Cultural Relativism or Multicultural Appropriation?: Discovering Linguistic Appropriation of Indigenous Histories

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ABSTRACT

Cultural relativism is the principle mandating members of a culture to be judged against principles of their own culture instead of the cultural principles of other groups (Kehily, 170). Cultural relativism assumes that some cultural characteristics or beliefs are naturally occurring in certain ethnic groups (Anderson 16). In theory the cultural relativist position should be neutral and therefore exhibit an inclusive character that acknowledges ethnic differences (Li 152). However, the cultural relativist stance is also used to define ethnic groups in false ways based on practices and conditions that are socially constructed and therefore not innate. Although the cultural relativist position has the potential to inspire tolerance it can also be an oppressive exercise when used by the Canadian state to define ethnic communities. I argue that the appropriation of cultural relativist theory is used to support Canada’s official policy of multiculturalism, which manages Indigenous People’s identity through the use of coercive language in public documents.

Keywords: Multiculturalism, Cultural Relativism, Indigenous, Law
Cultural relativism is the principle mandating members of a culture to be judged against principles of their own culture instead of the cultural principles of other groups (Kehily, 170). Cultural relativism assumes that some cultural characteristics or beliefs are naturally occurring in certain ethnic groups (Anderson 16). In theory the cultural relativist position should be neutral and therefore exhibit an inclusive character that acknowledges ethnic differences (Li 152). However, the cultural relativist stance is also used to define ethnic groups in false ways based on practices and conditions that are socially constructed and therefore not innate. Although the cultural relativist position has the potential to inspire tolerance, it can also be an oppressive exercise when used by the Canadian state to define ethnic communities.

I argue that the appropriation of cultural relativist theory is used to support Canada’s official policy of multiculturalism, which manages Indigenous People’s identity through the use of coercive language in public documents. Multiculturalist policy, as justified by Canadian appropriated cultural relativism, shapes Indigenous People’s identity through coercive language used in the Canadian Citizenship and Immigration Guide and the Canadian Multiculturalism Act.

Coercive language for the purpose of this paper will be identified as language of a persuasive character used to advance a particular set of values. A critical view of the cultural relativist position will be outlined with reference to the works of Li and Anderson to demonstrate how cultural relativism is a subjective theory that can be appropriated. The ways in which the Canadian State uses cultural relativism will be outlined. The outline will serve the purpose of forming a basic understanding of how cultural relativist theory inspires and justifies multiculturalism in Canada. Finally, the use of coercive language will be highlighted in the Citizenship and Immigration Guide and the Canadian Multiculturalism Act. Coercive language in the documents will show the application of Canadian cultural relativist theory justifying the use of multiculturalist attitudes to manage Indigenous identities.

Cultural Relativism’s Origins

Cultural relativist theory in its first stages was a response to European ethnocentrism by Franz Boas (Kehily, 170). The theory states that cultures are equivalent value wise and therefore no culture is more or less legitimate than another (Kehily, 170). Scholars Anderson and Li provide an analysis of the cultural relativist position. Anderson focuses on the historic reality of the cultural relativist position in her text on the Racial Discourse of Chinatown, while Li focuses on both the history, and contemporary cultural relativism. Li defines normative cultural relativism as homogenous, innate, and a tradition that should judge a culture against its own laws (153). Li mentions that there has been a departure from normative cultural relativism to contemporary cultural relativism that understands culture as a malleable (153). Both authors agree that, historically, cultural relativism may have started out with good intentions but has been appropriated by the European essentialism it was trying to combat (Li 153). The movement was started by Europeans and the doctrine was largely ambiguous which made it easier for a person or state to use the definition in their favour (Kehily, 170). The Canadian state, with a European colonial framework, exhibits the foundation to appropriate the definition of cultural relativism. In discussing the growing discourse of cultural relativism, Anderson suggests the definition includes “soft determinism” where room for “non-whites” occurred especially when racial discourses were added to the scope of cultural relativism (183).
For instance, it is well recorded that cultural relativism was understood by Europeans in a limited sense as only understanding cultural difference in relation to other European cultures (Anderson 217). Therefore these cultures did not understand cultural relativism as a response to Eurocentrism. However, when new ways to judge culture surfaced such as “biological essentialism”, cultural relativism was broadened to acknowledge non-white culture, and more specifically, Aboriginal culture into the scope of the cultural relativist theory (Anderson 217). Li carries on Anderson’s train of thought through his assertion that common misunderstandings (such as biological essentialism) provide ammunition to perpetuate false interpretations of culture using the cultural relativist stance (151). Li claims that there should be a distinction drawn between a historical and a contemporary view of cultural relativism (154). Li concludes that culture is fluid and a working definition, so the cultural relativist stance is tenuous when understood in its normative form (153). Canada specifically does deviate from Li’s definition of normative cultural relativism.

Normative Cultural Relativism & Canada

Normative cultural relativism is appropriated in Canada by the operation of the judicial and legal system. The current way that law operates in Canada gives the state power over how to determine behaviour through legislation, and the judiciary is given discretionary power to interpret the law. The use of control and discretion is harmful to the original definition of cultural relativism because discretion is interpreted based on legislation and not by the values of the culture being judged. In normative cultural relativist theory, it does not matter who is making the judgement about another cultural group—what matters, rather, is the criteria for judgement (160). A critic of the idea that the legal system is a front to normative cultural relativism may argue that legal judgement is not the only form of judgement. Cultures are judged on a micro level by other individuals in that cultural community. However, a point of distinction between legal judgement and other forms of judgement is that there is an enforcement of legal judgement in society by the judiciary. The law is therefore the answer to why cultural relativism is appropriated if relied on in Canadian society. For example the Charter of Rights and Freedom is a constitutional document that demonstrates through its provisions how traditional cultural relativist theory may be appropriated in Canada. For instance on the topic of multiculturalism, Section 27 states “this Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians” (Charter 27). On its face the Section 27 Charter protection shows a slight appropriation of cultural relativism as the term “multicultural heritage” is vague but nonetheless determined by Canadian legislation. A more stark appropriation of cultural relativist theory is Section 1 of the Charter which states that all rights mentioned are “subject only to such reasonable limits prescribed by law” (1). Section 1, known as the reasonable limits clause, means that if a court finds for instance that respect for multiculturalism is unreasonable in any circumstance a violation of Section 27 can be saved by Section 1 (Charter 1). Therefore Section 1 can be used unilaterally to unravel traditional cultural relativism. There are also sections of the Charter that deal specifically with Indigenous Peoples and can link the appropriation of cultural relativism and Indigenous identities.
With particular reference to Indigenous Peoples, a common counter argument is that Section 25 of the *Charter* lists Indigenous rights that are unaffected by the *Charter* and are therefore exempt from a Section 1 analysis (*Charter* 25). Critics suggest that this means Indigenous Peoples would be exempt from the Canadian appropriated version of cultural relativism that this paper argues exists. Section 25 states only that other *Charter* freedoms will not be construed to repeal any freedoms guaranteed by the Royal Proclamation or any freedoms that exist under land claims (*Charter* 25). The Royal Proclamation and land claims deal strictly with issues of territory and settlement, therefore serving a limited view to what respect for Indigenous culture and identity means (*Charter* 25a). Furthermore to address Section 25’s limited scope, other sections of the *Charter* are used by Indigenous Peoples to address disrespect for Indigenous identity. For example Section 15 was used in *R v Kapp* to allow an Indigenous man to fish out of season where settlers argued his privilege status to be an equality violation towards them (*R v Kapp* 1). What is important is that for claims outside of lands claims the *Charter*, which is a medium for the appropriation of cultural relativism, is still able to manage Indigenous Peoples identity. The *Charter*, which is part of the Constitution Act, is meant to inform the public of legal policy, and ignorance of the law is not a defence to the law. Similarly, the language in the Canadian Citizenship and Immigration Guide is also meant to inform new Canadians through the use of a public document on the principles of the Canadian multiculturalist state.

**Citizenship and Immigration Guide**

The Citizenship and Immigration guide entitled “Discover Canada” is a source issued by the government to inform new Canadians about the values and histories of Canadian society (Discover Canada 6). Amendment to the Citizenship and Immigration guide occurs every few years and the guide being referenced in this paper is the 2011 version. The guide presents Canadian society as a grossly open and accepting nation that provides rights that are balanced with responsibilities of Citizenship (Discover Canada 8). In the section entitled “Rights and Responsibilities of Citizenship”, the guide explicitly states, “multiculturalism is a fundamental characteristic of Canadian heritage and identity” (8). Suggesting that multiculturalism is a fundamental part of Canadian heritage assumes that multiculturalism as a policy is not a new creation. When multiculturalist policy of the 1970’s is compared with the date of Confederation in 1867, it is evident that if multiculturalism is a part of Canadian heritage, it is part of a late heritage. There has been distention amongst scholars as to the purposes of the emphasis on multiculturalism in the Canadian Citizenship Guide. Adam Chapnick suggests that a common criticism is that the language of the Citizenship guide is controlling and constructed by a Conservative government to fundamentally alter the national image (20). Chapnick argues that the guide is politically influenced but it does not bare only a Conservative undertone (20). The first official Citizenship and Immigration guide was actually constructed under a Liberal government (20). Although Chapnick’s article absolves the current Conservative government of fundamentally defining nationality, he does concede that the guide has been shaping identity through the Canadian cultural relativism since the 1970’s (21). A way the guide explains Canadian heritage is through narrating the heritage of the three founding Peoples.
One of the three founding Peoples in the Canadian Citizenship guide is the Aboriginal Peoples. The guide, as a public educative document, therefore justifies and reserves the right to identify and define cultures included in the guide (Discover Canada 10). Ultimately, when describing indigeneity, the Canadian state moves beyond describing culture to defining culture through its coercive use of language to position the Canadian state as a progressive nation. The way in which the guide shows the progression of Canada into a multicultural nation is to combat every negative treatment of Indigenous Peoples with a positive statement of how Canada has renewed its relationship with Indigenous Peoples. For instance, the guide discusses the painful history of residential schools. The guide describes residential schools as a place where some Aboriginal Peoples attended with low funding and “some [Aboriginals] were physically abused” (10). Furthermore the guide explains residential schools as a place where “Aboriginal languages and cultural practices were mostly prohibited” (10). Scholar Kirkness describes the loss of languages as something Indigenous Peoples describe as a moral atrocity (Kirkness 93). However, the paragraph directly following the admittance of residential schools in Canada reads, “In today’s Canada, Aboriginal peoples enjoy a renewed pride and confidence, and have made significant achievements in agriculture, the environment business and the arts” (Discover Canada 10). This passage demonstrates how negative aspects in the guide are responded by positive reaffirmations of the alleged amelioration of Indigenous suffering. The positive aspect of the alleged “renewed pride and confidence” that Aboriginal Peoples face is problematic by how generalized the circumstances of all Aboriginal Peoples are portrayed to be (Discover 10). The guide therefore uses a Pan-Aboriginalist view by homogenizing the experiences of all Aboriginal Peoples to suggest that all Indigenous identities have been alleviated from the trauma of residential schools (10).

The use of Pan-Aboriginalism and studying the Canadian version of Indigenous Peoples history is problematic. Andrea Smiths’ theory on the heteronormativity of settler colonialism shows how Canadian cultural relativism is harmful to the many diverse Indigenous identities. When Canada has the power over the narrative of Indigenous Peoples, the Canadian state as a result has the jurisdiction to manipulate and further colonize Indigenous Peoples. What effectively happens with the Canadian Citizenship and Immigration Guide is that applicants for Canadian Citizenship study the guide. Smith uses the term “ethnography” in her paper to describe the study of human culture (Smith 44). Smith claims that Indigenous peoples are “ethnographically entrapped as objects to be civilized and dehumanized” (Smith 44). When the Canadian state controls how indigeneity is understood and studied, the state plays a role in ethnographically entrapping Indigenous Peoples. Ethnographic entrapment also becomes problematic when information is biased and censored by a colonial body. Similarly, ethnographic entrapment is exactly what traditional cultural relativism tried to combat. Traditional cultural relativism intended to judge culture based on the rules of that culture (Li 150). In this case, Canadian cultural relativism uses the idea of multiculturalism to emulate that there is acceptance of all cultures. However, the identity of cultures is subject to control identity-wise by the Canadian state in the public document of the Citizenship guide. Ethnographical entrapment is one of the reasons why Alfred and Corntassel are of the opinion that decolonization cannot occur within colonial institutions (Alfred and Corntassel 611). To conclude, the language in the Citizenship guide describing Aboriginal Peoples is equivalent to ethnographical entrapment.
There are several instances in which the Canadian state uses the progressive relationship argument to make general statements about Indigenous Peoples history.

Another instance in which the guide uses the progressive relationship argument is when talking about the first instance of colonial settlement. The language in the passage describing settlement onto Indigenous lands uses coercive language to assert that the violence of the colonial process did happen. However, the guide, through language, claims that without colonial encroachment Euro-Indigenous relationships and the modern Canadian state would not have happened. The use of the word “however” is used coercively to justify colonial encroachment in the passage below which states: “The arrival of European traders, missionaries, soldiers and colonists changed the native way of life forever. Large numbers of Aboriginals died of European diseases to which they lacked immunity. However, Aboriginals and Europeans formed strong economic, religious and military bonds in the first 200 years of coexistence which laid the foundations of Canada.” (Discover Canada 14)

The above passage in the guide states that people may have died but coexistence came out of these deaths and laid the foundations for Canada. Similarly coercion, through the use of language, is also demonstrated through the act of inclusion and exclusion. For example, the guide acknowledges that a large number of Aboriginals died from lack of immunity to European diseases, which are included in the body of the text (14). The language of that text is passive and does not suggest any intention to kill Native Peoples. What the guide does exclude is the fact that many Europeans gave Natives small pox blankets to intentionally infect them (Weir 1). Correspondingly, the passage regarding residential schools includes language that describes “some” children experiencing physical abuse (Discover Canada 10). There is no mention, however, of the hundreds of children who died as a result of the policies and practices of residential schools (Baron 1). Therefore when the guide, which is a government document, controls the portrayal of historical circumstances which also shapes the view of Indigenous Peoples identities today. Individuals in favour of the guide can argue that Indigenous identities should not be determined by negative circumstances in history. It is true that determining Indigenous identity through negative experiences has the potential to victimize Indigenous Peoples. However, using language that glosses over the facts of colonial encroachment, such as the manipulation of Indigenous culture, harms Indigenous identity in contemporary society. When history is censored and retold by colonial oppressors, re-victimization of Indigenous Peoples is subject to occur. Censoring and retelling history also allows the appropriation of Indigenous identity into Canadian symbols. Appropriation of Indigenous identity into a uniform Canadian identity is shown though the description of Canadian parliament. The Citizenship guide suggests, “The towers, arches, sculptures and stained glass of the Parliament Buildings embody the French, English and Aboriginal traditions” (Discover Canada 38). Therefore, language in the Citizenship guide is used to manipulate Indigenous values, language, culture, and the power to inform new Canadians about contemporary Indigenous identity. Multiculturalism as a policy, and the appropriation of normative cultural relativism, justifies the Canadian state’s ability to interpret Indigenous identity. Another public document that uses coercive language to interpret Indigenous identities is the Canadian Multiculturalism Act.
The Canadian Multiculturalism Act was given Royal Assent on July 21, 1988 and has since become an officially recognized Canadian policy. The Multiculturalism Act is comprised of nine sections outlining everything from policy to implementation. The language of the act is coercive yet hypocritical. On its face, the act claims to be sensitive to Indigenous Peoples as the Preamble states that the constitution recognizes the rights of Aboriginal Peoples in Canada (Canadian Multiculturalism Act). The Preamble is the one of two times that Aboriginal Peoples are mentioned in the Canadian Multiculturalism Act. The second reference to Aboriginal Peoples is in the definition section of the act but only for the purposes of distinguishing the limits to the functionality of multiculturalism. The Act states Canadians of all origins do not have equal opportunity to obtain employment and advancement in federal institutions such as “Indian band, band councils, or other groups that perform a governmental function in relation to and Indian band or other group of Aboriginal People” (Canadian Multiculturalism Act). The language in the first half of the act is proactive and protective over Indigenous identities. Comparing the language of the Preamble to the language of the Multiculturalism Act to the second half demonstrates a change in the tone of language that undermines emphasis on Aboriginal Peoples cultural protection.

Section 3 of the Multiculturalism Act focuses on general Multiculturalist policy. Such freedoms include equal protection under the law, in job opportunities, and a commitment to the Official Languages Act (Canadian Multiculturalism Act). Section 3(i) in particular seeks to “preserve and enhance the use of languages other than English and French, while strengthening the status and use of the official languages of Canada” (Canadian Multiculturalism Act). Section 3(i) strikes a balance between multicultural language and the official languages of Canada’s founding Peoples (Canadian Multiculturalism Act). Indigenous Nations, although founding peoples, are not included in the Official languages Act (Canadian Multiculturalism Act). The reason for the lack of inclusion of Indigenous Peoples in the Official languages Act is by virtue of the fact that colonialism worked to eradicated many Indigenous languages. Another reason is the fact that there are so many Indigenous languages, so as an administrative procedure French and English are the easiest to quantify. However, suggesting that there should be a balance stuck between multicultural languages and the official languages without acknowledging Indigenous languages is problematic. It is true that there is disagreement amongst Indigenous nations whether Indigenous communities want their sacred languages to be acknowledged, represented, or appropriated by the Canadian state. It is also true that language is a key aspect of culture uniformly amongst Indigenous nations. Kirkness, an Indigenous scholar, even notes that the majority of Aboriginal Peoples in Canada adamantly desire the protection, preservation and promotion of Indigenous language (93). Keeping Kirkness’ argument in mind, it is evident that the physical construction of the language of the Canadian Multiculturalism Act is neglectful in nature.
The language of the *Multiculturalism Act* and preamble seem neutral but controls the way in which Indigenous languages (which is connected to Indigenous identity) are regulated. The preamble allows Indigenous Peoples to preserve their cultures from *other* cultures, and regulates Indigenous identity as something to be federally managed. It is theoretically possible to use the *Multiculturalism Act* for instance as a justification for the inclusion of a Mik’maq language course in a school. If the resources were available, the *Multiculturalism Act* would treat Mik’maq language as a language other than French or English. Therefore languages and their preservation are balanced against the official need to protect French and English Languages (*Canadian Multiculturalism Act* 3.i). Therefore, all other languages are interpreted against the French and English language. Aboriginal cultural identity by way of language is not interpreted alone but culturally relativistic to English and French languages. As a final point, it is important to mention that the policies protecting Indigenous Peoples in the *Multiculturalism Act* were included in the preamble and not the body of the text. The way public documents are constructed mandates that broad principles are meant to be in the preamble of public documents, while specific operational freedoms are to be included in the body. The reminder of the Constitutional protection of Aboriginal rights is a fact informing the document as opposed to an actual freedom of the document. The broad language is indicative of no will for a specific intent to preserve Indigenous Language and culture. There could have been a specific passage crafted to show how there should be a promotion of multicultural languages while also advocating for the protection, promotion and preservation of all Indigenous languages. As mentioned before, the balancing act for the promotion of multicultural language is determined in relation to the French and English languages. Therefore, by way of exclusion, Indigenous identities are managed in relation to British and French languages. Determining the future of Indigenous languages in relation to other languages, through an allegedly inclusive multicultural policy, is how the Canadian state uses appropriated cultural relativism via a public document.

*In conclusion, cultural relativism is a theory that finds its way into Canadian governance systems. It is evident that normative cultural relativism as a theory is not safe from appropriation, especially when manipulating the definition serves national objectives. Normative cultural relativism suggests that cultures should be judged against the laws of that same culture. Normative cultural relativism is a seemingly accepting position. The Canadian state deviates from normative cultural relativism through the existence of the legal and judicial system. The Canadian state does borrow the fact that cultural relativism is an accepting position in using the theory to justify multiculturalist policies in Canada. Multiculturalist policies in Canada manipulate Indigenous identity through the coercive language in public documents. The Canadian Citizenship and Immigration Guide and the *Multiculturalism Act* are both public documents justified by multiculturalism that seek to manipulate Indigenous identities. The language exacted by a colonial government only seeks to control the identities of the subjects it writes about. In sum a theoretical justification appropriated by the Canadian state translated into a policy justification. Both justifications lead to a defense for the implicit and explicit ways in the management of Indigenous identities.*
Instead of justifying why it is appropriate to micromanage the identities of Indigenous Nations, the Canadian state should strive for decolonization. Ultimately, justifications to decolonize the Canadian state are numerous and require hard work but a less ambiguous theory than cultural relativism to justify decolonization as an action. A potential start to decolonization would be to revise the troublesome language in public documents as chronicled by this paper.

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