

Should Canada be Comfortable Being "Back"?

A Moral Analysis of Canada's Position on the World Stage

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July 26, 2017

In 2015, the Truth and Reconciliation Commission of Canada published a multipart history of indigenous oppression. As it explains, the government of Canada systematically and deliberately attempted to eliminate the cultural practices of indigenous people, specifically through forcing indigenous children to attend residential schools to "break their link to their culture and identity."<sup>1</sup> This "cultural genocide," and specifically the residential schools, has produced a lasting effect on the individual indigenous people, their cultural identity, and the political landscape of Canada.<sup>2</sup>

In light of this strong legacy that shapes the political landscape of Canada, any effort to answer the question asked by this essay competition: "Is Canada "Back"? How Can Canada Play a Meaningful Role on the World Stage?" must in some way address this meaningful and lasting legacy. While it is true that Canada can influence and lead in various fields, such as education, medicine, or climate change policies, this paper will take a different path in evaluating Canada's role on the world stage. This paper, instead, will draw on articles discussing oppression and its moral consequences by Lisa Tessman and Samantha Vice in an attempt to demonstrate that Canada's recent history and continuance of indigenous oppression puts most Canadians in a moral position that is problematic and difficult to overcome. Furthermore, given such an unfortunate moral position, this paper will argue that Canadians, and by extension Canada, should not yet be comfortable being considered "back." Rather, Canada should take the opportunity to lead by example on the world stage through the reconciliation of indigenous issues.

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<sup>1</sup> Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The History, Part 1, origins to 1939*, (Winnipeg, Manitoba: Truth and Reconciliation Commission of Canada, 2015), 4.

<sup>2</sup> Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The Legacy*, (Winnipeg, Manitoba: Truth and Reconciliation Commission of Canada, 2015), 3.

In her discussion of oppressed groups, Tessman suggests that oppressors almost always behave in ways that display two types of "domination vices" which damage oppressed groups.<sup>3</sup> First, she explains that some people in privileged groups "actively maintain their dominant positions and unjustly exercise power."<sup>4</sup> Second, she describes a somewhat subdued example of domination vices as "the absence of conscious effort to resist animating the role of dominator."<sup>5</sup> In either case, privileged people are faced with the consequence that "active or passive acceptance of the benefits" of being in a privileged position demonstrates domination vices.<sup>6</sup> Others, such as Miranda Fricker or Paul Taylor, have echoed this sentiment of structural and passive oppression. Fricker, for example, suggests that injustices often result from prejudices that are "systematic"<sup>7</sup> and often from "residual internalization"<sup>8</sup> of stereotypes. Likewise, Taylor insists that oppressors often even fail to recognize the "structural" benefits they accrue by the very nature of their privilege, and through oppression of others.<sup>9</sup>

Tessman's categorization of domination vices seems to accurately reflect the situation of indigenous oppression in Canada as outlined by the Truth and Reconciliation Commission. For example, individuals and the government of Canada as a whole ordered and conducted active oppression of indigenous peoples,<sup>10</sup> which reflects Tessman's first active category of domination vice. Furthermore, there are clear cases of Tessman's second, passive, category of domination vice

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<sup>3</sup> Lisa Tessman, "On (Not) Living the Good Life: Reflections on Oppression, Virtue and Flourishing", *Canadian Journal of Philosophy* Supplementary Volume 32: supp 1 (2002): 4.

<sup>4</sup> *Ibid.*, 4.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing*, (Oxford University Press, New York, 2007), 27.

<sup>8</sup> *Ibid.*, 37.

<sup>9</sup> Paul Taylor, "Silence and Sympathy: Dewey's Whiteness," in *What White Looks Like*, ed. George Yancy (New York: Routledge, 2004), 229-30.

<sup>10</sup> Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The History, Part 1, origins to 1939*, 4.

displayed by citizens of Canada who stood by and accepted the legislation of the government, despite its unjust practices, or who turned a blind eye and refused to think critically about the legislation. In addition to indigenous oppression stemming from the legacy of residential schools, indigenous peoples have been disadvantaged by Canada and Canadian policy that was passively accepted by many citizens. For instance, the United Nations Special Rapporteur's report of 2013 highlighted that the Canadian government was not allocating sufficient resources to social services for geographically remote indigenous communities, was not allocating resources to keep pace with increasing housing demands for indigenous communities, and, at the provincial level, was not addressing the growing problem of missing and murdered aboriginal women and girls.<sup>11</sup> So, in cases of indigenous oppression and disadvantage resulting from the legacy of residential schools, or resulting from Canadian policy, it appears that Canadians, whether actively or passively, displayed domination vices towards indigenous people in Canada.

The consequence of these domination vices and the resulting impoverished and damaged situation of Canadian indigenous people presents a troubling moral position for non-indigenous Canadian citizens. Samantha Vice discusses the moral consequences of apartheid in South Africa for white South Africans which draws parallels to indigenous oppression in Canada. It is important to note, of course, that, while there are parallels between apartheid in South Africa and Canadian oppression of indigenous peoples, the systematic oppression in both states had clear and distinct differences. However, for the purposes of this paper, the *moral* parallels between South Africa and Canada are prevalent and can be used to gain insight about Canada's moral position. Vice argues that the systematic and deliberate oppression of non-white South Africans through segregation and

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<sup>11</sup> United Nations Human Rights Council, *Report of the Special Rapporteur on the Rights of Indigenous Peoples*, James Anaya, July 4, 2014.

violence results in an unavoidable connection between being white and being associated with violent apartheid acts.<sup>12</sup> Moreover, she suggests that the privileged position that white people are in resulting from the government's oppressive policy becomes invisible and habitual for white people and is perceived as "just the way things are."<sup>13</sup> This recalls Tessman's characterization of domination vices that are passive and often subconscious occurrences on the part of the privileged groups.<sup>14</sup>

In the context of Canada, the "structural privilege" and "somatic habits"<sup>15</sup> of being in a privileged position that Vice describes seem to be reflected in Canadian attitudes about indigenous people. For instance, the Truth and Reconciliation Commission explains that there were numerous cases of non-indigenous people calling child protection services when worried that indigenous children were endangered at home.<sup>16</sup> However, many of these children who were subsequently placed in the foster care system were abused or lost connection with their families in a psychologically harmful way.<sup>17</sup> This often well-intentioned attempt on the part of non-indigenous people clearly demonstrates that they, as privileged people, were unaware of the potential dangers that the foster care system or other governmental bodies presented to indigenous people. In other words, non-indigenous privileged people who passively or indirectly supported oppressive governmental policies were often oblivious to their privilege.

For Vice, her conception of white structural privilege at the expense of non-whites results in a life that is "infused with moral emotions," specifically guilt, regret and shame.<sup>18</sup> White South

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<sup>12</sup> Samantha Vice, "How do I live in This Strange Place," *Journal of Social Philosophy* 41:3 (2010), 324.

<sup>13</sup> Ibid.

<sup>14</sup> Tessman, 4.

<sup>15</sup> Vice, 324.

<sup>16</sup> Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The Legacy*, 17.

<sup>17</sup> Ibid. 18-19.

<sup>18</sup> Vice, 326.

Africans have a moral obligation to feel these emotions, she believes, because they are inevitably tied to the oppression of non-whites. Guilt, Vice thinks, ought to be felt by people who actively and directly contributed to an atrocity. However, while it may be appropriate in some contexts, it is not fully representative of *all* people in a privileged position because it often involves "disingenuously absolving oneself from blame" by focusing on the blatant crimes actively perpetrated by others.<sup>19</sup> Regret, she claims is an emotion to be felt when someone has "causally contributed" to an unfortunate situation without having control over the contribution.<sup>20</sup> Being white in South Africa, she suggests, is a good example of when one contributes to an injustice that is just a matter of one's luck of being born into a white position.<sup>21</sup> Ultimately, while she does think regret may capture the emotional state in which white people find themselves, Vice settles on the emotion of shame to best capture the emotional state of privileged whites in South Africa. She insists that shame, in the context of white privilege, reflects the feeling of wanting the world to be different.<sup>22</sup> Shame, therefore, reveals that something falls below the standards of the self—one feels ashamed that the world is unjust to non-whites and that one benefits from this injustice, and thus one feels shame for perpetuating something that is below one's standards.<sup>23</sup> In other words, because a white South African has a standard of what is acceptable and because a white person's very presence and privilege illuminates that the world falls below this standard, a white person feels shame.

While she discusses these emotions in the context of South Africa, Vice believes that any, or all, of these three emotions may be accurate reflections of the emotions that privileged groups

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<sup>19</sup> Ibid., 327.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid., 330-1.

<sup>22</sup> Ibid., 329-20.

<sup>23</sup> Ibid., 330.

ought to feel in any case of structural privilege. So, this being considered, it is worth applying these emotions to privileged, non-indigenous peoples of Canada. For example, guilt may be an appropriate emotion to be felt by members of the government who ordered or supported the malicious policies of the "Indian Act,"<sup>24</sup> or perhaps by people who actually committed atrocities in the residential schools.<sup>25</sup> Regret, following Vice's characterization, may be appropriate to be felt for people who causally contributed to the residential schools and oppression of indigenous people but had no control over their contribution. For example, a middle-class person who regularly pays taxes would have causally contributed to funding residential schools even if this person were opposed to the process; this person could not have stopped paying taxes, and as a result would have had no control over the contribution, but nonetheless causally contributed to the oppression. Finally, shame would be an appropriate emotion for non-indigenous people in Canada to feel if they were born or immigrated to Canada following the closure of residential schools or in future if the "Indian Act" is repealed.<sup>26</sup> In fact, many of the students and young-adults reaching adulthood at the time of the publication of the Truth and Reconciliation Commission fall into this category. For many young-adults, their very presence is a reminder of the systematic atrocities committed, and for this, on Vice's view, it is appropriate to feel shame. Furthermore, even in the case of a recently arrived immigrant or refugee, shame could be an appropriate emotion because it demonstrates a recognition that all of the social structures and privileges in Canada, from which such a person would benefit, are a product of unjust colonial acts and atrocities. Thus, it appears that any non-indigenous person living in Canada now, upon learning about the injustices of the residential schools and indigenous treatment as explained by the Truth and Reconciliation

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<sup>24</sup> Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The History, Part I, origins to 1939*, 97.

<sup>25</sup> *Ibid.*, 4.

<sup>26</sup> *Ibid.*, 97.

Commission, ought to have a negative moral reaction as recognition of the oppressive conditions, ranging from the stronger and more direct guilt, to the weaker, indirect shame.

So, since the treatment of indigenous people on the part of non-indigenous Canadians created oppressive structures, and since non-indigenous people benefit from this oppression, non-indigenous people in Canada are in an inevitable position in which they ought to have an emotional reaction to the cultural and political landscape in Canada – either one of guilt, regret, or shame. Given that most Canadians ought to be in this position of strong emotional unease, Canada should not be comfortable with being considered "back." The question, therefore, becomes not *whether* Canada is "back" but rather *how* can Canada ever be comfortable being "back?"

To answer this question one might return to Tessman. Tessman proposes that in order for a person or social group to be considered morally good, they ought to actively be engaged in the pursuit of the happiness of the *whole* society:<sup>27</sup> "moral goodness requires a pursuit of not just my own well-being, and not just the well-being of those whose well-being I depend on, but also those whose very lack of well-being may have been a condition of my privileges."<sup>28</sup> So, when applying this moral requirement to the evaluation of Canada's moral praiseworthiness on the world stage, it seems that Canada can, and should, only be considered morally praiseworthy if Canada actively pursues the well-being of indigenous people whose lack of well-being, through colonization, resulted in privileges for Canada.

One might suggest, the fact that the requirement is a "pursuit" indicates that Canada is already being morally praiseworthy. A suggestion of this sort would require evidence that Canada is actively pursuing the well-being of oppressed people, such as indigenous people, and actively

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<sup>27</sup> Tessman, 31.

<sup>28</sup> *Ibid.*, 32.

attempting to rectify their situation. For example, Canada's policy initiatives during 2016 have pointed to an increase in spending and resources to remedy situations with Canadian indigenous people.<sup>29</sup> So, one might say that Canada is actively pursuing the well-being of oppressed indigenous people. Naturally, a critic might suggest that Canada is not doing enough and that more must be done. However, the goal for this paper is not to settle whether or not Canada is doing enough *right now*, but to point out that a criterion for Canada being "back" must be the *ongoing* pursuit of the well-being of indigenous people of Canada. Thus, given that this pursuit ought to be an ongoing process, it seems that an evaluation of whether or not Canada is adequately remedying the indigenous situation ought to be an ongoing process as well. Likewise, therefore, deciding whether Canada is "back" also should be an ongoing process.

While the moral implications of Canada's treatment of indigenous people makes it difficult for Canadians to be comfortable being "back" at the present, the moral situation and pursuit of indigenous well-being that being "back" would require offers opportunities for Canada on the world stage. Given that much of the globalized world is a direct result of colonization, many states around the world are in similar moral position as Canada as a direct result of indigenous oppression. For instance, and as discussed above, Vice notes that the moral implications and complicated political spectrum in South Africa is a consequence of colonial efforts on the part of British and Dutch settlers.<sup>30</sup> Bessant offers a similar example of indigenous oppression as a result of colonialism in Australia.<sup>31</sup> She explains that the Australian government put forward policies designed to protect children in "problem groups" by removing them from their families, resulting

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<sup>29</sup> Canada, Ministry of Finance, *Budget 2016*, (Ottawa, ON. Department of Finance: 2016).

<sup>30</sup> Vice, 323-4.

<sup>31</sup> Judith Cameron Bessant, "History and Australian Indigenous Child Welfare Policies", *Policy Studies* vol. 34 no. 3, 2013, 310-325.

in lasting emotional and physical damage to some children.<sup>32</sup> Moreover, Bessant demonstrates that motivation for many of these ultimately damaging policies came from a motivation of "eradicating undesirable populations," and thus should be considered morally reprehensible.<sup>33</sup> Clearly, if the standard of moral goodness set for Canada above – that societal moral goodness requires the pursuit of well-being of all groups, specifically indigenous groups – then other states, such as South Africa or Australia, should also be required to pursue the well-being of oppressed groups in order to be considered morally praiseworthy.

It is with this point that Canada can play a meaningful role on the world stage. Since Canada ought to pursue the well-being of oppressed indigenous groups, and since many states are in similar moral positions as Canada due to histories of colonization, Canada can take this opportunity to lead by example. The reasons for this are manifold. First, making a commitment to the global community gives indigenous people of Canada more assurance that Canada will honour its pledge, or otherwise run the risk of being reprimanded by the global community. Second, Canada will not only improve the quality of life for Canadian indigenous people, but also for oppressed indigenous people worldwide. Third, Canada can learn new methods and techniques from the discursive community it starts. Fourth, Canada will gain the respect of other states and thus the resulting benefits. Finally, leading by example in this important form of policy may result in Canada having notable influence in the realm of international law. As many prominent scholars of international law note, international law in the realm of indigenous rights is, as of now, fairly underdeveloped.<sup>34</sup>

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<sup>32</sup> Ibid., 310.

<sup>33</sup> Ibid., 323.

<sup>34</sup> See, for example Allen Buchanan and David Golove, "Philosophy of International Law" in *The Oxford Handbook of Jurisprudence and Philosophy of Law*, eds. J. L. Coleman, K. Einar Himma, and S. Shapiro (Oxford 2004). Or James Crawford and Benedict Kingsbury, "Whose International Law: Sovereignty and Non-State Groups." *Proceedings of the Annual Meeting (American Society of International Law, 1994)* Vol. 88: 1-14.

Thus, Canada can help shape the law in a moral and fair way by playing a meaningful role in resolving issues.

What this paper has attempted to demonstrate is that Canada is in a position in which most of its population lives in a society that is the result of deeply unjust practices, some of which are in recent living memory and permeate the general population with an array of negative moral responses. As a result, when evaluating Canada's position on the world stage as this essay competition asked, Canada should not be comfortable with being considered "back." However, in the process of reconciling with atrocities that were committed, Canada can, and should, play a leading role for other similarly positioned states, both as a way of playing a meaningful role on the world stage (and incurring the benefits associated), and as a way to achieve moral praiseworthiness – perhaps eventually being able to comfortably be "back." Although, of course, more work must be done on the subject, both in the realm of moral theorizing and policy analysis, what follows below is the consideration of possible objections to this argument.

A dissenting critic might point out that perhaps other states would be unwilling to follow Canada's lead, or devote the resources necessary to remedy indigenous relations. While this claim is true, and even likely, it is not fatal to this paper's argument. First of all, the fact that one or more states would be unwilling to follow Canada's lead would not impede Canada from remedying *its own* indigenous issues. In that respect, Canada would still be able to accomplish the primary goal outlined in this paper – rectifying the oppression and moral position of many Canadians to a point that Canada could comfortably be considered "back." Secondly, it is very unlikely given how many states have oppressive histories resulting from colonization that *all* states refuse to follow Canada's lead. As a result, once Canada's lead proves to be effective the holdout states may begin to feel pressure and therefore accept Canada's lead, or at very least implement similar policies.

A further criticism is be that while indigenous oppression ought to be a central issue of international and domestic policy, and while Canada (as well as other states) has the moral responsibility to remedy the situation, there are already leading organizations on the world stage that suggest policies and lead this initiative, and thus Canada is too late to be the leading example. There are a least two possible responses to this criticism. First, supposing that there are already significant leaders remedying indigenous relations and atrocities, then Canada would still do well to explicitly join in. By contributing to such initiatives, Canada could not only work to remedy its own indigenous relations but also aid other states through resources and symbolic support in order to help them and receive the political benefits of aiding on the world stage. Second, supposing that there are already significant leaders remedying indigenous relations and atrocities, Canada could implement or add to the amount of "soft" or non-binding laws that can advise other states to rectify their indigenous situations.<sup>35</sup> As legal philosopher Dinah Shelton explains, soft-laws and non-binding agreements can create political implications and obligations for other states "equal at times to that of legally binding instruments."<sup>36</sup> Moreover, Shelton argues that eventually non-binding agreements of this sort can become binding customary law through state practice.<sup>37</sup> So, if Canada were to actively pursue more of these non-binding laws, it could eventually help encourage other states to reconcile their indigenous issues, thus playing a meaningful role.

While there are likely further potential objections to the argument presented, this paper has attempted to respond to the question "Is Canada "Back"? How Can Canada Play a Meaningful Role on the World Stage?" In doing so the paper has demonstrated that Canada should be cautious

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<sup>35</sup> Dinah Shelton, "Normative Hierarchy in International Law," *The American Journal of International Law* 100: 2 (April 2006), 292.

<sup>36</sup> *Ibid.*, 292-3.

<sup>37</sup> *Ibid.*, 293.

and perhaps not yet be comfortable being considered "back." Moreover, this paper has argued that because of this very discomfort, Canada should play a leading role on the world stage in helping other states rectify indigenous issues. It is important to note that Canada is engaged in global efforts centred around indigenous rights. For instance, Canada has announced support of the United Nations Declaration on the Rights of Indigenous Peoples and, since 2016, has done so without qualifications.<sup>38</sup> However, while these initiatives are a step in the right direction, in order for Canada to take a leading role and be a paradigm for other states, there is clearly more work to be done, both in domestic and international policy, regarding how exactly Canada should pursue this leading role. This paper's goal is to join the conversation and to encourage Canadians to actively consider their moral obligations.

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