



Legalized Racism

The myth that Canada is a land in which human rights have always been protected and respected is so deeply ingrained in the minds of Canadians that there is often a refusal to acknowledge that Canada has a racist history, which has been echoed in modern policies. However, Canada's racist past is readily observable, requiring only an overview of legislation that has been implemented in the course of Canada's history.

"The Canadian government, through the Indian Act of 1876 and subsequent legislation and treaties, introduced institutionalized racism in the relationship between Canada and its Aboriginal Peoples that continues to flourish today."
(Henry, Tator, Mattis & Rees. (1995).

An overview of the racist policies that have been implemented in Canada begins most logically with an account of the state's relationship with First Nations Peoples. In Canada, First Nations have been subjugated, segregated and in some cases, completely annihilated by racist policies and assumptions. In the five hundred years since contact with Europeans, First Nations Peoples have been subject to overtly racist and assimilationist policies (Henry, Tator, Mattis & Winston, 1995), they have been segregated in reserves, their children have been taken from them and their governments, traditions and ceremonies have been regulated and banned. The relationship between Canada and the First Nations Peoples has been marked by social, economic, political and cultural oppression. Some specific examples of racist policies towards First Nations Peoples are denial of the right to vote, prohibition from purchasing land, outlawing spiritual ceremonies, forced relocation and segregation on reserves, restrictions on civil and political rights and expropriation of land (Indian Act of 1876). The socio-economic problems that are so pervasive for First Nations Peoples today are a direct result of this history of racism and exploitation.

"In 1793 Britain gave legal protection to slavery by an Imperial Act that permitted the entry into Canada of "Negroes, household furniture, utensils of husbandry or clothing." To some United Empire Loyalists who had already brought their slaves to Canada the act must have seemed little more than formal recognition of an established practice." (Thomson, 1979).

Legalized racism has been perpetrated against several other groups in Canada's history. For example, although Canadians often romanticize their role in aiding runaway slaves, Black Canadians have been subject to racist policies since their arrival in Canada. In fact, Canada actively practiced slavery until early in the nineteenth century (Sheppard, 1997), and even the Black Loyalists who entered Canada as free persons were subject to racist policies. Black Canadians were subject to legislation that enforced segregated schools and communities, and limitations on property rights (Thomson, 1979). Further, as late as 1939, Canada's highest court concluded that racial discrimination was legally enforceable (Walker, 1997).

"À quelle conclusion peut-on arriver quand une loi accorde le droit d'amener son épouse et ses enfants aux immigrants européens, sud-américains et américains résidant au pays (Décret 695) et limite la jouissance de ce même droit par les immigrants chinois et asiatiques à ceux détenant la citoyenneté canadienne (Décret 2115)?" (A.R. Mosher, président du Canadian Congress of Labour adresse un comité du Sénat examinant des questions relatives à l'immigration dans, Helly, 1987)

The history of Chinese Canadians is also marked with racism. Chinese labourers in Canada were subject to horrific working conditions, they were paid one-quarter of the wages of "white" workers and they were only welcomed in Canada so long as there was a labour shortage. Racist legislation included the passing of "Anti-Chinese Bills" which restricted the civil and political rights of Chinese Canadians (Li, 1988). Chinese Canadians were disenfranchised, barred from public office and excluded from professional occupations.

"The uprooting of Japanese Canadians in 1942 was not an isolated act of racism, but the culmination of discriminatory attitudes directed towards them from the early days of settlement. The war itself offered the opportune moment for many powerful politicians, business and labour groups and individuals in BC to attack the social and economic base of the thriving Japanese Canadian community under the guise of national security." (Miki & Kobayashi, 1991)

Another example of racist government policy in Canada relates to Japanese Canadians. Policies such as fixed quotas for immigration, restriction of fishing licenses, restriction from federal and provincial franchise and segregation in schools and public places marked the initial relationship between Canada and Japanese Canadians (Miki & Kobayashi, 1991). However, the most blatant example of racism in this history was the internment of Japanese Canadians in World War II. Japanese Canadians were incarcerated in jails and internment camps, were forced to work and had their property confiscated. Those interned were not released until two years after the war was over, and received no substantive compensation until 1988. Although the federal government justified these actions by claiming a security interest, no Japanese Canadians were ever charged with any kind of disloyalty, and it is now accepted that the true cause of these actions was racism (Miki & Kobayashi, 1991).

"To ensure Anglo-Saxon supremacy, legislation was enacted to control the economic and social mobility of South Asians and to prevent more from coming. Even though citizens of India were British subjects, British Columbia in 1908 disenfranchised them" (Henry, Tator, Mattis & Rees, 1995).

In a climate where overt discrimination from the Canadian public was commonplace, South Asian Canadians were also subject to discriminatory legislation. South Asian Canadians were denied the franchise, were unable to enter professional occupations, had their restricted property rights, and were subjected to discrimination in housing. They did not attain the right to vote in federal and provincial elections until 1948, after much lobbying for repeal of the discriminatory clause. Although the most well-known example of racist legislation against South Asian immigrants is the 1914 incident in which 376 Indians were detained on the steamer, the Komagata, for two months until they were eventually denied entry into Canada, this is not an isolated example Maru (Johnston, 1984). Rather, this historical event is indicative of a wider racist legislative norm relating to South Asian people in Canada.

"Like the tap root of the common dandelion, racism's roots extend deep below the surface of Canadian society. They extend far back into our history, where they are intertwined with a very pronounced ethnocentrism." (Rick Ponting and Jerilynn Keily in Ponting, 1997).

Although there are many examples of legalized racism in Canada's history, these five main categories help to explain the current reality of racism in Canada. Despite the fact that most overtly racist legislation has been struck down in Canada, the mentality which allowed these conditions to occur, is still evident in current practices and attitudes. These are the most readily observable examples of legislated racism, blatant and undeniable, in their use of racial categories. However, much of racism is implicit, and continues to influence legislation without ever directly mentioning categories of "race".

WHERE TO GO FOR MORE INFORMATION

Selected Print Resources

Commission on Systemic Racism in the Ontario Criminal Justice System. (1995). **Report of the Commission on Systemic Racism in the Ontario Criminal Justice System.**

Commission sur le racisme systémique dans le système de justice pénale en Ontario. (1995). **Rapport de la Commission sur le racisme systémique dans le système de justice pénale en Ontario.**

Dickason, Olive Patricia. (1996). **Les Premières Nations du Canada: Depuis les temps les plus lointains jusqu'à nos jours.** Sillery: Les Éditions du Septentrion.

Dickason, Olive Patricia. (1997). **Canada's First Nations: A History of Founding Peoples from Earliest Times.** Toronto: Oxford University Press.

Helly, Denise. (1987). **Les Chinois à Montréal, 1877-1951.** Québec: Institut québécois de recherche sur la culture (IQRC).

Henry, Frances; Tator, Carol; Mattis, Winston & Rees, Tim. (1995). **The Colour of Democracy.** Toronto: Harcourt Brace & Co. Canada.

Iacovetta, Franca (ed.). (1998). **A Nation of Immigrants: Women, Workers and Communities in Canadian History, 1840's-1960's.** Toronto: University of Toronto Press.

Johnston, Hugh. (1984). **The East Indians in Canada**. Ottawa: Canadian Historical Association.

Li, Peter S. (1988). **The Chinese in Canada**. Toronto: Oxford University Press.

Miki, Roy & Kobayashi, Cassandra. (1991). **Justice in Our Time: The Japanese Canadian Redress Agreement**. Vancouver & Winnipeg: Talonbooks & National Association of Japanese Canadians.

Ponting, Rick. (1997). **First Nations in Canada: Perspectives on Opportunity, Empowerment and Self-Determination**. Toronto: McGraw Hill Ryerson.

Shepard, Bruce. (1997). **Deemed Unsuitable**. Toronto: Umbrella Press.

Williams, Dorothy. (1998). **Les Noirs à Montréal, 1628-1986: Essai de démographie urbaine**. Montréal: VLB editeurs.

Walker, James. (1997). **"Race," Rights and the Law in the Supreme Court of Canada**. Kitchener: The Osgoode Society for Canadian Legal History and Wilfred Laurier University Press.

Selected websites

[Bill Henderson's Aboriginal Law Page](#),

[Canadian Race Relations Foundation](#),

[Chinese Canadian National Council](#),

[Ensemble contre le racisme](#),

[Fondation canadienne des relations raciales](#),

[National Association of Japanese Canadians](#),

[Turtle Island Native Network](#),

[Urban Alliance on Race Relations](#),

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