Contempt No More
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Introduction

While the Truth and Reconciliation Commission of Canada continues its deliberations, a First-Nations protest movement has been active across the country. *Idle No More*, known in Quebec as *Fini l’inertie*, is based on the premise that measures taken by the federal government to integrate First Nations have been a lamentable failure. After playing at repentance in the wake of the Indian Residential Schools Settlement, the federal government led by Stephen Harper unilaterally promulgated a series of laws that will, in the long term, likely lead to the dismantlement of reserves1 while pursuing negotiations of modern treaties as a solution for getting out of the *Indian Act* of 1876. According to Russell Diabo,2 publisher of the *First Nations Strategic Bulletin*, the combined weight of those treaties is clearly stripping all meaning from section 35 of the Constitution. In fact, from numbered treaties to modern treaties, the sunset clause has been maintained, with the exception of the James Bay and Northern Quebec Agreement, which some Cree leaders say has not involved the extinction of ancestral rights since the *Paix des braves* of 2001.3 While the *Approche commune* was in line with the *Paix des braves* in that regard, it was set aside to make room for the Plan Nord, which is much broader and more fluid on indigenous rights issues.

Having followed the interplay of mutual recognition and respect for ancestral rights from the *Calder* judgment (1973) to the *Royal Commission on Aboriginal Peoples* (1996), we are now seeing a major discussion of what many call indigenous orthodoxy. Since the turn of the 21st century, we have seen changing attitudes in terms of governments’ willingness to integrate First Nations into Canadian society in a more honourable way than was the case under the *Indian Act*. Attempting to break this colonialist impasse, the *Royal Commission Report on Aboriginal Peoples* identified as a point of departure “the recognition

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1. Omnibus Bill C-45 in effect facilitates the dismemberment and leasing of designated reserve lands.
of aboriginal peoples as nations and their status as the third order of government in the Canadian constitutional structure.”

However, the Conservative government has instead adopted an authoritarian attitude, addressing them as bands and communities rather than nations, based on a literature that “corrects” the famous report of 1996, of which Tom Flanagan is no doubt the standard bearer. Moving away from the recommendations of the Royal Commission Report on Aboriginal Peoples, which were guided by a spirit of mutual recognition, has the government now embarked on a relationship based on contempt? I believe that the answer is yes, despite some appearances of favourable consideration, such as the Truth and Reconciliation Commission. In fact, the government’s attitude has reverted to the paternalistic contempt of decades past, especially during the transition process from a negotiated to an authoritarian rapport between the government and the First Nations they wished to subjugate. This is what I will call contemptuous integration, on which I attempt to shed some light through an analysis of discursive practices and various policies applied to indigenous peoples, a method developed while working on two historic cases now seen as having been impregnated with contempt. Paternalistic contempt is often invisible in the eyes of the paternalists, because it is always covered in a veneer of ambient morality; if we hope to find a reference point, it is essential to analyze discourses based on their functions, not just the well-meaning vocabulary mobilized for the discussion. Various political, economic, and social measures that go along with these discourses will also help us to understand the effects of contempt.

To demonstrate how the Conservative government’s approach (and that of many authors who support the government) is based on contemptuous integration, we will briefly turn to two historic cases that highlight instances of humiliation, exclusion, and deprivation, as well as abuses imposed on aboriginals. The first is the missionary offensive of the Jesuits in Huronia in the 17th century, followed by the British-Canadian colonialist assaults that culminated in the Indian Act in the 19th century. To clarify the nuances between these different forms of contempt, I will refer to the typology of recognition and contempt developed by Axel Honneth in The Struggle for Recognition: The Moral Grammar of Social Conflicts. This will serve to reveal what is considered here to be a dynamic of penetrating contempt that, where the balance of power permits, is used to make First Nations feel inferior and to act in an authoritarian manner towards them, with no consultation and without acting in their interests.

5. In addition to the famous First Nations? Second Thoughts (Montreal: McGill-Queen’s University Press, 2008), the first edition of which came out in 2000, see Howard and Widdowson, Disrobing the Aboriginal Industry: The Deception Behind Indigenous Cultural Preservation (Montreal: McGill-Queen’s University Press, 2008) or John Richards’ article, “Reserves Are Only Good For Some People” (2000) 35:1 J Can Stud 190. Other discussions of indigenous orthodoxy are more nuanced, however, such as the discussion launched by Jean-Jacques Simard, La réduction: l’autochtone inventé et les Amérindiens d’aujourd’hui (Québec: Septentrion, 2003).
We will then discuss contemporary events in light of this method of unveiling contempt. If it can be shown that the central government is currently acting in a rapport of contempt rather than mutual recognition broad questions will arise regarding the state’s fiduciary obligation to First Nations. Finally, we will look ahead to the direction the current government is imprinting on the State in its relationships with aboriginal nations both in Canada and Quebec.

The dynamic of colonial contempt

Since the objective of this article is first and foremost to interpret contemporary events, from approximately the year 2000 to the present day, we need not take an in-depth look at the two historic cases in order to shed light on our analysis. Instead, I will summarize in simplified form what I have explicitly discussed elsewhere,7 that is, which elements of contempt have been mobilized in discourses and policies based on a symbolic inferiorization process that includes First Nations in the normative order of the colonizer by justifying authoritarianism toward them. I will also briefly show the consequences of these various forms of contempt before returning to the current era.

Before discussing our two historic case studies, however, we should explicitly address the social function of contempt, which is inferiorization. According to Honneth’s typology of contempt and recognition, inferiorization is practiced through humiliation, exclusion and/or abuse. Respectively, these forms of contempt attack the honour of a person or group, their social integrity, and their physical integrity, thereby also affecting their self-esteem, self-respect, and self-confidence. Honneth’s approach is initially individualistic, but it is important to recognize that individuals belonging to a group will be affected by the contempt affecting that group insofar as they identify either more or less strongly with the group,8 and considering that they are subject to the discourse of contempt, that is, obliged to listen to it and suffer the consequences. While Honneth sometimes reveals his typology in a simplified way,9 the forms of contempt serve as reference points that help interpret a continuum of attitudes, rather than closed categories in which the figures involved in the story can be unequivocally pigeonholed. The heuristic potential is used more to judge actions and their consequences rather than to condemn individuals, who are frequently acting in good faith, based on their beliefs. In fact, what is suffered due to some form of contempt is often, for the contemptuous party, simply an expression of the most basic common sense. Contempt implies a misunderstanding of the other’s status, qualities and moral responsibility, while recognition implies at least making an effort to walk in the


8. Which is implicit in Honneth, who derives his individualistic approach from an analysis of social movements.

9. Honneth, supra note 6 at 159.
other’s moccasins, understand the other’s point of view, and diverge from the egocentric or ethnocentric point of view.

While Honneth sets the scene of a struggle for recognition that leads to the broadening of a society’s moral criteria, the process can also backfire. Here we distance ourselves from what might seem to be a progressive and linear vision of the struggle for recognition, in order to address the cycles in the struggle against recognition that lead to the shrinking of society’s moral criteria, here in the context of a colonialist offensive. The two cases I have studied are helpful in teasing out a dynamic of the penetration of colonial contempt into the colonized society, which tends to divide it and push some members to convert or become “civilized” in order to gain full admission to the new normative order. What I call contemptuous integration is thus the process whereby the colonizer seeks to subjugate and assimilate those he introduced the day before as his allies, his partners. As we analyze the dynamics of our cases of penetration of colonial contempt, we will see that the contempt initially infiltrates through a breach that allows humiliation, followed by a divide that allows exclusion, and finally through deconstructing both the community and the individual, opening the door to abuse.

The use of the term ‘breach’ is meant to communicate a real failure experienced by the colonized person that paves the way for colonialist humiliation. I will give some concrete examples of this in the next section through the discussion of our two historic cases. In the face of that failure, the colonizer believes that his intervention is justified, and he sets up a discourse that divides the colonized society into two distinct groups: on the one hand, there are those who are morally irresponsible and reject the colonial plan designed to save them, and on the other hand, there are those who are morally responsible and have converted to the colonial plan or have emancipated themselves from their original society. That divide tends to provoke a deconstruction of the target communities by following the adage of “divide and conquer,” making members vulnerable by isolating them from their personal networks of concern—their family and friends, the people who could protect them. As a result, some members become potential prey for both external and internal predators. At this point, in fact, interiorized contempt that has turned into feelings of shame may lead to self-destructive forms of behaviour.

The Jesuits’ conversion program in 17th century Huronia

The first case of a struggle against recognition and a shrinking of moral criteria to be considered here is the Jesuits’ missionary offensive in Huronia. The Wendat soon became allies with the French in the North American wars of the 17th century and the Récollets practiced their proselytism while at the same time appreciating certain moral qualities of the Hurons.10 However, the Jesuits took control of the missionary effort in 1625-1626, not as part of a strategic alliance

but as a colonial strategy developed by Cardinal Richelieu which dictated that
the colony had to be purely Catholic. And so the Jesuits arrived in Huronia with
a twofold mission. The first aim was to convert the Wendat and subjugate them
to the moral authority of the Church and the King of France. The second was to
ensure that no French would live among the Hurons, adopt their customs and
become “savages,” as it could sometimes be the case before 1630.11 According to
Denys Delâge, from 1632 to 1649, the Wendat had to deal with an unprecedented
ideological offensive.12 While they greatly respected Onontio, the French father
who in return held them in high regard for their skill as warriors,13 they consid-
ered him a father in the Iroquois fashion—a supplier, not an absolute authority.
Onontio was the governor, not the King, and the inhabitants of the colony defined
themselves as “Canadiens” as opposed to the French representatives, who would
come and go. Some eventually “went native,” and there were stories of loose
morals in the colony. The Jesuits arrived in a spirit of rigid morality and with
a colonialist aim: to subordinate the Wendat allies to the French metropolitan
power they represented on the ground.

In the rationalist Christian world of the 17th century, the Christian faith
was associated with natural reason, in line with the Thomist interpretation of
Aristotle’s naturalism. Ever since Franciscus de Victoria14 (1480-1546) wrote
about the question, canon law had stipulated that the “discovered Indians” were
endowed with natural reason and were therefore free, while at the same time they
could rightfully be subjugated should they deviate from the requirements of that
natural reason, as conceptualized by some western jurists:

Thus in a lecture supposedly intended to demonstrate that Indians were free,
Victoria offered the following tentative assessment of the theory that Spanish rights
in the Americas could be based on a Christian nation’s guardianship responsibility
to civilize backward, barbarous peoples who could not comport themselves ac-
cording to the rationalized norms of natural law [...] Victoria believed there was
“some force in this contention” that Spain might be justified in exercising a benign
guardianship over the Indians, “for if they were all wanting in intelligence, there is
no doubt that this would not only be permissible, but also a highly proper, course
to take; nay, our sovereigns would be bound to take it, just as if the natives were
infants.” And, as Victoria argued, the Crown’s mandated guardianship responsibili-
ties under the Law of Nations would include the duty of bringing the message of
the civilized Christian faith to the natives [...]15

1600-1664 (Montréal: Éditions Boréal, 1991) at 176. [The title of the English translation is
The Bitter Feast].
12. Ibid at 173.
13. See Samuel Mourin, “Avoir recours à nos sauvages alliez: La participation des autochtones
aux expéditions militaires françaises contre les Iroquois à la fin du XVIIe siècle” in Alain
Beaulieu & Maxime Gohier, eds, Les autochtones et l’État (Montreal: Actes de colloque étudi-
ant de la Chaire de recherche du Canada sur la question territoriale autochtone de l’Université
du Québec à Montréal, 2008) at 27.
14. Victoria, a Thomist theologian, was the head of the University of Salamanca in 1526 and also
served as legal advisor to Charles V. He is considered one of the precursors to modern interna-
tional law.
15. Robert A Williams Jr, The American Indian in Western Legal Thought: The Discourses of
It was in this ideological context that the Jesuits landed in Huronia. For them, there was only one path to salvation, based on natural reason—the Catholic Church and its counter-Reformation morale. As we will see throughout this article, the departure point for the process of shrinking morality discussed here, originated with having faith in a sole source of truth, in the belief that only one way of life, one normative order, should be made universal. In the 17th century, this view pushed the Jesuits to penetrate into Wendat communities, not only to convert community members but also to subordinate them to their own normative order through spiritual and political usurpation. The Jesuits obtained permission from the King of France to be part of the Franco-Huron alliance: there was to be no trade without missionaries in Huronia.16 If we consider their paternalistic conversion project to be political and spiritual usurpation, it is because they were repeating the exact process of symbolic inferiorization that would be described centuries later by Albert Memmi: “His disquiet and resulting thirst for justification require the usurper to extol himself to the skies and to drive the usurped below the ground at the same time.”17 Now let’s take a brief look at the discursive strategy and the measures the Jesuits used to complete that usurpation by converting Onontio’s pagan allies and turning them into Catholic subjects of the King of France.

The Jesuits started out with the great divide between pagans and Christians uppermost in their minds. This meant that the world was divided into two parts, one of which had not seen the light of the faith as promulgated by the Church. However, the divide was not imposed per se. Although the Jesuits’ discourse was often offensive to Wendat medicine men18 and their animist spirituality, calling the Wendat pagans, even “slaves of Satan,”19 the insults had scant effect as long as their pride remained intact. The breach in their self-esteem was created by war and disease, as Père Vimont wrote in 1644:

> Although there is not in the world a nation poorer than this one, nevertheless there is none prouder than they. When they were prosperous, we could hardly approach them; the French were dogs, and all that we preached them were fables. But since affliction has humiliated them, and necessity has made them more dependent upon the French, and has made them experience the effects of Christian charity, their eyes are opened; and they see more clearly than ever that there is no other Divinity than he whom we preach to them.20

Disease became an instrument used for conversion in the form of morbid proselytism in the name of which they rejoiced to see the misfortunes that rained down on Huronia. The Jesuits saw this as a sign that confirmed the spiritual

16. Delâge, supra note 11 at 176.
18. We should prefer the term “medicine man” to “shaman,” because their healing skills bestowed on them a level of prestige that guaranteed a certain spiritual authority.
19. Delâge, supra note 11 at 216.
decline of the Wendat, who in many cases were themselves shaken in their convictions by the fact that the missionaries were not dying. Although, factually, they were frequently carriers of disease, the missionaries placed the blame on Wendat spirituality. Entering through that breach, the humiliations addressed to the Huron had the desired effect and meant that the division between pagans and Christians could be gradually imposed. On that basis, the Jesuits deemed themselves a priori to be responsible for teaching morality to a people who were ignorant of such matters. Moral responsibility belonged exclusively to the Christians, according to their view of the world. The Jesuits aimed to erode the credibility of the aboriginal political elites by associating them with the same spirituality that they humiliated every day. The pagan sagamore was, like the medicine man, morally irresponsible, and the only good Wendat was a converted Wendat. To impose the division between pagans and Christians, the Jesuits, who belonged to the trade alliance, told the French merchants to sell arms only to the converted. Although there was frequently more than a whiff of hypocrisy about these conversions, they still gave the Jesuits access to the ears of the warriors or sagamores. After their conversion, not only would the Jesuits prohibit the members of their flock from taking part in festivals, dances, and other rituals, but they also invited them, for ideological and moral reasons, to live with them, separated from the non-Christians. This was how they practiced exclusion and deprived the pagans of their trading rights to promote, and even force, conversions, since the Huron Confederation needed arms to fight the Iroquois Confederation, which was receiving an unlimited supply of guns from the English.

Finally, the divide established by favouritism coupled with the exclusion of the pagans broke down the communities and even the personalities of the converts:

[Translation] Christianity had just as great an impact on the structure of personality as it did on the social structure. This confirmed the process of internalizing the new religious values. Imposing itself on a society that was plagued by the de-structuration process, a process that it also augmented, the new religion reached individuals who were being made profoundly insecure, subject to a process of de-structuration of their own personalities.

As yesterday’s brothers became today’s pagan enemies, the traditional trade networks began to fall apart, and the Wendat communities became increasingly vulnerable, as did their members. Many were dragged off to reserves managed by Jesuits after being defeated by the Iroquois, and there they internalized shame for their origins as it had been taught. In the Sillery reserve (which lasted until 1660), self-repressive behaviours were legion. The reserve was fraught with feelings of guilt and indignity, double binds, masochism, obsequious devotion, and excessive severity of the super-ego. An Indian woman was even seen beating

22. Ibid at 199.
her four-year-old child,\textsuperscript{23} which was so unthinkable in Huron culture that they had been truly shocked to discover that the French used physical violence as an educational tool. Cut off from their traditional authorities and from some family members, firmly under the Jesuit thumb, the new converts found themselves in the midst of totalitarian micro-regimes where no deviation from the faith was tolerated, and where the Jesuits held a monopoly on religious and political power over the Wendat refugees.

**The British-Canadian civilization program in the 19th century**

The same dynamic of contemptuous integration was repeated in the discursive practices and policies of the British-Canadian civilization program. This program extended \textit{grosso modo} from Major General Henry Charles Darling’s report in 1828 to the end of the residential schools in the second half of the 20th century, culminating in the \textit{Indian Act} of 1876. This time, the one and only truth primarily mobilized by the Canadian government in the subjection of First Nations came from science, not the Bible. That truth would warrant the progress that had replaced salvation, and progress was attained through civilization, a new form of conversion that included the conversion of souls to Christianity and the conversion of lands to a new production mode. The latter involved replacing an economy based on hunting, fishing, gathering, and market gardening with an economy based on extensive agriculture along with the mining and forestry industries. The Canada we know today was derived from an expansion to the West, which involved expropriating First Nations property. This was frequently achieved by treaties or by negotiations that were more or less honest, but at least implied the obligation to negotiate. That is until the \textit{Indian Act} imposed a system of reserves and residential schools that would again transform a negotiated partnership between aboriginal nations and the British Crown into a relationship of authoritarian subjection to the nascent Canadian state.

The civilization program was outlined in the early 19th century in the Darling Report:

Darling’s report was forwarded to the Colonial Secretary, Sir George Murray, on 27 October 1828, who accepted his findings: settling Indian people on farms, providing education facilities and religious instruction and, at the same time, substituting farm stock and agricultural implements for the goods previously given to them as payment for their annuities.\textsuperscript{24}

This time, it was not the medicine man who was used as an authority figure by the colonizing regime to humble those under them, but the hunter, as in the report of the Bagot Commission (1842), which recommended that the “Savages” should no longer be encouraged to consider hunting a resource necessary for

\textsuperscript{23} Ibid at 299.

\textsuperscript{24} John Leslie, “The Bagot Commission: Developing a Corporate Memory for the Indian Department” (1982) 17:1 Historical Papers/Communications historiques at 32.
their subsistence, and that all reasons for hunting should be done away with.\textsuperscript{25} If Wendat medicine men were associated with satanic spirituality in the Christian vision of the world in the 17th century (which also made it possible to discredit the sagamores indirectly), savage hunters, in the 19th century, were associated with a primitive state in the typology of evolutionist anthropology.\textsuperscript{26} Savagery is normally the opposite of domesticity, but here it was considered the opposite of civilization in a normative order based on a progressive, linear philosophy of history. While the Jesuits believed that conversion to Christianity was the only path to salvation for the Wendat, British-Canadian bureaucrats held that civilization through emancipation was the only path to progress for savages (or primitives) on the scale of evolutionary stages. The figure of the hunter was humiliated by associating him with a primitive stage of evolution and with childhood: the hunter was a child who needed to be elevated to the stage of civilization. In this case too, the civilizing obsession turned into a form of morbid proselytism. Just as we saw Père Vimont rejoice at the afflictions that humiliated the Wendat, so a civil servant wrote in the Report from Committee no. 4 on Indian Department in 1847 that the disappearance of game “might ultimately be more beneficial to the Indians as it would compel them to rely on agriculture.”\textsuperscript{27} Colonial contempt was then fuelled by the famine of the colonized in an often sincere self-justification for intervention: since the Indians are dying of hunger, I must help them! The hitch was that, rather than making a connection between the famine on the one hand and the expropriation of territory and the shrinking of bison herds due to abusive hunting on the other, they simply saw it as a result of a primitive way of living. Here the famine was used as a colonization strategy, just as the Jesuits had strategically used the spread of disease. In fact, it was used to such a point that holding back rations became a bargaining tool Ottawa used to force some recalcitrant Cree bands to sign treaties in the 1870s.\textsuperscript{28} The failure of hunting in the 19th century was the breach that allowed the insults describing aboriginal cultures as primitive and infantile to take hold. It also whittled away at the self-esteem of the idle, while justifying these humiliations in the eyes of the colonizers. Since Canadian civil servants saw hunting as a leisure activity, they believed that when aboriginals were hunting, they were not working, which made them lazy as well as primitive. Building on these stereotypes, the fallacious opposition of savage to civilized people served to impose a split identity and exclude Indians from exercising citizenship, placing them on reserves where living conditions were barely tolerable. Stripped of the basic rights of liberal democracy, such as the right


\textsuperscript{26.} The canons of this anthropology are doubtless. Edward B Tylor, \textit{Primitive Culture: Researches into the Development of Mythology, Philosophy, Religion, Language, Art and Custom}, 2 vol (London: H Murray, 1871); Lewis H Morgan, \textit{Ancient Society or Researches in the Lines of Human Progress from Savagery through Barbarism to Civilization} (New York: Holt, 1877).

\textsuperscript{27.} Leslie, supra note 24 at 45.

to vote or own property, Indians would have to emancipate themselves to gain rights. They had to change how they lived their lives to become Canadians—as if the two were mutually exclusive.

The Indian Act of 1876 reinforced that split identity, reducing many aboriginal nations to the sole status of Indians as something distinct and separate from the status of Canadian citizens. In 1880, the Métis were also removed from the treaties and the Indian Act, symbolically negating the entire cultural reality of cross-breeding, the importance of which went beyond the Métis nations recognized by the federal government in the constitution of 1982. The choice was clear: you could be Indian or Canadian, but not both. Although the process of emancipation was not popular, we can see the same dynamic at play as in the Jesuits’ trade-based favouritism. The point was to worsen the living conditions of those who resisted conversion or emancipation to an unbearable level as a way of persuading them to change their lifestyles. As we have seen, this decline in living conditions had already been partly caused by the event we view as the breach. Illness, famine, wars (including the Métis Rebellion in the West in 1885 which involved some aboriginal nations)—all placed the involved aboriginal communities in serious jeopardy. Instead of helping to find a joint solution, however, the colonizers imposed their own brutal solution. Rather than giving First Nations access to territory protected from industrial activities so they could maintain some level of self-sufficiency, the reserve system left the territory wide open to the exploitation of raw materials. This strategy also made the bands more sedentary and facilitated political usurpation from within. The usurpment project achieved official legal status that same year (1880) when the national existence of the Métis was denied and an amendment to the Indian Act strengthened the powers of the superintendent, who now had the power to impose the electoral system on any band he deemed ready, voluntarily or not. That decision would undermine the political lives of many small remote communities, forcing them to retreat into clan conflicts.

Under the Act, Indians were treated as minors in their own country—considered to have no moral responsibility. The divide between savages and civilized people legitimized the curatorship and negation of commitments made in negotiated treaties that had been concluded during the construction of the Trans-Canada Railway, the spine for the expansion of Canada in the 19th century. Among other things, clauses on education were not respected and the system of residential schools was set up. This was the same schooling system that clearly and most fully achieved the deconstruction of communities and accentuated the split identity. Children learned contempt for their culture and their parents and were left vulnerable and isolated. This could only open the door to all sorts of abuse—the abuse for which Prime Minister Harper, on behalf of Canada, recently apologized.

29. Ibid at 284.
The Canadian government’s development program in the 21st century

Now, in the early years of the 21st century, development has replaced civilization, and growth has replaced progress in what appear to be our own contemporary mythic discourses. When I use the term “mythic discourse,” I mean, generally speaking, a type of discourse functioning to bring together a group of men and women around the same world order and the same conception of existence.31 If the myth of conversion to Christianity divided the world into pagans and Christians, and the myth of civilization divided the world into primitive and civilized peoples, the myth of development divides the world into developed and underdeveloped peoples. The injunction to development assumes the same demand for catching up to a unique model that was central to the civilizing discourse. Like conversion to Christianity (the sole route to salvation) and civilization (the sole route to progress) in their respective eras, development today is something we cannot contest as being the sole route to growth. The exacerbation of the injunction to development may well make us dive back into a phase of struggling against recognition. According to our analysis of discourses and policies relating to aboriginals since the turn of the 21st century, several aspects would lead one to believe that what is well and truly at the origin of the exasperation reflected in the Idle No More movement is the return of this contempt.

In fact, the discourses of development already contain a germ of split identity in the way they divide the world between developed and under-developed nations. This is the discourse we apply to First Nations when we call the reserve system ‘Canada’s internal Third World.’ If we have been accustomed to hearing the reserve system criticized for being under-funded and a prison of economic dependency, one should note that it has at least provided relative protection for aboriginal identities, and it remains a strong base for identity despite the high number of registered Indians living off the reserve. That base is precisely what is being called into question today by the critics of aboriginal orthodoxy, as previously noted. The most famous book on the subject is certainly First Nations? Second Thoughts, by Tom Flanagan, an influential intellectual in Canadian conservative circles. I believe that the book makes use of elements of contempt that could legitimize discourses and practices of humiliation and the removal of rights from First Nations. In fact, the book reaches back to a central theme of the Christianization and civilization programs—negating the capacity and the right to self-government of the First Nations involved: “In short, the claim to possess an inherent right of self-government, as that phrase is understood in Canada today, is an assertion of sovereignty contrary to the history, jurisprudence, and national interest of Canada.”32 That statement raises the two following objections.

First, although Prime Minister Harper denied it at the 2009 G20 Summit in Pittsburgh, Canada does have a colonial history, and decolonization really implies not following in the footsteps of history and jurisprudence, and drawing

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32. Flanagan, supra note 5 at 66.
critical lessons from them. This is the project for renewing the federal government’s relationship with First Nations, which is not to simply reprise the colonialist relationship, veiled in new words. Flanagan elects to follow the second path by updating evolutionists’ theses, affirming that the competition between the economic model of the colonizer and that of the First Nations in the period of the British-Canadian civilization “is really a contest between civilization and savagery, not between agriculture and hunting.”

He modernizes the *Terra Nullius* argument to affirm that the concept of sovereignty, and therefore self-government, as we understand it in Canada, did not apply to uncivilized tribes and therefore did not apply to Canada’s First Nations. Therefore, section 35 of the Constitution did not refer to the right to self-government. Quoting John Locke and Emerich de Vattel as his main normative sources to reinstate the historic divide between savages and civilized people, Flanagan clearly hopes to push us to repeat the traditional colonialist relationship the federal government had with First Nations.

Second, self-government or the right to self-determination can be interpreted in many more nuanced ways than as a simple affirmation of full and complete sovereignty. In fact, as seen in federalism or confederalism, self-government is not a zero-sum game. The recent case in which the community of Attawapiskat was placed under trusteeship is an example: by sending away the administrator mandated by the Minister of Aboriginal Affairs and Northern Development Canada, was Chief Theresa Spence appealing to an inherent right to sovereignty in the categorical sense used by Flanagan, or to a more nuanced right to self-determination?

By amalgamating sovereignty with self-government, Flanagan has opened the door to questioning aboriginal nations’ right to self-determination. Attawapiskat appears to be a test of the social acceptability of trusteeship and authoritarianism in the early years of the 21st century. This time, the breach manifests as poverty on the reserves, and especially in family situations, including housing, but mainly targeting parents. Since the Prime Minister’s apology for aboriginal residential schools in 2008, the government has taken pains to state how much aboriginals were victimized (a status that has even been enshrined in a stained glass window in Parliament), which is really what the Truth and Reconciliation Commission means. It is worth noting that although this recognition needed to be made, the Prime Minister did not ask for forgiveness, he simply apologized. But victims are often described as powerless and passive, awaiting reparation, opposed to those who take their destiny in their own hands.

33. *Ibid* at 42.
34. Jean-Jacques Simard, *supra* note 5 at 104-09.
35. Note that the name of the department apparently announces the intention to develop the aboriginal territories.
36. For a critical analysis of the Prime Minister’s apology to First Nations for the residential schools, see Willow J Anderson, “‘Indian drum in the house’: A critical discourse analysis of an apology for Canadian residential schools and the public’s response” (2012) 74:6 International Communication Gazette 571.
Many of those victims became, in the jargon used by social workers, “incompetent parents.” The failure of parental figures in the wake of residential schools, like the failure of hunters or medicine men in the past, is the failure of an authority figure presented as being morally irresponsible, unable to take matters into their own hands and act independently. The danger here is that a split presenting aboriginals as a bunch of victims struggling with problems that are too serious to be handled politically could become dominant, if it hasn’t already. That split tends to discredit the chiefs involved in politics and territorial disputes, rather than concentrating on social problems in the community, although there is a strong connection between the two. First Nations are forced to engage in political battles to obtain the resources needed for those who live on reserves. While Minister Duncan stated that the community of Attawapiskat was receiving enough—$90 million over six years, or $52,000 per inhabitant, in fact that works out to $8,666.66 per inhabitant per year. By contrast, in 1991 spending amounted to $15,029 per capita for health care, education, and social assistance for Quebec residents in remote regions. The gap must be even wider today.

If an aboriginal on a reserve is not entitled to the same per-capita investment as other citizens of the country, isn’t that a form of deprivation? Should they be excluded from sharing in the benefits of development projects unless they surrender both body and soul? In fact, a real project for dismantling reserves has been set up, based on this split, under which Indian reserves are underdeveloped while Canadian society develops the North and other territories. Reserves have no place in the capitalist development project set up by the Conservative government to benefit forestry companies and most of all, oil and mining corporations. Therefore, reserves must be made unlivable so that the aboriginals who live there are enticed to serve as cheap labour. That may sound Machiavellian, but it is exactly what Flanagan suggested when he spoke to the members of the Fraser Institute, calling reserves an obstacle to economic development.

Most obviously in Alberta, but also in some other places in Canada, there is a desperate labour shortage, so that businesses are using temporary permits to import workers from Mexico, China, Russia, and elsewhere. It ought to be a marvelous opportunity for previously unemployed aboriginal people to break into the workforce. […] Unfortunately, many intractable factors discourage residents from entering the workforce. The reserve offers tax-exempt status, welfare payments, and free or low-cost housing (to those who can get it), so a resident may well become worse off by moving to town and taking an entry-level job. Traditional tribal cultures, which do not generally include the concept of regular work hours in a hierarchically structured workforce, are also a problem.

Another cultural issue is the tendency to rely heavily on the support of kin, which is sometimes associated with outright discouragement of self-improvement through formal education and work experience.  

So the reserve, culture, and the family are seen as obstacles to economic development. Here it becomes clear that the development discourse is the Trojan horse in a project to dismantle the reserves and deconstruct communities, along with usurpation through trusteeship of communities that protest development of their lands. This was the case in Attawapiskat, where the community wanted to renegotiate an agreement with De Beers because they did not have access to royalties held in trust funds, while the community was in the midst of a full-blown housing crisis. Over the horizon, we can see the split that materializes when we compare aboriginal workers who will be described as independent, competent individuals who are integrated into Canadian society, with defenders of the territory who oppose development and will be called backward-looking and lazy. Work is considered to be a sign that an individual is healing from the scars of colonization and residential schools. The split between workers and resisters will tear apart communities that are already grappling with multiple social problems—too numerous to list here. We’d be willing to bet that professional training (along with therapy) will be the means of converting people to the labour market. Families will squabble about protecting territory versus accepting work as a way of raising individual living standards. The dismantling of reserves and the new unemployment legislation that makes workers take any job within a 100-km radius will tear communities apart even more. People will almost be forced to go and work in mines. As a result, solidarity on reserves may weaken, making individuals even more vulnerable. This will doubtless open the door to abuse, but we do not want to make morbid predictions that would lead us down the fatal road marked out by Flanagan and the conservatives. Without saying that communities will be deconstructed, since aboriginals have indeed begun to protest this new wave of contempt, we can say that the type of split described above sometimes tends to lead to the deconstruction of communities.

Conclusion

By showing how the perspective expressed by Flanagan et al. and measures taken by the Conservative government (in addition to their own discourses) reproduce a dynamic of contempt as observed in our two historic case studies, I have tried to show how criticism of aboriginal orthodoxy serves here to set in motion a process of contemptuous, paternalistic, and authoritarian integration, running the risk of reproducing the damages associated with colonialism.

Although it is possible to legitimately criticize a certain orthodoxy in discourses on First Nations, that critique should not serve as a breach to let contempt


40. Radio-Canada, supra note 37.
back in. I believe that another version of the critique of aboriginal orthodoxy, as presented by Jean-Jacques Simard, is more nuanced, though it is not without its faults. Simard claims that First Nations are entitled to a certain level of self-government, not by virtue of their special place in Canadian history, but rather in defence of the rights of the abstract person:

[Translation] Based on the logic of the Universal Declaration of Human Rights (revisited in the Canadian and Quebec charters, among others), it is first and foremost simply as human beings that all Amerindians possess the same right as anyone else to associate voluntarily with any of their fellow men for any non-criminal purposes whatsoever.41

I feel that this option, which ignores the history of First Nations’ relationships with French Canadians, English Canadians and the British, is not sufficiently prudent. In her analysis of anti-Semitism in Europe and specifically in Germany, the philosopher Hannah Arendt shows how the Jews’ emancipation in terms of human rights applied to humanity in the abstract stirred up resentment and jealousy on the part of a populace who felt de-classed by capitalism—resentment that was then exploited by the leaders of racist mobs and eventually by the Nazi movement. The Jews, emancipated but mistrusted, became the object of virulent anti-Semitism: “But social pariahs the Jews did become wherever they had ceased to be political and civil outcasts.”42 While some may consider aboriginal orthodoxy to have been essentialist to an exaggerated degree, it was nonetheless a rampart against contempt. A rampart can protect people from a threat, but it cannot eliminate that threat.

Without pretending that history would follow exactly the same course here, it seems clear that contempt towards aboriginals is still present and that their emancipation without an honourable historical justification would also lead to the exacerbation of racism against aboriginals. If some criticisms of the Royal Commission Report on Aboriginal Peoples were indeed intended to state that an imaginary aboriginal has been constructed, going so far as to describe a quasi-ontological aboriginalism that is diametrically opposed to White western capitalism, the objective of mutual recognition proposed by the Commission is nonetheless crucial if we hope to achieve integration with esteem rather than contempt and humiliation. To make mutual recognition possible, to mutually acknowledge each other’s value, we need to have shared criteria for evaluation. In his book Mind, Self and Society, the pragmatic American philosopher George Herbert Mead shows marvellously well how a common finality is needed for mutual recognition, which Mead also calls sympathy and which is derived from our faculty for putting ourselves in the other’s position: “it [sympathy] has to occur in a cooperative process.”43 That recognition through cooperation is what justifies the attribution of status, rights or privileges, which are called policies.

41. Jean-Jacques Simard, supra note 5 at 406.
of recognition.\textsuperscript{44} However, it remains to be seen whether the objective of that cooperation is to live together in an inclusive way or whether it is exclusively an economic enterprise.

It would seem, therefore, that if we were willing to integrate First Nations into the Canadian constitutional order by fully recognizing them, we would have to find a common project that would demonstrate the value of their historic contribution to Confederation. For example, if the Canadian government were to move more in the direction of an ecological vision of development rather than in the direction of a predatory capitalism based on infinite growth, I believe it would be easier to secure First Nations’ sense of belonging to Canada and to agree on models for joint territorial management.

Nonetheless, the Conservative government is not in any way embarking on that path with Bill C-45, and the \textit{Idle No More} movement is well and truly a proud and virulent reply from young people who have probably had enough of being lumped in with passive victims who can only suffer history, not make it. That awakening rings a bell we must hear: if seniority on the land and the role played by national groups in the founding of Canada are erased by a unitary, multicultural, and monarchist vision of the country, the odds are high that French Canadians and Québécois (as well as many other Canadians of diverse origins, of course) will eventually suffer the blows of renewed authoritarianism and contempt in the constitutional monarchy as we know it today.

\textsuperscript{44} On the confusion between attribution and recognition, see Axel Honneth, “Grounding Recognition: A Rejoinder to Critical Questions” (2002) 45:2 Inquiry 499 at 505-12.