

White Civility and Aboriginal Law/Epistemology

Paying attention to what Aboriginal people say and write is crucial to changing the nature of the complex relationships between settlers and Aboriginal peoples. We need to focus a critical gaze on our own traditions and assumptions and open our minds to other laws and epistemologies. If advocacy of this position sounds like a turn to critical anthropology with settler culture thrown into the mix, that is precisely what it is. Such a methodology is what Bruno Latour calls "comparative anthropology": "It no longer compares cultures, setting aside its own, which through some astonishing privilege possesses an access to universal Nature. *It compares natures-cultures*" (Latour, 1993, p. 96). A vital step in this work is to question the assumption that Western ways of knowing are superior to all others. Daniel Coleman's *White Civility* is an excellent contribution to this work, critically examining how English-Canadian¹ settler society positioned itself as different from, and superior to, others, particularly to Aboriginal societies. What Coleman's book makes clear is how a set of traditions built ideas about law, civilization, progress, and Aboriginal otherness, ideas that underpin contemporary mainstream Canadian thinking.

Aboriginal Law

The White Paper of 1969 was a turning point in settler-Aboriginal relations. Pierre Trudeau had just won his first election after a campaign for "the just society." The White Paper, produced by Jean Chrétien in his role as Minister of Indian Affairs and Northern Development, proposed to abolish the Indian Act, ending the collective rights of Aboriginal people in favour of individual rights (Canada, 1969). Harold Cardinal's *The Unjust Society* countered the liberal notion that equality is the same as justice. Cardinal noted that the White Paper would break every treaty made in Canada and that it totally ignored the notion of Aboriginal rights (Cardinal, 1969, p.134).

White Civility makes it clear that justice is a loaded concept. The desire for justice, for "our" country to be seen as "just" and to be citizens

of a just country comes out of a long tradition connected to the claim that white Canadians inherit a civilizing mission that proves their moral superiority. However, such claims, to be truly just, must engage seriously with the different concepts of law, different traditions of justice, and different epistemologies alive in Canada.²

As many Aboriginal people have pointed out, the system of justice in place in Canada is what Big Bear, Plains Cree chief in the late nineteenth century, persisted in calling "the white law" (Wiebe, *Temptation*, p. 31).³ In 2006, Gimaa J. Edward Williams (chief at Moose Deer Point, Ontario), in a letter to the editor, notes that a recent Toronto *Globe* editorial reveals the "preconceived notion that the rule of law is obviously the rule of Canadian law":

There is another law that we subscribe to: First Nations' law that has been handed down to us orally and enshrined in our *gchi-naaknigewin*, our supreme law by which order has been and continues to be maintained in our communities. We suffer the frustration of being overwhelmed by a European culture that does not acknowledge even today that we are different from you. (Williams, 2006, p. A14)

This sentiment explains John Borrows' book title *Recovering Canada: The Resurgence of Indigenous Law*, as well as works by other Aboriginal thinkers such as Taiake Alfred, Jeannette Armstrong, Marie Battiste, James (Sákéj) Youngblood Henderson, Bonita Lawrence, Lee Maracle, Patricia Monture-Angus, Blair Stonechild, and Dale Turner, who use Aboriginal epistemologies as a basis for their thinking about decolonization.⁴ These writers would agree with Coleman that the concept of justice needs collaborative rethinking.

The Continuing Power of the Word "Civilization"

Another word that *White Civility* brings under scrutiny is *civilization*. Ronald Wright, in his *A Short History of Progress*, the CBC Massey Lectures for 2004, explains the problem with the word *civilization* early on, noting that "the Roman circus, the Aztec sacrifices, the Inquisition bonfires, the Nazi death camps—all have been the work of highly civilized societies" (Wright, 2004, p. 33). He also says he defines the word *civilization* in "a technical, anthropological way" to mean "a specific kind of culture: large complex societies . . . [that] typically have towns, cities, governments, social classes, and specialized professions. All civilizations are cultures, or conglomerates of cultures, but not all cultures are civilizations" (Wright, 2004, p. 33). In using the "technical" sense of the word, Wright situates all cultures that ended up with cities on the same level

playing field, and includes the Aztecs to show that it has not just been white people who have been civilized. All cultures with cities are alike. But most Aboriginal cultures are not included here, and thus, their law is excluded as well. Like many accounts of democracy or capitalism, which conclude something like "a rotten system but the best possible under the circumstances," Wright states that "for all its cruelties, civilization is precious, an experiment worth continuing" (Wright, 2004, p. 33). Civilization becomes the only game in town. To be represented as "uncivilized," whether in the "technical" sense or not, carries pejorative force: the word requires considerable struggle before it can be used as easily as Wright does.

There is some of this problem in Coleman's much more sophisticated use of the related word *civility*, mainly because it is impossible to control the interpretation of words, particularly those that stand for abstract concepts. Jill Didur sums up his concept:

An attitude of "wry civility" is Coleman's answer to the tendency of readers, critics, or citizens who identify with the concept of (white) civility to assume their values and culture represent a kind of universal or neutral conduct. Wry civility, for Coleman, involves the performance of "our self-consciousness that we are implicated in the history of racism" and a call for critics of White civility to remain "ironically aware of the pretentiousness of the civility that we nonetheless aspire to; and also the pretentiousness in trying to be self-aware" (Coleman, 2006, p. 43). . . . Rather than abandon the project of civility, Coleman calls on critics to acknowledge its "contaminated, compromised history" even while they affirm "that its basic elements as formulated in Canada—peace, order and good government—are worth having and maintaining" (Coleman, 2006, p. 239). (Didur, 2007, pp. 14-15)

Naming these aspirations makes it very easy for the reader to fall back into Western epistemology. It is a problem that Coleman is well aware of. He points out that Emily Murphy's attempt to debunk the paranoid racial fantasy of the white slave trade "provides a good example of how a liberal attempt to criticize social attitudes overdetermined by racialized panic can trade on the very anxiety it seeks to repudiate" (Coleman, 2006, pp. 262-63, n12). I keep falling into these traps with depressing regularity myself. Nonetheless, as Judith Butler suggests, we need to continue to tackle loaded terms such as *white* and *civility* to "dislodge [them] from [their] prior and known contexts" (Butler, 1997, p. 162). We also need to keep trying to understand Aboriginal people, who repeatedly say, "no, you don't get it". What they are saying is that most academics have not even started trying to get their heads around other epistemologies because they

(we) do not really believe that there can be more than one that is worth considering. Tracing the history of white settler discourse is important, but it is as important to work to understand other discourses being articulated now by Aboriginal intellectuals and to have a conversation with them (see Fee and Russell).

Race and the Race of Progress

The reproduction of a painting by George Richardson Hind, *Civilization and Barbarism* (c. 1870), early in Coleman's book (Coleman, 2006, p. 15) shows a settler in a buggy whirling past two dismounted Native people, heading from a small settlement towards the edge of the picture. This contrast between stasis and speed led me to think about the puns on the word *race* produced in three texts by Aboriginal writers: Marie Annharte Baker's poem "Raced Out to Write This Up," Eden Robinson's *Monkey Beach*, and Tomson Highway's *Kiss of the Fur Queen*. Although *race* meaning "act of running" comes from a different etymology than *race* meaning (in its most innocuous definition) "people of common descent," several Aboriginal writers have played with the word to draw these ideas together. Rather than the "march of progress," then, it was the "race of progress" that left "inferior races" behind those imbued with "white civility." In a properly regulated race, everyone is seen as equal behind the starting line, with an equal chance of winning. This ideal matches beautifully the ideal of liberal individualism and the thinking that underlay the "White Paper": we are all equal at this moment in history, stripped of all context, crouched to jump towards the future with a certainty that the best runner will win.

These writers critique both senses of *race* at once. Annharte's poem "Raced Out to Write This Up" asks, "when I cross the finish line will it be white" (Annharte, 1990, p. 61)? Here she makes the same point as Chief Williams—winning is usually defined in terms of a dominant culture, epistemology, or law. This poem concludes that all humans are one because we all have assholes, which is "the sore holy part of me"—the dark source of imagination and wonder. No white civility here.

In Eden Robinson's *Monkey Beach*, Lisamarie's brother Jimmy aspires to be an Olympic swimmer, but when he hurts his shoulder and cannot race, he gives up. He is the "successful" child; while his parents are investing time and money in his swimming, his rebellious sister spends her time with her Uncle Mick, a former Red Power activist, and Mama-oo, her traditional grandmother. Late in the novel, when Lisamarie has kidnapped her passed-out brother and taken him in a boat to Monkey Beach, attempting to get him away from his despairing partying, he says "Mick was a nut, and Mama-oo was a cold fish" (Robinson, 2000, p.

348). Of his racing, she says, "All this time I thought you were having fun." He says "I was. In the beginning. Then it stopped being fun and started being about not fucking up" (Robinson, 2000, p. 349). Both his obsession with winning and his despair at losing have isolated him from his traditions, traditions that appear to save his sister, barely, from death. His death reinforces the conclusion that a belief in progress is a deadly ideology, not just for Aboriginal peoples, but for the planet.

Competition is a central theme in Tomson Highway's work: bingo for *The Rez Sisters*, hockey for *Dry Lips Oughta Move to Kapaskasing*, and a dog sled race and a classical piano competition in *Kiss of the Fur Queen*. This last work, a novel, begins with Abraham Okimasis winning a dog sled race, thus becoming the first Indian to finish first. He has sworn to his wife, "on pain of separation and divorce, unthinkable for a Roman Catholic in the year of our Lord 1951, that he would win the world championship just for her: that silver cup, that holy chalice, was to be his twenty-first-anniversary gift to her" (Highway, 1998, p.4). The trophy, as well as the picture of him receiving it from the festival's Fur Queen, Miss Julie Pembroke, "a young woman so fair, her skin looked chiseled out of Arctic frost" (Highway, 1998, p.10), becomes symbolic for their two sons. The elder son is called Champion, after the father's victory, but later, also because he saves his little brother Gabriel from a caribou stampede by playing his accordion. (Note the emphasis on family solidarity over the individual winner in these victories.) Later, Champion (now known as Jeremiah, his baptismal name) devotes himself to winning a classical piano competition, by this time estranged from his gay ballet-dancing brother and his family, whose ways he has been taught to regard as savage. Nonetheless, as he plays, he remembers both his brother and his father. Rather than reject the race or the competition as a white cultural imposition, then, Highway reframes it. Jeremiah and Gabriel transform their skills in classical European music and dance into the magic weapons of the Cree Son of Ayash, who was instructed to use them to "make a new world" (Highway, 1998, p. 267). When Gabriel dies of AIDS, he has become "the champion of the world" (Highway, 1998, p. 306) borne away by the Fur Queen, who has undergone many magical transformations herself. Like many other trickster figures in Aboriginal literature, s(he) has no fixed race, gender or species (*pace* Darwin) and clearly belongs to what Latour calls "nature-culture." All three writers rethink the commonplace concepts of competition, "race", and progress.

Racial Twins/Opponents

Hind's painting shows the Aboriginal as dismounted, static, while the settler whirls by towards the future. This concept of the primitive as in a different time than modernity has been explored by Johannes Fabian and

Latour, among others, but it is easy to see how the static identity of the Aboriginal provides an anchor for the ever-changing settler identity. The two identities are interdependent: as Jacques Derrida makes clear, one constructed identity cannot exist without the other. It is difficult to identify as an imagined Canadian without imagined Aboriginal people.

One thing that Coleman's book inspires is the desire to extend his excellent history of how popular representations pick up the underlying assumptions of white supremacy and progress. One example of such Eurocentric representation is a famous photograph from the standoff at Oka in 1990 (Kumolainen, 1990).



This photograph hit the news media with particular impact (cover of *Maclean's*, see Pamela Young, n.p.; still alive on *Wikipedia*, see "Oka Crisis") because it is part of a long tradition of representing racial twins (not to mention gunslingers and warriors poised to kill). For example, residential schools specialized in before-and-after pictures of Aboriginal children, first in buckskin and braids and then in European dress and haircuts, instantly "civilized" (for examples, see Fleming and Luskey; see also Pfister). The confrontation between the Mohawks of Kahnawake and the town of Oka that led to the storming of the reserve by 100 provincial police officers on 11 July 1990 quickly was reconfigured as a competition between Quebec and English Canada. Typically, Aboriginal concerns were downplayed, appropriated into the national discourse around Quebec sovereignty. The Meech Lake Accord, designed to get Quebec to

agree to sign the Constitution Act of 1982, had just fallen apart on 22 June 1990. Elijah Harper, a former Ojibway-Cree chief and member of the Manitoba legislature for Rupertsland refused to vote in favour of extending debate on Meech. If Quebec was to be recognized as a "distinct society" in the accord, Aboriginal people felt that this recognition should also be granted to them. However, the attempt by the Mohawk to exercise even a modicum of control over a traditional gravesite was transformed by the local, provincial, and national governments into a standoff between lawless criminals and the force of law. The need for the intervention of the army was seen by federalists as proof that the *Sûreté du Québec* (SQ—the Quebec provincial police) was racist, and that Quebec could not handle its natives (to parrot a colonialist cliché). Just as the Mounties and the United Nations peacekeepers (Razack) have been modeled as civil, non-violent guardians of justice, so was the presence of Canadian soldiers at Oka. That matters were much more complex, of course, goes without saying (see Obomsawin).

In the Oka shot, a white soldier in a helmet and combat gear stands nose-to-nose with a man whose face is almost completely covered with hat, dark glasses, and a bandana. He is wearing camouflage fatigues and has a rifle slung over his shoulder. The soldier, shorter and resolutely looking up, is young and white; the other, larger and apparently older, leans into his space threateningly. The picture strips away a huge number of complications, so that what remains is a binary, the binary that ties an identity as a white settler Anglo-Canadian to the existence of an Aboriginal Other, who leans in threateningly from another—uncivilized—time-frame. In reality, the white soldier was not Anglo-Canadian, but Private Patrick Cloutier of the 22nd Regiment, a Québécois; the masked man, Brad Larocque, was not a Mohawk, but an Ojibway who grew up adopted in a white family, and who returned to his university economics classes after the standoff ended (York and Pindera, 1991). Many assumed Larocque was the more famous Ronald "Lasagna" Cross, who was badly beaten by the SQ after his arrest and sentenced to six years in prison for participating in the beating of a fellow Mohawk (see Cross and Sévigny). He died of a heart attack shortly after his release in 1999, aged 41: by this time the media had moved on to other frenzies.⁵ Cloutier and Larocque were stand-ins in this representation of standoff, as are we all.

The mask worn by Larocque triggers a whole set of fantasies around identity: who is this masked man? (see Robert J.C. Young, 2003, pp. 80-92). He is someone who cannot reveal his identity to the white law. Thomas King takes pictures of Native writers, himself included, wearing a Lone Ranger mask. When I teach Aboriginal Studies, I tell this joke, which appears in Ariel Dorfman's *The Empire's Old Clothes: What the Lone Ranger, Babar and Other Innocent Heroes Do to Our Minds*:

The Lone Ranger and Tonto are fleeing from a savage tribe. Suddenly, they are surrounded and there's no escape. The Ranger draws his gun and informs his lifelong companion "Well, friend, it looks like we're done for."

Tonto looks him straight in the eye.

"What do you mean 'we,' Kemosabe? What do you mean by this 'we,' paleface?" (Dorfman, 1983, pp. 130-31)

The joke is funny because it ruptures the fantasy of the twin identities. Tonto is suddenly positioned as neither sidekick nor savage Other, and a tiny breathing space is opened up in a flash of humour for him to be something else. An economics student and an Ojibway, perhaps. Or a Mohawk and a movie star.⁶

It is almost too much fun to analyze the shifting trickery of such images—and perhaps it is part of wry civility to do this. But the representational and ideological binary that ties white and Aboriginal together as twinned identities needs not only to be treated with irony or wit, but also to be undone as part of the work of decolonization, if sovereignty is to be returned to Aboriginal people on their own lands. Those of us who have grown up as beneficiaries of the white law have to work to understand how these binaries operate before we can move on to learning something else, other epistemologies, other laws. Our identities will need massive revision. Coleman's book has furthered this work by tracing part of the history of this binary, showing how much work has been put into making it seem natural. I would like to end with a quotation from the person who gave the Massey Lectures the year before Wright did. Thomas King, billed as "the first Massey lecturer of Native descent," comments, "Want a different ethic? Tell a different story" (King, 2003, p. 164). We need a different story.

Notes

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1. English-Canada was founded on "pan-ethnic Britishness" (Coleman, 2006, pp. 17-18).
2. Judith Butler comments in *Excitable Speech* that the "'universal' far from being commensurate with its conventional formulation, emerges as a postulated and open-ended *ideal* that has not been adequately encoded by any given set of legal conventions" (Butler, 1997, p. 90). Justice is such a postulated and open-ended ideal; "settler justice" is an attempt at justice that excludes many.
3. Although I rely on a novel here, Wiebe's representation of the historical documentation is reliable; see Wiebe "On the Trail."

4. "[T]he legal system in Canada, a settler state, is premised on the need to preempt indigenous sovereignty. The legal system does this through the assertion of a 'rule of law' that is daily deployed to deny possibilities of sovereignty and to criminalize indigenous dissent" (Lawrence and Dua, 2005, p. 124).
5. This is not to downplay Shaney Komulainen's accomplishment; her photo has been voted one of the modern world's most famous, see "World's Famous."
6. Jay Silverheels, the actor who played Tonto, was born Harold J. Smith on Six Nations Reserve, Brantford, June 1912. He was a Mohawk.

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