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Sandra Tomsons  
*University of Winnipeg*

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# **Decolonization: Resolving the Crisis in Indigenous Peoples' Health Care<sup>1</sup>**

Sandra Tomsons, University of Winnipeg

**Abstract:** When colonialism is invisible to the colonizer/settler, that one inevitably misdiagnoses the so-called "Aboriginal problem". So, unsurprisingly, any proposed solution fails. Problems resulting from colonialism, including the health crisis in Indigenous communities, are so visible Canada cannot deny seeing them. Yet, the voices of Indigenous leaders, community workers, and scholars insisting Canada address colonialism to solve the problems fall on deaf ears. This paper argues that the justice requirement to address colonialism is not simply based in an Indigenous moral and legal perspective. Canada's justice foundation is provided by liberal theory, and liberalism supports Indigenous solutions. Colonialism has made Indigenous communities unwell. Past assimilation and present reconciliation approaches to "curing" Indigenous communities fail because they ignore colonialism. Arthur Manuel and I demonstrate that only decolonization can heal Indigenous communities. Since the unjust relationship between Indigenous peoples and Canada's has always been the source of the problems, a just relationship alone can fix them.

Sandra Tomsons, Ph.D., is a Full Professor and Senior Scholar in the Department of Philosophy, University of Winnipeg. Her research focus is ethical relationships. The three unethical relationships she is currently studying are humanity's relationship with nature, The Western world's past and present imperial and colonial relationships, and Canada's relationship with Indigenous peoples.

We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties (Truth and Reconciliation: Calls for Action, Action #18).

## **Disclaimer and objectives**

It is important to begin with a disclaimer. I am not an Indigenous person. Therefore, I am not the best expert on this topic, and you should be suspicious if you catch me talking as though I were. If I purport to make claims or recommendations on behalf of Indigenous peoples in what follows and you know that they are not consistent with what you have heard Indigenous leaders or scholars argue, call me to account. I have altered the epistemic status of enough beliefs I perceived hitherto to be certain, and would claim to know rather than merely hold as opinions, only to realize that certainty can as firmly attach to false as to true beliefs. This is one of many reasons philosophers must humbly engage in ongoing critical dialogues with themselves and others. I use "humbly" here in the epistemic as well as the moral sense.

As I demonstrate in what follows, epistemic conceit is why, in 2018, I have to present a paper on Aboriginal rights, decolonization, reconciliation, and health care.<sup>2</sup> Non-indigenous power keeps imposing its racist False-Eurocentric inferior/superior dichotomy (henceforth FREISD) on the real world, thereby creating an artificial reality.<sup>3</sup> This distinction is inconsistent with the real world, since there is no morally relevant basis for claiming Eurocentric peoples are superior to Indigenous peoples. Canada's legal system allows this false normative judgment to continue to exercise its power as an underlying presupposition in all Eurocentric governments' decision-making pertaining to Indigenous peoples, however. Embedded in the legal system, it ensures systemic discrimination that consistently supports colonialism, enabling colonialism to find new ways to sustain itself and subjugate Indigenous peoples (i.e. violate their right to sovereignty) and separate Indigenous peoples from their land (i.e. violate their underlying title).

My first objective in this paper is to establish that the health care crisis in Indigenous communities is the result of colonialism, separating Indigenous peoples from their territories and preventing them from fulfilling their responsibilities to "all my relations".<sup>4</sup> My second objective is to show that decolonization, not reconciliation, best names the process needed to address Indigenous health issues. My third objective is to use Arthur Manuel and Ronald Derrickson's book, *The Reconciliation Manifesto: Recovering the Land, Rebuilding the Economy* (2017—hereafter RM), to show the commensurability of Indigenous and non-Indigenous arguments as a means of explaining and justifying Canada's justice problem pertaining to Indigenous peoples and how to resolve it.

### **Eurocentric epistemic obstacles to seeing Indigenous peoples rights**

The publication of RM means that at this moment in time, in Canada, colonialism may be running out of ways to disguise itself.<sup>5</sup> Explaining from Indigenous and Eurocentric perspectives the history and nature of the colonial relationship, RM proves that Indigenous peoples have been in a colonial relationship since the British declaration of sovereignty. It shows that Canada's governments still maintain a relationship with

Indigenous peoples that violates Indigenous peoples' rights, namely, collective rights (right to sovereignty and land) and individual rights (human rights).

RM is not alone in presenting these arguments. In *Philosophy and Aboriginal Rights: Critical Dialogues*, edited by Lorraine Mayer and myself, Indigenous and Eurocentric scholars discuss, from various positions within both perspectives, the history of the colonial relationship, its injustice, and the need for a new relationship built on mutual respect. Like RM, they call on Canada to respect and implement Section 35, "Rights of the Aboriginal Peoples of Canada," of the Constitution Act 1982, as understood by Indigenous peoples. For many years, like Arthur Manuel, I have argued that Canada is not a post-colonial state; indeed, it is not even a legitimate state, morally or legally.<sup>6</sup>

In 2019, a blossoming of Indigenous scholarship in many disciplines in the academy means that many scholars are joining the small group of Indigenous scholars I have relied upon since 1997 to inform my thinking about Indigenous philosophy and Indigenous rights and guide my research activities.<sup>7</sup> Looking back, imagining myself in their position, I realize that my goals and good intentions notwithstanding, I was a difficult undertaking for any Indigenous scholar willing to help me.<sup>8</sup> S/he<sup>9</sup> had overwhelming evidence that it might be impossible to transform a Eurocentric political philosopher into someone who sees Canada's political reality and understands the inherent and treaty rights of Indigenous peoples. Eurocentric philosophy is rich with epistemic obstacles to be overcome.

To understand Indigenous rights from a Eurocentric standpoint, first I had to discover that I was like a prisoner in Plato's Cave. Brainwashed by Christianity and trained in Eurocentric philosophy, my normative conceptual framework and the backpack of beliefs provided by family, community, and educational institutions *en route* to a Ph.D., served to obscure, not reveal, Indigenous rights and the actual rights of Canada's governments. At the outset of my research into Indigenous philosophy and Aboriginal rights,<sup>10</sup> I believed that 1) Canada was basically a just nation but 2) had to fix its very serious Aboriginal problem. My backpack was filled with beliefs and values which would make it almost impossible to discover that the two beliefs in the previous

statement were false.<sup>11</sup> Not only was Canada an unjust state but the very serious “Aboriginal problem” was actually a very serious problem of the Canadian government.

What I thought I knew about Canada and Canada’s relationship to Indigenous peoples, beliefs I shared with most Canadians, are for the most part false. The Canada I sang about in “O Canada” was a fiction of the British legal system and a product of the violation of the legal and moral rights to sovereignty and territory of Indigenous peoples. The Eurocentric history I absorbed from grades 6-12 painted an illusionary picture of Canada’s creation and evolution. Unaware that many false beliefs and half-truths were in my set of beliefs about Canada, I regarded it as constituting knowledge. The high epistemic status I assigned these beliefs was now making it almost impossible for me to realize that my beliefs were false, and hence to see reality.

For me, legal fictions, for example, Canada the nation state, Canadian sovereignty, Crown land, Canada’s underlying title, Canadians’ property rights, Indians, Indian reservations, and Indian bands, were real and they described the world as it was. I was blind to their origins and that these Eurocentric legal constructs violated Indigenous moral and legal rights. As real as they seemed to me, they are actually fictions, misrepresenting reality and creating a colonial system which my false beliefs rendered invisible. From any moral perspective, including liberal theory’s fundamental justice principles, the fictitious legal constructs are unjust and should not exist. If one understands the rights of Indigenous peoples, one can see the fictions for what they are. Canadians’ false beliefs about Canada, however, make it as difficult to see Indigenous rights as it is to see the legal fictions that constitute Canada. Believing in these fictions creates the standoff between Canada and Indigenous leaders in any discussion of Aboriginal rights<sup>12</sup> and results in the bizarre paradoxes in Supreme Court judgments pertaining to Aboriginal rights.<sup>13</sup> One must be forced to see that, beginning at first contact, Eurocentric philosophy permitted Britain, and subsequently Canada, to build unjust legal structures, creating and then sustaining an unjust colonial relationship.

When the British and Canadian governments created the legal fictions that are Canada, they began their ongoing violation of the real legal and moral rights of Indigenous peoples.<sup>14</sup> Having created in their legal system the illusion that Canada exists as a legitimate nation, Canada’s three levels of government wrongly presume that they

embody the right to sovereignty in Canada, and they unjustly exercise this authority over Indigenous territories and Indigenous peoples. Arthur Manuel grew up knowing the truth about Canada, but, like me, Eurocentric Canadians must discover that many of their beliefs are false before they can know the truth. At some point in discarding false beliefs and discovering the truth, one has to face the reality that Britain and Canada were not innocent of the terrible things done to Indigenous peoples, as they created their legal fictions and the illegitimate, unjust nation state called “Canada”.<sup>15</sup>

When my research led me to the conclusion that most of my beliefs about my purported country were false and that Indigenous peoples were the real sovereigns in Canada and their nations were the only real nations in their territories, I became committed to informing other non-Indigenous Canadians about the nature of Aboriginal rights and Canada’s non-existent rights to sovereignty and underlying title.<sup>16</sup> Since 1997, in the good company of many Indigenous and some non-Indigenous scholars who have been signposts guiding my research activities in useful directions, I have been able to free myself from the grip of many false beliefs about Canada. With my revised set of beliefs about holders of collective and individual human rights in Canada, and a richer understanding of the harms done to Indigenous peoples and individuals by colonialism, I have discovered that Manuel and I construct the same chain of reasoning using a similar normative conceptual framework to understand and resolve Canada’s health care crisis in Indigenous communities. My chain of reasoning, grounded in Eurocentric philosophy, aligns with that of Arthur Manuel in RM. Eurocentric and Indigenous philosophies, in the context of true beliefs about history and true normative beliefs about humanity and justice, are commensurable.

### **The starting points for our argument chains**

Manuel and I rely heavily on empirical claims for premises in our arguments. These claims are primarily about actions (some of which are omissions) of the British Crown and the federal government and actions of Indigenous governments. Other premises are normative claims about Eurocentric Caucasians, Indigenous persons, Eurocentric nations, and Indigenous nations. FREISD figures prominently and explicitly

in my arguments, doing what the notions of racism and white supremacy do in Manuel's. We agree that Eurocentric politicians proffering justifications for actions creating and/or sustaining colonialism consistently relied on false beliefs about a hierarchy of humanity. Therefore, virtually all unjust consequences in the lives of Indigenous peoples and individuals can be seen to be grounded in this false belief.

Initially employed explicitly, now the hierarchy is employed implicitly, since most people know that the beliefs it rests upon are false and would deem unsound any argument they knew employed it. Sadly, although few Canadians will disagree with Manuel and me about FREISD, they are not skilled at detecting its use by their politicians. Consequently, they continue to elect politicians who are prepared to employ FREISD in the most important decision-making processes pertaining to Indigenous peoples. Manuel uses Prime Minister Justin Trudeau to illustrate the difference between politicians' "pretty words" and their actions when they sit in the seats that created and continue to sustain colonialism.<sup>17</sup>

Gaining understanding of Canada's political reality could be overwhelming and make one fearful, resulting in denial and even self-deception. However, Indigenous leaders and scholars have been assuring us for decades that Canadians have nothing to fear but their own fear. In similar situations, Eurocentric nations and individuals would not make the demands Indigenous peoples make. When Canadians find themselves governed according to Indigenous legal traditions, fortunately, Aboriginal peoples will not do unto us as we have done unto them. From the beginning, they had no desire or intention to govern us and were willing to share their territories with us. According to the Report of the Royal Commission on Aboriginal Peoples (1996), the Truth and Reconciliation Commission Report (2015), and Manuel, nothing has changed in this regard despite centuries of Canada's colonialism.

Manuel and I concur that the following Indigenous justice-problems, originating in colonialism and causing the Indigenous health care crisis, are Canada's justice problems since Canada created and "owns" them:

1. Canada exercising non-existent rights and thereby violating Indigenous peoples' inherent rights and treaty rights;

2. Canada's failure to act on its responsibilities to respect and implement Indigenous rights in Section 35 of the Canadian Constitution;
3. Colonizers and settlers in Indigenous territories who are unwilling to live according to Indigenous people's understanding of responsibilities to "all my relations".

Our argument chain examines these justice problems and shows what Canada needs to do to address the justice problems it created and the consequences thereof for Indigenous communities.

**Manuel/Tomsons chain of reasoning that explains the Indigenous health care crisis and explains how to resolve the crisis**

1. From the beginning, as illustrated by the Friendship Treaties in Eastern Canada and the Two Row Wampum Belt in Central Canada, Indigenous peoples thought they would live in their territories according to their own legal traditions and the people who came from Europe would live according to their way and legal traditions. Belief and value inconsistencies in the two legal traditions were not obvious initially. The evolution of trade relationships and the "pretty words" of the British Crown's representatives ensured Eurocentric notions of sovereignty and underlying title remained a mystery to Indigenous people for the first two centuries of their relationship.<sup>18</sup>
2. Indigenous peoples had evidence of Britain's overarching goal for their territories when British settlers hunted the Beothuks to extinction on the island of Newfoundland in the 1700s. Manuel points out that British intentions were clear in the 1800s when the fur trade was replaced by the lumber industry and farming. He describes the theft of the Indigenous lands as follows:

They began, finally to devour our country. Stripping the forests, scrapping away at the mineral wealth and finally, on the prairies, butchering the buffalo into extinction to make room for their own European starvelings to settle on our lands to farm in what they would call the 'breadbasket' of their empire.

It was, in most of our territories, incremental theft. By gradually moving and expanding into our lands, feeding us a steady diet of falsehoods and fraudulent deals, they took advantage of the peaceful nature of our societies and our natural North American willingness to interact with others until they were able to build up their numbers to swamp us, and gradually the trading posts morphed into military posts and we found ourselves a people under occupation.<sup>19</sup>

Indigenous peoples would gradually come to discern the rights Britain presumed it had over them and their lands and fully grasp that Britain and Canada intended to write Indigenous peoples out of the history of their territories. As soon as conditions on the ground made it possible, Britain/Canada began exercising rights over them which Indigenous peoples knew Britain/Canada did not legitimately (justly) have.

3. The British North American Act (BNA), Canada's founding document, omits all mention of Indigenous peoples. As Manuel claims, "This was in fact, the true genius of Canada--legalizing and even normalizing genocide and the grand theft of half a continent in their founding document."<sup>20</sup> *In Philosophy and Aboriginal Rights: Critical Dialogues*, Dale Turner's contribution exposes contradictions in British and Canadian proclamations, policies, and actions pertaining to Indigenous peoples.<sup>21</sup> Turner explains that in 1763, the Royal Proclamation acknowledged the Crown's duty to gain the consent of Indian nations before extinguishing their sovereignty. In 1867, the BNA made Indians a federal responsibility while Canada continued to negotiate treaties with Indian nations. But, how can the claims, "Indians and their lands are a federal responsibility," and, "Canada and Indigenous nations negotiate treaties," be true at the same time in the same place? How can Canada's legal system encompass contradictory claims about Canada's relationship with Indigenous peoples? (1) Are Indigenous peoples wards of the state? (2) Are Indigenous peoples nations?

According to the Eurocentric perspective of many Canadians, both statements are true. Canadian law contradicts itself and absurdly makes Indigenous peoples both. Indigenous people also say "both"; however, they are not talking about Canadian law. They are talking about their reality as Indigenous communities and Indigenous individuals living under the contradictory reality that is colonialism.

Canadians and Indigenous people alike know that Canada's legal system and decision-makers in the department of government administering the Indian Act, and

subsequent legislation governing Indigenous communities and individuals, have the power to deliver life or death to Indigenous communities. Their very mandate gives them the authority to violate the human rights of Indigenous peoples as well as Section 35 on Indigenous rights. Yet, the Constitution, which is explicit that Aboriginal peoples have treaty rights and hence are nations, implies that the Indian Act, according to which Aboriginals are wards of Canada and Canada's Department of Indian and Northern Affairs, violates Canada's Constitution.<sup>22</sup> Manuel makes it very clear that Indigenous people are painfully aware of the contradictions in Canadian law pertaining to Canada's relationship with Indigenous peoples. This is why they keep insisting that the colonialism of the Indian Act is inconsistent with the Constitution's nation-to-nation relationship. It is this relationship, Manuel and I argue, that has the potential for decolonization, reconciliation, and Indigenous wellness.

4. Canada's federal, provincial, and municipal governments violate the most important collective rights of Indigenous peoples, namely, their inherent Aboriginal rights to sovereignty and their underlying title to their lands whenever they allocate access to "natural resources", that is, trees, fish, minerals, wolves, moose, caribou, lakes, or water falls.<sup>23</sup> Whenever a level of government grants non-Indigenous people access to components of Indigenous land without the consent of Indigenous peoples, Indigenous communities and individuals bear burden of the violation of their rights. Frequently, this giveaway of stolen lands means that Indigenous communities are deprived of access to life-sustaining economic activity. When Indigenous Elders, political leaders, activists, and scholars claim non-Indigenous Canadians enjoy benefits based on the theft of Indigenous lands and Indigenous suffering, they speak the truth; on the back of Indigenous lands and poverty, they speak the truth.

5. The Crown violated Indigenous peoples' right to sovereignty with the first declaration of sovereignty over a land it neither occupied nor used. After entering into relationships with Indigenous people and communities, welcomed and shown how to survive in their territories, as Manuel explains, the Crown "justified" morally unjustifiable violations of Indigenous rights with false claims of discovery and *terra nullius*:

Historically, the legal underpinning for Crown title has been the doctrine of *terra nullius* and the doctrine of discovery, but for modern courts both

are extremely problematic. After all, *terra nullius* suggests that the European land claim rests on the fact that the land was empty when they arrived – which is patently not the case. (RM 89)

...how then do you explain the Crown acquiring the lands of the peoples of the Interior of British Columbia and many other parts of the country where treaties have not been signed? What is the legal mechanism for your having the right to inhabit it?

You know there is none. Because it was based on the lie of discovery with the confused European wanderers claiming all of the land from a river mouth to its source at an undetermined place in the interior--in the case of the Fraser River this meant hundreds of miles inland. This made for a ludicrous situation in which our lands and our nations were legally subject to the white man, sometimes for a century before a white man even made it into our territory. How can that possibly be? And where exactly, in this charade, did they acquire legal title?

The court understands how that alchemy happened, how bumping into became discovery and discovery became overlordship. It was made possible through the quicksilver of racism, that black magic of white supremacy. The same substance that was behind the completely 'legal' slave trade, [and] the cultural genocide that followed, is an attempt to forever destroy our people and our right to our lands. This theft of a continent is the crime of a millennium. (RM, 92-3)

The Crown's actions and justifications presumed FREISD.

In their political theorizing, British philosophers Hobbes, Locke, Hume, and Mill, like Rousseau in France and Kant in Germany, misrepresented Indigenous peoples' way of life and philosophies. As Tomsons and Mayer explain in their Introduction to Part IV, "Road to Mutual Respect," of *Philosophy and Aboriginal Rights: Critical Dialogues*, these philosophers gave liberal theory its basic tenets, in particular, its notion of rights as these apply to individuals (human rights) and nations (sovereignty right). These philosophers have also contributed significantly to providing the political elite with the basis for the inferior/superior dichotomy, consistently assumed in nation-to-nation relationships with Indigenous peoples. Furthermore, they created and justified the stereotype of Indigenous persons and nations that made colonization possible, despite liberal theory's notion of justice. Their theories of dispossession were built upon false empirical and normative claims about Indigenous people and Indigenous nations.<sup>24</sup> Their

false empirical and normative claims about Indigenous people and Indigenous nations, in combination with Aristotle's human hierarchy and Christianity's false normative judgments about non-Christians, undergird FREISD. The new understanding of the human hierarchy established by FREISD is one in which Indigenous peoples occupy the bottom rung. White European men placed themselves at the top of this hierarchy, thereby giving themselves more rights than moral obligations *vis-à-vis* Indigenous people and nations.

6. Today, like most nations on the planet, Canada, that is, Canadian politicians, scholars, and ordinary citizens, accept the equality of all humans presupposed in the UN Declaration of Human Rights. Presumably, therefore, they reject FREISD which grounds the British Crown's and Canada's unjust (legally and morally) claim to sovereignty and underlying title and their paternalistic relationship with Indigenous peoples.<sup>25</sup>

7. Morally, Canada is required to invert its relationship with Indigenous peoples, recognizing that their rights entitle them to exercise sovereignty and underlying title on Turtle Island. However, Canada's federal, provincial, and municipal governments consistently opt to violate the treaty rights of Indigenous peoples. In treaty negotiations and in Indigenous land claims, policies, and actions, Manual shows that the Crown's objective always was, and still is, the acquisition of Indigenous peoples' lands. Since the first declaration of sovereignty and early negotiations to allow immigration and settlement, the means have changed. However, as Manual notes, "All of the assertions and doctrines when boiled down can be reduced to, 'We stole it fair and square'" (RM, 92). I would add, the Crown and Canada made stealing the land "fair and square" in the same manner that they made every colonial policy and action "fair and square". They created laws that made the theft, policy, and action legally just. However, neither Britain nor Canada could pass a law to make what they did morally just or consistent with Western philosophy's justice principles.

Unfortunately for anyone who thinks Canada should not violate the rights of Indigenous peoples, in the years since Section 35 became part of the Constitution, Canada has increased its expertise at creating words that make what is not real appear to be so--that is, make Aboriginal inherent and treaty rights more difficult to recognize. However, as Manuel and I show, with work, non-referential and meaningless words and

expressions like “Canada” and “Canadian sovereignty” can be shown to have no application in reality. Unsurprisingly, the artificial constructs involved can be assessed as unjust by either Indigenous or Western justice principles--either according to the legal or moral Indigenous or non-Indigenous worldview.

8. Since Indigenous peoples never consented to divest themselves of their rights to self-determination and their lands, they have retained their responsibilities to the land. In Canadian law, essentially, this means that Indigenous peoples have underlying title. Manuel shows that Canada carried out the “the biggest land theft in the history of mankind.”<sup>26</sup> Hence, whenever various levels of Canadian government make decisions pertaining to Indigenous territories, while Indigenous peoples actually retain underlying title, Canadian governments presume they have treaty rights they actually do not have.<sup>27</sup>

As Manuel and I explain, any rights Canadian governments have in Indigenous territories had to be transferred by Indigenous peoples. Since Indigenous peoples have not made these transfers, non-Indigenous governments for hundreds of years made unjust transfers of stolen portions of Indigenous territories and their relations (in the sense of “all my relations”). These transfers violated Indigenous rights and they have had terrible consequences for the health and well-being of Indigenous persons and Indigenous communities.<sup>28</sup>

9. Part of Canada’s unjust transfer of Indigenous lands includes two tenths of one percent of Indigenous lands that Canada permits Indigenous people to occupy on reservations, which Canada holds in trust for Indigenous communities.<sup>29</sup> Canada’s massive theft of Indigenous lands created the separation of Indigenous people from the land that Manuel and I maintain is the cause of the health care crisis in Indigenous communities:

This massive land dispossession and resultant dependency is not only a humiliation and an instant impoverishment, it has devastated our social, political, economic, cultural and spiritual life. We continue to pay for it every day in grinding poverty, broken social relations and too often in life-ending despair.<sup>30</sup>

Many Indigenous scholars draw this causal link between colonialism, the separation of Indigenous people from their land, and the health care crisis in Indigenous

communities.<sup>31</sup> In private correspondence and conversations, Sa'ke'j Henderson explained to me the correlation between Aboriginal rights, Eurocentric philosophy's nihilism and the nihilism and despair in Indigenous communities.

10. Indigenous communities have had to bear the burden of Canada's so-called "Aboriginal problem", knowing that the real issue is Canada's "colonialism problem". They have borne the burden of the Indian Act solution, the reservation-Indian-band solution, the assimilation solution, the residential school solution, Pierre Trudeau's White Paper solution, and subsequent solutions. All solutions of course ignore the real problem, namely, colonialism that buries Indigenous peoples and Canada's reality in a mountain of legal fictions and injustice.

11. Sick, dysfunctional Indigenous communities exist because, for centuries, the rights of Indigenous peoples to sovereignty and land have been systematically violated. The effects of a cluster of causes originating in these rights violations are the physical, emotional, mental, and spiritual sicknesses dominant in many Indigenous communities. Because each cause in the causal network reinforces the others, they are difficult to avoid and to heal.

The causal cluster consists of the following:

- FREISD is everywhere
- broken relationships resulting from the residential schools
- economic dependency resulting from Canada's theft
- systemic injustice in all institutions resulting from FREISD
- Canada-caused divisions in Indigenous communities
- FREISD caused cognitive dissonance
- colonialism-caused sense of personal and community injustice
- utter despair and hopelessness caused by all of the above.

Every component of the causal cluster is the consequence of colonialism's violation of Indigenous rights. Therefore, the cure for sick Indigenous communities is easily identified--eliminate violations of Indigenous rights. Unfortunately, as Manuel conclusively demonstrates, Canada in 2017 maintains its centuries-old mixed messages approach to Indigenous calls for justice. On the ground, in Indigenous communities and Canada's institutional structure, colonialism is sustained.

12. When Justin Trudeau became Canada's 23<sup>rd</sup> Prime Minister, his good talk before the election was better than that of any previous Canadian politician. The result was raised

hopes in Indigenous communities and among non-Indigenous allies that Trudeau's government would deconstruct colonialism. Unfortunately, Trudeau has betrayed those in whom he instilled this hope by waffling on UNDRIP and continuing to implement the unjust land claim process established by the Harper government.<sup>32</sup> It is difficult to dispute Manuel's argument that Trudeau's actions strengthen colonialism rather than dismantle it:

Our colonial masters will not give up their privilege without intense pressure from below. They will not do it out of respect. Colonists, by definition, do not respect the Indigenous peoples they are dominating. We are a reminder to them of their land theft, their original sin, and they want us hidden away or absorbed through assimilation. This is not a hidden agenda, it was openly proclaimed as Canadian policy for most of the first hundred years of the country's life. Then when the racism of this statement became obvious, they stopped saying this out loud.

But they continued with policies designed to carry it out. All of that talk about respect and reconciliation is self-serving rhetoric, because if the prime minister and the premiers actually respected Indigenous peoples, they would recognize that they must first respect and affirm our Indigenous rights to our lands before reconciliation is even logically possible.<sup>33</sup>

13. Everywhere in Canada there is talk about reconciliation between Indigenous peoples and Canada. However, Manuel and I maintain that first the necessary conditions for reconciliation must be realized, that is, Indigenous fundamental rights to sovereignty and land must be understood, recognized, and respected. In other words, there must be decolonization. We agree with Taiaiake Alfred that reconciliation-talk is problematic. For many years, Alfred has argued that so-called "Indigenous problems", which he calls "Canada's problems", are about the land. Colonization disconnected Indigenous peoples from their land and their identity as Indigenous peoples. This disconnect plays a major role in the causal account of every major problem in Indigenous communities. Manuel and Alfred (and I) agree that since colonization is the cause of the visible and invisible problems in Indigenous communities, decolonization is the solution. Therefore, only

reconciliation resting firmly on decolonization processes will address the Indigenous health care crisis.

When Canada deconstructs the legal fictions created by the British and Canadian parliaments, Indigenous peoples and individuals will be free to exercise their self-determination powers fully, living in their territories. Survival will not depend upon a way of life consistent with Eurocentric metaphysics and its package of values. Hence, those holding fast to their worldview and legal traditions can escape the cognitive dissonance caused by Canada's colonial system. Eliminating colonialism frees Indigenous persons and peoples to live according to their understanding of their responsibilities. Consequently, decolonization is the catalyst for the many forms of healing needed in Indigenous communities.

14. Alfred agrees with Manuel and me that when Indigenous peoples are reunited with their lands and exercise their right to self-determination in their territories, they can become whole. We also share Alfred's scepticism about how Justin Trudeau's government is co-opting reconciliation discourse. Justice Sinclair's notion of reconciliation in the Truth and Reconciliation Report requires Canada to respect Indigenous peoples' rights to sovereignty and land, and to implement UNDRIP. However, Canada's notion of reconciliation presupposes Indigenous peoples will reconcile with colonization.<sup>34</sup> Talking reconciliation, Canada's actions sustain the *status quo*, that is, colonialism's unjust, unequal relationship grounded in FREISD. Reconciliation is a cover for Canada securing more benefits for Canadians and the violation of the Section 35 rights of Indigenous peoples. Hence, Canada's reconciliation plan is a plan to keep Indigenous communities sick and to perpetuate the *status quo*.

15. It is unfortunate that Canada's politicians and many uninformed Canadians do not realize that when Canada stops falsely believing it has rights to sovereignty and land that Indigenous peoples actually have, this opens the door to acquiring legitimate rights to sovereignty and land use in Indigenous territories. Nation-to-nation treaties can establish a new Constitution grounded in Indigenous legal traditions and philosophies.<sup>35</sup> Indigenous political leaders and Indigenous legal scholars seem unified in maintaining that decolonization and a renewed and just treaty relationship are the only means to reconcile Canadian law with Indigenous legal traditions.<sup>36</sup>

16. Manuel and I both employ the language of liberal theory in our arguments. I have used liberal theory's justice principles to justify Manuel's conclusions about Indigenous peoples' rights since 1997. I presume Manuel uses this Eurocentric normative framework to justify his conclusions because the Canadians he addresses can comprehend and deem sound arguments in their language based upon their values. He only has to expose their false beliefs and inform them about Indigenous individuals' and communities' experience of colonialism. When Canadians learn of the downside of colonialism, he presumes/hopes that they will see the colonialism they have experienced differently.

17. Experience as a chief and activist engaging in real-world politics with Canadian politicians and their bureaucrats and struggling with Indigenous peoples from around the planet to create the UN Declaration on the Rights of Indigenous Peoples made Manuel an expert in the Eurocentric normative conceptual framework and the way in which colonizers use it. In each context, he could arrive at the conclusion I reached several years ago, namely, that at this point in time, the Eurocentric normative conceptual framework, employed so successfully to justify continued violation of fundamental collective and individual rights of Indigenous peoples, has been stretched to the limit. As the majority of Canadians become aware of the false empirical and normative premises those intending to colonize build into their arguments to justify their position, Indigenous peoples will win their non-violent revolution. In the 21<sup>st</sup> century, the justice principles forming the core of liberal theory support Indigenous claims that Canada is an illegitimate colonial state where colonialism continues to violate the fundamental rights of Indigenous peoples.

18. When UNDRIP was passed by Canada's parliament, Justin Trudeau replaced Steven Harper's wrong words, "Canada has no history of colonialism," with some right words. The conceptual bricks needed to understand Canada's fundamental justice problem seemed to be in place. Canada's politicians and Indigenous leaders appeared to be on the same page at last. Unfortunately, as Manuel explains, Trudeau's proposed solutions and actions imply he does not actually recognize Canada's colonialism, Canada's justice problem. He sees an Aboriginal problem. His "Band-Aids" and reconciliation solution imply that he is either as blind as Harper about present colonialism or he has opted not to

solve the colonialism problem by pretending that it does not exist. He has come out in support of the *status quo* and a new guise for colonialism.

If colonization is the problem, the reasonable conclusion is that decolonization alone will fix it. A proposed solution not explicitly talking about decolonization is suspect. Any component of an implementation plan to solve a particular crisis in Indigenous communities—health care, for example, is suspect, if it cannot explicitly show how it is part of the process of decolonization.

19. In analyzing the Manuel-Tomsons argument chain, Manuel and I arrived at several criteria for detecting colonialism in proposed solutions to Canada’s Indigenous peoples’ problems. If one’s claims and arguments presume any of the following, then one, knowingly or unknowingly, intentionally or unintentionally, supports Canada’s continued existence as a fictional, illegitimate, unjust colonial state:

- i. FREISD is true.
- ii. Canada is built on a just foundation.
- iii. Canada is a post-colonial state.
- iv. Canada’s most important justice problem is the “Aboriginal problem”.
- v. Reconciliation without decolonization is possible.

## **Conclusion**

As I have shown above, Arthur Manuel, and Indigenous political leaders and scholars can expect to have allies when they claim Canada is not a post-colonial state. The Manuel-Tomsons argument chain proves that current reconciliation-talk needs to be replaced with decolonization-talk. However, I am not sure how non-Indigenous scholars, even those contributing to *Philosophy and Aboriginal Rights, Critical Dialogues*, will respond to our arguments.<sup>37</sup>

Anticipating resistance to sound arguments is the rational approach Manuel takes in RM. Eroding Canadians’ confidence in Canada’s legitimacy is the worthy endeavour I have taken on as a reason for living. The number of people believing, or claiming to believe, that “Canada is a colonial state” does not establish that the belief is true. However, we know that for one hundred and fifty years, the majority of Canadians falsely believing that Canada was created by the BNA in 1867 has sustained, in turn, the false

beliefs that Canada is a nation and a just nation too. Canadians who imbibe these deceptions help make colonialism and Aboriginal rights invisible. The inherent and treaty rights of Indigenous peoples are understood as being whatever Canada or Canada's Supreme Court claims they are.

Furthermore, these falsehoods provide the basis for erroneous claims like the following: "Canada has a lot of Aboriginal problems," "The health care crisis in Indigenous communities will be resolved when Canada's health care services are available in Indigenous communities," and "Canada does not have the financial resources to solve the crisis in health care in Indigenous communities." Analogously, the true claim, "Canada is an unjust, illegitimate, artificial construct," provides the basis for acquiring true beliefs like the following: that 1) colonialism is Canada's justice problem, 2) when Canada decolonizes, Indigenous communities will be empowered to resolve their health care crisis, and 3) when Indigenous communities receive from colonizers just compensation and rectification, they will have the financial resources to address the health care crisis caused by colonialism.

When colonialism is invisible to the colonizer/settler, that person inevitably misdiagnoses the so-called "Aboriginal problem" and the Indigenous crisis in health care. When non-Indigenous "solutions" fail, Indigenous leaders are often blamed for the mismanagement of government funding to provide necessary services. Indigenous leaders and Canadian politicians know that funding is desperately inadequate. Canada's politicians, Ministers, and the huge Department managing the Indian Act are aware that they are maintaining Third-world/developing-countries standards in many Indigenous communities. *Basic* needs go unmet. FREISD has to be a large part of the explanation, since all levels of government would be mobilized to address the same needs in any non-Indigenous community. Boil orders would not be in place for 10 years, mold would not be accepted as the norm in houses not suitable for the location, and unimaginable overcrowding because too many want to live in the community would not be tolerated. The same can be said of missing education facilities, social, physical and mental health services, widespread unemployment, and the lack of infrastructure.

Now that the problems created by colonialism have become so visible, thanks to strong Indigenous voices (including those in Parliament) and various media, Canada's

political leaders cannot deny seeing them. However, non-Indigenous experts can misdiagnose in all problematic areas of Indigenous life if they do not know about the past and present of colonialism. Indigenous leaders, community workers, and scholars have insisted all along that policies and programs which do not take colonialism into account cannot heal communities. All Canadians must be shown that justice requires Canada to act on Indigenous recommendations, and RM has the power to open eyes. Decolonization is a choice that many Canadians have to make if Canada is really committed to respecting Indigenous peoples' rights. The politicians who put Section 35 into the Constitution may not have understood colonialism and we may never know whether they intended "Aboriginal rights" to mean inherent, *sui generis* rights to sovereignty, land, and treaty rights. What matters is what Indigenous peoples meant since they are the only nations in Canada entitled to define these rights. Canada and Canadians simply have the responsibility to respect them. From the beginning of Europeans' relationships with Indigenous peoples, this was the interloper's due, and right now respecting Aboriginal rights means that Canada has to decolonize. When Canada respects Section 35 rights, it will fulfill its obligations to heal Indigenous communities and Canada. Most Canadians may not be aware that Canada is sick, but Socrates and Plato were right: an unjust nation, especially one in which the very foundation is unjust, is sick. Manuel is calling upon Canadians to move beyond the colonial *status quo*, and stop *pretending* that Canada is a legitimate and a just nation. His call to respect the rights of Indigenous peoples is a call to make Canada a legitimate and just nation for Indigenous peoples and non-Indigenous peoples.

## **AFTERWARD**

Canada's governments and non-Indigenous citizens may fear decolonization because they falsely believe they will lose everything. What decolonization will look like is another paper. However, I want readers to know right now that there are many reasons not to fear and not to believe decolonization means loss for us. In *Unsettling Canada*, Manuel says:

And when we speak about reclaiming a measure of control over our lands, we obviously do not mean throwing Canadians off it, and sending them back to the countries they came from--that is the kind of *reductio ad absurdum* that some of those who refuse to acknowledge our title try to use against us. We know that for centuries, Canadians have been here building their society which, despite its failings, has become the envy of many in the world. *All Canadians have acquired a basic human right to be here.*

We also know that Canada does not have the astronomical amount of money it would cost to pay us for the centuries of use of our lands. We are certainly asking for compensation for the illegal seizures, but those amounts we can discuss. And we can begin these more precise discussions with Grand Chief Ron Derrickson's Afterward to this book. At present, we are asking for the right to protect our Aboriginal land title, and to have a say on any development on our lands, and when we find the land can be safely and sustainably developed, to be compensated for the wealth it generates. (*italics mine, 11*)

So, surely, decolonization is a win-win. Indigenous peoples who will respect our human rights, despite what FREISD-based governments have done to them for centuries, will be exercising the rights they believe they have and living according to their responsibilities. They will be making Canadian sovereignty and land use just.

Canadian non-Indigenous politicians and citizens must carefully attend to the words of Indigenous leaders and scholars whenever they challenge Canada's violation of their sovereignty and theft of their lands. These leaders and scholars have asked Canada to enter nation-to-nation negotiations. This generous invitation is extended because of their understanding of justice. Western notions of justice in liberal theory do not require Indigenous peoples to regard Canada as a nation. In liberal theory, Indigenous peoples hold the sovereignty card and Canadians are uninvited immigrants, without a country and a long history of violating the rights of Indigenous peoples. Liberal theory cannot yet imagine a respect and generosity that has Indigenous peoples giving us rights Great Britain and Canada denied them. Indigenous peoples, as in the beginning, are generously offering to share Turtle Island. In 2019 they are also generously offering Canadians the opportunity to create a new just "nation" in just relationships with Indigenous peoples on Turtle Island.

We immigrants/refugees, who want citizenship status on Turtle Island, and who will be voting on October 21, 2019 in a federal election, should think about who could best represent us in decolonizing negotiations. I will be seeking the advice of Indigenous leaders, Elders and scholars, before casting my ballot. I am hoping on election day that millions of Canadians do something extraordinary: vote to decolonize Canada. We could, and should, live according to our justice principles and show the rest of the world that this means transforming an unjust colonial nation state into a just place for “all my relations”. If I do not think that any of the men and women offering to represent me in Ottawa intend to decolonize, I will ask the First Nation, on whose unceded land I reside, if I can be a citizen of Paqtnkek First Nation. If our politicians refuse to do the right thing, Canadians can chose to decolonize one citizen at a time.

## Endnotes

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<sup>1</sup> This paper is a revision of my keynote address at the Congress of the Canadian Society for the Study of Practical Ethics (CSSPE), 2018. I want to acknowledge the value of discussion following my presentation. Moreover, I am grateful for the extremely helpful comments of the reviewer for the *Canadian Journal of Practical Philosophy* who helped me explain my position and my arguments more clearly.

<sup>2</sup> I use “Aboriginal” to refer to rights recognized and affirmed in Canada’s Constitution.

<sup>3</sup> I am aware of the paradox and even logical inconsistency in the expression, “artificial reality”. However, since the reality which Eurocentric political power has created for Indigenous peoples is painfully real, and is based upon false beliefs and unjust actions (morally & legally) that created and are sustaining an unjust/illegitimate entity called “Canada”, this expression seems not only to describe that state of affairs accurately but is also the least pejorative.

<sup>4</sup> “All my relations” captures how the moral community is understood in Indigenous ethics. I first encountered the expression in 1997 while a scholar in residence at the Native Philosophy Project at Lakehead University. It is the title of a painting by Roy Thomas. There are no human beings in the painting, only creatures representing land, sea and sky animals. In a brief paragraph, Thomas captured the inclusiveness of moral relationships in the Indigenous moral community. The term “relations” includes all Earth’s living persons. [Note: i. The animate/inanimate distinction is missing in Indigenous metaphysics. ii. I mean “persons” in the Kantian sense.] “Home” is the land supporting all ethical relationships. As Lorraine Mayer, and

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many other Indigenous friends and scholars put it, “We are interdependent and inseparable from the land; we *belong to* the land.” Our obligation to the land underlies and informs all our ethical relationships. “All my relations” ethics is incommensurable with the dominant ethics in Western societies. However, it is commensurable with some environmental ethics theories in Western philosophy; for example, mine and Bruce Morito’s in his book, *Thinking Ecologically*.

<sup>5</sup> I use “colonialism” to imply the following justice judgements: i. Canada exercises non-existent rights over Indigenous peoples and does not fulfill its obligations; ii. Canada violates Indigenous rights to sovereignty and land title; iii. Canadian policies and actions pertaining to Indigenous peoples do not have their explicit or implicit consent, informed or otherwise; iv. Canadians keep enjoying economic, social and political benefits from the theft of Indigenous lands, and v. dependent upon and constrained by Canada, Indigenous communities struggle against all the forces marshalled against them (dispossession of lands and economic traditions, the residential schools, and systemic racism) to heal, prosper, and flourish.

<sup>6</sup> See, for example, my article, “Liberal Theory and Aboriginal Sovereignty,” as well as the introductions and dialogues co-authored with Lorraine Mayer, in *Philosophy and Aboriginal Rights: Critical Dialogues*; cf. my dialogue with John Borrows in “An Analysis of and Dialogue on Indigenous and Crown Blockades,” also in this volume.

<sup>7</sup> I acknowledge, with deep gratitude, my immense debt to the Native Philosophy Project (NPP) at Lakehead University and philosophers Douglas Rabb and Dennis McPherson. This non-Indigenous-Indigenous philosopher team, with funding from the Rockefeller Foundation, created the NPP where scholars could learn about what was then called “Native philosophy”. For my three weeks at the NPP, Doug had recruited Lorraine Brundige, a Métis and an M.A. student in Native Philosophy (now Lorraine Mayer, Ph.D. in Native Philosophy, Professor, Native Studies, Brandon University), to be my guide. Knowing a good thing when I saw it, I have not released her from this responsibility.

Indigenous philosophers Dr. Lee Hester and Dr. Viola Cordova were at the NPP at this time and they and the Indigenous students were also my teachers. I was permitted to accompany the students on their caravan journey to a powwow in Oklahoma. The NPP experience is the closest I have come to living in an Indigenous community. I experienced what it is like to live according to an Indigenous normative framework, which I believe is shared by Indigenous peoples around the world. Knowledge gathering at the NPP in 1997 made me hungry for inter-philosophies dialogues (IPD) with Indigenous scholars and writers. In 2018-19 in IPD with Arthur Manuel in RM, I came full circle in my understanding of Aboriginal rights and Canada’s justice problem. Like many others, I am indebted to him. I especially want to thank him for the words he used when he created his argument chain. Reading RM was like listening to myself for the last 20 years. Manuel and I applied the same meanings to English words (which are so often like sifting sand in Aboriginal rights discourse). Although his experiences are not my experiences, and I do not have his courage, moderation or wisdom, my justice senses are triggered, maybe as loudly, by many things that triggered his. Arguably, the commensurability

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of our feelings about the rights of Indigenous peoples are as important as our shared beliefs.

<sup>8</sup> I owe an incalculable debt to Indigenous philosophers at the NPP during my brief residency, in particular, Dr. Lee Hester and Dr. Viola Cordova. Like Lorraine, they helped me discover Western philosophy's racism. They, and the welcoming, friendly, and patient Indigenous students I met in Lorraine's company, opened the door to a new way of living in and understanding the world. As this paper will demonstrate, after 20-plus years, my critical faculties, my heart, and my sense of justice say "yes" to Indigenous understanding of individual and community ethical relationships.

<sup>9</sup> I am aware that the plural pronouns "they" and "their" are now commonplace in academic writing, as well as replacing the old "he" with the new "she". "S/he" may imply an either/or that does not adequately capture gender realities. However, I resist using plural pronouns since it only makes other English words problematic.

<sup>10</sup> In 1997, and for more than a decade afterward, the terminology in scholarly literature was "Aboriginal people and rights" rather than "Indigenous peoples and Indigenous rights". The referent was the inherent Aboriginal rights and treaty rights recognized in Section 35 of the Constitution and those Section 35 identified as having these rights.

<sup>11</sup> "Backpack of beliefs" refers to all of my beliefs, that is, true and false beliefs I regard as knowledge or opinions, and the values (epistemic, metaphysical, moral, political, legal, and cultural) attaching to them.

<sup>12</sup> In *This is not a Peace Pipe: Towards a Critical Indigenous Philosophy*, Dale Turner explains this standoff and the consequences for Indigenous peoples when Canada consistently misunderstands and misrepresents Indigenous understandings of their rights.

<sup>13</sup> Indigenous scholars in *Philosophy and Aboriginal Rights: Critical Dialogues*, for example, Borrows, Christie, and Battiste & Henderson, demonstrate that the Supreme Court regularly finds itself caught between fundamental justice principles support for Aboriginal rights and what Canada's systemically unjust legal framework allows it to assert. Bruce McIvor, a non-Indigenous, illustrates in his excellent discussion of several Supreme Court cases how the Court delivers justice with one judgement and strikes a blow against the rights of Indigenous peoples with another.

<sup>14</sup> By 1867, The United Kingdom (UK) of Great Britain and Northern Ireland was a sovereign entity consisting of four countries: England, Wales, Scotland and Northern Ireland. London, in England, is the capital of England and the UK. England had a long history of colonial activities beginning in Wales in the 12<sup>th</sup> and 13<sup>th</sup> centuries. This aggression against Indigenous peoples culminated in "annexing" Wales in 1535. In many wars, Indigenous peoples in Scotland and Ireland fought England to retain their independence, until Acts of Union passed in England's parliament joined Scotland to England in 1707 and Ireland to England in 1801. By the time England was establishing colonialism in North America, its long history of declaring sovereignty over Indigenous peoples, gaining control of their lands, and subjecting Indigenous peoples meant that the English had honed their skills. They knew how

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to create legal fictions which made real countries invisible and made legal fictions appear real.

<sup>15</sup>See Arthur Manuel and Ronald Derrickson's *Unsettling Canada: A National Wake-up Call* and RM for the history of the treachery.

<sup>16</sup> My contributions to *Philosophy and Aboriginal Rights: Critical Dialogues* explain parts of the philosophical journey that brought me to my discoveries about the nature of Indigenous rights and Canada. The following papers and conference presentations at the Canadian Society for the Study of Practical Ethics (CSSPE), the Canadian Political Science Association (CPSA), the Canadian Philosophical Association (CPA), and in the community provide additional information about my journey: "Is the Canadian Court System an Effective Means for Aboriginal People to Pursue their Rights?", University of Manitoba Law Students' Association, 2013; "Philosophy and Aboriginal Rights: Critical Dialogue," University of Winnipeg, Philosophy Students' Colloquium (UWPSC), 2012; "Aboriginal Rights, Human Rights and Procedural Justice: Undressing Colonialism," UWPSC, 2011; "Power and Rights: A Revision of Canada," World Philosophy Day, Manitoba Philosophy in the Schools, 2009; "The Moral Responsibility of the Individual in an Unjust State," CSSPE, 2009; "Aboriginal Rights and Eurocentric Epistemic Hierarchies," CPSA, 2009; "Non-Aboriginal Responsibilities Pertaining to Understanding Aboriginal Rights," CPSA, 2008; "Is There Room in Liberal Theory for Aboriginal Rights as Understood by Aboriginal People?," CPSA, 2007; "Liberal Theory and First Nations' Indigenous Rights," Western Canadian Philosophical Association, 2007; "Non-Aboriginal Treaty Rights and Responsibilities," CSSPE, 2006; "Canada's Governance of Aboriginal Peoples: Is it Ethical?," CPSA, 2006; "*Citizens Plus* Status for Aboriginal Peoples: Is it a Just Proposal?," CPA, 2004, and "Structuring a Just Relationship between Canada's Aboriginal and non-Aboriginal Peoples," CSSPE, 2002.

<sup>17</sup> See, for example, Manuel's explanation of Trudeau's flip-flop on implementing UNDRIP. Justice Minister and former Indigenous chief, Jody Wilson-Raybould, was sent to the Assembly of First Nations to explain the government's position, namely, that UNDRIP is impossible to implement into Canadian law. So rather than change existing Canadian law (which Manuel and I demonstrate is legally and morally unjust), Canada would implement "...some undefined Canadian version of UNDRIP whose actual content would be decided behind closed doors, and, finally, the declaration would apparently change nothing in Canada because it was designed to conform to existing Canadian laws and policies." (RM, 55)

<sup>18</sup> Manuel explains that the trading partnership relationship lasted almost two hundred years "...and it is during this period that the possibility of living side-by-side and respecting one another seemed to be a real possibility." (*ibid.*, 60)

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*, 61

<sup>21</sup> Dale Turner, "White and Red Paper Liberalism."

<sup>22</sup> Assuming that in some treaties there were land transfers carrying with them the right to sovereignty over Indigenous peoples on the land, injustices in the treaty process and barriers to treaty interpretation created by differences in Indigenous and Eurocentric normative conceptual frameworks governing the treaty

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relationship and relationships and responsibilities to non-human persons, make Canada's claims to legitimate rights to sovereignty and underlying title in these areas problematic. I discuss these problems in "Liberal Theory and Aboriginal Sovereignty," *Philosophy and Aboriginal Rights: Critical Dialogues*.

<sup>23</sup> These rights are Section 35 inherent Aboriginal rights as Indigenous peoples understand them and Eurocentric justice principles explain them when FREISD is not presupposed. To understand the foundation and content of Aboriginal rights, see the contributions by Leroy Little Bear, John Borrows, Gordon Christie, Glen Coulthard, James (Sa'ke'j) Youngblood Henderson & Jaime Battiste, Lorraine Mayer, and Dale Turner in *Philosophy and Aboriginal Rights: Critical Dialogues*. Canada chooses to ignore rather than define these rights. Exercising its powers under Indian Act colonialism, it presumes Aboriginal rights are whatever it decides they will be and the Court lets it do. As Youngblood Henderson & Battiste demonstrate, Canada is ignoring its own Supreme Court's judgments that Section 35 inherent Aboriginal rights are *sui generis*. As Leroy Little Bear explains, Canada's right to sovereignty is basically a Eurocentric gentleman's agreement among Eurocentric nations that the artificial nation state the British constructed in British law on Indigenous territories, namely Canada, would include a particular geographical area.

<sup>24</sup> See Mayer and Tomsons, *Philosophy and Aboriginal Rights: Critical Dialogues*. James Tully is one of the first philosophers to discuss false beliefs about the peoples of North America in the political philosophies of these philosophers. They viewed Aboriginals as primitive peoples, placed them in a state of nature, and declared them much lower on the human development ladder. They are not equal humans and their nations are not equal nations. David Hume declared the difference between Europeans and Amerindians to be as great as the difference between human beings and animals. Hobbes thought they were in the state of nature, meaning in a perpetual war against all. This helped justify European nations waging war on them. However, like Kant and Mill, Hobbes argued that reform (i.e. development/assimilation) should be the goal. According to Kant, when non-Europeans abandon lawless ways and submit to European markets and constitutions, they will be recognized as equals. To be equal to Europeans is to be indistinguishable from Europeans (James Tully, "A Just Relationship Between Aboriginals and non-Aboriginal People of Canada").

<sup>25</sup> See Manuel's *Unsettling Canada* and RM for a detailed account of Canada's commissions and omissions in this regard.

<sup>26</sup> RM, 79. Many Indigenous leaders, scholars, and artists have documented the suffering of Indigenous communities and individuals resulting from colonialism. Thomas King's *The Inconvenient Indian* and Manuel's *Unsettling Canada* and RM are good places to start a study of this trail of woe.

<sup>27</sup> Since most of Turtle Island is unceded territory, I am oversimplifying the complexity and immensity of Canada's justice problems.

<sup>28</sup> Again, see Thomas King's *The Inconvenient Indian* and Manuel's *Unsettling Canada* and RM.

<sup>29</sup> Manuel discusses this injustice at length in RM.

<sup>30</sup> *Ibid.*, 70

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<sup>31</sup> Common sense makes a demand for evidence of the causal relation unreasonable. But Indigenous novelists and scholars provide descriptions of life in Indigenous communities that will silence the most sceptical.

<sup>32</sup> Like Harper's government, Trudeau's representatives in land claims negotiations have two aims: to legally steal Indigenous lands and exercise sovereignty over them. Regarding Indigenous sovereignty, Trudeau's "pretty" talk about nation-to-nation relationship materializes into a colonial relationship presuming FREISD. Adamant denials will not change the reality that he and his government presume FREISD in their relationship with First Nations. Trudeau's words do not change the fact he is a colonial dictator, presiding over Indigenous peoples' unceded territories. Unfortunately, for a man talking a lot about making Canada just, Indigenous peoples and non-Indigenous people who have seen the world outside the Cave will never agree that Canada is just so long as it violates Indigenous sovereignty and pretends it has title to Indigenous lands.

<sup>33</sup> RM, 202-203

<sup>34</sup> Many Indigenous political leaders and scholars consistently maintain that Canadian governments and institutions, such as universities, misunderstand the nature of reconciliation and the means to achieve it. The Report of the Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Report provide unambiguous explanations of the nature of the non-Aboriginal/Indigenous problem and equally clear explanations of the means to resolve it. Yet Canadian governments seem to pursue their colonial agenda relentlessly, under the guise of reconciliation.

<sup>35</sup> John Borrows and other Indigenous legal scholars can help us replace false BNA claims about two founding nations with true beliefs about the Indigenous legal traditions that are the legal foundation of what we call Canada.

<sup>36</sup> In their contributions to *Philosophy and Aboriginal Rights: Critical Dialogues*, legal scholars Jamie Battiste, Leroy Little Bear, John Borrows, Sa'ke'j Youngblood Henderson, Gordon Christie, Dennis McPherson and Indigenous scholars from other disciplines, Glen Coulthard (political science), Lee Hester (philosophy), Lorraine Mayer (philosophy), Bruce Leslie Poitras (Indigenous governance), Dale Turner (philosophy), Brian Rice (Indigenous spirituality and philosophy), and Laurelyn Whitt (philosophy) argue that Canada violates Aboriginal peoples' rights to self-determination and to their land. They agree that justice requires Canada to stop preventing Indigenous peoples from living freely in their territories. In view of this, I conclude that they would agree that reconciliation presupposes decolonization.

<sup>37</sup> From various disciplines and perspectives in Eurocentric philosophy, non-Indigenous scholars in *Philosophy and Aboriginal Rights: Critical Dialogues* agree with Manuel's general description of Canada. I may be the only scholar accepting his whole argument chain. At the time they submitted articles, some, for example, Alan Cairns and Will Kymlicka, provided accounts of Aboriginal inconsistent with Manuel's claims about Indigenous peoples' rights. Others, for example, Robert Murray and Paul Patton, avoided aspects of colonial history and liberal theory central to Manuel's arguments; hence, their response to his argument-chain is unclear. Frank Cunningham's contribution is making room for Aboriginal sovereignty in an urban environment. Indeed, his presidential address to the

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Canadian Philosophical Association (CPA) in 1999, the catalyst for the CPA conference on Aboriginal rights in 2001, and our conversations about Aboriginal rights, leave no doubt that Cunningham clearly sees Canada as continuously violating the rights of Indigenous peoples. Cunningham, Douglas Rabb, and James Tully (whose article, “A Just Relationships between Aboriginal and non-Aboriginal Peoples of Canada,” is on the book’s website) are non-Indigenous philosopher allies supporting Indigenous peoples in their struggle to decolonize Canada. Articles by interdisciplinary scholar Stephanie Irlbacher-Fox and legal scholar Grace Li Xiu Woo demonstrate how clearly they see ongoing colonialism in Canada and how likely they are to regard Manuel’s argument as sound.

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