

## NATION-BUILDING AS PROCESS

### *Reflections of a Nihiyow [Cree]*

Harold Cardinal

AFTER LISTENING to the presentations all day long, I feel almost as if I were at one of those really fine, classy restaurants facing a large and diverse buffet, and not quite knowing what to pick from. Rather than deciding what topic from these presentations to comment on, I'll comment instead on matters that weren't discussed at length. First, I wanted to express my appreciation for the invitation to participate. I particularly enjoyed our American guest's [Patricia Seed's] presentation because I think there are a number of areas where that presentation, as well as the others, are relevant to what is happening in Indian country today.<sup>1</sup>

I have, for the last twenty years or so, been engaged as a full-time student, studying, on the one hand, under the direction and guidance of traditional teachers from Cree and other First Nations and, on the other, more recently, at various universities. My studies have focussed in part on trying to discover the points at which there might be convergences between the knowledge systems of the Cree people and other First Nations and the knowledge systems found in Western educational institutions.

We need to recognize that the colonizing experience has been pervasive and extensive throughout both the Aboriginal community and the white community.<sup>2</sup> One of the things I found informative in Patricia Seed's talk is that, from an intellectual point of view, perhaps some of us in the First Nations communities make the conceptual mistake, when we use the term "white man," of assuming that we are dealing with a uniform whiteness or sameness when discussing the "white community." As is sometimes the case when First Nation communities are described, there is the tendency to ascribe a uniform sameness to them without acknowledgement of their diverse linguistic, cultural, or traditional differences.

The consequence is often that not enough attention is given to the differences existing in the intellectual or traditional histories of both white peoples and First Nations.

I was also interested in the distinction our American guest made between the conception of human rights as an individual rights paradigm contrasted to the other more collective formulations of the human rights paradigm. I say this, making more of a mental note to myself in terms of where we have to go in forging a different direction for the future of First Nations peoples. First Nations peoples today are being required to step back and assess what has been happening across the country and within our communities. In our assessment process, some of us are beginning to realize how much we have internalized or adopted, as First Nations or Aboriginal peoples, the colonial mindset of government bureaucrats, policy makers, and law makers. This statement is not intended to be value-laden or a diatribe against Euro-colonialism. Rather, my statement is made in an effort to recognize the scope and complexity of the task our peoples are facing in their nation-building undertakings today. This task requires that we look at ourselves not only as individuals but as members of the communities from which we originate, and that we understand clearly, honestly, and accurately what is happening in and to our communities.

One of the initial challenges in the nation-building exercise is the need for a careful analysis of the many issues underlying the question of identity. I only have time here to outline some matters that need urgent attention and resolution, though we need to return at another time to review the issues in more detail. In dealing with the question of identity, Cree Elders pose the following question to their young people: "*Awina maga kee anow.*" In translation this says, "Who is it that we really are?" The Elders pose this question in their own language and context in a way that resonates in a broader environment.

Colonization is not an experience unique to the Cree or other First Nations. It is an experience we share with other Canadians and with other peoples throughout the world. In this context, the term "colonization" is intended to be descriptive rather than definitive. It is descriptive in the sense that it describes a historical reality in Canada and other parts of the world. That reality is simply this: European nations sent their peoples to different parts of the world where they established colonies. Through these colonies, European nations occupied and assumed control over territories and peoples of those lands. In 1867, Great Britain reorganized its European colonies located in Canada under one government. That reorganization was effected in 1867 with the passage of the British North

America Act in the British Parliament. Though it gave some governance rights to its colonies, Britain retained continuing control of its British colony. Canada did not receive its full and complete independence as a nation-state until the patriation of the British North America Act in 1982. Hence, for Aboriginal and non-Aboriginal peoples, the process of decolonization and nation-building is a continuing one in Canada.

Other nations throughout the world are still in the process of nation-building. We see this in a contemporary context in countries like post-apartheid South Africa or the new nations that emerged after the breakup of the Soviet Union or in the struggle of Palestinians to create their own state. Even in nations, like Israel, that achieved independence in the mid-1950s, we see a continuing process of giving secular states a meaning related to identity. There, the Israeli Supreme Court had to consider the question of "Who is a Jew?" Here in Canada, I would dare say that Canadians, in different regions of the country, are still trying to formulate an answer or answers to the question of "what is a Canadian?" or "who is it that 'Canadians' really are?" In that sense, the questions other peoples ask themselves are not that different from that posed by Cree Elders to their young people. For Aboriginal persons, the question of identity is made more complicated and difficult by the particular historical treatment to which First Nations peoples were subjected in Canada. Today, these questions signal a particular phase of decolonization. As such, it is becoming clear to more and more Aboriginal persons that the answers must be found within and among the people who constitute the particular nation. Legitimate answers can no longer be provided by some omnipotent power located in foreign jurisdictions outside the context of the particular peoples concerned.

In Canada, Europeans arrogated unto themselves the power and authority to determine and define who was and was not a Cree person or who was or was not a member of a First Nation.<sup>3</sup> The identities of Cree and other First Nations peoples were to be determined by a legal construct. That legal construct began with a legal presumption that Crees and other First Nations peoples were primitive, savage, and heathen, and hence not possessing the capacity to be recognized as persons under the laws of the country. Public policy was predicated on the assumption that public good would best be advanced by removing Crees and other First Nations peoples from their "wilderness habitations" and relocating them to places where they could be "isolated from their past" and protected from "contamination," from the influence of premature contact with "civilization." They were to be "civilized and Christianized" in a carefully controlled and legally secured environment. These places were conceived as "half-way

house" laboratories in which Crees and other First Nations peoples were to be sanitized, civilized, and Christianized. The goal of Canadian public policy and law was that once the Crees and other First Nations peoples completed the transformative process, they were to emerge into Canadian society, free from their wild and primitive past, inculcated with a sense of self-shame so strongly embedded that they would never again yearn for or seek to be associated with their former "savage" identities.

This legal construct became entrenched in Canadian law and public policy in determining who an "Indian" was and who had a legal right to be a member of the group known as "Indians." By arrogating these powers unto themselves, Europeans sought to possess the exclusive power to determine who was and was not an Indian; who was entitled to inhabit Indian communities; and who could or could not be entitled to receive state services and recognition. The labels that Europeans adopted for the Cree and other First Nations, such as "heathens," "savages," or "rude and primitive men," reflected a particular time and era of European history when the world and its inhabitants were divided into those who were "civilized" and those who were not, those who were Christian and those who were not. There is no clearer description of the European mandate to civilize, Christianize, and dominate others than that expressed by Judge Boyd in the *St. Catherine's Milling and Lumber Case* of 1885. In that case, Boyd described the Indians of Ontario and Western Canada as "rude and primitive men" who needed to be civilized and through civilization transformed into "productive members of civilized societies."<sup>4</sup>

Though decolonization requires the deconstruction of these racist colonial paradigms, we are confronted with the effects and consequence of a centuries-old, carefully constructed, state-sponsored system designed to transform the minds and souls of all First Nations persons in Canada. For decades upon decades it was the only system imposed and enforced upon the First Nations peoples. This became for many the only reality known by successive generations, and it was this reality that pervasively informed all thoughts respecting the question of collective identity and individual self-identity. Those who sought to maintain their tribal languages, customs, cultures, or connections became the objects of state-inspired and -encouraged ostracism. Those who sought to maintain and strengthen their original identity became, over time, the minority who were characterized as the small, backward remnants of a radical minority, yearning to return to a distant past to which they could never return.

Canadian laws were enacted to enforce this paradigm. Successive generations of First Nations children were removed from their families and communities and taken to places where they could be isolated from the

world so that those who sought to re-frame and transform their minds and souls could do so in complete and unabridged freedom. Laws mandated the separation of families from one another and authorized the forced removal of whole families from their communities. These same laws made it illegal for those removed to return to live in their communities of origin. These laws became the only basis for determining who could be considered an Indian and who had or did not have the right to live with and among the Indians.

This history of state labelling has had a pervasive effect on First Nations people collectively and individually. They were forced by the laws of Canada, decade after decade, to accept the removal of their brothers, sisters, sons, and daughters from their communities without any recourse. Over a long period of time, for an increasing number of First Nations people, this removal was the norm and the law to be followed. Such assimilationist strategies, encouraged under the Indian Act, shaped the legal standards that determined Indian identity and membership in Canada. Even after the 1985 amendments to the Indian Act, this Act still controls and limits the persons who can be recognized under its laws. We are confronted with a situation rooted in a long colonial history and legal practice where a state government possesses not only the sole right and power to label First Nations peoples with a particular identity, but also the authority to keep redefining that label to the extent that the issue of identity keeps going around in an endless circle, causing havoc, pain, and suffering in our communities. I look, for example, at the state power exercised through the Indian Act in defining who is an Indian, the number of times that definition has changed, the consequence in terms of the hundreds, thousands of people who were one day considered Indian under the laws of the country and then, the next day, considered non-Indian by those same laws without anything having changed except a legal definition. And then I see the internal division and strife that results from those changes. It is a strife that rips apart families in Indian country.

The most recent manifestation is found in the Bill C-<sup>4</sup>i debate across the country. One finds thousands of individuals who have gained or regained state recognition of their status through the provisions of the Indian Act. Yet many of these individuals continue to find themselves at the outskirts of their communities of origin. Persons in their communities are saying, "We don't want you back." An increasing number of these excluded individuals are finding themselves in a legal twilight zone; while they have achieved legal recognition, they are discovering that it remains, in substance, a fraudulent mirage. They have succeeded in acquiring a legal label, but it is one to which few if any rights or benefits flow. It is one

that does not allow them to become members of a community nor entitle them to the benefits that flow to those members of the community. This mirage is costly, particularly for the many previously recognized as Metis. Many individuals who had assumed the identity of Metis and gained acceptance in that community are finding that success in achieving legal recognition as a status Indian is accompanied by the cost of affiliation with the Metis. The Metis are saying, "If you are Indian, you cannot be a Metis." Hence, they lose whatever rights they may have attained as a result of their past or continuing affiliation with Metis communities. Of increasing concern to a growing number of persons is the fact that in Alberta, within the Metis Settlements, persons who had long been accepted as members of the Settlement communities are finding that the price they pay for recognition under the Indian Act is the cost of being stripped of their membership in the Metis Settlements. In some instances, persons in their late 80s and early 90s who founded and developed these Settlements are finding themselves and their families stripped of any land rights they may have acquired, in addition to the loss of any right to benefits or services to which their settlement membership formerly entitled them.<sup>5</sup> In short, they find themselves unable to enjoy the benefits of either Metis status or Indian status. This is one more aspect of the Bill C-31 question. As a result, we are seeing more communities in turmoil, division, anger, resentment, pain, and a whole lot of suffering. Where many assumed that the guarantees provided in the Charter of Rights and Freedoms in Canada would resolve and remove the inequities of discrimination, experience is instead showing that, for many Aboriginal peoples, legislation passed by both Canada and Alberta is responsible for increasing the inequities and contributing to an increasingly destructive, divisive strife within many Aboriginal communities.

There is some attempt to characterize the situation as one that arises because of a conflict between "collective" and "individual" rights. It is not at all clear that this is the case. Where an Aboriginal or treaty right has been breached or taken away by and with the authority of the Crown, the Crown has an obligation to restore that right to the individuals so deprived and it has a duty of restitution to those persons. The Crown should not be relieved of its responsibilities, nor should it be allowed to benefit illicitly from a mis-characterization of the problem for redressing the injury and providing restitution for the damages and suffering that have been and continue to be caused in its name.

Adding to our growing confusion and anger, we are beginning to see a systematic, organized, and coordinated attempt to discourage any restitution on the notion that it would represent acknowledgement of "race-

based" rights, an approach rooted in an attempt to limit the notion of equality as found in the Charter of Rights and Freedoms. The Canadian Supreme Court rejected the attempt to limit the notion of "equality" in the manner now increasingly suggested by so-called theoreticians of the far right. The general approach taken seems to say that the rights of Aboriginal peoples should not be recognized because such recognition is contrary to the notion of "equality." The concept of "equality" is protected under Section 15(1) of the Charter of Rights and Freedoms: "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." It was generally believed that such protection would empower and protect those who had been excluded or discriminated against in the past. That general purpose of the Charter provision was recognized in the early Charter cases heard by the Supreme Court of Canada and dealt with as a way in which remedies might be provided to those so excluded or discriminated against.

Aboriginal peoples first ran into the "reverse discrimination" argument in the mid-60s, prior to the enactment of the Charter of Rights and Freedoms. This approach seemed at the time to be an attempt to restrict, or, perhaps more accurately, bastardize the notion of equality as popularized by the American Civil Rights movement. We saw in the Civil Rights movement a way in which redress could be found for people discriminated against, who were being made to suffer, who were being deprived of their rights, whatever those rights were. We saw a country that was able to recognize, despite its laws and social practices, that discrimination was wrong and illegal. We saw, for the first time in our lives and in the lifetime of our parents, an example of how the concept of legal and political equality could be used as the basis upon which injustice was redressed. That debate resonated here in Canada, particularly for Aboriginal peoples, who were experiencing in the late 1960s a political reawakening.

The notion of using equality to argue for the recognition of fundamental human rights for Aboriginal people got turned on its head by the Canadian government in 1969. It decided to test a new and different notion of equality, which in essence argued that if everyone is to be recognized as equal, there should be no special status and no recognition of First Nations or Aboriginal rights in this country. It took a massive effort to stop this proposal, articulated in the so-called white paper of 1969. But that theme has recently been resurrected in Canada despite the fact that Aboriginal and treaty rights were expressly affirmed and recognized in the Canadian Constitution in 1982. The Canadian Constitution recognized both the col-

lective and individual rights of Aboriginal peoples as an integral part of its conceptual framework underlying the notion of equality.<sup>7</sup>

The notion of equality as one restricted to a narrow, individual rights-based conception was purposely rejected in the way Section 15 of the Canadian Constitution was formulated. Here the political leadership appears to have attempted to extend constitutional protection by balancing the notion of collective rights and individual rights. Section 25 was introduced at the insistence of Aboriginal peoples, who sought to ensure that the notions of individual rights as recognized and protected in the Charter did not override treaty and Aboriginal rights. In some respects, we are just seeing the preliminary attempts by Canadian courts to find that balance. The wrongful acts of the Canadian nation-state, which aggressively sought to dismember First Nations and to deprive them of their fundamental rights and freedoms, cannot be allowed to use the ongoing judicial consideration of balancing collective and individual rights as a cover to avoid discharging Crown constitutional obligations. These were deliberate acts undertaken on behalf of the Crown and responsibility for equitably and fairly redressing past wrongs is neither removed or absolved by the Charter of Rights and Freedoms, nor by any terms of the Canadian Constitution.

In addition to ensuring that the Crown discharge its legal obligations and duties, Aboriginal peoples are confronted with the enormous task of nation-building or reconstruction. A large part of that effort requires that First Nations reconnect with the healing and reconciliation capabilities which are rooted in their spiritual traditions. Aboriginal peoples must recognize that the answer must be found within the cultural and traditional milieus. An increasing number of Aboriginal peoples have successfully entered the academic community and are beginning a process of connecting with Aboriginal Elders. That connection is integral to what in an academic context is called the process of deconstruction. It is a process by which Euro/Anglo and Canadian/American concepts, terms, and words are translated into an Aboriginal language and then, with the assistance of Elders, compared and analyzed. It is a challenge many Elders have welcomed and responded to with enthusiasm. It is a task well-suited to Elders for, at a conceptual level, many yearn to be involved and have the knowledge and capacity to be engaged in such a dialogue. Through this process, we try to examine the essence of the concept, and then see how it plays in our language and cultural contexts.

The deconstruction process is an essential component of our nation-building exercise. For me, this is probably one of the most rewarding kinds of exercises. I had to go through an extensive period of time training

in my own language and traditions to be able to engage in that process and to identify where the comparative points are. I think that's the other thing that I find really valuable about the presentation that was made by our guest speaker. Because it seems to me that as an intellectual exercise, as an academic exercise, as a thinking exercise, we need to be able to construct a theoretical comparative framework to link the knowledge systems that are there between the First Nations and the western nations. Part of the problem in the past has been that attempts at comparative analysis have been really misguided. Past comparative exercises have been limited to attempts to find one word or one term in the English language and compare that with a corresponding term in a First Nations language. What you get from that kind of exercise is an almost total distortion of meaning, with the end result that one is unable to recognize what is being discussed. And at the end of the day you end up with an interpretation or understanding that seems to confirm the white man's worst fear of the Indian of having no conceptual capacity or understanding. Part of the problem was the fact that people who attempted such a discourse did not understand enough about the First Nations languages, traditions, and contexts that gave meaning. This is evident, for example, in many early First Nations dictionaries developed by missionaries.

What I find working with our Elders is that the Cree language and other First Nations languages organize their teachings in the form of doctrines and speak to principles. When I was active in the political community and we were going to Ottawa to make presentations to the federal government and we had our advisors and consultants and writers and they put before us stacks of paper this high for our presentation, the Elders would kind of laugh at us and tweak us at the nose and say, "How come you need so much paper to say that when all we need is a small phrase to say the same thing?" What we didn't understand then is that many of the words and phrases in our languages are really statements of general principles or doctrinal statements. The expectation was that one would look at a concept and then spend time to identify all of its subset concepts and principles. The approach inherent in this way of examining matters is not really a quaint practice unique to First Nations. The same approach is found in the study of law. The tort principle, for example, that you have a responsibility to your neighbour, stated as a doctrine of law, is a very short legal phrase, but from there you have the whole body of tort law which has evolved to apply to many different contexts. The Cree language operates in the same way.

I began my studies in the oral traditions of our people after I had grown up in the residential school system, gone through high school,

and begun university. My thinking at that point had been programmed by the educational system as it then was. The Elders were concerned when I began to speak in the public forum as a political representative in this province [Alberta] that I was speaking and thinking too much like a white man. They brought me under their wing to begin teaching me and to help me begin a different process of learning. This process of learning has been ongoing for many years. At the onset of my learning experience, they said to me: Our ways are so rich. We have so much in terms of knowledge, ceremony, and process. If you are now coming home trying to find yourself and locate yourself in our conceptual world, you have to have a theoretical framework; you have to know how you measure, how you judge what you see, how you assign values, how you determine what is right, what is wrong. If you don't have that conceptual framework, the problem that you will run into is what in white language is called the "rule of man," where every man makes up his own rule, and it changes with every individual that comes along, so you're forever walking around in circles, not knowing where the hell you're coming from or where you're going. To avoid that, they said, you have to become familiar with our conceptual and theoretical framework. That was thirty years ago, and it wasn't until I was doing my graduate studies and looking at the theoretical perspectives that accompany the study of law that I got a sense of what the Elders were talking about. You can study law, and other disciplines, and go through school for four years, without being able to pull all of the component parts together, unless you are aware of a theoretical framework or perspective to apply.

In terms of our nation-building exercise, this is really our challenge today. I welcomed Sharon Venne's earlier presentation and in some ways wish I was starting law school again so I could take her class at the University of Saskatchewan. The approach she discussed represents a different paradigm from our current legal framework and the academic disciplines in this country. We need to generate a new or different analytical paradigm, not because you want to tickle someone's intellectual curiosity, but because we need to find new answers and solutions to some growing, serious problems in our communities, and in our relationships with non-Aboriginal peoples.

When we talk about treaty, for example, from a Cree perspective, we are talking about a fundamental Cree doctrine of law called *Wa-koo-towin*, the laws governing relationships. These laws establish the principles that govern the conduct and behaviour of individuals within their family environment, within their communities, and with others outside their communities. *Wa-koo-towin* provided the framework within which the treaty

relationships with the Europeans were to function. It is one of the most comprehensive doctrines of law among the Cree people and contains a whole myriad of subsets of laws defining the individual and collective relationships of Cree people.

We have to be able to understand where the doctrine of *Wa-koo-towin* comes from and what role it played in the treaty-making exercise. Because when our Elders lifted the pipe, when our Elders used the sweet grass, when our Elders used the ceremonies to go into a treaty-making session, they weren't putting on an anthropological show to impress Europeans newly arriving into their territory. They were doing that for a very specific reason. That was their way of moving, their way of giving life, their way of giving physical expression to the doctrine of *Wa-koo-towin*, the kind of relationship that they were under an obligation to extend to and enter into with other peoples. As Sharon mentioned, that was a practice that our peoples had for eons of time, in terms of establishing relationships with each other, with other nations. And the mutual undertaking of a relationship between the Europeans and our people, the story of that, the knowledge of that, the details of that are contained in the doctrines that the sweet grass symbolizes, that the pipe symbolizes. And our Elders tell us: If you want to understand our treaties, from our perspective, that's where you have to go to seek that knowledge. And when you have that knowledge, that will give you the definition and the description of this particular event.

What we have to do, I suppose, in putting these various concepts together, is to be able to begin placing on one side the doctrines, the philosophies, the conceptual information, to see to what extent that resonates with our own cultural framework, our own take on what those concepts are. Because whatever concepts you find in international law, in the international community, or in the Western academic community, we have parallel extensive doctrines or concepts. The notion of human rights is not something new to our teachings; it's an integral part of our way of life as a people, rooted in what Sharon referred to as a concept of the relationship between our people and our Creator. That's where those concepts originate. What we now have to be able to do is to sit down with our Elders and look at the whole doctrine of human rights—I thought initially from the English perspective, but after listening to Patricia Seed's talk, we're going to have to bring in the Iberian perspective as well—because in many ways the decolonising experience that we're going through in this country is an experience shared by peoples throughout the world. It isn't something unique to us as First Nations people. So we have to be able, like the Islamic people, or the Jews, or any other non-European

nation, to look at these concepts, to see in a global framework how the various components match our own thinking, and then make them part of the institution-building that we have to be involved in as First Nation people. We have to be able to give shape, substance, and form to the governmental institutions that our people must now develop because the Canadian Constitution acknowledges our inherent sovereign rights as nations. We must also recognize that the colonial structures now in place, as denned by the Indian Act, are not structures that originate from our own people. We have to deconstruct those institutions and begin a process of reconstructing.

In a recent meeting of Elders and First Nations scholars here in Edmonton, one of the Elders raised the need to bring the hereditary system back as a system of government. The collective response of the First Nations scholars was kind of, "Oh no, not that again, it's outdated!" But when you look at that notion, both Britain and Canada have one of the oldest hereditary systems of government in the world. The concept of the Queen as the sovereign symbol of British-Canadian nations is rooted in the person of the royal occupant who isn't elected but rather is born into that position. That hereditary system of government is in place because there is a certain amount of conceptual stability associated with that form of governance. It may be that we have to revisit the concept of hereditary governance from a First Nation perspective to determine whether or not contemporary democratic institutions can be created in a manner that respects both traditional values and contemporary democratic requirements. What we need to find is a way of creating institutions that have stability, cohesion, and relevance. What the Elders speak about is really the wish of any organized nation or society: a governance system and institutions that reflect our own values and traditions.

The analytic or conceptual approach I have described is integral to our process of nation building. It is also a necessary component of the healing and reconciliation process that needs to happen in Indian country if we are meaningfully to address issues dealing with identity and finding solutions to repair the damage and injury wrought upon and suffered by too many individuals. I really appreciated the opportunity to listen in to the conversations and presentations made today because I usually judge the value of a meeting by how much I learn from it, rather than hearing the same old stuff all over again, perhaps repeated in different fashions. With all of the presentations I really learned a lot, and I again thank the organizers for the opportunity and privilege of learning with you today.

## NOTES

- 1 Editor's note: Dr. Cardinal revised the text of his talk on three occasions before his illness prevented him from further work. Beyond correcting a few minor typos and incorrect bibliographic references, I haven't altered this version since it represents the last sense he gave me before passing of how he wanted his original talk to appear in print. For more information on the editing process, see the Introduction.
- 2 I use the term "white community" in the way the Supreme Court of Canada has approached the term "word of the white man." In R. u. Sioui (1990), the Supreme Court of Canada stated that the term "treaty" was not a term of art, but a formal word identifying agreements in which the "word of the white man" is given by European/ Canadian representatives to make certain of the "Indians' co-operation" (S.C.R. 1025, para. 44). I use the term "white community" as a term of art to describe Anglo/American and French/Canadian approaches to First Nations peoples.
- 3 According to the Indian Act R.S.C. 1985 c. 1-5 s. 2(1), an "Indian" is a person who is "pursuant to this Act and is registered as an Indian or is entitled to be registered as an Indian."
- 4 See St. Catherine's Milling and Lumber Co. u. The Queen (1888).
- 5 According to the Metis Settlement Act R.S.A 2000, CM-14 s. 90(1), "a settlement member terminates membership in a settlement if (a) the person voluntarily becomes registered as an Indian under the Indian Act (Canada)."
- 6 See, for exam pie, Andrews u. Lau; Society of British Columbia (1989) 1. S.C.R. 143. Since then, the Supreme Court has heard many cases dealing with varying aspects of s.15(1), giving rise to continuing concerns by many.
- 7 See the Charter of Rights and Freedoms, s. 15(1); Sections 35 and 25.