CHAPTER 7

Making a Just and Fair Canada

Imagine that you are a member of a girls' soccer team who is playing in the annual tournament. At the beginning of your third game, the referee points to a Muslim girl on your team and tells her that she can't play because she is wearing a hijab, or headscarf. The referee is also Muslim.

On these two pages you will read about a girls' Grade 6 soccer team in this exact situation. The Québec Soccer Federation rule that the referee was following states: "The wearing of the Islamic veil or any other religious item is not permitted."

Enforcing the Rules

When Asmahan Mansour was forced to leave her soccer game because she wouldn't remove her hijab, she was very upset. So were her coach, teammates, and many adults watching the tournament.

Asmahan's team walked out of the soccer tournament. "It's her religion and she can't just take it off," explained Sarah Osborne, one of Asmahan's teamates. "This is not fair. We're only 11. We just wanted to play soccer." Four other teams from across Canada also left the tournament.

- Why do you think Asmahan's teammates and some other teams left the tournament?
- What would you have done in their place?

The Right to Practise Religion

Athletes wearing hijabs, like this Iranian archer, are allowed to compete in the Olympic games. How does this affect your thinking about the Québec Soccer Federation rule?

Many newspaper writers, television commentators, politicians, sports organizations, and members of the public became involved in debates about whether what happened to Asmahan was just and fair. Some argued that all games have rules and that rules must be followed. Some pointed out that soccer players are also not allowed to wear necklaces, rings, or earrings for safety reasons. Some suggested that Muslim girls should be allowed to wear a sports hijab that is fastened with velcro rather than a safety pin as Asmahan's was. And some felt that the rule the referee was following was anti-Muslim, in other words, that Asmahan had been discriminated against on the basis of her religion.

When situations like this arise, many Canadians are quick to bring the *Canadian Charter of Rights and Freedoms* into the discussion. They become concerned when they think that someone's rights or freedoms have been threatened or taken away. These rights and freedoms are an expression of the values of our society.

? Inquiring Minds

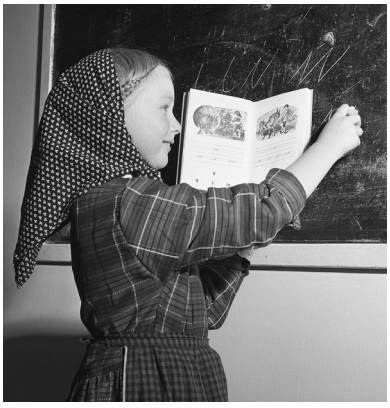
It is important to have rules in a society that guide people's behaviour to protect the common good. In Canada these rules are in our *Charter of Rights and Freedoms*.

1. How does the *Charter of Rights and Freedoms* make Canada a fair society?
2. Why is it important that the Charter protect the rights and freedoms of minorities?

Many of the Japanese who were interned were Canadian citizens. Why do you think the Canadian goverment reacted this way?

words matter!

To be **interned** means to be forced to stay.



Hutterites were considered "enemy aliens" because they came from Europe and spoke a language similar to German. Canada was at war with Germany at this time.

Why Do Values Change Over Time?

What do you think would have happened if Asmahan's game had taken place a hundred years ago? Would people have been so worried about her rights? In fact, 100 years ago, the idea that everyone was entitled to fair treatment and had certain basic rights was not part of most Canadians' thinking. And Canadians were not alone—this was the case throughout most of the world at the time.

Rights and freedoms that we take for granted today were not guaranteed by law in the past. Here are some examples:

Discrimination in Immigration

In 1885, the federal government passed the *Chinese Immigration Act,* which forced all Chinese immigrants to pay a $50 "head tax" to enter Canada. By 1903, the fee was raised to $500. This was a huge sum; most Chinese workers earned less than a dollar a day.

Discrimination in Services

In 1918, a Mr. Reynolds was refused a ticket in the best section of seats in a theatre because he was black. A Québec court upheld the theatre owner's right to make discriminatory seating rules.

The *War Measures Act*

Under the *War Measures Act*, many people were forced to live in internment camps. During World War I (1914–1918), these were people of Ukrainian descent. Later, during World War II (1939–1945) under the same act, people of Japanese descent were **interned**.

Restricting Land Ownership

The Alberta *Land Sales Prohibition Act* of 1942 made it illegal to sell land to a Hutterite or any "enemy alien."

Restricting Political Parties

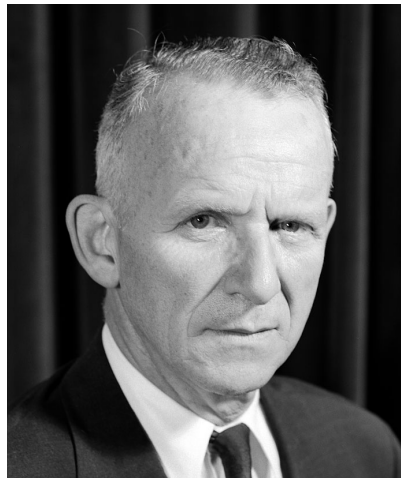
In 1940, the Communist Party was outlawed in Québec.

The Road to Rights

In the past, many Canadians believed that women and people of some races were inferior to men of European background. This attitude was reflected in immigration policy, voting rights, and many aspects of daily life. It wasn't until 1929 that women were even officially recognized as "persons"! People knew that certain rules and laws were discriminatory, but they did not think that discrimination was wrong.

Over time the values and beliefs of Canadians have changed. People began to think that everyone should be treated fairly and equally, and gradually the rules of society began to reflect these new attitudes. Why did these changes come about?

- In Chapter 2 you saw how voting rights were gradually extended to women, Canadians of Asian descent, Inuit, and First Nations. In some cases, people in Canada had to protest long and hard to get these rights. Voting rights made people more equal members of society.
- Changes in thinking around the world also affected how Canadians looked at human rights. For example, the United Nation's *Universal Declaration of Human Rights,* passed in 1948, supported basic rights for all people.
- Before 1965, Canadian immigration policy encouraged only Europeans to come to Canada. But as Canada became more committed to human rights, people of all ethnic backgrounds were allowed to immigrate. As a result, Canada became a pluralistic country where prejudice is not tolerated.

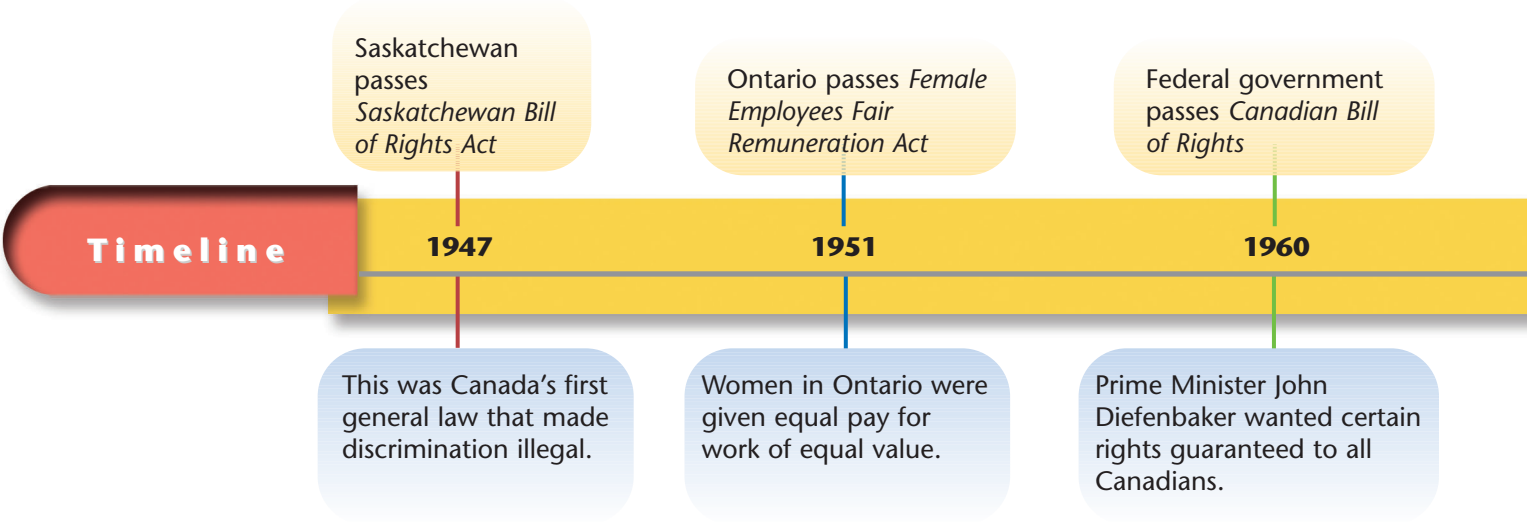


Canadian John Peters Humphrey was the main author of the *Universal Declaration of Human Rights.*

Thinking *It Through*

Why do you think each of these three factors might have affected Canadian society's attitude about rights and freedoms?

Canadians celebrating Canada Day.



This timeline shows some important steps that made Canada a fairer, more just society.

Speaking Out

Today everybody has their rights and their freedoms but for some reason we do not feel we have responsibilities, and we do.

Elsie Wayne, Progessive Conservative MP, 1999

Skill Smart

What criteria would you use to decide when your right to free speech violates some one else's rights? Describe this right carefully so that "freedom of speech" is clearly understood.

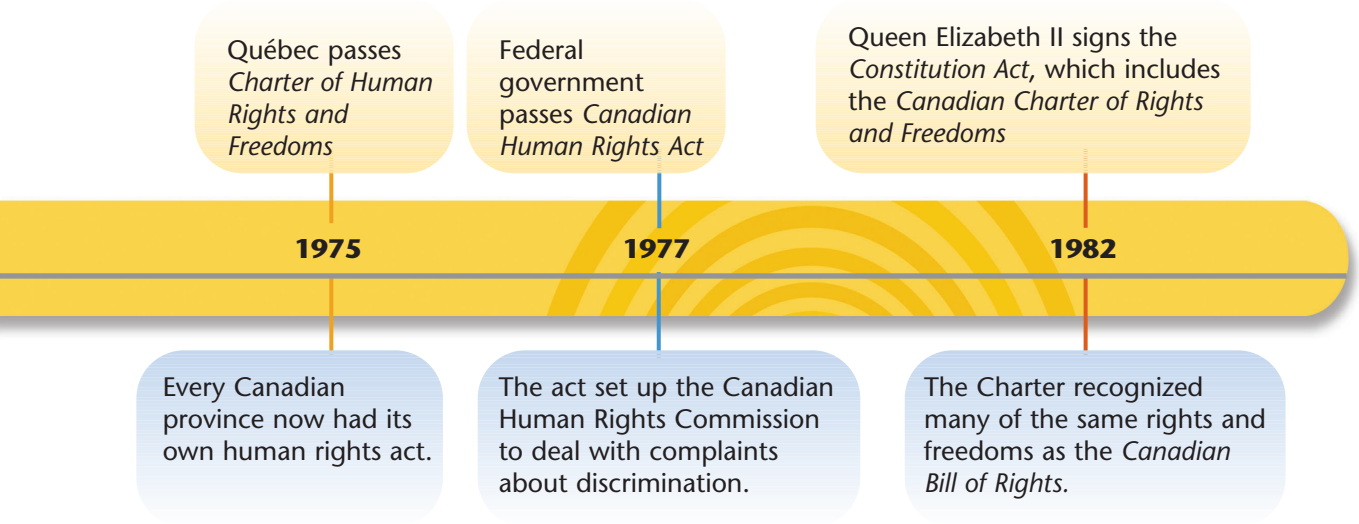
It is important to remember that societies are continually trying to improve and learn from their history. In the future, Canadians may have new perspectives and understandings that will lead them to add to the rights legislation we have today.

Our Charter Rights

In Chapter 2, you looked at some of the rights that are protected by the Charter. The chart on page 159 gives you a more complete list of Charter rights and freedoms.

Certain responsibilities come along with the rights and freedoms we enjoy as a result of the Charter.

- The Charter grants us legal rights—we have the responsibility to obey the laws.
- The Charter grants us freedom of expression—we have the responsibility to respect the rights and freedoms of others when we voice our opinions.
- The Charter grants us democratic rights—we have the responsibility to vote in elections.
- The Charter grants us equality rights—we have the responsibility to eliminate discrimination and injustice in our own behaviour and in our society.



Charter of Rights and Freedoms

Rights and Freedoms	Description
Fundamental Freedoms	People in Canada can follow any religion they choose and think and believe what they like. They can also say what they think, give their opinions in newspapers and other media, and meet peacefully with others.
Democratic Rights	Citizens have voting rights. Governments must sit at least once a year. The same government cannot be in power for more than five years without an election.
Mobility Rights	Citizens have the right to enter, remain in, or leave Canada. They can move to any province or territory and work there.
Legal Rights	People have certain legal rights when they are arrested, when they are put on trial, and when they are imprisoned.
Equality Rights	Everyone has the right to fair and equal treatment and cannot be discriminated against.
Language Rights	Canada is officially a bilingual country and people can communicate with the government in either French or English. People have certain official education rights, depending on the language they speak.
Other Rights	Aboriginal rights, Canada's multicultural heritage, male and female equality rights, and other issues are also covered.

Thinking *It Through*

Explain how the rights and freedoms in the Charter support justice, equity, freedoms, and representation.

The students in Mr. Kahn's class have been talking about the rights and freedoms that are guaranteed in the Charter. Some of them still have questions about rights.

The United Nations issued the *Convention on the Rights of the Child* in response to children living in conditions like this. What else could the UN do to help children like these?

JANA: *Everyone needs an education. Why isn't the right to education in the Charter?*

MR. KAHN: *Education is a provincial responsibility, remember? It's actually* The Alberta School Act *that guarantees that all children living in Alberta have access to the education system and to a program that suits their learning needs. This means, for example, that children with disabilities are accommodated in schools.*

JANA: *But not all education is free. University costs lots of money. My mom says that in some countries university is free just like elementary and high school. That sounds fair to me. Then everyone could go. If education was a right then it would all have to be free.*

IAN: *What about health care? Doesn't everyone in Canada have health insurance that gives them the right to go to the doctor and to the hospital?*

KUMAR: *I wonder why health care isn't mentioned in the Charter. People really need health care. I think it should be a right.*

All of the students in the class agreed with Kumar. Mr. Kahn wrote "education" and "health care" on the board. He asked the students to see if they could come up with any other rights that they thought people should have that aren't in the Charter. He suggested that they might look at other rights documents such as the United Nations *Universal Declaration of Human Rights* and the *Convention on the Rights of the Child* for ideas. The groups reported the next day.

IAN: *Our group thought that everyone in Canada should have enough to eat and a place to live. We want to add food and shelter to the rights list.*

AH-PO: *Our group found a copy of the* Convention of the Rights of the Child *that was in child-friendly language. There were a lot of rights in it that we were surpised by, like privacy, a clean and safe environment, and play and rest. We thought that these were good rights for everyone to have.*

MR. KAHN: *The thing you need to remember about your rights is that they are protected by other laws besides the Charter. For example, the right to rest that Ah-Po mentioned is covered by provincial legislation. Someone who has worked for an employer for 12 months is entitled to two weeks' vacation with pay. Workers are also entitled to breaks during their working day.*

A volunteer and her son help stock food at the local food bank.

JANA: *We also found the right to work, the right to own property, and the right to marry whom you want and have children. There are so many rights that people should have!*

KUMAR: *I think the most important right that isn't in the Charter is the right to food. If we want a fair and just Canada, everyone should have enough food.*

The students decided that they wanted to help make sure that everyone in their community had enough to eat. They found out about a food bank where people could get groceries when they ran out of money. The students decided to organize a food drive at their school. They went to the parent council with their idea to get help with advertising and bringing the food to the bank.

Over to **You**

Identify one Charter right or freedom that you think most Canadians take for granted. How would life in Canada be different if we didn't have this right or freedom?

Viewpoints

Does Freedom of Expression Apply on the Internet?

How many times in a week do you use the Internet? What do you mostly use it for? Many students use the Internet to communicate with friends online, using instant messaging, blogs, and social networking sites. They share their thoughts and ideas, but sometimes this causes problems. Have you had problems with any of these methods of communication? Does your family have restrictions on how you use them? Do you think that freedom of expression applies on the Internet? Here are some points of view on this issue:

There have been cases of cyberbullying over the Internet. Students are entitled to their opinions about their classmates, but spreading rumours about someone on a site that lots of people have access to shouldn't be allowed. It is much worse than talking about someone to a couple of friends.

Viewpoint 1

My parents won't let me talk to anyone on the Net that I've never met in person. My friends have really interesting conversations with young people all over Canada and in other countries. My parents are taking away my freedom of expression!

Viewpoint 2

My sons have told me that they have found comments on some sites that attack people of certain races and religions. The people who run these sites should put on filters that don't allow certain words. Having freedom of expression doesn't mean that you can spread hate.

Viewpoint 3

I read in the newspaper about a student who was suspended because he set up a message board on a networking site where students posted insulting comments about their vice-principal. Some students in the school held a protest supporting the suspended student. They argued that being punished for a private online message is not fair. I agree! How can you punish people for just saying what they think?

Viewpoint 4

Teens need to remember that nothing that you post on the Internet is really private. Some people I know put up really embarassing pictures of themselves. Those pictures might be a problem for them in the future when they are looking for jobs or something. Sure you have freedom of expression but you've got to use your head.

Viewpoint 5

Over to **You**

1. Which of the above viewpoints is the closest to your own point of view? Which viewpoint do you feel is furthest from your own? Write a brief response to this person, explaining your point of view.
2. Write a set of guidelines for using the Internet safely and responsibly.

words matter!

It is a great deal more difficult to change the Constitution than to change a statute or law. For this reason, it was decided to firmly establish or **entrench** our rights and freedoms by making them part of the *Constitution Act*.

How Are Our Constitutional Rights Protected?

The *Canadian Bill of Rights* was an important step in protecting the rights of Canadians. However, it was limited—it was a statute, or a law, so it could be changed. In addition, it didn't affect provincial laws. To ensure that rights were more effectively protected, some people pushed to **entrench** rights in the Constitution. The diagram below shows why it was essential to make the *Canadian Charter of Rights and Freedoms* part of the *Constitution Act*.

Thinking *It Through*

What factors do you think might cause Canadians to consider changing the Constitution in the future?

The *Charter of Rights and Freedoms* is more than a set of rules. It is also a statement of beliefs, and it shapes our identity as a country. A belief in fair treatment for all is part of who we are. Having the Charter entrenched in the Constitution means that no one, including the government, can take away the rights and freedoms of people in Canada.

Making Decisions About Rights

What is legally fair has changed and will continue to change over time. Sometimes, though, laws change very slowly. Because the Charter was entrenched in the Constitution, though, some laws have changed or been struck down more quickly because they are in conflict with the Charter.

Suppose you believe that your Charter rights have been violated. What can you do? In Chapter 2, you read about Justine Blainey. She and her parents believed that Justine had been denied equality rights. They complained to the Ontario Human Rights Commission. When the Commission could do nothing because of the law, Justine and her parents challenged the law in provincial court. They had to **appeal** court decisions a number of times, until the case was eventually heard by the Supreme Court of Canada.

The Supreme Court is the highest court in our country. The Court hears cases that raise important issues of law, and it is often called on to **interpret** the *Charter of Rights and Freedoms*.

words matter!

To **appeal** means to ask a higher court to review a decision made by a lower court.

To **interpret** is to explain or make sense of something. The Supreme Court may be called on to interpret whether a Charter right or freedom applies in a certain situation.

Charter Cases and the Appeal Process

A person or group who thinks a right or freedom has been taken away takes the case to a provincial court.

↓

The court makes a decision, but either side can appeal if there is reason to believe the decision was unfair. This means that one side or the other can ask a higher court to change the decision.

↓

The Supreme Court of Canada considers important cases of national interest. The decision of this Court is a final decision as it is the highest court in Canada.

Look closely at this picture. How many women are there on the Supreme Court? How many people appear to belong to visible minorities? Why do you think there is an uneven number of justices? Why do you think there are nine justices instead of just three or five?

Thinking *It Through*

How well do you think the Supreme Court reflects Canadian society?

If the Supreme Court of Canada agrees to hear an appeal that involves a Charter right, the justices consider three questions:

- Was a right or freedom taken away?
- Is that right or freedom protected in the Charter?
- Was there a good reason for the right to be taken away?

Often when hearing appeals, the Supreme Court justices must decide whether an existing law conflicts with a section of the Charter. Here is a case that illustrates both the appeal process and how the Supreme Court of Canada applies the above three questions when it hears a case.

The Sauvé Case

Federal Law: In 1993, the *Canada Elections Act* was passed. It stated that prison inmates serving two years or more could not vote.

Argument of Richard Sauvé: In 1995, Richard Sauvé was serving a 25-year sentence for first-degree murder. He took the government to the Federal Court of Canada claiming that the *Canada Elections Act* took away his democratic right to vote and his equality rights under the Charter.

Ruling of the Court: The Federal Court agreed with Sauvé. As a result of its ruling, all inmates were allowed to vote in the 1997 federal election. But that's not the end of the story.

The Government Appeals: In 1999, the Federal Court of Appeal overturned the decision of the Federal Court of Canada. Again, inmates serving two years or more could no longer vote.

Mr. Sauvé's Appeal: In 2000, Sauvé appealed the Federal Court of Appeal decision. This time the case went before the Supreme Court of Canada. Sauvé's argument remained the same: the law took away his democratic right to vote and denied him equality rights under the Charter.

Ruling of the Court: In October 2002, the Supreme Court of Canada ruled in a vote of five to four that the government did not have good reason to deny inmates the right to vote. The Court said inmates should have the right to vote to teach them "democratic values" and "social responsibility." Sauvé had won the right to vote in federal elections for all prison inmates.

It is not always easy to make decisions that balance the rights and freedoms of everyone in Canada. The justices of the Supreme Court consider each Charter case carefully and discuss it among themselves. However, they do not always agree. The final ruling is based on what the majority of justices decide is right.

The Supreme Court of Canada occupies this building in Ottawa. Why do you think this Court only chooses to hear cases of national importance?

Thinking *It Through*

What connections can you make between the Sauvé case and exceptions to voting rights in ancient Athens on page 61?

Why Are Collective Rights Protected?

Most of the Charter focuses on protecting individual rights, but as you read in Chapter 2, it also protects collective rights. Collective rights give people access to certain rights because they belong to a group that has those rights. Aboriginal people and people who speak French or English and are the minority in the province where they live have collective rights in Canada.

The Charter gave language and Aboriginal rights the same importance as fundamental freedoms such as religious freedom and freedom of expression. This was a huge step in the protection of collective rights in Canada. The limit of these rights has been challenged a number of times in court.

Minority Language Rights

Imagine a family member is very ill. You take that person to the hospital, but no one there speaks your language. How might this cause problems for you?

This was the situation facing Francophones who lived in the Ottawa area. L'Hôpital Montfort was the only Francophone hospital in Ontario. The hospital trained new Francophone doctors as well as treated patients. In 1997, the Ontario government announced that in order to save money, it was planning to close l'Hôpital Montfort along with two other hospitals in the Ottawa area.

The Francophone community was determined to keep l'Hôpital Montfort open. They decided to challenge the Ontario government's decision. They formed a group called SOS Montfort.

Argument of SOS Montfort: The Charter gives a minority French or English community the right to education in its own language. The minority linguistic community should also have the right to health care services in its own language. In addition, doctors should have the right to be trained in French.

Argument of the Ontario Government: The *Canadian Charter of Rights and Freedoms* protects the right to education in

either of Canada's official languages. It does not protect the right to health care in either language.

The case against closing l'Hôpital Montfort went to court several times. In 2001, a final ruling was made.

Ruling of the Court: It is true that there are no words in the Constitution that protect the right to health care in both official languages. But "respect for a protection of minorities is a fundamental constitutional value." The province must leave l'Hôpital Montfort open.

About 8000 Franco-Ontarians attended a rally in Ottawa to save l'Hôpital Montfort.

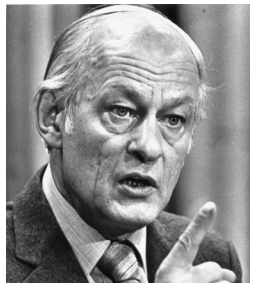
Thinking *It Through*

Which of the Québec language bills do you think was more in the spirit of the Charter? Explain your thinking.

***More* About. . .**

French Language Rights in Québec

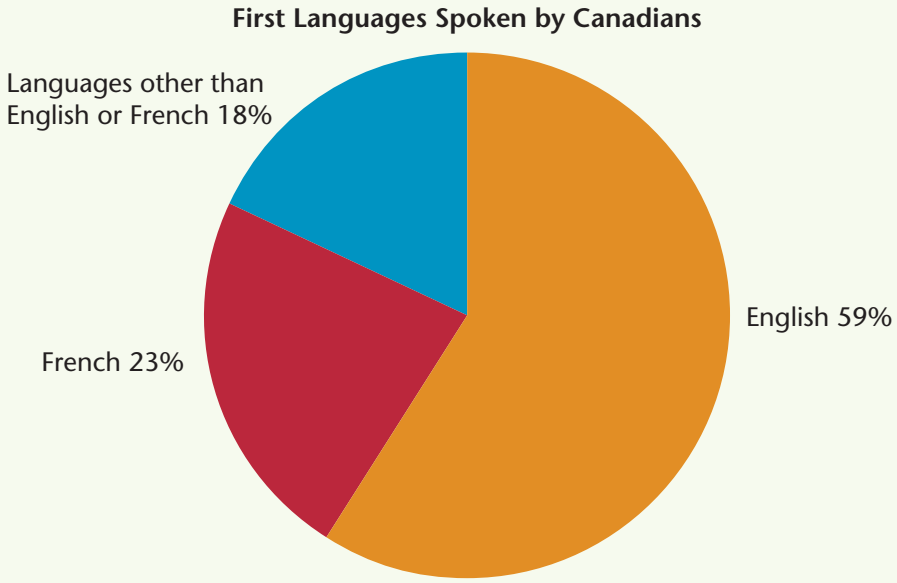
French is a minority language in North America. As a result, a number of language laws have been passed in Québec over the years to preserve it. In 1977, the Québec government passed Bill 101, which said that French was to be the only language allowed on commercial signs in the province. In 1993, Bill 86 was introduced, which allowed English on outdoor commercial signs only if the French lettering was at least twice as large as the English. There has been much debate about these laws in Québec and the rest of Canada. Why do you think this is so?



Québec Premier René Lévesque believed that Bill 101 was essential to the Québec's Francophone identity.

Democracy and Language Rights

What do you see on this graph? What does it suggest about Canadian society?

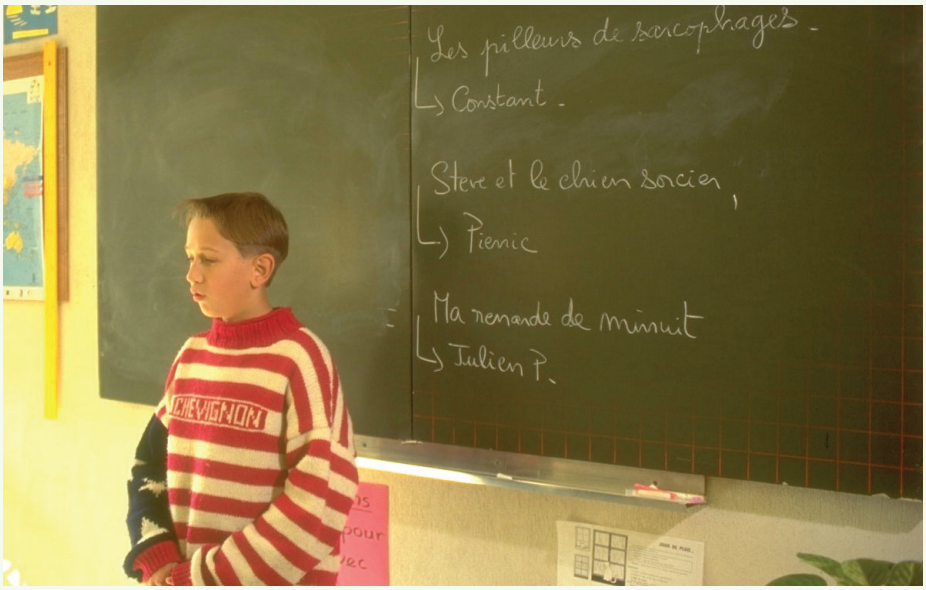


The graph reminds us of Canada's diversity. It also reminds us of Canada's history—that the majority of the Europeans who first settled here spoke English or French. As you can see from the graph, English or French are still the first languages of 82% of the people in Canada.

Creating Language Rights

French and English are Canada's two official languages. This chart shows three important laws or acts that affected their use and importance over the years.

British North America Act, 1867	• permitted use of English or French in Parliament and the courts • stated that laws must be in both languages
Official Languages Act, 1969	• gave English and French equality in Canadian society, in Parliament, and in federal government services • protected official-language minority communities across Canada
Canadian Charter of Rights and Freedoms, 1982	• entrenched French and English language rights and minority language education rights in the Constitution



French immersion programs were introduced into English schools across the country in the 1970s to encourage bilingualism.

Language Rights and Democracy

Not all Canadians have been happy about the laws that have been passed to protect both of our official languages. Some Anglophones felt that too much money was being spent by the government to provide services to Francophones outside Québec. Some Québec Francophones did not want English to have equal status with French in their province.

Why did the federal government think that protecting English and French was so important? The answer is: because it supports democratic principles. It was fair for the two languages to be valued equally and that education and other services in them be provided wherever and whenever possible.

Over to **You**

Consider all the other groups besides Francophones and Anglophones that played an important role in Canada's history. Why do you think other languages spoken in Canada aren't given the same protection as English and French?

Aboriginal Rights

Section 25 of the Charter focuses on the collective rights of Canada's Aboriginal peoples. It guarantees that nothing in the Charter will take away from or cancel out any "aboriginal, treaty or other rights or freedoms that pertain (apply to) aboriginal peoples of Canada."

The Charter names two sources of aboriginal rights and freedoms:

1. The *Royal Proclamation of 1763*

The proclamation set out the relationship between Britain and Aboriginal peoples living in what later became Canada.

- First Nations are described as independent political groups who are entitled to their own government and territories.
- These territories should not be taken over by the British without the agreement of First Nations.
- First Nations territories are considered part of the territory that is controlled by Britain.

2. Land claims agreements that were in existence at the time the Charter came into law or those that would be acquired in the future.

Land claims agreements describe who owns land and the resources on it. Between 1750 and 1923, a number of treaties that involved land were signed between the British and Canadian governments and Aboriginal people. Many issues resulting from these treaties and other Aboriginal land claims have been taken to court by First Nations, Inuit, and Métis.

Thinking *It Through*

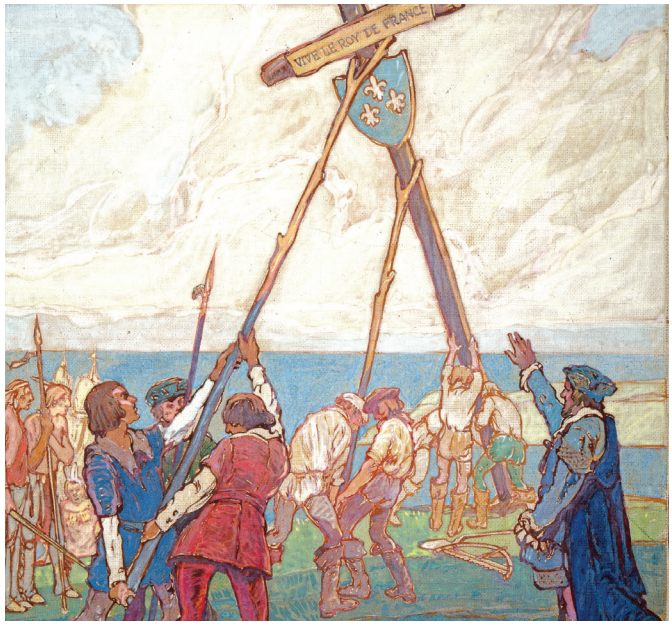
The three statements from the *Royal Proclamation of 1763* have caused confusion and much disagreement about land claim settlements for Aboriginal people, even with the collective rights section of the Charter in place. What do these statements tell us about Britain's relationship with First Nations people at the time of its signing?

After 100 years of negotiations started in 1902 by Chief Jim Boss, hereditary chief Glenn Grady signed a land claim settlement agreement between the Ta'an Kwach'an First Nation and the provincial and federal governments.

More About. . .

European Land Claims

Explorers from Spain, France, Britain, and other European countries thought of the Americas as being "empty territory" even though millions of Aboriginal people lived there. Europeans at that time believed that their claims on the land were more important that the claims of Aboriginal people.



Jacques Cartier (right) erected this cross at Gaspé on July 24, 1534, taking possession of the territory in the name of François I of France. This painting was created by C.W. Simpson.

Speaking Out

WABASCA, Alta.—Alberta's Bigstone Cree Nation and surrounding communities have signed an agreement-in-principle with the provincial and federal governments that would entitle them to the largest land claim settlement in Canadian history.

CTV News and The Canadian Press, October 13, 2007

What Was *La Grande Paix de Montréal*?

Skill Smart

- Who do you see that was present for *La Grand Paix de Montréal*?
- Were all the First Nations participants from the same Nation? How can you tell?
- Looking at an image can raise many questions in your mind. What other questions about the Great Peace and the people who participated in it are suggested by the stamp? Record the answers to your questions as you read this section of the chapter.
- Record further questions that occur to you as you read. Then look for the answers.

The roots of the Aboriginal collective rights in the Charter go back more than three centuries in Canada's history. These negotiations may have begun as early as 1697. In 1701, *La Grande Paix de Montréal, The Great Peace of Montréal*, was signed.

Canada Post issued this stamp to celebrate the 300th year of the signing of *La Grande Paix de Montréal*. During negotiations speakers held a wampum to show that their words could be trusted.

Gathering to Solving a Problem

When colonists from France settled in North America, they began to trade in furs with First Nations. The French set up many fur-trading posts in what is now Québec and Ontario. First Nations who lived there, such as Algonquin and Ouendat, became their trading partners and **allies**. Many of these Nations, however, were enemies of the Oneida, Mohawk, Onondaga, Cayuga, and Seneca who lived to the south. As a result, there was warfare between the Haudenosaunee and the French and their allies. The fighting disrupted the fur trade and threatened the French settlement at Montréal, which at this time was a small town of about 1200 inhabitants at the crossroads of fur-trading routes.

words matter!

Allies are people or groups who work together.

The French had made several treaties over the years with the Haudenosaunee to try to stop the warfare and protect their trade. These had all broken down. In 1700, Louis-Hector de Callière, the Governor of New France, had begun new peace talks with the Haudenosaunee.

Callière decided the only way this peace could work was if France's First Nations allies also agreed to it. To give all sides a chance to have input, Callière sent messengers to approximately 40 First Nations—both the allies and enemies of New France—inviting them to join in a new political and economic partnership. The talks would be held in Montréal.

Imagine the journey! In the summer of 1701, some 1300

Thinking *It Through*

Callière acted as the representative of the French government when he invited First Nations to peace talks. What attitudes did this invitation indicate the French government held toward First Nations?

First Nations Attending *La Grande Paix de Montréal*

First Nations representatives travelled hundreds of kilometres by foot, horseback, and canoe to Montréal. Some of them were **ambassadors**, or representatives, and advisors, who had been sent by their Nation to talk about the treaty. Others brought furs to trade at the summer trading fair.

words matter!

Ambassadors are people who are chosen by their nations, governments, or leaders to represent them at meetings with officials from other nations.

Skill Smart

Choose five First Nations from the map. Use the scale provided to determine the distance each travelled to Montréal.

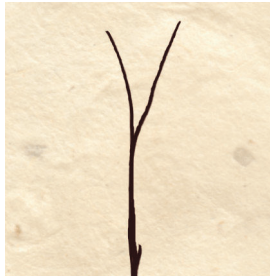
When they arrived, they set up camp outside the wooden stockade that surrounded the settlement. The French welcomed them with great ceremony, and cannons were fired in their honour.

Probably more First Nations people would have attended, but an influenza epidemic broke out. This disease, brought to North America by European settlers, spread rapidly among First Nations. Callière's reporter wrote: "Out of a fleet of a hundred and eighty canoes... thirty were forced to put in to shore because of illness."

Each of the First Nations had its own culture and traditions. Even the names of the Nations told about the unique identity of each one. The Odawa, for example, lived around the Great Lakes. Their name meant they were traders, a role that was very important in that location. The Menominee were named for wild rice, which grew in the region west of Lake Michigan where they lived.

The Menominee used the sign of a thunderbird holding a stalk of wild rice as the symbol of their nation.

The Odawa used the sign of a fork as a symbol of their nation. It stood for the meeting of rivers in the territory where they lived.



Although First Nation peoples have always had a strong collective identity, they have also regarded themselves as individuals. First Nations people value the freedom of each individual to make decisions without being controlled by someone else. However, it was expected at this gathering that individuals would use their freedom to act responsibly and for the good of the community.

Consensus and Respect

Over a period of two weeks there were discussions about the terms of *La Grande Paix de Montréal*. The First Nations who gathered in Montréal valued discussion, compromise, cooperation, and consensus. In Chapter 4, you saw how the Iroquois used consensus to make decisions at the Grand Council. The negotiations in Montréal were held according to these First Nations traditions.

First Nations leaders and ambassadors who came to Montréal were chosen because they were skilled at speaking on behalf of their people. During a meeting, the representative would present a proposal and try to persuade others to agree. Everyone listened carefully without interruption. If anyone had a question, the speaker thought carefully before giving an answer. If the speaker had to consult with his advisors, the answer was not given until the next day.

Many historians agree that it was the **diplomacy** of the First Nations representatives that made the treaty possible. After considering the arguments, they agreed to give up some of their own wishes to be fair to everyone involved. In this way, they were able to reach consensus on the final terms of the treaty.

words matter!

Diplomacy means the skilled management of discussion and agreement among groups.

The First Nations ambassadors signed a paper peace treaty prepared by the French, using symbols representing their Nations. What animals are represented in these symbols?

Thinking *It Through*

1. How does the process of the negotiations reflect democratic principles?
2. In what ways is decision making at the local and provincial levels of government similar to the negotiations during *La Grande Paix de Montréal?*

More About. . .

Kondiaronk, Architect of Peace

The most respected of all the speakers at the conference was Kondiaronk, a representative of the Ouendat-Petun First Nation (also known as Huron). One of the French participants wrote that Kondiaronk was "a fine and politically adept (skillful) chief...a genius with the utmost vision (imagination)."

Kondiaronk was a strong supporter of the peace. When he arrived in Montréal, he said, "The waterfalls, the rapids, and the thousand other obstacles were as nothing compared with our desire to see you and assemble here."

Although he fell seriously ill of influenza during the conference, Kondiaronk spoke for hours in favour of the treaty. When he died the next day, he was honoured with a great funeral and procession.

For the signing of *La Grande Paix de Montréal,* some First Nations ambassadors wore fancy European-style coats given to them by the French along with traditional ceremonial dress.

Thinking *It Through*

1. Explain how rights and responsibilities are balanced in *La Grande Paix de Montréal.*
2. Why do you think Governor Callière used First Nations' symbolic objects to celebrate the treaty?

The treaty was signed on August 4, 1701. These were its main terms:

1. The Nations agreed to be allies and not make war on each other.
2. The Nations agreed that they could all use the hunting grounds north and west of Lake Ontario.
3. In the case of any future disagreements, all sides agreed that the French governor would have the responsibility to settle them.

After the signing of *La Grande Paix de Montréal,* Governor Callière gave each ambassador a wampum of the treaty to bring back to his Nation. Callière and other French officials also invited the First Nations ambassadors to smoke tobacco in a calumet.

La Grande Paix and the Charter

La Grande Paix de Montréal was a treaty that was written through respectful negotiation. The negotiations and terms of the treaty show that a number of important principles and beliefs were shared by the parties that signed it.

- Each First Nation and the French were recognized as equal and independent nations that had the right to make their own decisions.
- The collective identity and collective rights of each party that signed the treaty were recognized and respected.
- The right of the First Nations to their traditional territory was recognized by all parties to the peace treaty.

Over the centuries, as the First Nations people and Francophones became minorities in Canada, many of their collective rights were taken away and their collective identities were not protected by law. Eventually many Canadians saw that First Nation peoples and Francophones had been treated unfairly.

When the Charter was introduced in 1982, it offered a chance to correct past injustices to the First Nations. For the first time treaty rights and the rights of Canada's first peoples were entrenched in the Constitution. They could never be taken away again. This encouraged First Nations and Inuit across Canada to bargain with the federal government for the right to govern themselves and to control their own lands.

The First Nations Garden was created in Montréal's Botanical Garden in 2001 to celebrate La Grande Paix.

Remembering La Grande Paix

In the summer of 2001, the people of Montréal celebrated the 300-year-old treaty. They marked the occasion with a re-enactment that allowed them to take a new look at an event that had almost been forgotten. An exhibition gave members of the public a chance to see the actual treaty document as well as other artifacts from the time. Newspapers called *La Grand Paix de Montréal* Canada's first multicultural gathering. They wrote about how different cultures had met to work out a creative solution to their problems.

Thinking *It Through*

Why do you think it is important for Canadians to remember *La Grande Paix de Montréal*?

SKILL POWER

Using a Comparison Organizer

Comparison organizers are useful for comparing people, things, or historical events. A comparison organizer can help you see the similarities and differences in the two things you are comparing. A chart is one kind of comparison organizer.

You can use a comparison organizer to help you answer an inquiry question such as: In what ways did *La Grande Paix de Montréal* and the *Royal Proclamation of 1763* support the rights of First Nations?

Treaty	Collective Rights	Territorial Rights	Democratic Principles
La Grande Paix de Montréal			
Royal Proclamation of 1763			

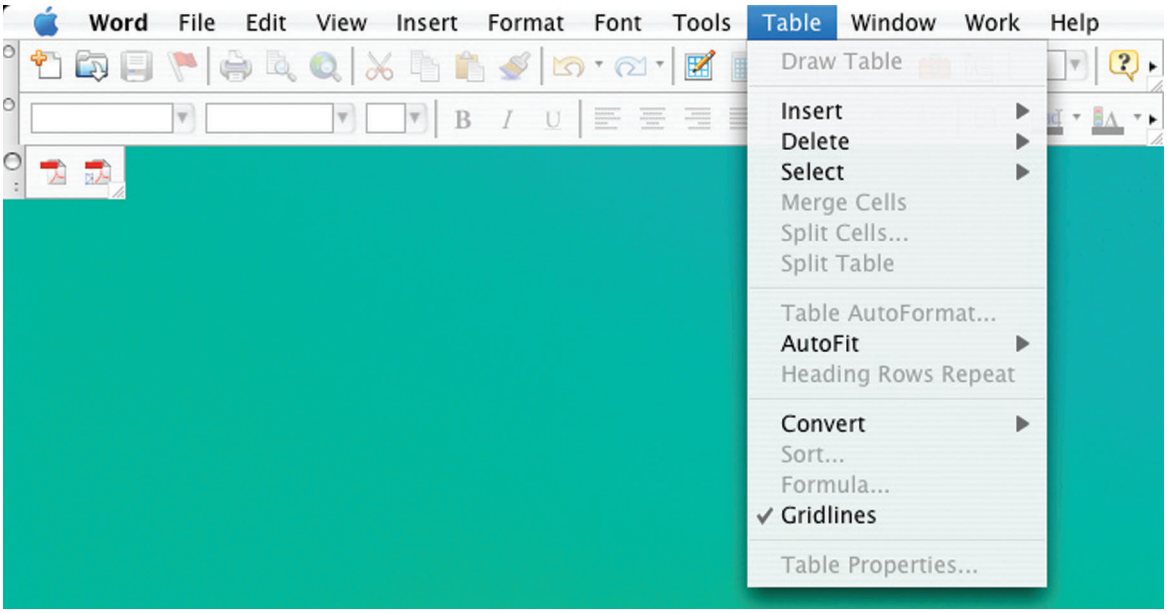
Making the Comparison

1. The two items that you want to compare need to be in separate rows on the organizer. Here you are comparing two treaties.
2. The criteria or categories that you will use to compare the two items go at the top of the columns in the organizer. Here the criteria are collective rights, territorial rights, and democratic principles.
3. Go through the list of principles and beliefs supporting *La Grand Paix de Montréal* on the previous page and the list summarizing the terms of the *Royal Proclamation of 1763* on page 172. Think about how you can organize this information under the categories on the chart.
4. Once you have filled in the organizer, go back to your inquiry question above. Consider: Were First Nations' rights taken into account in the treaties?

Practise the Skill

It is quick and easy to make a comparison organizer using the word processing program on your computer.

1. Open a document in your word processing program. Then look at the toolbar at the top of the screen. You will find a function labelled "Table." Click on it.
2. When the drop-down menu appears, move your cursor to "Insert." "Table" will appear on the next menu. Click on it.



3. An "Insert Table" window will appear. Fill in the number of rows and the number of columns that you need for your comparison organizer. For example, to make the organizer on the opposite page, you would indicate 4 columns and 3 rows. Remember that you need a column for the items you are comparing and a row for the headings on your organizer.
4. Once you have filled in the numbers click on OK at the bottom of the window.
5. A blank organizer will appear on your document. Now you can fill in the headings on your organizer. Type these in using boldface type. To move from one column to the next simply hit your tab key. To move down the rows, you can use your mouse or the down arrow on your keyboard.
6. Now you are ready to fill in the boxes on your organizer. Use regular type for your text. As you work, you may find that you need to add or delete columns or rows. Go back to the Table function and use Insert or Delete to do this.

You can use a comparison organizer as part of a PowerPoint presentation.

What Effect Have Collective Rights Had on Inuit?

Inuit governed their territories for thousands of years before Europeans came to North America. As Inuit leader Paul Okalik said in 2001, "Prior to European arrival, my ancestors were free to govern their own lives and manage their land and resources according to their needs and customs."

By the 1970s, Inuit no longer had much say. They lived in the Northwest Territories and northern Québec and Labrador, but the governments that controlled their affairs were thousands of kilometres away. The federal government did not understand Inuit customs or traditions. It even moved people into settlements far from their traditional lands. Inuit thought this situation was unfair. They wanted the right to decide once again what was best for them.

Inuit began land claims negotations with the federal government. In 1982, there was a **plebiscite** in the Northwest Territories to decide whether the territory should be divided in two. A majority of the residents voted in favour. After further negotiations, the *Nunavut Land Claim Agreement* was signed in 1993 creating Nunavut. In 1995, the capital, Iqaluit, was chosen through another plebiscite. In 1999, the first territorial government of Nunavut was elected.

Nunavut

Nunavut means "our land" in Inuktitut, the Inuit language. The people who live in Nunavut are called *Nunavummiut.*

More About. . .

Government in Nunavut

A Commissioner appointed by the federal government takes on the role played by the Lieuenant-Governor in provincial governments. The government in Nunavut is based on Inuit traditions. There are no political parties and members are elected individually. The premier is a member of the Legislative Assembly, elected to the position by the Legislative Assembly. Members of the government work cooperatively to solve problems.

words matter!

A **plebiscite** is similar to a referendum in that people vote directly on a decision that affects them.

Thinking *It Through*

Why do you think direct democracy was used to make decisions in the founding of Nunavut?

MAKING A DIFFERENCE

Paul Okalik, Inuit Leader

Paul Okalik, the first premier of Nunavut

Paul Okalik was one of the people who worked to create Nunavut. In his youth, he learned from his Elders that understanding his own culture and traditions would help him find his way in life. As a young man, he decided that the best way to help his people would be to enter politics and work for the rights of his people. He believed that it was time for his people to regain this freedom.

In 1985, Paul Okalik joined a team of people who represented Inuit in the Nunavut negotiations. Not only did they have to deal with the federal government, they also had to work with the government of Northwest Territories in Yellowknife to decide on the boundary for the new territory they wanted to create. There were many points of view to consider and many details to work out.

In 1999, the 19 newly elected members of the first Nunavut legislature chose Paul Okalik to be Nunavut's first premier. Premier Okalik was only 34 years old, the youngest premier in Canada.

Ceremonies to open Nunavut's new Legislative Assembly took place in Iqaluit, the territory's capital. Why do you think young people were invited to take part?

Okalik recognizes that there are many challenges to making Nunavut serve its people well. He believes in looking to the past to help work for a better future. He says, "We have committed to incorporating Inuit Qaujimajatuqangit—Inuit knowledge, philosophy, language, and culture—into government operations and policies. We believe this is a key to enhancing the identity, pride, and self-esteem of Nunavummiut."

Over to You

How is the creation of Nunavut an example of collective rights in action?

Explore More!

Inquiring Minds

1. b. Look back through this chapter and create a web around the question "How does the *Canadian Charter of Rights and Freedoms* make society fair?" Include key words, ideas, or images that answer this question.

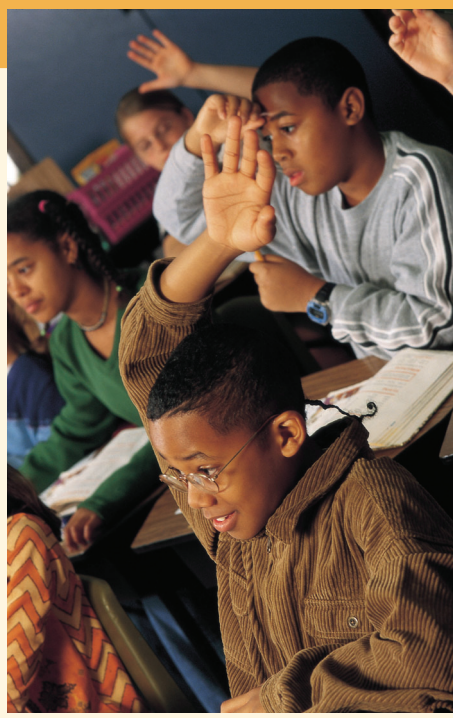
   b. "We all benefit as Canadians when the rights and freedoms of minorities are protected." Why do you think this statement is true? Make a list of things that could happen if minority rights were not protected.

2. Copy the following chart into your notebook and complete it by comparing the Charter and the Great Peace in each category.

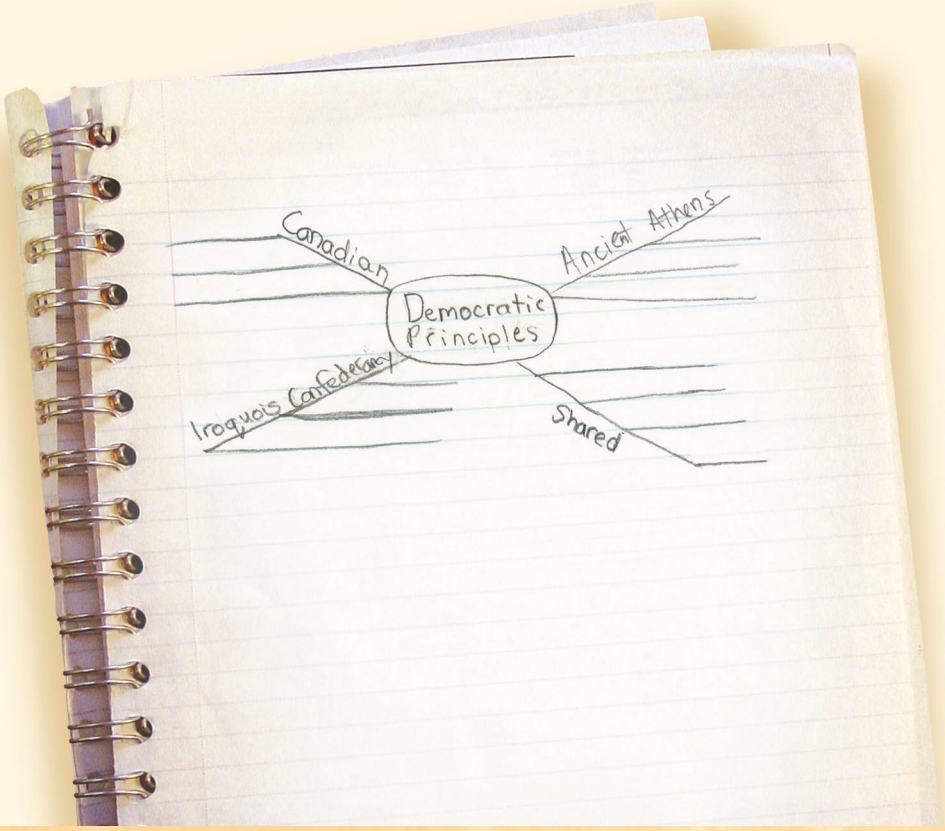
	Charter	Great Peace
Pays attention to individuals		
Respects groups		
Respects traditions		
Respects land rights		

3. On November 18, 2001, Gurbaj Singh Multani, a 12-year-old student, dropped a kirpan, a ceremonial dagger, in his Québec schoolyard. He wore it as a religious symbol, but some people saw it as a dangerous weapon. Work with a group to do research on this case, which was eventually heard by the Supreme Court of Canada. Prepare a dramatization, newspaper story, or PowerPoint presentation to present your results.

Your Turn



In this chapter, you have read about people who stood up for fairness and equality. Select one of them and write a short speech that you would give if you were presenting this person with an award entitled "Making Canada a Fair Country." Your speech should tell why you think the person deserves the award and how he or she has helped make Canada a better place to live.

Democracy in Action Journal

So far this year, you have learned about three different democracies: the one we enjoy as Canadians; democracy as practised by the ancient Athenians; and the democratic ideals reflected within the Iroquois Confederacy. Make a spider diagram in your journal and write down as many democratic principles as you can for each. How many principles do they all share?