In *The Odyssey*, the suitors in the home work to fundamentally shape and re-shape the characters that can be found in the hall at Ithaka. The most obvious example of the suitors’ aims to shape the residents of Odysseus’ home is their pursuit of Penelope, attempting to marry her—and thus construct her as their wife, making her a part of their families and conquests (Homer II.187-217). In doing so, they are directly attempting to shape her identity, making it conform to their desires. They also attempt to shape Telemachos, Odysseus’ son by Penelope, by mocking his plans to “bring black doom upon them” (Homer II.334), thereby contesting his conceptualization of himself as a potential hero. Similarly, the poets in “Loulou” construct their own images of Loulou, both through their daily interactions with her and what they write about her in their journals and poems (Atwood 45). They construct her as a woman who is “subdued”—a predictable, dependable caretaker (Atwood 53-54). They tell her that she is very different from who a “Loulou” should be: Loulou is a French girl in a can-can outfit, not an “earthy,” “firmly built,” potter (Atwood 49). Through this, and also through their daily treatment of her, we can see how the poets’ presence in the home works to shape Loulou and her image of herself.

This conflicting influence prevents the

characters from feeling “at-home” in these spaces, and infringe on their basic capabilities for self-expression and self-determination. Odysseus is forced to enter his home disguised as an elderly peasant, so that the suitors do not recognize and immediately assault him (Homer XVII.360). He is not even able to reveal his identity to Penelope, the love of his life, while the suitors are in the home—instead being forced to interact with her under disguise (Homer XIX). In fact, he does not reveal his true identity to anyone within his hall until the moment he enters into direct combat with the suitors (Homer XXII.1). For her part, Penelope spends all day shut in her room, and is forced to feign compliance with the suitors by pretending to weave a shroud for Odysseus’ aging father, Laertes (Homer II.192). Similarly, Loulou feels as though she cannot use her home, as “the poets are always using it” (Atwood 58). She feels as though she is forced to be solid, predictable, and to make the poets feel safe—and yet she is beginning to question whether she feels safe in her home (Atwood 52). These characters feel unable to be their true selves in their homes. Instead, they must conform to the demands of the structures of power that now seemingly reign over the spaces. Thus, we can see that the home can become perverted by these intrusions, no longer functioning as any sort of “home” as we understand it.

Despite the long-term presence of the outsiders and their influence over his hall, Odysseus still feels as though this space is his home, proclaiming, “Here is Odysseus’ hall: no hall like this!” (Homer XVII.341). This posits both a notion of the home as carrying an identity that is resistant to time and change, but also the idea that this is someone’s home—that it belongs to Odysseus. This conceptualization of home as needing

a master is reinforced by the actions of other characters in the epic. Notably, both Penelope and Telemachos feel as though they are unable to contest the outsiders for agency over the home, instead waiting for a “champion like Odysseus” (Homer XVII.705) to regain control of it and save them from what is portrayed as the near-tyrannical presence of the suitors. Interestingly, the condition of Odysseus’ dog is perhaps the best example of the way in which the home-master dynamic is reinforced through the text. Odysseus’ old dog had “grown old in his master’s absence... Treated as rubbish now” (Homer XVII.382). The slaves, their master absent, did not take care of him, as “without a master they have no will to labor, or excel” (Homer XVII.415). The dog’s placement immediately outside of the main hall symbolizes what has happened in the home beyond it. Through the example of a dog, the text suggests that without a master, a home will rapidly fall into disrepair. In essence, the home needs a master to survive.

To Odysseus, the only option to restore his home is to destroy the suitors. Their presence within the home is conceptualized as “treachery [that] had filled that house with pain” (Homer XX.439)—an injustice that needed to be punished, in Odysseus’ eyes. After slaying the suitors, Odysseus calls for “fumes to purify my hall” (Homer XXII.536). In doing so, he implies that the home is a place that must be made pure, completely free of outside influence. Once rid of the suitors, he is able to be himself, no longer having to be disguised within his halls—a nurse reminds him that he “must not wrap [his] shoulder’s breadth again in rags in [his] own hall” (Homer XXII.543) ever again. He also re-forms his relations with Penelope, able to love freely with her once again (Homer XXIII.337)—showing that he

is finally “at home” here. Thus, *The Odyssey* reifies “home” as a place of purity, one that needs to be free of outside influence. Odysseus is not able to feel at home until he has completely rid this space of these antagonistic forces and reasserted his agency over the hall. The just home, according to *The Odyssey*, is a place that needs a master to control it, protect it, and ensure its purity from outside influence in order to allow the fulfillment of its resident’s basic capabilities for self-expression and self-determination.

Loulou takes a very different approach to contending with the outside forces in her home. Rather than choosing to confront the poets directly, she decides to grapple with their conceptualizations of her. As previously explained, the poets have played a significant role in shaping Loulou’s image of herself. As she walks to the accountant, we are reminded of many of their conceptualizations of her that she has come to internalize. They call her “subdued” (Atwood 53) and make her feel as though she must be a dependable caretaker—“everyone depends on her, but when she needs help (...) nobody’s within call” (Atwood 54). They also feel as though they know her actions, and that she is predictable to them as evidenced by the conversation about the accountant at the dinner table (Atwood 57). In seeking an encounter with the accountant, she is contesting all these images of herself. She dresses as fancily as she can (Atwood 53) trying to appear less subdued. In direct contrast to what the poets see her as, she is looking to be taken care of, “to be able to turn her two plastic shopping bags over to some man (...) who could make sense of their contents and tell her that she has nothing to worry about” (Atwood 54). She thinks that sleeping with the accountant “will change her” (Atwood 57).

The accountant that she goes to meet directly challenges the assumptions and affirmations of the poets—calling her a true artist, rather than simply an “earthy” caretaker (Atwood 56) and even boldly asserting that Loulou is being taken advantage of and should remove the poets from her home (Atwood 59). He directly questions their place in her home and their power over Loulou, helping her to reflect on these aspects of her life (Atwood 59). Yet, through her interactions with the accountant, Loulou realizes that she would not be able to exist in the same way without the poets, saying that considering life without them would be “painful” (Atwood 59).

After this experience, Loulou is able to understand the fragility of the constructions that the poets have imposed on her. “It’s as if all those words which the poets have attached to her over the years have come undone and floated into the sky, like balloons” (60), Loulou thinks. Not only does she see the impermanence of their ideas, but she also sees for the first time that the poets are also fragile. Whereas she once thought they would endure forever, she now notices that Bob is “showing signs of age, they all are” (Atwood 61). Here, she realizes how much the poets need her and her home to survive and thrive. Although she has said that they depend on her before (Atwood 52), she seems to truly recognize their fragility here. As such, she comes to terms with the presence of the poets in the home, recognizing for the first time that they play an important role in her identity, but do not completely define who she is: “Nobody invented her, thank you very much. They make things up about her, but that’s a whole other story” (Atwood 62). In other words, by looking outside of the home for expe-

periences that contest the implications of the present power structures (the poets in this case), Loulou is able to adequately understand the poets and accept them into her life in a formative way. From this, she recreates her home as a shared space, recognizing that she can exist as her true self while simultaneously being subject to these outside forces. She accepts her home as being shared with others, recognizing the home as a fundamentally relational space, defined by the interactions and power dynamics within it.

This reading of the depictions of home in each story is further supported by the way homes are presented more generally in each text. Throughout his journeys, Odysseus visits many other homes, including those belonging to Kirke, the cyclops, and Calypso. Each of these three homes is on its own island, cut off from the rest of civilization: Kirke owns the island of Aiaia (Homer X.150), the Kyklopes rule an “isle, unplanted and untilled,” (Homer IX.133), and Kalypso inhabits Ogygia (Homer, I.110). In addition to being cut off from the rest of civilization, each place is completely ruled by their hosts. In fact, with the exception of Odysseus, those that intrude on these islands are often killed, whether it be through Kirke’s magic or the Kyklopes’ appetite. Through these depictions, the text reinforces the notion of a home as some place that exists as a separate realm from the world around it, where the master can assert their dominance and defend its purity. On the other hand, Loulou’s own home is not only home to both her and the poets, but it is also where she works; her workshop is directly beside it (Atwood 51). The accountant’s office is placed within a dry-goods store, just as the poets occupy Loulou’s home (Atwood 59). Spaces are messy in “Loulou”, nest-

ing multiple different people and uses within them, and borders between these spaces are unclear. Where *The Odyssey* repeatedly depicts the home as a place to assert agency over, and ensure purity of, Loulou shows us that creating a just home is about finding ways to fit in and mesh with your surrounding environments—how you determine your place as a piece of a broader relational context that you invariably share with others.

Now, one could contend that I am not accurately representing the way *The Odyssey* conceptualizes the home, saying that the idea of hospitality—the opening of the home to outside influences, and the accepting of such influences and people in need of care and tending to—is an idea that is held as the highest moral standard by many of the lords in the epic. As such, the just home in the presence of outsiders in *The Odyssey* would be quite different than what I have portrayed here. However, this counterargument falls short. First, it must be understood that hospitality entails duties of both the host and the guest: the guest must be a good guest, respectful of the host, while the host is a good host to the guest. Guests must wait to be invited in, to be let in on the host’s terms (Hefferman 18). The agency of the “master” must not be undermined by the guest. In fact, when the guest does violate the master in this way, the master is able to retaliate (Hefferman 18). This is precisely what Odysseus does to the suitors, “guests” who have violated the agency of the host and the code of hospitality. Under this reading, the principles of hospitality throughout *The Odyssey* are in support of my conceptualization of the just Odyssean home: they still call for the home’s master to assert agency over the space and ensure that outside forces who become unwanted are expelled. The home-with-master dynamic in hospi-

tality is further made apparent in Odysseus' arrival in Phaeacia. Upon his arrival to the island, he meets Nausicaa, who offers him hospitality, but gives him specific instructions on how to go about obtaining it (Homer VI.300-350). In her speech, she tells him to "cast yourself before my mother, embrace her knees (...) On Mother's feeling much depends; if she looks on you kindly, you shall see your friends under your own roof in your father's country" (Homer VI.329-334). In other words, she is explaining to him that his fate will be completely decided by her parents, the masters of the home—he will receive hospitality if they look favourably upon him, and death if they do not. In this, we see the way in which offers of hospitality in *The Odyssey* operate on the implicit assumption of the home as a place that has a master who exerts their agency over the space to protect it and ensure its purity from unwanted others.

In a modern context, we as individuals and as groups can find "home" in a multitude of settings. For us, home can be our physical houses, our close friend groups, or our most familiar relations; on a broader scale, it can be our neighborhoods, our towns, our countries, or an ideology or set of ideas. As we grow into an increasingly liquid and interconnected world, we often find these spaces becoming host to new outside forces. Our physical homes have been encroached on by our work and academic responsibilities throughout the pandemic, new people and "friends of friends" appear in our social circles frequently—and through social media, our relations are constantly subject to the power of outside normative influences and to free intrusion by others. These texts show us that such intrusions inevitably shape us and can threaten our sense of home—leading us to feel as though it is no longer our home at all.

These texts show us two different ways for us to grapple with this issue and create just homes. *The Odyssey* indicates to us that, to create "just" homes, we must drive out these outside forces and reassert ourselves as the masters of our homes. The just home, in Odyssean terms, is one that is ruled completely by the "just" leader, or at least the one who laid claim to the space first and has the power to defend it. This is an idea that we have seen increasingly adopted by political leaders around the world when defending the "home"-land. Whether it be "Make America Great Again" or "Brexit," notable political movements have adopted this Odyssean approach, seeking to restore the home to "better days," forcibly removing the outsiders that are perceived to be harmful to the home. Principally, this instinct is directed at immigrant or refugee populations, who are depicted eerily similarly to the suitors in Homer's text. At the beginning of *The Odyssey*, one of Telemachos' advisors says "These men spend their days around our house killing our beeves and sheep and fatted goats, carousing, soaking up our good dark wine, not caring what they do. They squander everything" (Homer II.59-61). This language is remarkably similar to Donald Trump's 2015 campaign trail declaration on immigrants, saying that "They're taking our jobs, they're taking our manufacturing jobs, they're taking our money, they're killing us." These statements play on a notion of ownership of the home and everything found within it, saying that outsiders take what is rightfully "ours," and thus their presence represents a continuing injustice against the home. The only solution is to remove them.

This Odyssean instinct is present in "Loulou" as well. When she meets with the accountant, a piece of advice he gives her is to "get herself out of this situation" (Atwood

58), implying that she should remove the poets from her home. However, it is worth noting that while Odysseus is able to feel at home once again by driving out the suitors, his approach ultimately causes further harm, eventually spurring a much larger conflict with the suitors' relatives and allies (Homer XXIV.520). As we can see from *The Odyssey*, while such actions may allow us to restore "justice" to our homes in the moment, they are often driven by a desire for control and a fear of change that may create further conflict outside of it (Homer XXIV.520). This insight is even more prevalent in modern times. When we consider the different "homes" we inhabit today, particularly the physical spaces, it is almost impossible to maintain absolute control over them when we are more interconnected and intertwined with one another than ever. While the home as "island" may have been a realistic conceptualization thousands of years ago, it is simply not realistic to think of our own homes in that way anymore. Chasing this Odyssean ideal may be a sort of red herring, completely unattainable in modern times. When we take action within our homes, we undoubtedly affect the world outside of it as well. What good is creating a "just" home if it creates further injustice elsewhere? After all, creating further injustice elsewhere may perpetuate future injustice within the home itself, as Martin Luther King Jr. famously said: "Injustice anywhere is a threat to justice everywhere." (King Jr. 1)

What's more, this approach seems to be inherently violent. In the text, it necessitates gory conflict within the halls at Ithaca (Homer XX-XXII), perhaps indicating that it is not an easy task to remove someone from your home once they begin to feel at home there as well. Not only does it encourage vi-

olence against the outsiders—it encourages violent acts between those that have always been in the home: Odysseus turns people within his home against one another, having maids expose the wrongdoings of other maids that have formed relations with the suitors (Homer XIX.575-580). Finally, in Odysseus' sole focus on reasserting his agency over the home, he fails to consider the needs of all the others in "his" home. By establishing himself as the home's master and subjecting all those within in it to his rule, how might he affect the others living there, like Telemachos and Penelope? They are by no means outsiders to his home, and yet Odysseus' mission undoubtedly affects their home as well. He reifies home for himself and creates a space that he considers just—but in the same breath may be perpetuating injustices against the others that live there by restricting their capabilities.

In contrast, Loulou's approach of searching for experiences and ideas that contest the assumptions and forces of power in our homes presents an alternate model for approaching outsiders in our spaces. In taking these actions, Loulou is able to gain a better understanding of both herself and the outsiders that occupy her home—recognizing their fragility and understanding the true extent of their power over her. Loulou reconceptualizes her home as a relational, shared space that is equally a home to the poets as it is to her: her home is not merely hers but is a product of these unique relational contexts within which she finds herself. By reconciling the presence of outsiders in her home with her own desire for self-expression, she is able to move forward with the poets in a way that enriches her life and enhances the life of the home (Atwood 62), rather than creating further conflict. Recognizing the home as a relational and dynamic space, as Loulou does,

not only helps us re-imagine what a home can be but also helps us understand how we play a role in the formation of a just home for others—and thus helps us do justice not only to us, but to our relations as well. What’s key here is not only that the end result is what could be conceived of as just. Importantly, achieving the just home follows a process of unfolding justice outside the home. It necessitates critical examination of structures of power and preconceptions that can cloud our perception of these outside forces—helping us understand the roots of injustice and work towards implementing real, meaningful change that enables long-lasting justice.

Both *The Odyssey* and “Loulou” show us that the presence of outsiders in the home works to shape and reshape us, which can

prevent us from feeling “at home” in these spaces. However, each text presents us with different ways of grappling with these forces, and in doing so offers different conceptualizations of what a “just” home can be in the presence of outsiders. Ultimately, we should learn from the conceptualization proffered by Loulou when determining for ourselves how to grapple with outsiders in our own homes. Conceptualizing the home as an “island,” a pure space over which we must be the master, is not only unrealistic in a modern age, but is an ultimately harmful, violent approach. Instead, we need to listen to Loulou and see the home as a brilliantly messy, dynamic nexus of relations that offers great potential to foster deeper connections and richer, more human lives.

Works Cited

- Atwood, Margaret. “Loulou; or, The Domestic Life of The Language.” *Bluebeard’s Egg*. Anchor Books, 1983. pp. 44-62.
- Hefferman, James A. W. *Hospitality and Treachery in Western Literature*. Yale University Press. 2014
- Homer. *The Odyssey*. Translated by Robert Fitzgerald. Farrar, Strauss and Giroux, 1998.
- King Jr., Martin Luther “Letter from Birmingham Jail.” 16 April 1963. The Estate of Martin Luther King Jr.
- Nussbaum, Martha C. “Human Functioning and Social Justice: In Defense of Aristotelian Essentialism.” *Political Theory*, vol. 20, no. 2, 1992, pp. 202–246. JSTOR, www.jstor.org/stable/192002. Accessed 20 Mar. 2021.
- Trump, Donald. (2015, July 11). *Phoenix rally speech*. Phoenix, AZ. Youtube, <https://youtu.be/HwRzPQAFNiM>

MADNESS AND THE MAN IN THE MIRROR: MAPPING FREEDOM

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Arts & Science 3A06: Literature

“What do we want?!”

“Freedom!”

“When do we want it?!”

“Now!”

This chant easily comes to mind when I reminisce on the fleeting memories of my childhood. I remember, at age 9, being dragged along to Parliament Hill in a series of 2009 demonstrations to bring attention to the injustices committed by the Sri Lankan government. I had no concept of what was being protested against at the time. One of the only vivid features of this memory is the repetitive chorus of the aforementioned chant. I still experience bewilderment from those memories. My parents live in Canada--far from the linguistic and cultural censorship of their homeland, and so I believe that they exist in an internal, mental freedom to think and express their thoughts. They are free to speak, think and practice the culture that they hold so closely to their hearts. My parents also live free of the physical persecution and police state curfews of their homeland. So, it was safe to believe that they exist in an external, physical freedom. They are externally free in that their physical bodies are no longer explicitly confined by the state.

I remain perplexed, then, as to why my parents felt such a strong compulsion to march with thousands of other Tamil people in the name of freedom. Did they not feel free already?

Cassandra, by Christa Wolf, is a 1983 novel that retells the Trojan war from the perspective of the priestess Cassandra. *Don Quixote*, by Miguel De Cervantes, is often considered the first modern European novel, and follows the adventures of a nobleman who decides to become a knight-errant named Don Quixote after reading too many chivalric romances. Recently, these texts have forced me to confront my firmly held assumptions surrounding freedom and have enabled me to see past the static conceptions of freedom that I had applied to my parents. Freedom, as I have always understood it, exists in binaries. An individual is either free or they are not free. An individual is either physically restrained or they are not physically restrained. An individual is either being mentally subjugated or they are capable of thinking freely. Christa Wolf's *Cassandra* critiques the limitations of the opposing Greeks' binarist worldview of killing versus dying when Cassandra notes that "it is the other alternative that they crush between their clear-cut distinctions, the third alternative, which in their view does not exist, the smiling vital force that is able to generate itself from itself over and over: the undivided, spirit in life, life in spirit" (107). The "spirit in life" can be understood as a "third alternative" of freedom from the

“clear-cut distinctions” that are imposed by the Greeks’ worldview. Killa, a slave woman from the Greek camp, expands on this concept in *Cassandra* by stating that “between killing and dying there is a third alternative: living” (118). *Cassandra* presents the reader with a dynamic, imaginative freedom that is born of “living” with “spirit in life,” rather than a well-defined freedom that results from being able to consciously choose actions being physically unrestrained. *Cassandra* affirms this “third alternative” as a continuous living with “spirit” when Cassandra notes on her deathbed, in the midst of her captivity, that “never was I more alive than now, in the hour of my death” (21). The Greeks’ binaristic worldview would assert that Cassandra, as their prisoner, is not free, and that her choice not to kill means that she is in the process of dying. Instead, *Cassandra* urges the reader to consider what it means to live freely, with “spirit in life” as the “third alternative” to preconceived notions of freedom.

This essay argues that both *Cassandra* and *Don Quixote* subvert normative static conceptions of freedom. The texts act as roadmaps towards the dynamic “third alternative” of freedom by embracing madness and reorienting self-perception to deconstruct the notion of the “hero.” First, using Margaret Atwood’s victim positions as a framework, this essay outlines the value of embracing madness as a critical foundation towards acting in dynamic freedom. Dynamic freedom is understood to be an ongoing, continuous conception of freedom that is distinct from the internal freedom of the mind and the external freedom of the physical body. Next, the essay argues that the re-orienting of vision to achieve a new self-perception is also imperative towards practicing the “third alternative” of dynamic freedom.

Finally, the essay posits that the dynamic freedom, which is achieved through a deeper understanding of self, is exemplified in the rejection and deconstruction of the “hero.”

Atwood’s ‘victim positions’ provide a generative framework in defining what it means to “embrace madness.” The four positions are used to describe different ways that a victim can construct their victimhood, and they are as follows: denial, fatalistic acceptance, repudiation and creative non-victim. Atwood’s description of the fourth victim position, the creative non-victim, specifies that “you are able to accept your experience for what it is, rather than having to distort it to make it correspond with others’ versions of it” (Atwood 38). This lack of distortion can be perceived as a form of madness by others as the individual refuses to accommodate their experience to the social conditions or obligations of society. Madness, then, must be understood as an external perception of the individual as abnormal for having experiences that “do not correspond with others’ versions of it” (Atwood 38). *Don Quixote’s* protagonist Don Quixote embodies this form of madness through his knight-errantry, as he is described early in the text as someone whose “imagination was filled with those battles, enchantments, adventures, extravagances... everything he said, thought or did was channeled into such affairs” (de Cervantes 139). *Don Quixote* places Don Quixote neatly into the creative non-victim archetype: someone who chooses every thought or action using his own imaginative capabilities, instead of distorting his understanding of events so that it coincides with others’ experiences. *Don Quixote* conveys the importance of the creative non-victim’s embrace of madness as a fundamental step towards freedom.

For example, the narrator asserts that “the most intelligent character in a play is the fool, because the actor playing the part of a simpleton must not be one” (de Cervantes 507). According to the narrator, the actor playing the fool is able to construct a reality in which they are perceived as a “simpleton” by the audience despite knowing themselves that they are intelligent. Therefore, the fool is a character whose reality is mismatched with the reality of the audience due to a perceived difference in intellect, and thus, falls into the definition of “madness” that is exhibited by the creative non-victim. The actor playing the fool “embraces madness” by refusing to distort their character to appear more intelligent to accommodate the normative expectations of the audience. The actor playing the fool, then, is able to experience a dynamic, “third alternative” of freedom by harnessing madness to experience the world as they see fit, free from this binary of intelligence and stupidity.

Don Quixote is often characterized as a fool, exuding humour and comedy. Comedy is also exhibited in *Cassandra* and is directly linked to madness when it is stated that “there is a comic element in all madness. Those who learn to recognize and to use it have won” (Wolf 60). The “embrace” of madness in *Cassandra* occurs when one is able to recognize the intrinsic comedy or irony within madness. Later in the text, when Cassandra attempts to warn the Trojans about the Greek’s gift horse, an onlooker says that “she’s crazy, that one” (Wolf 136), which distinctly characterizes her as mad while Troy falls. In this moment, Cassandra is reminded of Apollo’s prophecy: “You will speak the truth, but no one will believe you” (Wolf 136). The dramatic irony embedded in the prophecies urges others to call Cassandra crazy and mirrors the “comic element in all madness” that is described

earlier in *Cassandra*. Atwood’s creative non-victim position is helpful in outlining how Cassandra’s ironic madness must be embraced to achieve dynamic freedom. Atwood’s recommendation to “accept your experience for what it is” (Atwood 38) directly parallels *Cassandra*’s recommendation to “learn to recognize and use” (Wolf 60) the ironic elements of Cassandra’s prophesying. Both texts emphasize the importance of understanding the validity in perceiving events differently from societal connotations that are externally prescribed to experiences. In *Cassandra*, the process of attributing value to experiences despite knowing that “no one will believe you” (Wolf 136) means to embrace madness and is the foundation for exercising the “third alternative” of freedom that is free from the constraints of letting others dictate personal truth. However, it is important to address the potential drawbacks to the intentional incorporation of madness – as it is clear in *Don Quixote* that it can lead to heartbreak and suffering (de Cervantes 142).

The instrumentalization of madness is crucial towards the “third alternative” of freedom as it allows the individual to experience the external world according to their own beliefs. Once this creative non-victimhood is achieved, and the individual is no longer fettered by the conceptions of others, the journey towards re-orienting the internal self can begin. *Don Quixote* offers an important statement on self-perception when Don Quixote’s host Don Antonio, in conversation with his friend Carrasco, says that “the benefits of Don Quixote’s recovery can’t be compared with the pleasure that his antics provide” (de Cervantes 930). Don Quixote’s “antics,” which had once been cause for despair, are now associated with pleasure and entertainment for the general

population. It is important to note that the term “antics” is used instead of the term “madness” or “insane” that pervades public descriptions of Quixote in earlier parts of the text (de Cervantes 50, 27). *Don Quixote* makes it clear to the reader through Don Antonio that Quixote’s madness and experiences have been appropriated by the general populace, and so Quixote’s embrace of this madness no longer fosters the freedom of the creative non-victim. The protagonists’ confrontation with their false representations, born of appropriated madness, features the sentiment that “all other Don Quixotes and all other Sancho Panzas besides us two are...figures from dreamland” (de Cervantes 968). The text illustrates that Don Quixote is able to see himself more clearly when he is confronted with the personification of his appropriated madness. His experiences that were once undistorted to align with the views of others have been distorted in the mainstream adoption of these identities and narratives. Thus, Don Quixote is able to perceive these characters as “figures from dreamland” in an act of genuine self-awareness. The process of embracing madness grants Don Quixote the vision to understand when his experiences are being distorted, and thus, an even greater grasp on who he is. This concept is substantiated by the line that there is “no more realistic interpretation of who we are and what we are going to be than plays and players” (de Cervantes 558). *Don Quixote* reminds the reader that the act of embracing madness permits the individual to re-orient their self-perceptions to understand “who we are” and, thus, live truthfully towards “what we are going to be” in the realm of the “third alternative.”

Cassandra carries a similar sentiment on the role of self-perception in attaining a

state of the “third alternative” of freedom. This is exemplified by the following line: “What I mean by alive - not to shrink from what is most difficult: to change one’s image of oneself” (21). Again, the text equates the “third alternative” with “living” (Wolf 118), which is directly connected to self-perception through the idea of changing “one’s image of oneself” (Wolf 21). *Cassandra*, it is important to note, is not referring to the idea of changing oneself; the operative term in this phrase is “image.” One’s image of themselves can be changed by re-orienting the self-perception and vision that is directed at themselves to reach a state of dynamic freedom by being “alive.” The text emphasizes the role of embracing madness in facilitating this shift of self-perception: “Like ants we walk into every fire. Every water. Every river of blood. Simply in order not to have to see. To see what, then? Ourselves” (Wolf 42). *Cassandra* likens the inability to see the image of “ourselves” to the dangerous hivemind exhibited by the behaviour of ants. The hivemind exhibited by ants, wherein they all share the same wants and experiences, can be understood as failing to embrace the madness that can facilitate creative non-victimhood. In this manner, *Cassandra* conveys to the reader that a refusal to embrace madness and accept our external experiences for what they are is the decision “not to have to see” ourselves. *Cassandra* relates the lack of self-perception to the “third alternative” of freedom when Cassandra notes that “to this day I do not know how I managed not to notice that I was a captive” (Wolf 99). To understand when one is “captive” and to overcome this imprisonment, one must “notice” or see the ways in which they are being held captive. The “third alternative” of dynamic freedom, then, can only be ascertained through a shift in self-perception.

Both *Cassandra* and *Don Quixote* deconstruct and reject the notion of “hero” to exemplify the manner in which embracing madness and self-perception can facilitate the “third alternative” of dynamic freedom. *Cassandra* ties heroism to the absence of madness: “Aeneas was the reality; and faithful to reality, craving reality, I wanted to cling to it” (Wolf 75). Madness, as framed through Atwood’s creative non-victimhood, stems from a refusal to allow others’ perceptions of your experiences dictate how you understand them. Aeneas, the hero, “[is] the reality” and thus, is rooted in the world of others’ perceptions. *Cassandra*, on the other hand, feels the need to “cling” to this reality, the sanity of others, and, in doing so, she is unable to experience the madness required to divorce one’s self from the expectations and perceptions of others. This is further evidenced when *Cassandra* reflects: “What it was that I had to reject at the cost of my life: submission to a role contrary to my nature” (Wolf 95). *Cassandra* rejects a life with the hero Aeneas, opting instead for Greek captivity; *Cassandra*’s choice to be imprisoned subverts normative understandings of freedom. This sentiment is further substantiated when *Cassandra* reflects on the final hour of her life: “never was I more alive than now, in the hour of my death” (Wolf 21). *Cassandra* is able to be “alive”, and, thus free, by rejecting the hero Aeneas. *Cassandra* deconstructs Aeneas, claiming that she “cannot love a hero” and that she did not “want to see [him] being transformed into a statue” (Wolf 138). This line draws a direct link between the archetype of the hero and the static, binaristic freedom that the hero is limited to exercising. The text denies the mobility of the hero by literally characterizing the hero as a static statue; they are defined by

the grounded, unchanging perceptions of the society around them. While it is important to note that this comparison to a statue can also be interpreted as a testament to unwavering fortitude, it does not preclude the view that the hero is unable to embrace madness and is locked into place in such a way that it is impossible to reorient their self-perceptions. *Cassandra* rejects a life with Aeneas as a heroine, and, in doing so, exercises the “third alternative” of a dynamic freedom by deconstructing the rigid concept of “hero.”

Similarly, the ending of *Don Quixote* encapsulates this rejection and deconstruction of the “hero” by also exhibiting a form of dynamic freedom. Earlier in the text, *Quixote* remarks to Sanson Carrasco that “there is no need to narrate actions that do not affect the truth of the history, if they are going to result in the discrediting of the hero” (de Cervantes 504). Already, *Don Quixote* acknowledges that the hero exists in a static history that is defined by their external perception as someone who must never be “discredited.” The hero, *Don Quixote* tells the reader, lives on a pedestal built from the constructed history of others. Therefore, they are incapable of practicing madness as creative non-victims; they are denied the freedom to discern their own experiences as separate from others’ versions. *Don Quixote*, after being defeated by the Knight of the White Moon, recounts the promise that he’d made not to leave the village for a year as being “bound by all the discipline and order of knight-errantry” (de Cervantes 973). The term “bound” is significant in regard to *Don Quixote*’s sentiments on heroism and genuine freedom; *Don Quixote* is compelled to give up his heroic knight errantry by the very rules of chivalry that define him as a hero. *Don Quixote* contrasts this with the action that *Don Quixote* actually

takes to reject his heroic identity: “my mind has been restored to me, and it is now clear and free...now I can recognize their absurdity and their deceitfulness” (de Cervantes 976). Don Quixote practices a dynamic freedom in having a mind “clear and free” from the static existence of heroism instead of revoking his heroic status due to the confining rules of chivalry. *Don Quixote* portrays a character who chooses not to be a knight errant of his own volition rather than because of the whim of the Knight of the White Moon. Don Quixote is able to escape the binary that he must either fail to uphold the strict rules of chivalry or forfeit his knight errantry as dictated by the tenets of chivalry. In this manner, *Don Quixote* deconstructs the heroic archetype to illustrate the importance of embracing madness and self-perception in exercising the “third alternative” of dynamic freedom.

In summation, *Don Quixote* and *Cassandra* act as roadmaps for the process of harnessing madness and self-perception to practice the “third alternative” of freedom, as characterized by the deconstructed archetype of “hero” in these texts. These texts have enabled me to reinterpret the assumptions

that I have about my parents’ conception of freedom. In theory, their existence in a democratic state should allow them to experience some semblance of liberty. Unfortunately, it is all too likely that the injustices faced by their community continue to impair the sense of freedom granted by democracy. A particularly generative phrase that struck me when reading *In Exile with Don Quixote* was that “no one has the power to make us sleep” (Dorfman). The relationship between sleeping and freedom reminds me of the simple phrase that resounds throughout *Cassandra*: to “dream with both feet on the ground” (Wolf 135). I think, now, that my parents still yearn for a freedom that the safety of Canada is incapable of granting them. The “freedom” of Canada does not have the power to make them sleep, and they may be too far removed from the conflict of their youth to participate in an active, grounded dreaming about their experiences. My parents, like the countless other Canadians that have found refuge and solace in this country, exist somewhere in-between trying to stay awake and dreaming with intention.

Works Cited

- Wolf, Christa. *Cassandra*. Translated by Jan van Heurck, Farrar, Straus, Giroux, 1984.
- Cervantes Saavedra, Miguel de. *Don Quixote*. Translated by John Rutherford, Penguin Classics, 2000.
- Atwood, Margaret. Basic Victim Positions. McMaster University Custom Courseware, 2020.
- Wilson, Jean. “Dante’s Inferno.” ARTSSCI 3A06 Literature Lecture, 11 Nov. 2020, Zoom.
- Dorfman, Ariel. “In Exile With ‘Don Quixote’.” *The New York Times*, The New York Times, 7 Oct. 2016, www.nytimes.com/2016/10/09/books/review/in-exile-with-don-quixote.html?smprod=nytcore-ipad.

THE NECESSITY OF HELP

Written in the style of Christa Wolf's Cassandra

Michaela Hill

Arts & Science 3A06: Literature

Time is creeping away from me. It is now late November and I wonder how the end came so quickly. It feels as if it has only been a few weeks since it all began. Ten works of literature. Ten poems, short stories, novels, and ancient classics, each with numerous lessons to teach. I am testing for common themes, probing my memory to see what has resonated. One theme in particular flows through my memory. I have heard it said that we are both oppressed and oppressors, but how is it that each of us can see and move beyond the unjust systems that entrap us? What do I mean by seeing and moving beyond systems of oppression? By “seeing” I mean becoming aware of the injustice by which one is surrounded. By “moving” I mean acting in ways that constitute a refusal to participate in or be complicit with injustice. Given that we are actors within unjust systems, the ways in which we are embedded within these systems are deeply rooted and complex. As such, refusing systems of oppression often involves action that Atwood describes as “creative” (38-39). Moving beyond systems of oppression, in Atwood’s words, requires being a creative non-victim – one who recognizes their position, but instead of feeling like a victim, embraces possibilities for creative action. What I am really curious about is the degree to which we need the help of others to engage in this creative action and move beyond systems of oppres-

sion. Asking for and accepting help is a very hard thing for me, for us. I, we, rarely do it. As I cast my memory back across the term, it has become clear to me that sight and movement beyond systems of oppression cannot be fully achieved in isolation. Rather, achieving full sight and movement requires help from others who are also questioning the system or modelling ways of living outside of it. I cannot speak to all that I have read. I do not have enough time, and I certainly do not have enough space. I will speak to that which stands out to me most prominently.

As the end draws near, I must trace the progression of my understanding of the relationship between help, sight and movement, beginning at the first question. Can sight and movement beyond a system of oppression be achieved in isolation? My memory takes me to the depiction of Penelope in Homer’s *Odyssey*. Penelope, mother of Odysseus, you were so often depicted as an isolated character, frequently in your room in tears over the loss of your husband or son, who had both gone away. If you were in the company of others, you were surrounded by your maid servants, who encouraged you to do little more than bathe and dress yourself when you were upset. Perhaps these women too were dominated by palace life, as you were. Perhaps, even surrounded by “help,” you remained alone because your servants were entrapped by the oppressive system

of which you were shared victims. As your suitors swarmed the palace demanding your hand in marriage, you remained in a state of isolation. Without anyone to confide in about the oppression you were facing, you were not prompted to see beyond the system of oppression created by your suitors and palace life. Consequently, you had a very limited capacity to move, and the little movement you did make kept you within the system. I am thinking of your small act of creativity to hold off your marriage to the suitors. You told them, “young men, my suitors, now my lord is dead, / let me finish my weaving before I marry, / or else my thread will have been spun in vain” (2.104-106). You then embraced a form of creative action, proceeding to unweave the thread each night to prolong your marriage. Here, while you acted to hold off your immediate oppressors, the suitors, you were still submitting to an eventual marriage. As such, though your action was creative, it still kept you within the broader system of oppression, that being the suitors’ and castle’s domination over your autonomous life. I am beginning to understand. Penelope, you have introduced me to the idea that one cannot see and move creatively beyond a system of oppression in complete isolation.

I cannot help myself from wondering if the case of Penelope is too singular to draw such a broad conclusion. My memory brings me to Achilles in Homer’s *Iliad*. Achilles, in Book One, you rebelled against the injustice created under Agamemnon’s tyrannical leadership of the Argive army. You questioned why any soldier would let themselves be governed by him, exclaiming, “how could any Argive soldier obey your orders, / freely and gladly do your sailing for you / or fight your enemies, full force? Not I, no” (1.176-178). You then proceeded to withdraw yourself from the war

in quiet rage, refusing to return in Book Nine, even with the promise of incredible gifts and honour. You even went so far as to question why you were at war in the first place: “Why must we fight Trojans, / men of Argos. Why did he muster an army, lead us here, / that son of Atreus? Why, why in the world if not / for Helen with her loose and lustrous hair?” (9.409-412). Unlike Penelope, it is undeniable that you reached some level of sight on your own, questioning the system of oppression within which you existed. You have complicated my understanding of sight and movement in isolation, Achilles. From you, I understand that one can start to question an unjust system without external help. But how much further can one get on one’s own?

Achilles, despite achieving some level of sight on your own, you found yourself in limbo. In the same self-contradicting breath, you said you must “let bygones be bygones,” but also that you “would not relax [your] anger” (16.69-71). You declared that you did not need honour and that your honour lay in the “great decree of Zeus” (9.741), but conversely, you spoke about wanting honour and wanting to be needed by the Achaean armies. Your contradictory words showcase the depths of your internal struggle, and lead me to believe that, confused and overwhelmed, you were unsure how to move forward. You were a man who questioned the system on his own, but was left stuck in a state of numbness. Though you threatened to go to your ships and leave the war, you stayed where you were. In fact, when your best friend, Patroclus, was killed by the oppressive system of war, you fell victim to that very system by returning to it. Numbled by your loss, you transformed, albeit temporarily, back into a killing machine with no remorse, contributing to the very system of oppression from which you

were trying to escape. I have learned from you, Achilles, that acting in isolation can only get one so far. Individuals on their own can start to question and move beyond complete blindness, but they risk being left in a state of numbness, aware of injustice, but unsure how to move beyond the system of oppression.

And if one does attempt to move in isolation? Which text can help me with that? Cervantes's *Don Quixote* comes to mind. I do not have much time, so I will be brief here. Don Quixote, though you resisted a system oppressed by social norms, you showed me that a singular creative imagination attempting to move beyond societal oppression will not succeed. You decided to break away from the world of reality, entering into an imaginative world in which you were a knight errant. By engaging with your own imagination, you acted incredibly creatively, boldly moving beyond social norms to an extent that Penelope and Achilles could not. Yet, you only got as far as your local inn before heeding the innkeeper's words and heading home to pick up supplies, and more importantly, a companion (41). I am getting ahead of myself. I will return to your companion, Sancho, who plays a critical role, later. What is clear from the beginning of your story, layered over those of Penelope and Achilles, is that movement beyond a system of oppression in complete isolation, if one can even get to that point, falls short very quickly.

I must keep moving forward toward my conclusion. If one can only get so far on their own, what happens if they act with another person? Can the helper be a person acting within the system of oppression, or must they, themselves, have moved beyond the system to be helpful? I am searching for a memory that can answer my questions. Ah! Glaucus and Diomedes in Book Six of Homer's *Iliad* – two men utterly dominated by the oppressive

system of the Trojan War. Diomedes, in this scene where you met Glaucus on the battlefield, you began by asking him who he was (6.142). A very strange interaction played out between you two enemies, in which Glaucus provided a detailed account of his ancestral history. Hearing his story, you declared yourselves friends and proposed a truce, trading armour to show your pact (6.276-279). You two foolish men. You were so engrossed in the war system, that, despite discovering your enemy to be a friend by ancestry (6.257-258), you still could not see past the idea of war and enemies. Despite having each other as “helpers” to discuss your situation, the most creative collective action you could come up with was one that kept you within the war system: keep killing the enemy, but do not kill each other because your ancestors were friends. Not to mention the only reason you saw each other as friends instead of enemies was because of ancestral traditions, not because you saw your enemy as a human being! Even together, you two remained unquestioning and blind to constructs outside of war. I am getting closer to my conclusion. Glaucus and Diomedes, you have shown me that it is not just any helper that can enable sight and creative movement. An unquestioning helper who is blind to an unjust system is not a helper at all.

Casting myself back through my memory like this is helping me understand the contexts in which sight and movement remain restricted. What is left for me to ask is, in fact, the most important question of all. What kind of help does enable sight and movement beyond systems of oppression? If those who are stuck within the system cannot help, then maybe those who are starting to question and move outside of the system can. How did I not see it before? In fact, I should have known it as soon as I began to

write about you, Achilles. Where I last left off with you is not reflective of where you are by the end of *The Iliad*. What changes you so? Of course! It is your interaction with Priam, a man who spurred a shift in you by acting outside of the usual oppressive war system. Though the gods were the driving force behind Priam coming to you and obliging his request for Hector's body, a transformative interaction took place between the two of you outside of the gods' requests. Upon arriving at your lodge, King Priam threw himself at your knees (24.560). He kissed the hands —your hands —that murdered his sons (24.561). Priam pulled at your empathy, Achilles, asking you to think of your own father and begging for pity. His actions were astonishing, even to me. What Priam did here was so unwarlike and un-king-like that it shocked you and your men into “marveling, beholding majestic Priam” (24.567). With the Trojan King kneeling before you, “pray[ing] his heart out” (24.569), you and your men were forced to truly look at Priam and see him not as an enemy, but as a person, something Glaucus and Diomedes could not do. You said to Priam, “poor man, how much you've borne – pain to break the spirit... you have a heart of iron” (24.605). Here, Achilles, you saw Priam as a human being in pain instead of an enemy, and you immediately stopped treating him as the latter. You gently took Priam's hand, and the two of you wept together over your respective losses. Furthermore, you agreed to return Hector's body and even offered to hold off your armies until the Trojans could properly mourn Hector. This came after you had told Hector that you would never return his body, “even if Dardan Priam should offer to weigh out / your bulk in gold” (22.414-415). Something changed in you, Achilles. You did something you swore to Hector that

you would not do. This transformation did not happen because of divine intervention. It happened because Priam did something radical, moving beyond the usual treatment of the enemy in war. In moving beyond this system, Priam helped you to do the same. Together, for the first time, you two enemies saw each other as people, and moved beyond the system through an interaction underscored by peace. How does this help me come to my conclusion? Well, Achilles and Priam, you have shown me that the radical action of one person who is starting to question and move can enable sight and movement in another.

Wait. Perhaps I have blurred the lines between the helper and the helped too much. Perhaps the interaction between Achilles and Priam was more like the relationship between Don Quixote and Sancho – one of mutual help. Don Quixote, you helped Sancho move beyond normative understandings of the world by bringing him into your own imagination, while Sancho, you pulled Don Quixote out of the depths of his fantasy world with your practicality and refusal to see all that he imagined. It was through your mutual pulling of each other that you moved beyond reality and fantasy together and fell into a world of imaginary reality, or dreaming within the confines of real life. By the end, it was unclear which of you was the helper and the helped. Yes, this mutual relationship between Don Quixote and Sancho helps me better understand Priam and Achilles. While it was Achilles who marvelled at Priam when he first arrived, the two men are later described as marvelling at each other, Priam at Achilles' “beauty, his magnificence build” and Achilles at Priam's “noble looks” (24.740-744). Looking at and engaging with one another, both men are changed by the other. Priam may have been the first to make a radical move,

but it was the interaction between Achilles and Priam, rather than one man helping the other, that created change. The lines have indeed blurred. When two people are starting to see and move, there is not necessarily a “helped” and a “helper.” Rather, transformation is achieved through collective action.

The end is fast approaching, but I cannot help being stuck on whether the interaction between Achilles and Priam created permanent change. It was certainly transformative, but we are only shown the beginning of the transformation. What happens next is not clear from *The Iliad*. Where can I turn to understand what kind of help enables permanent sight and movement? I am thinking of Christa Wolf’s *Cassandra*. Cassandra, you, the daughter of the King of Troy, were consumed by the injustice of palace life and simultaneously stuck within the oppressive Trojan war system. Yet you permanently moved beyond the systems that entrapped you. How? In large part because of your experience with the cave community. You did plenty of work yourself, but the members of the cave community both actively and passively opened your eyes and showed you the way. What do I mean by actively? I mean that the people in the cave community asked you questions and told you things that led you to understand how to break away from an oppressive system. Think of Arisbe, who told you that it was up to you to free yourself from madness and bring yourself to sight. “Enough self-pity,” Arisbe told you, “open your inner eye. Look at yourself” (61). Arisbe forced you, Cassandra, to confront your own role in the system instead of blaming others by asking, “and what about your part in it?” (62). Through this questioning and encouragement to look inward, Arisbe empowered you to let your madness go and truly see that to which

you had been blind, creating transformative realizations. You recognized, for example, that Helen was never in Troy and the reason for war was a phantom. You also had the critical realization that the enemy was not so different from yourselves in Troy, and it was just “easier to say ‘Achilles the brute’ than to say this ‘we’” (119). What do I mean by passively? I mean that, just by watching the way of life of the cave dwellers, you were transformed. You commented, for example, that the cave community taught you “not by words, [but] by being different, by extracting from their nature qualities [you] hardly dared dream of” (79). In this way, the cave community taught you by role modelling a way of living outside of the militaristic system of war and the oppression of palace life. I am thinking of places in the text where you explicitly referenced seeing anew when you were in the cave community. For example, when you awoke near the end and asked, “what kind of stones are those?” (124). You had seen the stones before, Cassandra! Yet, in the caves, your eyes were opened such that you saw the world in a completely new light. You needed role models. You needed a community that demonstrated what it means to act creatively and live outside the system to learn how to move beyond the system for good. This is exactly what the cave community did for you. Through this role modelling, you came to understand what it means to truly live for the very first time, defying your father and giving up the love of your life to escape the system. Seeing the creative movement of others allowed you to reach a level of permanent change that I did not see Achilles and Priam reach. Together, these two men engaged in one transformative interaction. However, had they been surrounded by role models who showed them a permanent way of living beyond the system, they

likely would have permanently changed as Cassandra did. I think I too am being brought to sight. Cassandra, you have shown me that permanent sight and mobility is enabled through engagement with people or communities that role model creativity and reveal an alternative way of life outside of the system.

I have one last question and I must ask it quickly. Despite Cassandra's transformation, the war system remained intact. What I am left wondering is how help can dismantle an entire system, beyond just one person or community. Where have I seen this happen? I am thinking of Jeff Ho's *Antigone: 方*. This book takes place within a highly undemocratic dictatorship, wherein "irregular" people, as deemed by the government, are sent to a facility for "re-education" (8). Neikes, the transformation in this play began with you. Like Arisbe, you played a critical role in inducing sight and movement in others by forcing them to reflect on their own role in a system of oppression. First was Tiresia, one of the leaders of the system that oppressed your mother and all people in need of "re-education." You questioned Tiresia's understanding of re-education and reminded her of her role in enabling such an oppressive force. You angrily told her, "you lead this hell on earth" (7), and questioned how the treatment of your mother was "protection." This questioning clearly initiated a shift in Tiresia. Not only did she make a movement beyond the system by helping you and Haemon escape, but we also explicitly saw her reflect on her own role in a monologue on the next page where she confessed to your mother, "I silenced you so that I could have a voice. I have kept you hidden so I could spare your children pain. But the ghosts of my guilt are waking: your son's truth swallows me whole" (10). Now, I have already concluded that the help of someone

who can see and move can transform another. What does this play show us that the other texts do not? Well, in *Antigone: 方*, we clearly see the rippling effect of help. Tiresia, newly sighted and capable of movement, you took on the role of helper to someone else: Kreon. Like Neikes, you forced Kreon to acknowledge his role in the system. You reminded him by saying, "I am a part of this mess, we both are, old friend" (84), as you denounced the re-education system and pleaded with Kreon not to clear the Square. However, sight and movement did not reach Kreon quite yet. That came from another ripple, one that ran from *Antigone* to *Ismene* to *Kreon*. In refusing to remain powerless, breaking the law, and going to the Square to find Neikes, you started a new ripple, *Antigone*. Your sister, *Ismene*, was transformed while watching and hearing your defiance of the system. She transitioned from someone who defaulted to authority, saying "it's a world of kings and men out there" or "We. Have. No. Power" (20), to someone who stood up to her father, questioning his actions and, ultimately, leaving his side to go to her sister's. It is especially clear that you changed, *Ismene*, when you stood up to authority and told your father "everything is a choice" (91), a sharp contrast to your initial belief that you were powerless as the daughter of an authoritative leader and as a woman in a society underscored by male superiority. Then the ripple continued from *Ismene* to *Kreon*. With pressure from the protestors, *Tiresia*, *Antigone*, and now *Ismene*, *Kreon* was finally brought to sight and movement. His slow realization was beautifully depicted in the stage directions of the play. *Kreon*, you slowly started to whisper, "stop." Then it seemed that you were hit by sight all at once, commanding, "Stop the tanks! Stop the bulldozers! Stop clearing the square! Stop

this chaos!” (92). Unlike any other text, *Antigone*: 方 has shown me not only how one person can be brought to sight with the help of others, but also how this transformation ripples from one person to the next, slowly reaching the top where it brings down an entire system.

The end looms before me. What I have learned is of paramount importance, extending far beyond the world of literature and into my own life. Is that not exactly what Christa Wolf was telling us in her piece, “Speaking of Buchner,” when she wrote, “it is, strangely, the language of literature which seems to come closest to the reality of man today, and which knows him best” (185)? I am walking towards the end and I carry with me new wisdom. It is difficult, but possible, to see and question when one is in a state of isolation, but it is near impossible to move. What one needs to enable sight and movement in systems of oppression is not just any helper, but one who is also starting to move beyond the system, cre-

ating collective action through mutual aid. To create permanent transformation, however, one needs help from people who model alternative ways of living beyond the system. The beauty is, once someone is transformed, they can become the transformer, transmitting sight and movement throughout the population. The end is here, but I don’t mind it. The interdependency inherent to the human condition has never been more apparent to me than at this moment. Coming to this realization makes things harder, easier. Asking for help is a difficult thing for me, for us. I—we—rarely do it. And yet, help is the only way we can transform ourselves and our society. Yes, it is harder to say this “we.” However, it seems that it is in accepting the necessity of this “we” that we reach liberation and discover the possibility that lies, as suggested in Wolf’s novel, beyond “killing and dying”: “living” (118). How wise Cassandra became.

Works Cited

- Atwood, Margaret. *Survival: A Thematic Guide to Canadian Literature*. House of Anansi Press, 1972.
- Cervantes Saavedra, Miguel de. *The Ingenious Hidalgo Don Quixote de la Mancha*. Translated by John Rutherford, Penguin Books, 2003.
- Ho, Jeff. *Antigone*. Playwrights Canada Press, 2016.
- Homer. *The Iliad*. Translated by Robert Fagles, Penguin Books, 1990.
- Homer. *The Odyssey*. Translated by Robert Fitzgerald, Farrar, Straus, Giroux, 1961.
- Wolf, Christa. *Cassandra*. Translated by Jan van Heurck, Farrar, Straus, Giroux, 1984.
- Wolf, Christa. “Speaking of Buchner.” *The Author’s Dimension*. Farrar, Straus, & Giroux, 1993, pp. 185-186.

ALETHEIA