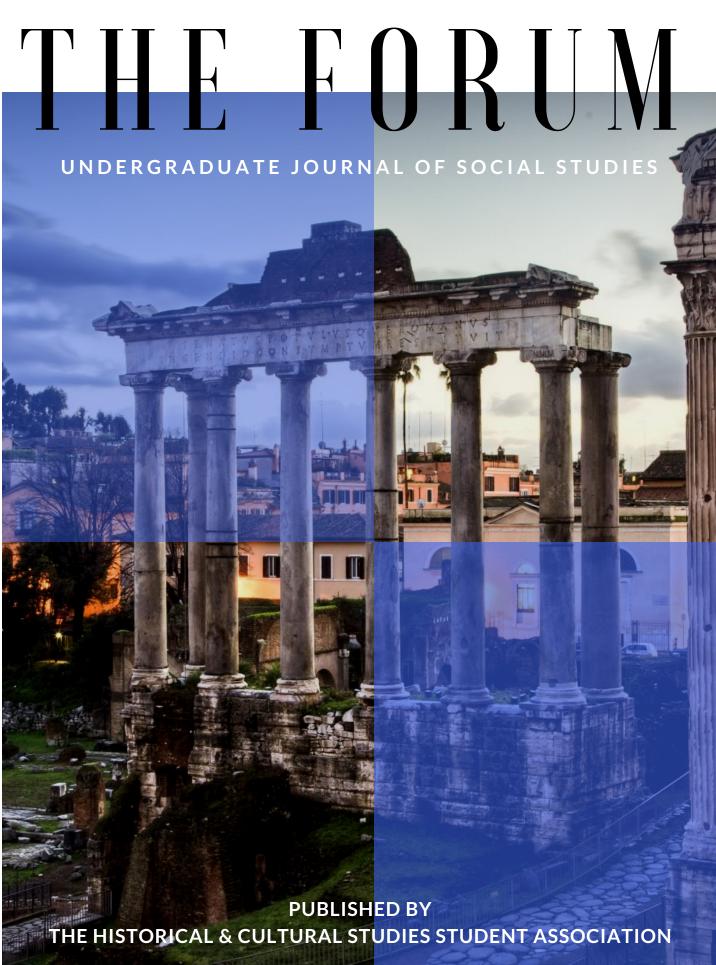
VOLI FALL 2018



THE FORUM

Undergraduate Journal of Social Studies

Fall 2018 / Volume I

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HCSSA

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The HCSSA thanks the generous financial support from the Historical and Cultural Studies department at the University of Toronto Scarborough, without which this journal would not have been published in physical form.

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Editor's introduction

"What is the point of history?" It could have been a family member asking me, or a co-worker, or a well-meaning stranger on the subway. Students in the humanities and, to a lesser degree, the social sciences, are familiar that the big picture approach and insight on society offered by a liberal arts education are not always self-evident to many on the outside. In fact, the indifference of others that such students will face, reflects the indifference of many societies at large towards social studies, for which public funding is often a trickle rather than a flood. But on that day, it was a political science student who shockingly said to me, "what is the point of history?" It was only through continually engaging with the students and the material from my political science minor, that it became clear to me that the question belonged to more than just the historians, and that it could not be answered adequately by just the historians. All those who study *human society* and ask questions about the *social world* are implicated when people question the value of studying history, one of the bedrocks of social studies. Moreover, all analysts of the social world encounter related problems of testability, scanty data, problematic sources, and positionality inherent to the study of the social world. These issues are common regardless of the epistemological, methodological, or thematic preferences of each social studies discipline. This is why the study of the social world involves greater challenges than the study of the natural world, and has inspired so many different approaches.

The unique perspectives offered by historians and the analysts from other social studies traditions are more important than ever before in recent history. With the rise of real ideological contenders to the liberal international order, to the hegemony of democracy, multiculturalism, and the West, it is clear that we are *not* at the 'end of history'. The social world is just as complex as were the days of decolonization, or during the emergence of industrial society, or during the global religious reformations. Yet, we live in a society with decreasing enrolment and funding for many of the social studies. Many people are unsure of what role social studies play in today's society.

The Forum was created firstly to showcase undergraduate research in social studies, for readership among and outside of social studies. It also serves as a medium for collaboration across disciplines, and between students and teachers. We accept submissions from all U of T undergrads, writing from any field that studies human society, and publish essays with either Chicago style or APA style citations, including both variants of Chicago style. Reflecting the ambition of the journal, the theme of our inaugural issue is *synthesis* – describing assimilation and heterogeneity, days where people came together and days where they split off. The authors in this issue discuss both the convergence and emergence of cultural borders, spatial borders, social borders, or more.

The issue features Jacobo Matta's research essay on how migrant blacks from the American South in the twentieth century encountered white society in Chicago, where the responses of white society eventually pushed black Americans into the peripheries of the city. My essay follows, discussing how Napoleonic France integrated the German Rhineland into the empire, but also as Rhinelanders responded to and made sense of Napoleonic occupation. Our last research essay belongs to Ivan Ho. He discusses the difference between two rulings on assisted suicide in Canada, examining how new understandings of the procedure emerged over a passage of time, to enable a landmark new ruling in 2015.

We feature opinion pieces written by Leon Tsai and Ruth Belay, both personal essays. Leon wrote of her experiences as a trans person, existing uncomfortably outside of the male-female dichotomy, and how hegemonic ideas of gender marginalize trans people. Ruth discussed her experience in Israel-Palestine, where she encountered a Banksy art installation that allowed artists on all sides of the conflict to use as a

¹ In 1992, Francis Fukuyama said that the end of the Soviet Union meant that liberal democracy was the final ideological evolution of humanity, marking the 'end of history'.

medium for their art and opinions. Both authors discuss navigating the complex grey areas between boundaries, and the perspective that can only be seen from the frontier.

The roundtable discussion set in the centre of this issue presents a conversation between three UTSC undergrads from various programs, and a U of T sessional lecturer. The discussion here serves as one model of closer collaboration between students, teachers, and other community members.

Ruth Belay and Michelle Linares wrote the final piece of the journal, a review of the literature on Eritrean and Ethiopian migrants to Canada and their experience. It is part of a project to collect their oral histories for an online database based at UTSC. For Ethiopian and Eritrean migrants to Canada, their history is ongoing and has a profound effect on the present.

I would like to first thank the continual support from the Historical and Cultural Studies department and from the department chair, Professor Li Chen. Besides kindly paying for the printing, distribution, and launch party costs, the HCS department has constantly supported HCSSA initiatives and has respected the ability of the student association to act independently towards the same goals as the department.

In addition, I thank Nancy Johnston from the Centre for Teaching and Learning for preparing an editing workshop for our undergraduate editors and patiently working through our questions. This issue is proof that her efforts were not for nothing.

I wish to thank Kelsey Kilgore, a PhD candidate at the University of Toronto and a veteran TA, for her role in the shape of the journal. Kelsey made time for me two summers ago, explaining how PhD programs in History worked and offering several professional academic journals as inspiration for this one. The roundtable format featured in this issue was inspired by one of the pieces in a journal that she gave me. I thank sessional lecturer Dr. Adam Ali, formerly an undergrad and doctoral student at U of T, for participating in the roundtable, volunteering his time at short notice.

I thank the invaluable contributions of The Forum's senior editor, Zara Ahmed, for her hard work, resourcefulness, and last but not least, her good humour in putting up with me. Zara's work was vital at every level of production, from negotiating with print companies, to helping discuss distribution rights with DSL, to leading the planning of the launch party. Along with Zara, I thank the wonderful HCSSA team – both execs and our long-time volunteers – for overseeing a rough transition and ably steering the student association through the road bumps that inevitably arise. None of our projects could ever have been accomplished without the work from all the team.

Finally, I thank the readers of the journal, for whom all our efforts have been dedicated. I hope the reader might enjoy absorbing a selection of the ideas from our history and social studies students, taking inspiration from this issue to find their own answers to the opening question: What is the point of history?

- Joshua F. Lai Editor-in-chief



Why Men Hate Me: A Conflict between Trans-Femininity & Masculinity

Leon Tsai¹

I am a fat transgender woman of colour, born and raised in a dysfunctional middle-class family struggling with mental illness and trauma, now living in Canada as an immigrant. Here I am, proudly standing at the intersections of inequality, asking, analysing, and hopefully answering my own question of, why do cisgender men hate me?

First and foremost, I want to acknowledge the beautiful yet marginalized people of intersexuality, fluid gender, non-binary gender, and other trans identities. In solidarity, we must not disregard or ignore these communities when discussing of gender and/or gender expressions.

Although I cannot know or generalize how an entire group of people might feel about a specific individual or identity, my belief that cisgender men hate trans people has been reinforced by continuous traumatic experiences and encounters with cisgender men. It is important to look into why it's only cisgender males and not transgender males, and my thesis is that cisgender males feel betrayed by me, a transgender woman. Cisgender men, whose identity corresponds to their biological-assigned sex, are taught since birth to develop and perform traits of hypermasculinity in order to achieve the manhood that they idealize. As Sharon Bird defined, the following traits are fundamental to hegemonic masculinity: emotional detachment, competitiveness, and sexual objectification of women, where "male individuality is conceptualized not only as different from female but as better than female" (1996, 121).

In order to achieve this manhood, cis-men must constantly try to prove their masculinities. As a trans woman, I have been raised and pressured into following the binary system with my assigned sex status, and I have personally experienced the need of this masculinity, the need to prove something. Finally the moment of betrayal arrived when I came out as a trans woman, when I spoke out against and rejected the notions of manhood, when I proudly embraced the soft sensuality and femininity that I have always kept within. And that is why cisgender men hate me, because of my betrayal against masculinity.

It took years to lead up to my "betrayal", to my rejection of masculinity and manhood. Before I came out as transgender, I identified as a gay male, and even though I still identified with manhood socially, I was already in conflict with masculinity personally. My "manhood" was compromised by my homosexuality, because of the relationship between manhood and fatherhood. As Patricia Hill Collins has argued, "the traditional family ideal assumes a male headship that privileges and naturalizes masculinity as a source of authority", and that the "gender hierarchies are comparable ideas concerning sexuality. Predicated on assumptions of heterosexism, the invisibility of gay, lesbian, and bisexual sexualities in the traditional family ideal obscures these sexualities and keeps them hidden" (1998, 65).

And yet even within the queer community, I have experienced discriminatory exclusion for being a fat-bodied person of colour. As Allan Bérubé explained in *How Gay Stays White and What Kind of White It Stays*, "... gay whiteness is unmarked and unremarkable, universal and representative" (2003, 237). The countless times I have witnessed the words of "no fats" or "whites only" on various queer men's dating profiles, stated within their "preferences" is truly concerning and disheartening. Even within gay dating and

¹ Leon Tsai is a second-year student.

hookup culture, identities like "top" and/or "bottom" (which are used to identify sexual and positional preferences) also plays a role into the power dynamic between masculinity and femininity. If one's a top, they're more expected to be more hyper-masculine and muscular-bodied, again pressured to achieve the cis-heteronormative notions of what manhood is supposed to be and look like. However, if one's a bottom, they're expected to not only be more feminine, but also more submissive sexually and often physically as well (ie. to be thin/petite/small; taking up less space). So as a bottom in homosexual relationships, I was and still am subjected to what Jaita Talukdar called, "the western cultural ideal of beauty that equates excessively thin bodies with attractive bodies" (2012, 109). This not only shows and confirms the negative impact of cis-heteronormative ideals and the toxic notions of masculinity and femininity, but also the effect of these ideals within marginalized, queer communities as well.

After coming out now as a straight transgender woman of colour, and with my continuous encounters with cis-men, it is still clear to me I will receive backlash due to my betrayal of masculinity and manhood. Being a transgender woman and having the same biological-assigned sex status as cisgender males, I am a living rebellion against the binary system that they have been taught to follow and defend. My existence demonstrates the gulf between sex and gender, when for cisgender people, their experience might never force them to confront their gender identity. And like Barb J. Burdge has stated, "transgendered individuals are targeted for mistreatment when others attempt to enforce conventional gender boundaries" and that "their very existence challenges the traditional gender dichotomy... by stepping outside these fundamental social norms" (2003, 243-44).

Beyond my experiences of romantic and sexual relations with cisgender men, I often become a victim of blatant transphobia when they see trans women as not being "real women". Because of my biological-assigned sex status, transphobic men will see me as a fellow male (despite being attracted to my feminine identity), causing them to be now troubled by the homophobia within their toxic masculinity and manhood. The transphobia and backlash that we face as trans women come in various forms of discrimination (ie. verbal harassment, sexual/physical violence, and emotional/mental abuse). In reference to the case study featured and discussed in Cynthia Lee and Peter Kwan's The Trans Panic Defence: Masculinity, Heteronormativity, and the Murder of Transgender Women, "When a heterosexual man is charged with murdering a transgender woman with whom he has been sexually intimate, one defence strategy is to assert what has been called the trans panic defence. The defendant claiming this defence will say that the discovery that the victim was biologically male provoked him into a heat of passion causing him to lose self-control" (2014, 77). Such violent incidents are unfortunately common within the transgender community. And how do we explain those who actively seek for trans-identified femmes/women? I see this as deeply troubling because those who seek for trans-identified partners are often fetishizing trans bodies, especially of transgender women. It can be traced back historically and culturally, to now where trans people are seen as fetishes, like with porn categories such as "crossdressers" (which trans people are not, yet some will see no difference), "trannies", and/or "shemales" etc... In order to achieve true trans-liberation, we must dismantle the construct of seeing transgender people as a category of identity, rather than as a gendered experience of identity.

To conclude, my personal essay was meant to explore the intersections in a trans woman of colour's social identity, and my experience of discriminatory backlash in regards to masculinity and manhood. With analysis of gender identity, gender expression, sex, race, body shape and size, I have hope to discussed one's relationship with cisgender men through a lens of depth and intellect. May we continue to explore and challenge the boundaries of gender as a social construct and actively dismantle the toxic binary systems of oppression. In solidarity, we shall continue to acknowledge and educate ourselves on the intersections of inequality within all marginalized communities and identities.

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Banksy Walled Off 2017

Ruth Belay¹

Introduction

When I first decided to take a political science course at the Hebrew Jerusalem University, I never would've thought that art would be the lens through which I truly saw depths of the Israeli-Palestinian conflict. Especially, for someone like myself whose lowest marks growing up were not in math or science, but in art! It was through the non-traditional art form of graffiti that I was able to see how protest art is a form of expression that can have a pointed or abstract message that can challenge dominant or hegemonic ideas. Graffiti art is not just so-called "illegal modification," but is a medium that allows anyone to comment and have their opinions heard. Even if it is as ridiculous as a penis diagram. It was only through my experiences in Israeli and Palestinian territories that I was I able to grasp the importance of protest art through graffiti. Through the work of the anonymous graffiti artist, Banksy, an international platform for protest art has developed for the Israeli-Palestinian conflict. For many individuals who are not necessarily familiar or appreciative of fine art (such as myself) and for the younger generation, graffiti art is definitely far more relevant. My experiences at Banksy's Walled Off Hotel, were an important educational experience during my summer abroad course. It brought together many diverse perspectives through art and storytelling to the forefront of the decades long conflict through the non-traditional method of graffiti.

Who is Banksy?

Banksy is an anonymous artist who rose to prominence in the late 90's for their graffiti pieces and stencils that became extremely popular internationally (Fisher 2017). Banksy has long devoted much of his artistic consideration and attention to the Israeli-Palestinian conflict. Banksy's initial visit to Palestinian sparked a series of projects dedicated to bring awareness to the conflict conducted by Banksy and other Palestinian artists. Banksy first visited Palestine in the early 2000's where he stenciled 9 graffiti works on the Bethlehem Wall. His work brought him international attention. In 2015, Banksy launched an art exhibition in collaboration with Palestinian, Israeli and other neighbouring Arab artists. By publicizing the graffiti artwork by Israeli and Palestinian artists, Banksy's work has brought international attention to the conflict and highlighted the struggles of Palestinians.

Bansky's latest project, the Walled Off Hotel, has made Banksy's art a permanent fixture of the West Bank. A commemorative piece highlighting the consequences of the British Mandate of Palestine (1917), the Walled Off Hotel is a piece of art that is among Banksy's greatest works. It is a piece of protest art but serves many purposes, for it is a hotel, restaurant, museum, and art gallery all rolled into one (Figure 1). Banksy has described the hotel as having the "worst view in the world" (The Guardian 2017). Global interest in the West Bank Wall has created a whole artistic hotspot in which people from all over can come and learn and understand the magnitude of the wall's presence in Palestinian society.

Ruth at the Walled Off Hotel

My experience at the Banksy's Walled Off Hotel was completely accidental. I had vaguely heard about a Banksy installation in Bethlehem but it was at the insistence of my friend that we ended up going.

¹ Ruth Belay recently graduated from UTSC, and is currently enrolled in the Master's program for Geography and Urban Planning at the University of Toronto. An earlier version of this essay first appeared in Professor Gershon Baskin's course, 'Coexistence in the Middle East: Narratives from the Israeli and Palestinian Conflict', in 2017, at the Hebrew University of Jerusalem.

All pictures in the essay were taken by Ruth Belay.

We journeyed over to Bethlehem on July 22nd, 2017, and yes it was a journey – for a reputed 20-minute trip, it took almost 50 minutes. Due to the 2017 tension in Jerusalem over the placement of security gates at the entrance of Al Aqsa, the university had advised us to avoid going into Palestinian territories. Our time in Israel was coming to an end and a few of the students decided that it would be worth going to Bethlehem. As we boarded the bus to go to Bethlehem at Damascus Gate, we could immediately notice the change in demographic with most riders being Palestinian. Upon descending from the bus and into Bethlehem, we were dropped off a bit further than we originally planned and we had to walk through an Arab neighbourhood to get to the Walled Off Hotel. We decided to stop at a "Star & Bucks" and while my friends waited outside, I was surrounded by a group of Palestinians and everyone was staring curiously at me. It was an experience that can only be described as uncomfortable. Walking around freely in Bethlehem made me feel aware of my own privilege. I don't know if it was guilt that I, a foreigner, could walk around freely while many of the people of Bethlehem were restricted by walls and checkpoints.



Figure 1 Entrance of the Walled Off Hotel.

When we finally arrived at the Walled Off Hotel, it looked like a beacon of light in a concrete surrounding. Its bright sign could be seen from all the way down the street. We first explored the wall and looked at all the graffiti that had been done by visitors, residents and Banksy of course. One of the first images that caught my attention was the colour of the Palestinian flag used to make the Canadian flag. Through the local cafe that supplied graffiti, tourists are able to voice their support for Palestine or Israel. We were able to see the dialogue of various people through the wall. The wall was also littered with pro-peace images such as the popular phrase found throughout the Walled Off Hotel, "Make hummus not war". Trump faces were plastered in various areas of the wall as well. A stencilled graffiti piece had his mugshot with 666 labelled underneath and the statement, "No balls #buildwalls". The anti-Trump sentiment could be found all over the wall (Figure 2).

The Walled Off Hotel adds to the experience that visitors first have at the wall. We spent around an hour exploring the wall and we could have gone on forever just staring at the expanse of graffiti that fueled dialogue, even though the graffiti were mostly calls for peace or just factional support messages. The wall is not only a source of information but a living, self-reflexive progression of sentiment. But it is obviously difficult to decipher which works had been done by locals and which had been done by foreigners. The wall feeds the curiosity of tourist and the Walled Off Hotel seeks to explain what spectators have just seen. Next to the Walled Off Hotel are a series of other local ventures that have been launched centring around the wall. This strip of businesses all aim to provide greater context and understanding for the graffiti images tourist have at the wall.



Figure 2 Graffiti piece highlighting the popularity of erecting walls in Western discourse.

Upon entering the hotel, we were greeted by an all-Palestinian staff. The entry hotel is itself a work of art – nearly every room and feature of the hotel had some sort of artistic significance. Graffiti was the focal point of the dining room with graffiti-paned glass window placed in the center of the room. Banksy originals also filled the walls with one his most famous pieces of art, the swinging tower, being showcased. The entire gallery, museum, and dining room were filled with beautiful pieces of protest art either done by Banksy or other artists. Though we were not able to stay overnight in the hotel, we were able to have a firsthand experience of the wall and the artwork that the wall has inspired. I had never seen a Banksy exhibit before this experience and it was an honour to have the chance to experience the exhibit at the physical heart of the conflict. Especially with it being a high-

tension period, we were able to move beyond one-sided narratives of the conflict to glimpse different opinions.

Despite the high praise that the Walled Off Hotel has received, there have been numerous critics of the project. Is Banksy profiting from the misery of others? Or exploiting the Palestinian cause for profit in what some have dubbed "Pale-ploitation" (The Guardian 2017)? However, Banksy has stated that the aim of the Walled Off Hotel was to break even and use any profits to fund local projects. The Walled Off Hotel is also generating local business by hiring Palestinians to construct the Hotel and later staff the Hotel with an all-Palestinian staff. All the food available on the hotel menu is locally grown in Palestinian territory. An example of this would be the Shepherds Beer (a Palestinian brewed beer) that we were able to enjoy. Banksy is also attracting tourists like myself and my friends to the area when they normally would not have visited otherwise.

Another criticism of the Walled Off Hotel has been the potential it could contribute to normalizing and trivializing the conflict. Some Palestinians have argued that anything that normalizes the conflict only prolongs its conclusion and undermines the magnitude of occupation. Ayed Arafah, a local Palestinian artist has described the Walled of Hotel as capable of attracting people, "But now all the people who come to take photos of the paintings and graffiti... it's become like Disneyland. Like you are living in a zoo" (Loucaides 2017). This phenomenon has been dubbed, 'oppression tourism' (Fisher 2017). Visiting the Walled Off Hotel as a foreigner, I did not feel like the hotel was normalizing the conflict but was instead a chance to learn and gain insight into a limited aspect of the Palestinian experience. Regardless of whether tourists like myself arrive for the right reasons or not, everyone leaves the Walled Off Hotel more knowledgeable about the Israeli-Palestinian conflict (Figure 3). And yes, the commercial elements offered should be scrutinized to ensure that the messages on the Bethlehem Wall and the interests of the local Palestinian people are heard. The Walled Off Hotel and Banksy have demonstrated that their intentions are to honour, highlight and promote awareness of Palestinian experiences and local activities to a larger audience (Fisher 2017).



Figure 3 The author at the Walled Off Hotel.

Though we will never fully comprehend what it feels like to live through this conflict, we can empathize. We would have never understood the magnitude of wall or the importance or relevance of the wall if it was not for Banksy. Banksy has done more than garner international attention to wall. He has dedicated a large portion of his/her career to attempting to pique the interest of the people of the world whether it be through artwork, graffiti, a documentary and lastly the Walled Off Hotel. The Walled Off Hotel is an engaging site for everyone to visit and should remain a permanent fixture.

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A Roundtable Discussion

"Should Islamic history be taught at UTSC?"

Featuring the participants:

Dr. Adam Ali

Samia Islam

Farva Syed

Shanzey Shahab

Moderated by: Jacobo Matta

Transcribed and edited by: Joshua F. Lai

In September 2018, the HCSSA invited four guests – three undergraduates and one sessional lecturer – to have a roundtable discussion on a topic that pertains to the UTSC community. The conversation of the day was on Islamic history being taught at UTSC.

The participants here are not meant to represent a proportion of the UTSC population. The undergraduates that participated were chosen because they expressed interest in taking part. All participants indicated their consent to taking part and to having the conversation published in this form.

We thank the participants for offering their time and their thoughts. The following is a transcription of the conversation, edited for clarity and concision.

Samia Islam

Samia is in second-year. She is studying for a major in Psychology and Human Biology.

Farva Sved

Farva is in first-year, pursuing a History and Political Science double major.

Shanzey Shahab

Shanzey is in second-year, studying Psychology as a specialist.

Adam Ali

Dr. Adam Ali is a sessional lecturer, having taught at the St. George and Mississauga campuses of U of T. He was an undergraduate at Scarborough campus, and completed his PhD at U of T. He specializes in warfare and slavery in the pre-modern Muslim world.

JACOBO: Welcome everybody to the roundtable discussion. My name is Jacobo, I'm in third year and I will be the moderator.

[introductions across the room]

JACOBO: So Dr. Ali, you yourself as an undergrad studied here at UTSC. How long ago was that by the way?

Adam: 2000 to 2005. So a while [Laughs].

JACOBO: How has the selection of courses and historiographical focus changed, in your opinion?

Adam: It has changed. I actually went back to my old transcript today, to look at the courses that I had taken as an undergrad... and when I was around, a lot of the courses offered now were not there. So there was a very heavy focus on the Eurocentric history: I took four different courses on early modern Europe. So early modern France, crime and punishment in early modern Europe, popular culture in early modern Europe, and just a general course on early modern Europe. I took a bunch of medieval European courses as well. And the African history courses were there, and I remember there was a course on Russian history as well that I had taken, in addition to the Canadian and United States history classes that were there. What wasn't there were the global Asia stuff, none of the Chinese history – East Asian topics were not there, and food studies was nonexistent at the time that I was here. There were some women's studies courses – not as many as now; I think that has grown exponentially since I was here. And what else? So I did do some classical studies; they seemed [then] to be more specialized classical studies courses on certain topics. So as I was looking over what was being offered right now, there was just the general Roman world, Greek world stuff, but when I was around, they had courses like slavery in the Roman Empire, and the Roman army, and things like that in addition.

JACOBO: And so reflecting on what Dr. Ali has said, what have you guys felt with your experience so far?

Farva: Well I did see a lot of history courses, and I am enrolled in Roman and Greek history, but I didn't necessarily see religion-themed histories at UTSC. Like there was no Christian history or Jewish studies or Islamic history or stuff like that – it was mostly geographically focused.

JACOBO: And in your experience [Dr. Ali], how does it compare to other campuses. Is UTSC, relative to the other locations, more progressive on this issue?

Adam: It depends on what area we're talking about. Because I think maybe in the women's studies area, UTSC is pretty ahead. I think UTM also has a pretty strong women's studies program as well; I'm not sure about downtown or whether this is taught at the history department downtown or not. But again it depends, because out of the three campuses, UTSC is the only one that doesn't have anything that deals directly with the Middle East or Islam. So UTM has a few courses and downtown, we have the Department of Near and Middle Eastern Civilization, which deals with the entire region and not just Islam: the pre-Islam Near East, there's Persian studies, Hebrew and Jewish studies, ancient Egypt, the World of Late Antiquity, and all those other areas that pertain to that geographical area.

JACOBO: So in general, during the Fall and Winter semesters, what courses: spatial and temporal, as well as thematic, might history and UTSC students be interested in? What do you think students nowadays have a desire to study or learn about?

Shanzey: I think it's mostly women's studies. Because when we were in the psych group chat, most of the students were talking about taking women's studies and they were kinda like, really interesting, because it wasn't a course that we usually see. So I think that's why there's also a high enrolment in it.

Samia: I think a lot of people are interested in things regarding mythology. Considering how in the media there's so many stories focusing on cultures and their mythology and how they affect modern world people. That's why I think Mesopotamian, Egyptian courses were really popular, and I always hear students talking about how they read about this god or that god in which book.

Shanzey: So true. [Laughter]

¹ Editor's note: Professor Natalie Rothman offers an 'Early Modern Mediterranean' course that discusses both Christian and Muslim areas around the Mediterranean.

Farva: I totally agree with her. Ancient cultures are so popular in movies and TV shows. I see that a lot.

JACOBO: Okay, let's advance to the more specific questions. So Dr. Ali, should Islamic history as a program be offered at UTSC, and what are some reasons why?

Adam: Yes, definitely it should. The first reason is that, you know when you mention Islamic history or Islamic studies, you get this very stereotypical idea that it's a monoculture – that all Muslims are pretty much the same, that they have certain traits or certain beliefs. Whereas it really isn't. This term Islamic history or Islamic culture, is a big umbrella term that encompasses a huge variety of cultures, traditions, and societies; and this goes both over space and time. There have been changes, and evolutions, so it hasn't always been the same and it hasn't been the same in various areas. You'd be surprised – even for students coming from Muslim backgrounds, when they take classes that I teach at other departments, they're often very surprised and shocked at the things that some of these Muslims in the Middle Ages or early period believed, that really go against what a lot of modern Muslims, both Sunnis and Shias, believe. So there was a lot of difference and a lot of evolution and adaptation for a lot of religions and cultures as well. And tying it in to what's going on today, Islam is something you hear about almost on a weekly, if not daily basis, on the news. Again, a lot of the information that's put out there is done so with an objective. I think having a program like this would better equip students – both of Muslim and non-Muslim backgrounds, and both from the history department and other departments – to process this information that we're being bombarded with through the media every day.

Shanzey: Yeah I completely agree with him. Through media there's this negative view on Muslims and Islamic history. And I think having a program would allow people to understand – because most people don't know, they don't have a lot of information, whatever they have is through the media and the media kinda gives us that negative view of Islam and Muslims. So I think this program could really get that positive view on and make people understand what truly Islam is, instead of having these negative influences coming in.

And I agree with him too that there are a lot of subtypes in Muslims too, like there are Shias, Sunnis, Ahmadis. Even as a Muslim myself, I truly don't understand our differences and stuff, so I think *that* program could also give in information to what the subtypes are and how they formed through history, and how they're changing.

Samia: Yeah I agree. Growing up, because of such a lack of focus on Islamic history, it's really sad to get surprised about the kind of stuff. Like knowing that Fatima al-Fihri was the first woman to create a university in Morocco—like I learned that a couple of years ago and I was pretty shocked about that. I mean, when you don't really know your history, it just makes you feel more..., alone I guess. Because even if you see Muslims all around, not knowing that history and not knowing the impact that your religion or culture had on the world, it makes me feel like I just popped out of nowhere, and that Muslims became relevant during the 2000s and nowhere else. So knowing about it, even normalizing the fact that it exists..., Muslims don't exist to be a minority group to be pitied, they were a group with their own power, their own contributions to history. I think it would help a lot of Muslims..., like even feel better about themselves, because I have seen a lot of Muslims, they've kind of conformed more to Eurocentric ideals just so that they can fit in. But we really need to find a way to make Muslims more proud about themselves for who they are.

Farva: So I actually think Canada is really good about their whole integration thing and their knowledge about Muslims – its not the best, but I think its really good when you compare it to a place like the US. [Laughter] However I do wonder; how accessible and attractive would this program be to non-Muslims?

JACOBO: Just to confirm, all you guys all Muslim?

[Yeahs, Laughter]

Farva: I totally understand what you're saying about us adopting Eurocentric values, because I myself have totally changed a lot about myself as I lived in Canada – I used to wear a hijab, dress a lot more traditionally – and ever so slowly, the progression has changed, and I kinda like the Canadian-European atmosphere more, and I kinda did change to suit that. So I totally see those influences at work.

Adam: It's not necessarily a bad thing to adopt things from different cultures. Whether its from European cultures or Canadian cultures or Islamic cultures, that is what makes Canada a great place to live, the mixing and adopting of cultures. A program or courses in this area..., would do two things: they teach the history and give the students an awareness of the sources and materials we have, but it also, more importantly, teaches the students perspective. Because history is perspective. You can't just read the history book and say, okay now I know the history of Islam, because what you read is the perspective of somebody writing it. Whether it's a Muslim, or a primary source – someone writing 800 or a thousand years ago, that's a perspective. And also whether you're a Muslim or not, if you take some of the courses that I teach on controversial topics such as slavery, you'd be like, oh that's not good. [Laughs] That's not a nice thing these people did. But everybody was doing it at the time, and at the time it was an acceptable practice. To us, today, it's not. But to people living 500 years ago or a thousand years ago, it was absolutely fine.

It's also about training your mind to think outside of your established values and beliefs, and trying to connect with those people living a thousand years ago – so when you read an account that says, King X invaded this region and he took a thousand slaves, well to a Canadian living in Toronto or Scarborough or wherever in the twenty first century, this king wasn't a nice guy – he enslaved people which is wrong, because we value freedom and human rights. But the person writing this source a thousand years ago, might not have been writing with such ideas in mind. He might have been *praising* this king for being such a successful conqueror, because this guy was successful at war and the measure of your success, in this instance, is the enemies you defeat, the land you conquer, and the people you enslave. When you open up your mind in that way, or when the program opens up your mind in that way, it doesn't just open it up to history, but it opens it up to the world to different cultures. When you can envision yourself or put yourselves in the shoes of people living in the past, then you can do also that with people living in the present who have different cultural practices or religions than yours more easily. And I think that opens up a lot of avenues and doors for dialogue, and not just in history but in many other fields.

JACOBO: How could students contribute to bringing some more courses on Islamic history, or what they want, here to UTSC?

Adam: They would have to make themselves heard. They would have to let the university know, because the administration, the professors, they need to know that the students want this, otherwise they won't know.

JACOBO: Concluding remarks?

Farva: Well I think between the students here, we all probably want a course like that or know people who would want it too. Especially with the current focus on the news on Islam and stuff, I think people are very aware of it and would want to learn more.

JACOBO: I'd like to give a big thank you to everyone here. We as students are always—trying to do our part in contributing to the program and expanding the student experience. You all did a lot of good help today, for us and the program.

The Great Migration and Poverty Today: Southside Chicago

Jacobo Matta¹

In this paper, I discuss the twentieth century Great Migration of African Americans from the south to north, and how this historical event shaped Chicago's demographics today. Chicago's disproportionate level of poverty and ethnic homogeneity in its black neighbourhoods were a direct result of the discrimination African Americans faced following their migration north. The decision of whites in Chicago, during the Great Migration, to restrict black housing to impoverished areas with insufficient space, had a direct effect on the effective segregation of blacks in present day Chicago.

In 2014, the New York Times compiled U.S. Census data onto a map of poverty levels and reported that most of Southside Chicago - neighbourhoods like Englewood, Park Manor and Woodlawn - had poverty levels of 40% to 60%.² When looking at the ethnic composition of the neighbourhoods within Southside Chicago, African Americans are the majority in these impoverished sections of the city.³ In a country of immense diversity, parts of this area have become almost exclusively African American and are disproportionately impoverished when compared to other parts of the city. One explanation lies in the systematic spatial discrimination African Americans faced after migrating north to Chicago, during the Great Migration of the twentieth century. Black migrants in Chicago experienced a form of segregation, with the city and its inhabitants using formal and informal tactics to isolate blacks in overcrowded, rundown neighbourhoods and to ensure that they could not move into areas that were markedly 'white only'. Black residents of Chicago were limited economically because of the segregation, with housing and renting costs artificially being higher for blacks. African Americans in Chicago lived with lower-quality public education, with black majority schools being of a worse condition and with subpar equipment and infrastructure. Lastly, violence was used to informally enforce this spatial discrimination: whites would assault and murder blacks, with the racial violence culminating in a race riot. In this essay, I will argue that Southside Chicago's current disproportionate poverty, along with its ethnic homogeneity, has its roots in the response to the Great Migration, a process in which blacks faced systematic and informal spatial discrimination from whites in Chicago.

The Great Migration was an exodus of African Americans from the south to the North in search of a better life; a process that happened from 1916 to 1970.⁴ In the first half of the 20th century, African American experiences in the south had been defined by legal and social segregation under Jim Crow laws, defined by the *Oxford Dictionary of Latinos and Latinas in the United States* as, "a racial caste system of laws, customs, and etiquette designed to segregate and disenfranchise African Americans during the post-

¹ Jacobo Matta is a 3rd year History Specialist, with a particular interest on the Atlantic revolutions. He enjoys guitar practice and playing with dogs. An earlier version of this essay was first submitted to Prof. Russell Kazal's HISC36 course in 2018.

² John Dodge, "Poverty Rates in Chicago Neighborhoods Near 60 Percent," CBS Chicago, April 22, 2014. http://chicago.cbslocal.com/2014/04/22/poverty-rates-in-many-chicago-neighborhoods-near-60-percent/

³, *Largest minority race and ethnicity by block group, 2010-2014.* 2014. Race and ethnicity in the CMAP region,

U.S. Census Bureau.

⁴ Oxford Dictionary of African American History 1896 to the present, 1st ed., s.v. "Great Migration." Oxford University Press, 2009.

Reconstruction years between 1877 and the mid-1960s. Jim Crow laws regulated all social interactions between the races and imposed prohibitions on African Americans, relegating them to an inferior societal status." A writer for a journal in 1921 captured the sentiment of many African Americans towards Jim Crow, following the poor treatment of a black artist: "There is no color line in the world of culture... Resentment over a palpable injustice to a colored man and resentment over a palpable injustice to art itself. Those who lead in music, letters, sculpture, and painting cannot hitch a Jim Crow car to the muses' chariot. Every new achievement by the negro fitly recognized helps in the general upliftment of a race. It inspires multitudes of colored people to strive toward a better estate." Indeed, when many southern blacks were given a path towards a "better estate," many took the opportunity.

Despite discrimination, the social and material conditions of African Americans drastically improved by moving north. The systematic violence used to enforce Jim Crow laws would have been one of many reasons why the North was an improvement. John Bruce, a historian and African American journalist, published a pamphlet which documented the victims of lynching and burning blacks in the south (with some rare cases in the North) from 1893 to 1901. He had concluded that the mentality of Christian whites had not changed since Reconstruction⁸, and that the brutal murders were but a continuation of a practice that had been going on for many generations.9 The US Department of Labor published a 1919 report explaining why blacks were leaving the south, stating that, "The causes assigned at the southern end are numerous: General dissatisfaction with conditions, ravages of boll weevil, floods, change of crop system, low wages, poor houses on plantations, poor school facilities, unsatisfactory crop settlements, rough treatment, cruelty of the law officers, unfairness in courts..."10

Despite the violence, suffering and abuse, what really encouraged the migration was the economic appeal. An African American social worker in Memphis in the 1910's asked 206 blacks why they planned to go North. 142 stated they wished to better their "economic condition", while only 23 said they wanted more 'privileges.'11 It was also concluded that out of 25 'negro' families in Chicago, 18 came from rural communities, many hoping to escape "starvation wages". 12 At the same time, from 1916-17, the North began needing more and more black labour to sustain its industry, going as far as sending labour agents to recruit southern African American labourers for the factories. 13 The North offered significantly higher wages, and as a result, an opportunity to better their material conditions. ¹⁴As one African American in Memphis put it, "There has been for many years widespread unrest among the Negroes; but there was no obvious outlet. Now the high wages in the industrial North afford such an outlet". 15 There was a significant economic improvement for blacks moving to the North.

⁵ Oxford Dictionary of Latinos and Latinas in the United States, 1st ed., s.v. "Jim Crow." Oxford University Press, 2005.

⁶ N/A, "Live." The Lincoln Institute worker, April 1922, 16.

⁷ John Edward Bruce, The blood red record: review of the horrible lynchings and burning of Negroes by civilized white men in the United States: as taken from the records: with comments by John Edward Bruce (American memory, Daniel A.P Murray collection, 1907.

⁸ The Reconstruction describes the period after the American Civil War when the southern states were reorganized and reintegrated into the Union; 1865-1877.

⁹ Ibid.

¹⁰ R. H. Leavell, James Hardy Dillard, Negro Migration in 1916-17 (Washington: Historical society of Pennsylvania, 20.

¹¹ *Ibid.*, 37-38

¹² *Ibid.*, 19

¹³ *Ibid.*, 76

¹⁴ *Ibid.*, 12

¹⁵ Leavell, Dillard, Negro Migration in 1916-17, 36.

The migration to the north, regardless of the discrimination and racism experienced, was still a significant improvement from life in the south. Many blacks often commented on the "novelty" of freedom and independence.¹⁶ An African American Chicago resident was interviewed for a book on race relations in Chicago; he stated that African Americans in the city were "not noticed enough to be mistreated." ¹⁷ Blacks in Chicago were now using expendable income to experience commercialized entertainment, enjoying ice cream parlours, going to the movies, parks, and more. 18 All kinds of social support and civil society organizations were created by local African Americans. The Chicago Urban League helped connect migrants with real estate dealers looking to sell houses to blacks, and other organizations like the Travelers Aid Society – not to mention a multitude of African American churches – helped migrants find work, learn how to act and dress for the city and more. 19 In a government survey, migrants in the 1920's were asked if they felt greater freedom and independence. Almost everyone answered positively, largely because of the lack of abuse, the opportunity to earn more and the availability of jobs that weren't as backbreaking. ²⁰ One person, in talking about their first memorable experience in Chicago, said: "When I got... on the street cars and saw colored people sitting by white people all over the car I just held my breath, for I thought any minute they would start something."²¹ Significantly, they were allowed political agency, which allowed African Americans to vote for the first time in the North.²² Yet for many, Chicago was, or promptly became, a place of disillusionment because of the subsequent discrimination and de facto segregation they faced, especially regarding space.

Chicago's black migrants were oppressed in terms of social space, with many of the city's white residents and neighbourhoods instituting segregation through formal and informal tactics that resulted in overcrowded, run-down housing, among other issues. Bronzeville was one of the first neighbourhoods many African Americans would have arrived at when migrating to Chicago.²³ It was originally an Irish American neighbourhood, but subsequent events like the race riot contributed in turning it into a black neighbourhood.²⁴ Bronzeville was one of many neighbourhoods that were eventually colonized by African Americans. In the space of a few decades (late nineteenth century to the 1920's), the neighbourhood had changed from predominantly white to predominantly black.²⁵ In 1964, Darnell Wilson and his family were one of the first African Americans to move into their block at 87th and Kenwood.²⁶ In his interview (note: it was given at an old age), he recalled how his home had a cross burned into their front yard, as were the homes of other blacks in the neighbourhood later on.²⁷ Daniel Mayers, a Jew living in the Southside witnessed many white residents leave his neighbourhood as a result of African Americans moving in, and in 1975, his family left as well.²⁸ In his community, movement was partially triggered by Rabbi Fineman who preached to his congregation that they had to leave.²⁹ Darnel Wilson, a 45 year old black man in

¹⁶ The Chicago Commission on Race Relations, *The Negro in Chicago: A Study of Race Relations and a Race* Riot (Chicago, The University of Chicago Press, 1922): 94.

¹⁷ Ibid., 96.

¹⁸ *Ibid.*, 96.

¹⁹ *Ibid.*, 96-97.

²⁰ *Ibid.*, 98.

²¹ *Ibid.*, 99.

²² Margaret Gobb, Freedom' ballot: African American political struggles from abolition to the Great Migration, (Chicago: The University of Chicago Press, 2014), 42

²³ Charles Branham, Kyle K. Bennet, William Beauford, Blandie Brooks, "Fly Away the Great Migration: the movement of African Americans from the Missisipi Delta to Chicago," Kenyon College, last modified 1999, http://northbysouth.kenyon.edu/1999/space/bronze.htm.

²⁴ *Ibid*.

²⁵ *Ibid*.

²⁶ Louis Rosen, *The South Side: the racial transformation of an American Neighborhood* (Chicago: Ivan R. Dee, 1998), 61.

²⁷ *Ibid*.

²⁸*Ibid.*, 3.

²⁹ Rosen, *The South Side: the racial transformation*,70.

Southside Chicago, experienced first hand the beginning of a white flight from the south of the city. During the 1960's, his graduation from middle school came with changes: "I just assumed that all of the people I graduated Caldwell with would go to Bowen High School. It never occurred to me they wouldn't. Then, that summer before freshman year, there seemed to be a few white kids who was leavin', but I wasn't thinkin' that this was a neighborhood that was gonna turn". ³⁰ Essentially, throughout the twentieth century, blacks who had managed to move into a white neighbourhood would cause a wave of white families to move out. Daniel Mayers put it simply: "[Of] Chicago neighbourhoods in 1965, you knew that if one black family moves in, everybody flees, Jewish or not, unless they can't afford to"³¹

When a neighbourhood became predominantly black, whites used many tactics to ensure they would stay there, far away from their own parts of the city. A restrictive covenant was a clause in a contract that limited the freedom of one of the parties in a certain way.³²A study by the University of Chicago law in 1945 chronicled the legal conflicts and impact of cases of restrictive covenant. Chicago's white neighbourhood used blatantly racist clauses, often with the pretext of maintaining "property values."³³ One way this was done was through numerical limits on housing.³⁴ In Oakland-Kenwood, many Residents signed a clause that no more than two adults could live in the house, and that a certain amount of space was guaranteed for every person.³⁵ In this case, the discrimination was more subliminal as it had to do with class not race, yet it was designed with the intention of excluding certain races.³⁶ In one case, the clause simply stated only Caucasians could own the property. ³⁷This clause, among many others, would force poorer families into specific areas,³⁸ having to buy smaller, cheaper and overcrowded housing.³⁹

Such tactics created an "artificial scarcity" for African Americans seeking housing in Southside Chicago. In 1917, the Chicago Urban League noted that in one day, there were 664 applicants looking to purchase a home, and only 50 houses available to them. During this time, rents were increasing up to 50% as a result of the scarcity. In Bronzeville, such tactics had taken their toll: conditions soon became horrendous, with housing soon becoming overcrowded and broken down. Even amongst blacks, the wealthy created newer neighbourhoods in the southern tip of Southside Chicago, while the poor lived in the north end in ruined apartments. Such overcrowding undoubtedly played a detrimental role to the community and to the value of property. It is no surprise that these same neighbourhoods in Southside Chicago, like Englewood, are today still predominantly black and impoverished.

³⁰ *Ibid.*, 78.

³¹ *Ibid.*, 69

³² Oxford Dictionary of Finance and Banking, 5 ed., s.v. "Restrictive Covenant." Oxford University Press, 2015.

³³ William R. Ming Jr, "Racial Restrictions and the Fourteenth Amendment: The Restrictive Covenant Cases," *The University of Chicago Law Review* 12, no 2 (1949): 215.

³⁴ *Ibid.*, 222.

³⁵. Ming Jr, "The Restrictive Covenant Cases," 222.

³⁶ *Ibid*.

³⁷ N/A. "Good Neighbors," Headlines and Pictures: A monthly Negro News Magazine, March 1946, 47.

³⁸ The Chicago Commission on Race Relations, *A Study of Race Relations and a Race* Riot (Chicago, The University of Chicago Press, 1922): 222.

³⁹ *Ibid.*, 209.

⁴⁰ *Ibid*..211.

⁴¹ *Ibid.*, 93.

⁴² *Ibid*.

⁴³ Branham, Bennet, Beauford, Brooks, "Fly Away the Great Migration," http://northbysouth.kenyon.edu/1999/space/bronze.htm.

⁴⁴ Russel Lee, Kitchenette Apartment. 1941. Prints and Photographs division, Library of Congress.

⁴⁵ Dodge, "Poverty Rates Near 60 Percent," http://chicago.cbslocal.com/2014/04/22/poverty-rates-in-many-chicago-neighborhoods-near-60-percent/

Because of the segregation that emerged in early 1900's Chicago, education also followed similar patterns. In areas where both blacks and whites lived in proximity to each other, there were cases where schools, at their own discretion, began dividing children by race. One such example was Felesenthal public school. 46 Its' school district in 1922 had a black population of 38% but black students made up only 20% of the school.⁴⁷ The principal as it turns out, was also the head of another school known as Fuller, which was nearby and had an almost identical percentage of African Americans living in the area (42%). The principal (unnamed) who openly supported segregated schools, placed the majority of black children in this branch location, which had a black attendance of 90%.⁴⁸ When the government commission asked locals about the school, they complained that its equipment was old, the building run down, the teachers were "below the average" and the children were forced to go back to Felesenthal for playtime, as their location had no playgrounds.⁴⁹ Many locals believed that other districts were beginning to dump African American children into the Fuller location.⁵⁰ Richard Gold, a former resident of Southside Chicago, remembered sitting in class as his science teacher harassed the first black student in the school, stating he was a "bad representative of his race.⁵¹ He said, "'Shit, this kid should not have to sit through this', and I remember being deeply ashamed. That's the first time in my life I had any consciousness of race as being a factor of anything."52

Violence was also a medium for segregation, one such case being the Chicago Race Riot. On the 27th of July 1919, a city-wide race riot exploded from a confrontation at a bathing beach.⁵³ It was the culmination of the strained race relations in Chicago.⁵⁴ Because neighbourhoods were "impossibly" overcrowded, some blacks managed to purchase homes in white neighbourhoods. 55 These black homes often experienced violence and resistance in the form of attacks, often through bombings. From July 1 to July 27 1917, twenty-four black-owned houses were bombed. The police found no one responsible. ⁵⁶ Blacks were also attacked by youth gangs in bordering communities. In one such case, just five weeks before the riot, two black teens had been ruthlessly murdered.⁵⁷ Both had been murdered individually and without provocation.⁵⁸ The Lakeshore of 29th street was the site of an informally enforced white-only section of the beach. Eugene Williams had drifted into this section of the beach, and caused another group of blacks to ioin the area.⁵⁹ This resulted in a violent response by whites who were unhappy they had crossed onto their side. This led to the drowning of Williams, a crime in which no one had been arrested. 60 What resulted was a series of mob violence committed by both whites and blacks, murdering and beating dozens of innocent people over the course of a week.⁶¹ Such violence demonstrated how significant social boundaries were to Chicago. The initial murder of Williams was done entirely because he was in a white section of the beach, an informal rule that had no legal status, 62 Violence in these instances was used to enforce or played a role

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<sup>46</sup> The negro in Chicago, A Study of Race Relations 242
<sup>47</sup> Ibid.
<sup>48</sup> Ibid.
<sup>49</sup> Ibid.
<sup>50</sup> Ibid.
<sup>51</sup> Rosen, The South Side: the racial transformation, 61.
<sup>52</sup> Rosen, The South Side: the racial transformation, 61.
<sup>53</sup> The Chicago Commission on Race Relations, A Study of Race Relations, xv.
<sup>54</sup> Ibid., 3.
<sup>55</sup> Ibid.
<sup>56</sup> Ibid.
<sup>57</sup> Ibid.
<sup>58</sup> Ibid.
<sup>59</sup> Ibid., 4.
<sup>60</sup> Ibid., 5.
<sup>61</sup> Ibid., 6.
<sup>62</sup> The Chicago Commission on Race Relations, A Study of Race Relations, 3.
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in developing spatial discrimination against blacks. Violence was one of the tactics used by some people in the white community to enforce de facto segregation.

Southside Chicago's high levels of poverty and its heavy concentration of African Americans can be traced back to the Great Migration, and the subsequent spatial discrimination black migrants faced when arriving at Chicago. Despite how many ethnic groups in America, like Irish Americans, have drastically improved from their initial social and economic standing, African Americans still experience a disproportionate level of poverty. In Chicago, blacks were forced to congregate in overcrowded neighbourhoods. The refusal to sell to blacks led to artificially expensive housing for African Americans, with rents sometimes increasing as much as 50%. Violence was used to enforce segregation, doing so as a form of resistance against the expansion of African Americans into their white-only communities. Education systems for blacks began to suffer as a result of the segregation enforced by educational institutions and the community alike. Being denied housing, overly charged for properties, exposed to violence and faced with a lower quality education, discrimination in Chicago had a powerful effect on black poverty in Chicago. While there are many factors contributing towards poverty, the spatial discrimination suffered throughout the last century played a crucial role in setting the foundations for today's poverty levels. Chicago's segregation denied the black community with some of the necessary tools needed by any community to become prosperous, a fact that should be acknowledged in any present day discussion of poverty in the city.

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Negotiation of Empires: Napoleonic France and the Rhenish Borderlands

Joshua F. Lai¹

This essay joins the ongoing conversation on the Napoleonic Wars, where recent research has focused on state-building and the administration of the Napoleonic Empire, rather than the personality of Napoleon. In the Rhineland, the French maintained their rule over a German population by integrating local elites into the system and building networks of collaborators. The French had to contend also with a different political culture and a rival absolutist discourse. Although Rhinelanders ultimately deserted the French once French defeat was imminent, Rhenish liberals came to support Napoleonic political institutions and the French Revolution's rationalist discourse in the decades after Napoleon's defeat.

Introduction

Following every stunning military victory Napoleon won, new territories had to be administered and integrated into the empire. Conquest entailed winning the hearts and minds of inhabitants, beyond just winning on the battlefield. This essay focuses on French administration of the Rhineland, joining the debate on a topic that has received recent revaluation. Recent research on the Napoleonic Wars has emphasized state-building over military history, focusing on the administration of the Napoleonic Empire beyond the figure of the emperor himself, or narratives of conquest that would heroize either the French or the Germans. Michael Broers's three-zone model (inner, intermediate, outer zones) has proven influential and is used by "virtually all historians of the Napoleonic Empire" according to Steven Englund. Thus, parts of Italy count within the inner empire, while some traditional areas of France (ie. the Vendée and Brittany) are treated as being part of the outer zone because of their persistent unrest. Michael Rowe has offered a reminder that the Rhineland is itself worthy of study for being the only German-speaking area to be administered as a direct part of the French Empire. While the older literature discussed patterns of resistance or collaboration to the French, John Dunne and Malcolm Crook have suggested that studies should focus on the degree of locals' intimacy with the state, as Rhenish society had elements of both collaboration and resistance.² Studies of the Rhineland have also received a boost since the 1980s, with new interest on the Rhineland as the heartland of German liberalism, offering analysis of the extent of Napoleon's influence on Rhenish liberalism.³ However, the anglophone literature has not yet contextualized the introduction of Napoleonic institutions and structures with that of Germany's ancien régime, or the discourse that legitimated it. Napoleonic France articulated an absolutist, imperial identity that rivalled that of the Holy Roman Empire, an imperial polity with its own absolutist discourse. This essay focuses on the mode of French administration and the variety of Rhenish responses. Napoleonic rule in the Rhineland was characterized by efforts to integrate the area into the empire, rather than a 'smash and grab'; the retreat of the French

¹ Joshua F. Lai is a fourth-year student, studying History as a specialist and Political Science as a minor.

² Crook, Malcolm and John Dunne. "The First European Elections? Voting and Imperial State-Building under Napoleon, 1802-1813." *The Historical Journal* 57, no. 3 (2014): 663-64.

³ For reviews, see Aalestad, Katherine and Karen Hagemann. "1806 and its Aftermath: Revisiting the Period of the Napoleonic Wars in German Central European Historiography." *Central European History* 39, no. 4 (2006): 547-79; Englund, Steven. "Monster Sacré: The Question of Cultural Imperialism and the Napoleonic Empire." *The Historical Journal* 51, no. 1 (2008): 215-50; Rowe, Michael. "France, Prussia, or Germany? The Napoleonic Wars and Shifting Allegiances in the Rhineland." *Central European History* 39, (2006): 611-40.

empire owed to military defeat and not to any significant Rhineland opposition. Napoleonic empire could have consolidated to a durable polity and international order if victories continued to be won. Day-to-day experience in the French-occupied Rhineland, however, occurred in the context of a larger dialogue between one vision of the Christian order and a new Enlightenment vision of Europe. Ultimately, military success was the best argument for rule, and Rhinelanders pragmatically accepted French rule just as they accepted Coalition rule after 1813. Nonetheless, the ghost of Napoleon lived on. The Rhineland emerged as the heartland of German liberalism, producing many defenders of Napoleonic institutions in the decades after Napoleon.

French Administration in the Rhineland

French relations with its neighbours had deteriorated rapidly after the French Revolution, with the surrounding feudal monarchies viewing the Revolution as an existential threat and vice versa. War between France and the Holy Roman Empire broke out in 1791. Napoleon took power in France late in 1799, marking a new phase in the Revolution and a period of enormous French military success. The Rhineland had been occupied by the French early in the Revolutionary Wars, but existed in an ambiguous legal state until the 1801 Treaty of Lunéville confirmed French annexation of lands up to the left bank of the Rhine river. The consolidation of Napoleonic rule occurred alongside rapprochement with the Catholic Church, "a vital precondition for winning acceptance among the region's mainly Catholic population" in Michael Rowe's words. The right bank of the Rhineland was reorganized into the 'Confederation of the Rhine' in 1806, a network of satellite states loyal to France (but sovereign de jure) that extended as far south to Bavaria and east to Saxony. When the members of the Confederation of the Rhine voted to formally leave the Holy Roman Empire in 1806, Emperor Francis II resigned and dissolved the Empire days later. 5

The Rhineland was characterized by extreme territorial fragmentation on the eve of French conquest. Rhinelanders traditionally had a strong attachment to the emperor, with a history of integration into imperial institutions. Many Rhinelanders served in the Austrian army and bureaucracy, and imperial courts remained widely used by all strata of society. Several symbols and historical moments of the Empire were connected to places in the Rhineland, such as the traditional coronation venue being at Aachen and the elector of Mainz serving as imperial chancellor of Germany. The incoming French administration encountered deep-seated anti-French sentiment, especially when Coalition forces appeared to be advancing. In Cologne in 1805, Habsburg sympathizers discouraged conscripts, spread rumours, and distributed Habsburg cockades. Armed bands later attacked the houses of some mayors. In 1809, a Rhenish National Guard rebelled and pillaged the houses of local notables when Allied forces neared. However, Rowe has also emphasized the extent of ralliement among Rhinelanders, especially among the elite, and it was among this stratum that the Napoleonic regime in the Rhineland depended upon. Although the new officials were appointed based on professional knowledge rather than support of the Revolution (and many new bureaucrats had 'politically problematic' pasts), the only en masse rejection of collaboration was in Cleves, where the nobility had close ties with the Prussian state which had ennobled them a generation earlier. Well-connected, wealthy locals that received official posts helped consolidate the Napoleonic conquests and oversee unpopular edicts. According to Rowe, Napoleon deserved some credit for transforming "the fratricidal ideological conflicts of the 1790s into petty quibbles over precedence" in administration. Some

⁴ Rowe, 2006, 616-22.

⁵ See Wilson, Peter H. "Bolstering the Prestige of the Habsburgs: The End of the Holy Roman Empire in 1806." *The International History Review* 28, no. 4 (2006): 709-36.

⁶ The Habsburg dynasty ruled a collection of territories including Austria, Bohemia, and Hungary. Since 1438, the dynasty had monopolized the office of Holy Roman Emperor. By the eighteenth century, 'Austria' was increasingly recognized as a distinct entity, and the Habsburg emperors were more commonly known as 'Austrian'. But ordinary Germans usually still identified with the Empire, and the role of imperial institutions was increasing before the Revolution. See Wilson, Peter H. "The Meaning of Empire in Central Europe around 1800." In *The Bee and the Eagle: Napoleonic France and the End of the Holy Roman Empire, 1806*, ed. by Alan Forrest and Peter H. Wilson, 22-41. New York: Palgrave Macmillan, 2009.

⁷ Rowe. 2006. 616-22.

collaborators were religious minorities who leapt at the new opportunities, while 'enlightened idealists' also served, seeking to carry out reforms possible in the new system. Although many Rhineland institutions remained French-dominated, an increasing number of locals entered office. At the lowest levels and in the judiciary, positions were serviced mostly by locals.⁸

Conscription was another indication of the extent that French rule was accepted. Many Rhinelanders had served in the Austrian army but the Rhineland had never experienced conscription before. Military service was seen as a transaction, and imperial demands for manpower were often satisfied with cash payment. Napoleon's introduction of conscription was unpopular, but was accepted – the rate of arrests for draft dodging in the Rhineland was not much lower than the national average, while the rate of desertion was far lower. However, the pre-Revolution practice of military replacement continued during the Napoleonic period despite repression. Many conscripted men would pay volunteers to take their place; an entire industry soon emerged that linked conscripts with prospective replacements. Elites especially practiced replacement, extending their patronage networks by protecting clients. Although the French regime was unable to impose its will on the issue of replacement, the practice was a logical consequence of the mode of French rule in the Rhineland. Like smuggling, replacement was a practice that Rhenish society as a whole participated in. The French had relied on local elites to directly interact with each district, carry out unpopular mandates, and staff local administration; the ability of Rhenish elites to resist French pressure owes to the degree of autonomy they had been granted. 10 Conscript replacement was a stayover from the German ancien régime, and was a manifestation of the way Rhenish elites negotiated with the metropole over the terms of their relationship.

Like all departments of the French Empire, the Rhineland held cantonal elections that selected a pool (from the six hundred highest tax-payers) for a senior assembly to vote on. Crook and Dunne assert that elections were taken seriously and instituted quickly in conquered lands; without tax qualifications, elections were also very inclusive. With Crook and Dunne emphasizing the importance of elections in integrating newly-conquered territories to the empire, it is worth a reminder that elections had very little effect. The pool of representatives selected by cantonal assemblies were elected for life, and another body had the final say on which specific candidates were chosen. Only then would this secondary electoral college put forth candidates for the bicameral legislature in Paris. Moreover, Napoleon increasingly bypassed the legislature as his reign continued, preferring to issue decrees. Nonetheless, elections represent an argument made by the metropole justifying French presence; that the departments often had higher voter turnout than the metropole indicates that locals attached some kind of importance to elections. The case of an 1813 election in a Monacan canton with an unusual 98% turnout reveals that locals could project their own meaning to elections. According to Crook and Dunne, the two candidates had a history of personal rivalry, but had also backed opposing sides during the Revolution. 11 The locals enthusiastically utilized a state institution as a medium to articulate and settle a dispute in their society, implicitly accepting the legitimacy of this Napoleonic institution as an arbitrator.

Napoleon's effect on the economy too, was a complex mix of disruption and many new opportunities for some. Contrary to an older current of historiography that blamed the French presence for sharply disrupting Rhineland trade, Robert Spaulding's broad study of Rhineland commerce shows that the French administration generally increased the volume of trade flow. The Old Reich's system of privileges (especially trading privileges for Mainz and Cologne) and river tolls had impeded the free flow of goods.

⁸ Rowe, Michael. "Between Empire and Home Town: Napoleonic Rule on the Rhine, 1799-1814." *The Historical Journal* 42, no. 3 (1999): 647-56.

⁹ Referring to the 'national' average across the French Empire. 16% of draft dodgers were arrested in the French Empire compared to 7% arrested in the Rhineland. However, while 18% of conscripts deserted across the Empire, only 6% deserted in the Rhineland. See Rowe. 1999. 665-66.

¹⁰ Rowe. 1999. 665-73.

¹¹ Crook and Dunne. 2014. 661-97.

While trade in the former major ports of Cologne and Mainz dropped enormously, the removal of their 'artificial' privileges was followed by economic growth in the lower Rhineland and on the right bank. The Continental System (prohibiting trade with Britain and its colonies) caused a decline in upward traffic by 1808, but did not obstruct downstream trade. ¹² Like with those seeking public office, collaboration with the French regime could confer varied personal benefits.

Elite support was vital for securing the extraction of taxes and manpower from the conquered lands, the main impetus of integration efforts. Local notables in the Rhineland rallied to Napoleon, but disturbances arose whenever Coalition forces were winning (see above). Elites began to defect or distance themselves from the French regime after Napoleon's defeat at Leipzig in 1813, sensing the impending end of Napoleonic rule. But even during the heyday of French control, the local government sometimes interfered with French resource extraction. Besides conscript replacement, Rhineland mayors sometimes worked to reduce conscription by manipulating legislative definitions of the number of available men. Sometimes (like in Cologne), local elites coordinated to inhibit the metropole's tax extraction and control. Municipal governments were known to sometimes favour local interests and cite anciennes conventions against wealthy outsiders. There was a long-term decrease in French control over the provinces, losing willing collaborators. 13 The French had made efforts early on to drum up enthusiasm with republican festivals and propaganda, moves that only alienated public opinion. The strength of pro-Habsburg sentiment was revealed again when Napoleon married the daughter of Francis II, receiving great acclaim in the Rhineland. ¹⁴ Like discussed above, occasions of local resistance by elites were made possible by the French maintaining them in the bureaucracy. Napoleon's increasingly demanding administration may be responsible for the ambivalence of local responses to the French as time passed, but it was military defeat that definitively ended Napoleonic rule on the Rhineland. There was a degree of resistance but serious revolts corresponded with French weakness, and it is hard to say if anything but military defeat could have seriously challenged French rule.

Competing Discourses

Both Napoleon and the Habsburgs articulated their own discourses of unique, universal empire. The Holy Roman Empire had a long history dating to the Middle Ages and was conceptualized as the universal leader of Christendom, having inherited the hegemony of Ancient Rome. The Empire's claims to pre-eminence were increasingly ignored by foreign kingdoms through the early modern period. However, the revisionist historiography since the 1970s (especially in the German language) has demonstrated that denizens of the Empire continued to accept the authority of the emperor and participate in imperial institutions, especially law courts (at the local level) and Imperial Circles (among imperial Estates). The Treaty of Westphalia was not a nail on the imperial coffin, but was an important constitutional milestone. Before the Revolution, the Empire was increasingly consolidating as a corporate body albeit with codified split sovereignty, while its claims to international pre-eminence increasingly met challengers. Within the Empire, many Germans came to accept and defend the multilayered sovereignty that was unlike the other absolutist European monarchies. After the Treaty of Westphalia, many German writers praised the distinctive 'German freedom' – the defence of the special privileges and corporate rights by the emperor. 16

¹² Spaulding, Robert Mark. "Changing Patterns of Rhine Commerce in the Era of French Hegemony, 1793-1813." *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 100, no. 4 (2013): 413-31.

¹³ Rowe. 1999. 658-72.

¹⁴ Rowe. 2006. 617, 621-22.

¹⁵ The best anglophone treatment of imperial history is Wilson, Peter H. *Heart of Europe: A History of the Holy Roman Empire*. Cambridge, MA. (Harvard University Press): 2016. See also Rowe, Michael. "The Political Culture of the Holy Roman Empire on the Eve of its Destruction." In *The Bee and the Eagle: Napoleonic France and the End of the Holy Roman Empire*, 1806, ed. by Alan Forrest and Peter H. Wilson, 42-64. New York: Palgrave Macmillan, 2009.

¹⁶ Gagliardo, John G. *Reich and Nation: The Holy Roman Empire as Idea and Reality, 1763-1806.* (Bloomington: Indiana University Press, 1980), 12-72.

A vigorous artistic campaign sponsored by the emperor began with Leopold I's reign (1640-1705) that used a repertoire of imperial symbols, rituals, ceremony, and music; RJW Evans has compared the extend of their grandeur with that of the Sun King's court. The art used "an inextricable blending" of German and Austrian motifs. When Joseph II ascended to the throne, he was frustrated by his limited capacity working through imperial institutions and began to promote Austrian state-building outside of the structure of the Empire. His death introduced a period of 'turbulence' with a dialectic between new and old ideas of the Empire. Neither discourse won out after the Habsburgs were shorn of their institutional legitimacy. When Francis II dissolved the Empire in 1806 and proclaimed himself 'emperor of Austria,' the new polity encountered domestic dissatisfaction and loss of its international prestige. The framework of the Holy Roman Empire could organize the diverse areas of Germany and the Habsburgs' multiethnic crownlands, but an 'emperor of Austria' lacked emotional resonance. The Austrian Empire would encounter persistent unrest after the Holy Roman Empire was dissolved.

On the other hand, Napoleonic universalism was grounded in the sense that the Revolution was an event of world significance; in Condorcet's words, 'a good law is a good law', and the French laws created from the Revolution were the best laws. Broers asserted that the origin of Napoleonic ideas of universality and superiority rested upon the sense of the superiority of French culture, predating the Revolution. In his formulation, Napoleon was the driver of a deep-seated French culture that desired conquest. 18 William Doyle described the impetus toward empire as a product of Revolutionary France's political culture, but was more practically a signal that the new monarchical regime was different from that of the Bourbons.¹⁹ There was no precedent for a French 'empire.' Louis XIV had fantasised about being elected emperor "in his less guarded moments," but French claims to imperium had to be traced back to Charlemagne, whose legacy the Holy Roman Empire was already claiming. The Carolingian legacy had to be wrested from the Habsburgs, prompting Napoleon's extravagant coronation and his attempts to bully the Habsburgs into ceding their imperial title after the War of the Third Coalition.²⁰ Napoleon's 1804 coronation in Paris was revealing of how the regime wanted to be read. Despite purporting to be a 'rational' empire legitimated by popular sovereignty and the Revolution's tradition of anti-clericalism, the pope appeared at the festival to anoint Napoleon. According to Philip Dwyer, there were three key symbols in the coronation: the anointing (symbolizing rapprochement with the church), the oath sworn before 'representatives' of the people (linking the sovereign with the French community), and the coronation itself (a civic act). The ritual was an attempt to placate every sectarian interest in France, from republicans to monarchists to devout Catholics. While Dwyer stated that the coronation was almost universally panned (and denounced by many Catholics), he described it as a necessary 'rite of passage' to convert France to an empire. 21

Conclusion: The Legacy of Napoleon

In the decades after Napoleon, the memory of French rule and prompted nostalgic eulogy among Rhenish liberals, who tried to defend Napoleonic institutions during the *Vormärz*.²² Rhenish liberals

¹⁷ Evans, R.J.W. "Communicating Empire: The Habsburgs and their Critics, 1700-1919: The Prothero Lecture." *Transactions of the Royal Historical Society* 19, no. 6 (2009): 117-38.

¹⁸ Broers, Michael. "The Napoleonic Empire." In *The Bee and the Eagle: Napoleonic France and the End of the Holy Roman Empire, 1806*, ed. by Alan Forrest and Peter H. Wilson, 65-82. New York: Palgrave Macmillan, 2009. ¹⁹ Dwyer has argued that the push to monarchy was "an expression of a dominant set of political beliefs and values" in French society that Napoleon acceded to. See Dwyer, Philip G. "Napoleon and the Foundation of the Empire." *The Historical Journal* 53, no. 2 (2010): 339-58.

²⁰ Doyle, William. "The Political Culture of the Napoleonic Empire." In *The Bee and the Eagle: Napoleonic France and the End of the Holy Roman Empire*, 1806, ed. by Alan Forrest and Peter H. Wilson, 83-93. New York: Palgrave Macmillan, 2009.

²¹ Dwyer, Philip. "Citizen Emperor': Political Ritual, Popular Sovereignty and the Coronation of Napoleon I." *History* 100, no. 339 (2015): 40-57.

²² The *Vormärz* describes the period in German history after Napoleon but before the 1848 nationalist uprisings. The period was characterized by domestic repression in Austria and Prussia.

constantly deployed French Revolutionary symbols – including singing the Marseillaise and using the 'Liberty, Equality, Fraternity' slogan – against the repressive Prussian regime, first during the 1830 revolutions. ²³ Sperber notes that the Rhenish use of French Revolutionary symbols did not mean necessarily that there was a connection – the use of history could also be intended to bolster the legitimacy of unrelated popular protests. Indeed, pro-Habsburg and pro-Catholic sentiment emerged during periods of popular unrest in the Rhineland. However, Sperber also noted the presence of educated radicals in the Rhineland, whose 'appropriation' of the French Revolution helped continue an existing revolutionary tradition in Germany. ²⁴

As Broers describes, "the administrative and legal order Napoleon introduced across western Europe – even if ruthlessly imposed, even if violently opposed at the time – laid the foundations for the public sphere of the next two centuries". The dissolution of the Holy Roman Empire in 1806 was irrevocable, and the Napoleonic vision of popular sovereignty and uniformity ultimately won out in shaping Germany.

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²³ Sperber, Jonathan. "Echoes of the French Revolution in the Rhineland, 1830-1849." *Central European History* 22, no. 2 (1989): 200-09.

²⁴ Sperber. 1989. 214-17.

²⁵ Broers. 2009.

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Carter v. Canada: A Case for Assisted Suicide

Ivan Ho¹

The topic of assisted suicide is highly contentious and has no 'correct' answer; we can discuss only the best possible solutions. In the case of *Carter v Canada*, it was decided by the Supreme Court of Canada in 2015 that assisted suicide would be permissible under a strict regime (Carter v Canada (AG), [2015] 1 S.C.R. 396). The appellant made the argument that S. 241(b) of the Criminal Code is in direct violation of S. 7 of the Charter because it will cause them to have to commit suicide much earlier than they would like to because they would later be unable to do so due to their chronic condition (Carter v Canada (AG), [2015] 1 S.C.R. 335). In being forced to commit suicide by themselves at an earlier time, when they are still capable, it endangers the life of these debilitated individuals by robbing them of many more potential months or years of life. This paper argues that the conclusion arrived at in *Carter* is a better, more inclusive option for the moment than the previous verdict of *Rodriguez*, despite having problems still.

An Introduction: Rodriguez v British Columbia

To understand the context of Carter v Canada, we must also consult the most detailed pre-existing case, Rodriguez v British Columbia (AG) in 1993. While evidence and understanding has changed drastically over the duration between these two cases, many of the arguments for and against assisted suicide are rooted within Rodriguez (Carter v Canada (AG), [2015] 1 S.C.R. 334). This requires us to revisit this case due to the detailed responses and interpretations provided in the case record. The Rodriguez case featured a similar situation – a terminally ill patient sought assistance to commit suicide and questioned whether the Criminal Code provision S.241 infringed on the Canadian Charter of Rights and Freedom (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 520). S.241 stipulated that all those who counsel, abetted (part A of S.241), or aided (part B) persons attempting suicide, were guilty and liable to imprisonment for up 14 years. If the Charter was infringed, would the Criminal Code provision be saved by S.1 of the Charter? S.1 of the Charter states that, "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" (Constitution Act, 1982, S. 1). Thus, was this infringement reasonable enough that it would be permissible? The appellant requested that S.241(b) – making it illegal to provide aid to persons attempting suicide – be declared invalid pursuant to sections 7, 12, and 15(1) of the Charter:

- 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
- **12**. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.
- **15(1)**. 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 and, in particular,

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without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (Constitution Act, 1982, S. 7, 12, 15(1))

Moreover, section 52(1) of the Constitution stated that, "The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect" (Constitution Act, 1982, S. 52(1)). The argument made by Rodriguez here is that not being able to access physician assisted suicide was cruel and unusual punishment, and violated the equality of the individual and their protection from discrimination based on disability (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 520). Thus, by S.52 (1), S.241 (b) of the Criminal Code was of no force as it violated central sections of the Charter; meaning that physician assisted suicide ought to be legal.

According to Justice Lamer's interpretation, S. 15(1) had the greatest effect on determining if S. 241(b) was unconstitutional as each claim was tested. Lamer discovered that although s. 241(b) was not discriminatory by intention, it did prevent individuals who had contracted a physically debilitating disease from committing suicide by lawful means (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 549-50). A physically capable individual would be able to commit suicide using conventional means available to them, but the disabled could only request assistance from others in the terminal stages of the disease (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 551). It was not an argument for suicide, merely for the right of the choice of suicide (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 552). The last question that remained then was whether or not S. 241(b) and its discrimination was saved by section 1 of the Charter, guaranteeing "the rights and freedoms set out in [the Charter] subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 558).

From here, S. 241(b) was subjected to the Oakes Test, applied every time a Charter violation is found. S. 1 of the Charter is often referred to as the "reasonable limits clause" because it is the section that can be used to justify a limitation on a person's Charter rights. Charter rights are not absolute and can be infringed upon if the Courts determine that the infringement is reasonably justified. There are four parts to the Oakes Test:

- 1. The law must demonstrate that it pertains to an objective related to concerns which are pressing and substantial in a free and democratic society.
- e.g. how are school prayers in non-denominational schools of pressing concern to a democracy?
- 2. The measures adopted [by the law] must be carefully designed to achieve the objective in question. They must not be arbitrary, unfair or based on irrational considerations. In short, they must be rationally connected to the objective. **e.g.** shouldn't ban private healthcare if the objective is to protect public healthcare.
- 3. The means [of enforcement], even if rationally connected to the objective in this first sense, should impair "as little as possible" the right or freedom in question. **e.g.** shouldn't ban all English in order to preserve French – the total ban is unnecessary.
- **4.** There must be a proportionality between the effects of the measures which are responsible for limiting the Charter right or freedom, and the objective which has been identified as of "sufficient importance".
- i.e. does the law offer more significant benefits than it does significant disadvantages?

If a law fails to clear any part of the test, it is considered as in violation of the Charter and therefore of no force and effect. The law may be revisited by legislators and pruned of its detrimental clauses.

S. 241(b) easily cleared the first branch but raised a question: while its primary objective was the preservation of life, the repeal of attempted suicide as an offence also indicated that Parliament valued the right of physically able individuals to self-determination (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 561). How far then, was Parliament justified in depriving the disabled of their right to an equal measure of self-determination (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 561)? Lamer found that S. 241(b) failed the minimal impairment test in relation to S. 15 because it deprived this specific disadvantaged group of a right to equality, the equal ability to commit suicide (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 566). Therefore, Lamer declared that S. 241(b) could not be saved by S.1 because it was not within reasonable limits (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 569). But must this opportunity be equal for all?

Justice Sopinka certainly did not believe so, claiming that to repeal S.241(b) and to allow assisted suicide would run contrary to S. 7 of the Charter (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 585). Justice Lamer, while compiling a strong argument against S. 241(b) via S. 15 merely brushed off S. 7 (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 583). Sopinka claimed that S. 7 by protecting the security of the person, also made any choice to end one's own life improper and not encompassed by S. 7 (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 586). However, Sopinka followed up with the claim that the security of the person was also intrinsically connected with the well-being of the person (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 586). Sopinka interpreted dying as something that occurs naturally and cannot and should not be determined by oneself (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 586). Sopinka's claims, about the sanctity of life and the improper-ness of allowing assisted suicide in favour of allowing 'nature' to take its course, are hollow and unconvincing. But it also holds within it a crucial worry that, if assisted suicide were allowed, how long would it be before the lines between murder and suicide became blurred (Sulmasy et al., 2016, 251)? Much of Sopinka's counter-arguments centred around the vagueness of the conditions to assisted suicide and where to draw the line between it and homicide (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 586).

In *Carter v Canada* 22 years later, the appellant brought forth a similar question with a differently framed claim. The question of the appeal was:

"...whether the criminal prohibition that puts a person to this choice [suicide] violates her Charter rights to life, liberty and security of the person (s. 7) and to equal treatment by and under the law (s. 15)." (Carter v Canada (AG), [2015] 1 S.C.R. 343)

This made an attack on the question using S. 7 which was previously side-stepped by Lamer and lambasted by Sopinka. The appellant pled that the lack of this institution would shorten their life because they would be forced to commit suicide while they were still capable to do so on their own, thus violating S. 7 (Carter v Canada (AG), [2015] 1 S.C.R. 342-3). The Court concluded that this was indeed true, and it did violate S. 7 and S. 15 (Carter v Canada (AG), [2015] 1 S.C.R. 343). They also concluded from evidence that under a strictly regulated regime that was accessible to competent adults only, the influences of coercion are mitigated extensively, an issue that Sopinka worried about in *Rodriguez* (Carter v Canada (AG), [2015] 1 S.C.R. 355). Whether *stare decisis*² was enacted properly was not up for debate as it had been confirmed by a multitude of judges and by the existence of new data regarding assisted suicide from other countries (Carter v Canada (AG), [2015] 1 S.C.R. 334, 345).

A Case for Assisted Suicide

² The legal principle of determining points in litigation according to precedent. Here, it was an issue of whether or not *Carter* could revisit the case of *Rodriguez* due to the decision arrived at in the verdict of *Rodriguez* which set a precedent. In legal context, a precedent is the verdict of a case that dictates how to handle all future cases that ask similar questions. To revisit a precedent necessitates sufficient new evidence and change in general understanding of the issue.

Rodriguez was ruled 5-4 against assisted suicide. Much of the discussion had been outlined in this case, prior to Carter, and indeed, Carter refers back to Rodriguez in many instances (Carter v Canada (AG), [2015] 1 S.C.R. 371-73). However, Carter possessed a different conception of S. 7's meaning of the security of the person and a new body of evidence unavailable during the time of Rodriguez (Carter v Canada (AG), [2015] 1 S.C.R. 334). Much of the debate centred on two issues 1) the understanding of the meaning of the security of the person in S. 7 and 2) the issue of volition and coercion of the vulnerable individual. Utilizing the legal literature presented thus far, bioethical arguments and evidence, the rest of this paper will argue that Carter's conception of S. 7 is the most reasonable, the threat of coercion is unsubstantiated at best, and that the conclusion arrived at in Carter was much more inclusive, reasonable and flexible than that of Rodriguez.

Justice Sopinka as well as opponents of assisted suicide have made the argument for the sanctity of life (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 585, & Sulmasy et al., 2016, 247). We will address this argument, not claiming a strawman against Sopinka, but merely to evaluate it in regard to a patient in a terminal condition. The argument on the sanctity of life can be taken from the religious perspective but also from a logical perspective. The religious one is often dismissed as zealotry or bigotry (Sulmasy et al., 2016, 248). But the logical one is still a solid one and closely tied with the slippery slope argument (Sulmasy et al., 2016, 249). Homicide is outlawed for a multitude of reasons, commercial, social stability, peace of mind, and safety for society. If it wasn't illegal, a cohesive society would be impossible, and we would be nothing short of animals (Hobbes, 1958, 107). But at what point can we differentiate assisted suicide from homicide? Try as we may to create a definition for it, the line is still unclear. Of course, one can argue that, consent of the individual is the important distinguishing factor, but it cannot be a vague consent but a constant insistent one up until the moment before the procedure begins (Martin, 2018). Here, the slippery slope must be considered.

Sulmasy et al. made the case for the slippery slope, utilizing the Netherlands and Oregon as examples. According to Sulmasy, to allow for the legalization of the most basic set of assisted suicide legislation would gradually create a relaxation of these regulations (Sulmasy et al., 2016, 251). In the case of the Netherlands, assisted suicide came into effect in its most basic form first, catered to individuals like Rodriguez or Carter with some terminal condition (Sulmasy et al., 2016, 251). However, over time it has become accessible to all adults and has even become open to children under 12 under certain conditions (Sulmasy et al., 2016, 251). A large number of individuals partake in this procedure annually in the Netherlands, numbering in the low thousands (Reitjens et al., 276). Proponents of assisted suicide cite that it is only responsible for a small percentage of all deaths in the Netherlands (Reitjens et al., 276) A question arose: was this going to be a stable percentage, or would it rise as the procedure becomes more widespread and banal? However, a study from Oregon revealed another important point here. Of the reasons cited for why an individual was partaking in this procedure, pain due to an untreatable disease ranked only 6th; a general lack of a will to live in the form of "losing autonomy" ranked 1st, with being "less able to engage in activities that [made] life enjoyable" and the "loss of dignity" in 2nd and 3rd place respectively (Sulmasy et al., 2016, 252-3).

This opened up two considerations, 1) was the effect spuriously related and 2) how strictly assisted suicide ought to be regulated. Justice Sopinka had mentioned that the security of a person was inextricably linked with their well-being; thus, preservation of life itself was not enough, alone (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 587-8). Dr. Gawande, a surgeon and public health researcher, has argued that up to a certain point in many terminal conditions, another low-chance of success treatment shouldn't be sought for (Gawande, 2014, 4-5). After a certain point, the state of mind of the patient and their relatives ought to become the doctor's focus in these terminal conditions, according to Gawande. For terminal cancer patients, Gawande drew into focus just how rare a recovery from such a situation is; the chances become more and more infinitesimal as the patient's condition deteriorates (Gawande, 2014, 31). Often times, the risky procedure might obtain positive results less than five percent of the time and is almost guaranteed to shorten the life of the patient. Gawande argued physicians ought to focus on maximizing their patient's and loved ones' peace of mind, acceptance of the situation and get them to focus on living out the rest of their life as best as possible. At least then, the patients may still have the chance to spend a few more precious

months or weeks with their loved ones rather than remain hooked up to some machine that will eke out a few more meaningless weeks strapped to a bed (Gawande, 2014, 77, 128). This was precisely Carter's argument as well, that with the procedure available as a choice, they could be free to spend whatever remaining 'good' days with their loved ones before they decided to die (Carter v Canada (AG), [2015] 1 S.C.R. 343). Opponents of assisted suicide claimed that palliative care could and would alleviate any pain caused by the condition towards the end (Stockland, 2018). They make a good point but the most important part, mindset, still remains. Not everyone can adjust to these challenging conditions well - they may even be unable to. The point here is simple - no matter how resilient someone is, the state of being bedridden with a terminal condition certainly undermines the will to live (Carter v Canada (AG), [2015] 1 S.C.R. 347-8). Through this reasoning, it should not be of great surprise that some variation of a lack of a will to live is the leading factor for patients deciding on assisted suicide.

If anything, Sopinka was most worried about the vagueness and reticulated manner with which Lamer proposed to move ahead with assisted suicide in *Rodriguez* (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 582). Sulmasy et al. made a convincing case in displaying that the leading factors to seek assisted suicide is the will to live, even if there is some spurious relation with the medical condition of the individual. If everyone could use the procedure in the case of a hypothetical, expansive and weakly-regulated system, it could create a potentially destructive entity where droves of people who are in fine health just give up on life. Obviously, such a hypothetical exists only as a warning of what could happen. The system in the Netherlands, as expansive as it is, still can only be accessed by those in some interminable and agonizing condition (Reitjens et al., 273). The slippery slope is not as slippery as it is made out to be, rather the institution is expanding to fill out and cater to all possible individuals that could require such a service.

Opponents of assisted suicide have argued that it becomes a means for the state to defund palliative care and sideline it, when really, palliative care has the proven potential to alleviate pain and suffering in these scenarios (Sulmasy et al., 2016, 252). Palliative care is important and by no means should it ever be rolled back, it is also not necessarily incompatible with the goals of individuals in Carter and Rodriguez. The appellant requested assisted suicide to become a legal option because at the terminal stages where all bodily movement has been stripped away by ALS, the patient was unlikely to want to be kept alive in such a state any longer (Carter v Canada (AG), [2015] 1 S.C.R. 348). With the current assisted suicide regime, there exists a short reflection period after a patient files for the procedure; excellent palliative care can keep the patient in comfortable condition as they think over their decision (Martin, 2018). But which option would be more appealing, an assisted suicide procedure or the already existing option to refuse treatment and other life-sustaining medications for a slow death of wasting, starving, or asphyxia? And what are proponents of palliative care supposed to reply to this type of death with? Surely, a quick, succinct procedure would be, if not less immediately painful, at least less drawn out and chronically painful. Indeed, how can one apply the argument of living out the rest of one's life as well as possible to someone who is essentially bound within their body? Ethicist consulted in Carter have concluded that there is no distinction between the end-of-life practices that withhold life-sustaining medication by request of the patient, from that of assisted suicide (Carter v Canada (AG), [2015] 1 S.C.R. 354).

Justice Sopinka also worries that should such a measure exist, these vulnerable individuals may be coerced into killing themselves as to not burden their family or whatever other reason (Rodriguez v British Columbia (AG), [1993] 3 S.C.R. 600). This contingency ultimately depends on the individual and their relatives. Under the current design with strict regulative criteria, and unmistakable consent of the patient at every stage, this seems highly improbable. The physician administering the procedure would also recognize a request that is not of the patient's own making (Carter v Canada (AG), [2015] 1 S.C.R. 355). Reluctance is not difficult to spot in such a situation.

One crucial argument against assisted suicide that is unaddressed in either *Rodriguez* or *Carter*, is the breach of physician-patient trust. Sulmasy contended that as a physician, one's duty is to do their best to help cure the patient (Sulmasy et al., 2016, 253). What happens then, when this same physician must administer the assisted suicide procedure to this same patient? Would there not be c that the physician may not have done their all to save them but had preferred to just feed them into the procedure? There already exists many

suspicions and cases of mistreatment in state-funded care centres for the elderly; not to conflate individuals that request assisted suicide and the elderly but, it is likely for them to overlap (Elliot, 2014). In the Netherlands, many older patients must express their explicit desire not to be euthanized (Austriaco 2011, 148). Indeed, if the assisted suicide procedure is found to be cheaper than a long-term palliative care option, there will be concerns of a conspiracy that physicians would recommend it to save state funds to be diverted elsewhere. After all, under the current assisted suicide regime, patients can only access it after a doctor's clearance and recommendation (Carter v Canada (AG), [2015] 1 S.C.R. 396). Here too, lies a threat of coercion; the family does not want to spend money for palliative care for an individual who is of fair health but is reliant because of complexities brought on by their age.

This challenge is the most complex to resolve thus far. Provided that the assisted suicide regime continues to have the strict rules set for it by Parliament legislation and *Carter*, it is unlikely an unwilling individual is to be euthanized. In regard to physician-patient trust, perhaps having the acknowledgement of a group of physicians to clear the patient for assisted suicide can be a better system than a single doctor's assessment. The well-being of the patient is inextricably bound up in their ability to live their life as they are used to and to enjoy the company of their loved ones; to not have this as a possibility in a terminal illness is cruel and unusual treatment. And so long as the option for assisted suicide remains heavily regulated and gated by health-regulating barriers, there is no harm for such an option to exist. Indeed, should the S. 15 violation continued to have been saved by S. 1, as dissenting Justice Finch claims, the implications that it could have is horrifying (Carter v Canada (AG), [2015] 1 S.C.R. 359). The verdict of *Carter* is the 'best' one for now, in its attempt to balance personal agency, the protection of life, and equality.

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"In a unanimous decision on February 6, 2015, the Supreme Court struck down the provision, S. 241(b) in the Criminal Code, giving Canadian adults who are mentally competent and suffering chronically and intolerably the right to a doctor's assistance in dying. The Court suspended its decision until 2016 to allow amendments to be made, ushering in a new and uncertain age for end of life practices in Canada.

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Oral History Collection of Ethiopian and Eritrean Migrants: Literature Review

Ruth Belay and Michelle Linares¹

This literature review marks the first step in the Oral History Collection of Ethiopian and Eritrean Migrants (OHC-EEM) preliminary scan of existing government documents, scholarship and historical accounts that focus on the migration of Ethiopian and Eritrean migrants. Through a policy lens and examination of cultural adaptation, this review begins to examine the existing literature that often under-utilizes oral history accounts of Ethiopian and Eritrean migrants. The paper provides key arguments for the collection of migration stories, and the archival preservation of these accounts through the OHC-EEM project.

Note: Ruth Belay and Michelle Linares are two women of colour that continue to celebrate the diversity of Toronto. Using their East-African heritage, they have developed a student-led initiative that focuses on enriching and empowering Ethiopian and Eritrean diaspora, through the preservation and celebration of migration stories. They both hope to continue promoting more research initiatives through the Oral History Collection of Ethiopian and Eritrean Migrants (OHC-EEM). Please contact, Ruth and Michelle if you are interested in participating or supporting the OHC-EEM project.

Introduction

The *Oral History Collection of Ethiopian and Eritrean Migrants*² is a student-led initiative that aims to capture the migration stories of the Ethiopian and Eritrean diaspora community that settled in Toronto, Canada in partnership with the Scarborough Digital Archives. These stories are the root of this community and continue to be pivotal for providing greater insight into the present and historical conditions of the diaspora. In order to frame the historical focus of this project, the *Oral History Collection of Ethiopian and Eritrean Migrants* will focus primarily on the period of migration spanning from 1974 to 1991. This project will attempt to capture these vital migration stories through oral history practices. In our quest for greater understanding and developing research inquiries, it is imperative to our research to collect qualitative data that pertains to Ethiopian and Eritrean migration.

This literature review will be the starting point for a much-needed assessment of the current literature and research surrounding the migration of the Ethiopian and Eritrean community in Toronto. We have drawn from a multitude of sources (government documents, books, memoirs, journal articles and so forth) in order to assess the current landscape in regards to research materials. For simplicity, we have divided the literature review into four sections; Examination of archival importance, historical context, immigration policy review, cultural adaptation and gendered experiences. These sections will give an overview of current scholarship, whilst identifying gaps in the available scholarship around Ethiopian and

Fall 2018 Vol. 1

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An earlier version of this essay was first submitted to Prof. Chris Berkowitz's HISD01 course in 2018.

² The database can be accessed at https://ohceem.wordpress.com/

Eritrean migration. The first section will provide historical, political and contextual background in order to better understand motivations for migration. The following sections, two and three, will conduct an indepth literature assessment of Canadian immigration policy as well as examining gender and cultural shifts in relation to Ethiopian and Eritrean diaspora community in Canada. The last two sections will highlight the value held within these stories, while also overviewing various methods of preservation. Overall, each section will try to identify gaps and achievements of the scholarship and provide relevant commentary. This literature review will guide future research endeavours as we begin to delve into collecting oral histories of Ethiopian and Eritrean migrants. The final text will be made available on the Oral History Collection of Ethiopian and Eritrean Migrant website.

Archival Importance

One of the ultimately goals of this project is to create the foundation for an Ethiopian and Eritrean oral history archive. Collecting oral history is a research method that allows researchers to engage with participants as well as to capture experiences that would be lost otherwise. The *Ethiopian and Eritrean Oral History Collection* attempts to address the underrepresentation of Ethiopian and Eritrean narratives by creating a database for the collection of the oral histories of these migrants. The creation of this collection would allow for community-led engagement and archival work not currently available. This collection will be the first of its kind to focus entirely on the migration stories of Ethiopian and Eritrean migrants.

Preservation is often the key reason for establishing an archive, ensuring that materials are accessible to researchers and future generations (Dearstyne 1987, p. 77). Yet despite archivists' best efforts to preserve information, "...archives offer researchers a sliver of a sliver of a sliver" (Harris 2002, p. 65). Regardless, it is a sliver that would be lost without the preservation conducted by archives. Andrew Flinn, a leading expert on community archives, has shown that material found in archives are important to the communities in addition to researchers (Flinn 2007, p. 152). Archives have an important role in shaping the memories and the stories of communities that can assist society to "meet current needs" (Brothman 2001 p. 50). The inclusion of oral histories in archives have been criticized by scholars and the suitability of these sources and their merit for inclusion questioned (Flinn 2011, p. 7). These critics overlook the historical value and "significant emotional resonance" that oral histories can have on communities. Oral histories provide access to a "hidden history" of marginalised groups (Flinn 2011, p. 4 - 6). Archives centered around these identities can increase the material available on these underrepresented communities. There is a sense of empowerment that can arise with the creation of community-led archives/projects that aim to recover and celebrate underrepresented histories whilst challenging dominant narratives (Flinn 2011, p. 10).

Despite our extensive research, we were unable to find any archives or collections dedicated solely to the migration stories of Ethiopian and Eritrean migrants. The Eritrean Print and Oral Culture is one of the few Canadian archives focusing on these diaspora communities. Lwan Ghebrehariat, an undergraduate student at University of Alberta, has started an Edmonton-based archive/repository of artwork, prints, as well as "including traditional folktales, fiction, autobiography, historical writing, periodicals, and traditional ceremonies". Most of these items have been generously donated by the diaspora community. The archive primary focus is a repository for cultural and historical artifacts and as result the focus is not on the migration stories of Eritrean migrants. This archive is an excellent digital repository but fails to grasp the entirety of Eritrean migrants' experience and the process of resettlement in Canada. With the support of the Oral History Centre of the University of Winnipeg, Professor Alexander Freund had launched the "Stories of Homeland, Violence, and Migration: Memories and Histories of Refugees in Manitoba, 1945 to the Present". Professor Freund has predominantly focused on Jewish refugees but through the Voices of Manitoba Project, he has turned his attention to other refugee groups. The project was divided into three parts: the first part focused on refugees from after World War II, the second part on El Salvadoran refugees that settled in Manitoba in the 70's and 80's, and the last part focusing on Ethiopian, Eritrean, Somali, Sudanese, Burmese and Afghan refugees that have settled in the inner city of Manitoba. Professor uses archival information to provide context for these stories. He focuses on the experiences of the participants in their native country, their path of migration and how that has affected the refugees' ability to settle in Canada.

Despite the lack of Ethiopian and Eritrean community-led archives, there are other diaspora communities that have created independent or university-supported archives. For example, the University of Miami houses the *Haitian Diaspora Oral Histories*. The *Haitian Diaspora Oral Histories* is an online digital archive with oral stories of prominent American-Haitians living mainly in the South Florida region. The digital archive uses both video recording of interviews and transcription of interviews. The Indonesian Diaspora Society of Canada (Indiegogo) has formed their own independent community-led archive, LANSIA *Oral History Project*. Lansia was launched by the Indonesian Diaspora Society of Canada to help collect the oral histories of the first generation of Indonesians to arrive in Canada. This collection is an example of an archive run by a diaspora community organization, outside of an academic institution. Indiegogo believes this project will help later generations, in addition to refugees, learn about the first generation in Canada.

The *Ethiopian and Eritrean Oral History Collection* aims to preserve the histories of an underrepresented ethnic minority. Oral histories offer a unique opportunity to preserve important stories and experiences as primary sources for future research as well as empowering marginalized and underrepresented communities. We will draw inspiration from other projects conducted by other diaspora communities to create an archive that allows for the dissemination of these stories in the most accessible format. We intend to use a digital archives model similar to the aforementioned archives to achieve this goal.

Historical context

It is difficult to discuss Ethiopian and Eritrean migration without first examining the historical events that led to the mass migration of these groups. It is important to note that the term mass migration is used to emphasize the drastic increase of emigrants from these two groups. Furthermore, it is important to highlight that the Ethiopian and Eritrean communities have diverse internal dynamics with a variety of ethnic identities (Oromo, Amhara, Tigrayian, Bilen, Kunama, Nara and so forth). This section will also outline the political situation in Ethiopia and Eritrea that became the catalyst for mass migration. We have narrowed down the focus of this period to the fall of the Ethiopian Imperial regime and the rise military regime of Mengistu Haile Mariam or more commonly known as Derg (1974 - 1991).

The Historical Separation of Eritrea and Ethiopia

Prior to delving into the literature review, it is important to explain the historical and regional differences that have led to the present day separation of the two countries. Although part of the Ethiopian Empire, Eritrea maintained its own regional king and independence (Tiruneh 1993, p 5). In 1885, the Kingdom of Italy officially launched their military colonial efforts into Eritrean province (Finaldi 2016, p. 35-45)³. The Italians aimed to use their conquering of Eritrea as a first step in controlling the surrounding regions (Tiruneh 1993, p 5). In 1887, the Battle of Adwa became a turning point in Ethiopian and Eritrean history. Ethiopia was able to successfully defend against Italian invasion (Abdi 1981, p. 154 - 155). As a result of the war, both sides signed the Treaty of Wachula (1889) in which the Italians officially recognized Ethiopian sovereignty and the Ethiopians were forced to recognized Eritrea as a colony of Italy (Abbnik 1998, p.554-555) (Tiruneh 1981, p. 102 - 103). The Italians were unable to control the rest of the region until the Second World War but they retained their control over Eritrea from 1885 to 1941.⁴ This colonial legacy has resulted in the most distinct historical difference between Eritrea and the rest of Ethiopia (de Villers 2012, 87-88).

After the fall of the Italian colonial government during the Second World War, the imperial dynasty of Ethiopia attempted to unify Eritrea and Ethiopia into a single imperial federation (de Villers 2012, 87-88). The Eritrean people have many cultural and historical linkages to Ethiopia such as food, language, religion, customs and so forth. Yet, the integration of Eritrea into the Ethiopian Empire was a source of

³ Italian missionaries and other Italian officials had been setting the groundwork for military colonial occupation through soft power tactics since the mid 1840's.

⁴ During the Second World War, the Italian military forces occupied Ethiopia from 1935 to 1941

conflict for the two regions (de Villers 2012, 87-88). Since 1941, the imperial government had denied Eritreans many freedoms such as banning of political activity, enforcing the use of Amharic as the official language over local languages and an outright ban on Eritrean nationalism (de Villers 2012, 87-88). Cultural violence was perpetrated as a method of controlling Eritrean and erase the cultural differences between the two regions. It is also important to mention that this practice of cultural genocide targeted other groups in addition to Eritreans.⁵

Despite these political and historical differences, the people of Eritrea and Ethiopia remain closely linked through culture, language, religion, and family connections. It is therefore difficult to separate the two groups when we discuss a period of history when they were still considered one state. It is for these reasons we are including both Ethiopian and Eritrean migrants in our project. We are focusing on the period of migration spanning from 1974 to 1990 and despite the struggles for independence from the Eritrean People Liberation Front (EPLF) and Tigray People Liberation Front (TPLF), both Eritreans and Ethiopians were still unified under the experience of the Derg regime whose regime was responsible for a mass migration of both populations⁶ (Tiruneh 1993, p. 31) (Bernal 2000, p. 60).

The Catalyst for Mass Migration

1974 marked a pivotal moment in Ethiopian and Eritrean history. The Ethiopian Revolution of 1974 was a critical moment that has resulted in the historical, political, demographic and culture impacts and changes to both the Eritrean and Ethiopian peoples.⁷ As early as 1977, Legum described the revolution as having two aims. The first was to end the feudal imperial system and the second was to maintain the current boundaries between the two countries (Hiwet 1984, p. 305 - 308). In order to push for reforms against "the failing Emperor" (Legum 1977, p.306). In 1972, the Ethiopian People Revolutionary Party was formed in order to address citizens' concerns of misadministration, neglect, feudalism and democratization (Haile Selasse 1997, p. 86 - 102). Historian Andargachew Tiruneh states that revolution was primarily composed of the military, teachers, students, trade unions and civil servants (Tiruneh 1993, p. 37). Urban uprisings and military skirmishes occurred within the weakened Ethiopian Imperial state (Tiruneh 1993, p. 38). After months of political instability, a military coup overthrew the Imperial government and resulted in the installation of a new military regime with the official dissolution of the monarchy in early March of 1975 (Haile Selasse 1997, p. 128 -131).

The transition of governments was relatively peaceful but it was not long before the new government was faced with the realities of wars and conflicts. The new Derg regime had to contend with the encroachment of Sudan and Somalia into Ethiopian territory. The conflict with Somalia resulted in the Ogaden War which ended with Ethiopian victory (Haile Selasse 1997, p. 210). Despite this military success, the Derg regime was also dealing with internal conflicts and crises such as the insurgent clashes with the Eritrean People Liberation Front and the Tigray People Liberation Front, dealing with droughts and famines, land and agricultural resettlement that worsened the living standards of hundreds of thousands of Ethiopian farmers and nomads and various others internal problems (Haile Selasse 1997, p. 269). This political instability created a breeding ground for mass migration. The Ethiopian Revolution was a turning point in Ethiopian migration that resulted in waves of migration of Ethiopians and Eritreans. According to Fransen and Kuschminder, the first wave of migration occurred during the Ethiopian revolution of 1974 in which political, academic, and aristocratic elites left the country (Fransen and Kuschminder 2009, p. 20). From 1975 to 1982, the second wave was attributed to people fleeing the Derg regime. The third wave

⁵ Other groups including Oromo, Tigray and Harari

⁶ EPLF was fighting for an independent Eritrea, while TPLF was aiming to overthrow the Derg for a regime change in Ethiopia.

⁷ Most scholars refer to the 1974 overthrowing of the Ethiopian Imperial Regime and Emperor Haile Selassie by the Provisional Military Administrative Council (Under leadership of Mengistu Haile Mariam) as the Ethiopian Revolution

⁸ For more information refer to Haile Selasse 1997, p. 86 - 102 and Tadesse publications include *The Generation* (1983)

(1982-1991) is primarily comprised of family reunification and individuals escaping conflict. Since the Ethiopian Revolution, there has been continuous migration that was unheard of prior to the revolution. This migration has produced volumes of scholarship discussing the catalysts for migration.

Temesgen Gebeyehu, an Ethiopian scholar, is a key leader in this area of research and has conducted an intensive analysis of the key materials on the Ethiopian Revolution. He has gathered materials produced by Ethiopian revolutionaries, Western academics, and scholarship produced in a variety of languages from Amharic to English (Gebeyehu 2010, p. 322). Similarly, Ethiopian revolutionaries turned academics like Dawit Wolde Giorgis, Kiflu Tadesse, Andargachew Tiruneh and Teferah Haile-Selasse have produced material on their experiences after the Ethiopian Revolution and the rise of the Derg Regime. These scholars have provided a more cohesive and longitudinal analysis of the history of the Ethiopian revolution and how the revolution fits into overall Ethiopian history.

Haile-Selasse, Tiruneh, Giorgis and Tadesse were revolutionary elites who have produced critical historical material that focuses on the Ethiopian People Revolutionary Party, the Ethiopian Revolution, and the Derg regime. It is important to note that these are accounts written by political elites and academics. Through their lived experiences and academic pursuits, these political elites were able to capture contemporary opinion of the events, drawing from personal observations and their social networks. But despite the academic attention to the Ethiopian Revolution, the scholarship has focused on the reasons for migration and not migration stories or the experience of resettlement. ¹² The scholarship also does not focus on increasing the understanding of the immigration policies or processes of the receiving countries.

Policy Examination of Im/migration Review

Canadian immigration policy has remained the chief determinant of which individuals and groups are granted access to Canada. Shifts in immigration and refugee policy favouring the inclusion of a more diverse pool of candidates has resulted in Canada being the second largest Ethiopian and Eritrean Diaspora community in the world (Fransen and Kuschminder 2009, p. 9). Despite examining dozens of articles, relatively little research has been conducted on the growth of the Ethiopian and Eritrean Diaspora community in Canada and the correlation of this growth with Canadian immigration and refugee policy. This section will highlight the current research landscape by first examining impactful criterion for admission and policies as well as key government documents in conjunction with relevant academic scholarship.¹³ In order to provide an accurate picture of the research and policy surround immigration, this section has focused on academic work produced on key reforms, primarily focusing on the 1974 policy shifts.

Government documents offer the clearest and most direct explanation of the immigration policy of each time period. And yet, most scholarship conducted during this time period have only reacted to the influx of new immigrants, overlooking the effects of changing government policy in relation to Ethiopian and Eritrean refugees specifically (Howard, 1981; Hawkins, 1975; Dirks, 1977). Scholars of Canadian immigration policy have neglected to acknowledge the process of racial selection. Johnston (1978), demonstrated the racial biases of this system by outlining the presence of Blacks in Canada and later the Canadian immigration policy towards African-Canadians (Johnston 1978, p. 588 - 592). Johnson also noted the undernumeration of Blacks in Canada on official census, asserting that this was done to keep the number of people of African descent to a minimum on official documents (Satzewich 1989). Despite the ordeals

⁹ Tadesse's works include, *The Generation* (1983).

¹⁰ Giorgis's book is *Red Tears: War, Famine and Revolution in Ethiopia* (1989).

¹¹ For further information consult Haile-Selasse Teferah's *Ethiopian Revolution (1974-1987): Transformation from an Aristocratic to a Totalitarian Autocracy* written by Andargachew Tiruneh and *The Ethiopian Revolution (1974-1991) - From a Monarchical Autocracy to a Military Oligarchy.*

¹² Although, there are individuals who have written memoirs that focus on migration stories like Bethlehem Terrefe Gebreyohannes *Fire Walkers*.

¹³ Immigration 1956 (1957), White Paper on Immigration (1969), The Green Paper: A Report of the Canadian Immigration and Population Study (1975)

and complications that people of African descent have faced migrating to Canada, Johnston noted that since the late 60's the immigration policy restrictions against Blacks has substantially lessened. However, there continues to be a preference for White migrants and refugees over Blacks (Johnston 1978, p. 588 - 592). Johnston's assessment of the racial biases in immigration policy is seen in many key government documents. The Department of Citizenship and Immigrations 1957 report demonstrates the whiteness of migrants to Canada. The exclusion of sub-Saharan African nations and the grouping of all Blacks in the category of "Negros" illustrates the racial bias of immigration policies (Canada 1956, p. 7). Trouper outlines how despite immigration being reopened after 1947 by Prime Minister MacKenzie Lyon King was staunch in his belief that Canadian government had the right to be selective in their choice of immigrants. According to King, "It is not a "fundamental human right" of any alien to enter Canada. It is a privilege. It is a matter of domestic policy" (Trouper 1993, p. 206). Parai showed how this sentiment would solidify into racially biased and selective immigration (Parai 1975, p. 451-461). Under the Immigration Act of 1952, specific criteria such as country of origin, employability and familial connections favoured those of British and Western European ancestry (Parai 1975, p. 454). Until 1967, the Immigration Act explicitly prohibited the sponsorship of African peoples by Canadian citizens. ¹⁴ Parai's analysis was published during a pivotal moment, in the midst of significant policy changes and reforms to immigration policy. Parai conducted a longitudinal historical analysis of immigration policy that examined the removal of country of origin as part of selection criterion in 1962 (Parai 1975, p. 456). The shift in policy created a policy window for the production of an overall assessment of Canadian immigration practices in the White Paper on Immigration Policies (1966).

Parai was one of the first to comment on the policy shift that occurred in Canadian immigration policy through the Green Paper: A Report of the Canadian Immigration and Population Study (1975). Richmond expanded on this discussion through his reflections on the Green Paper (1975) and his examination of the policy shifts that have occurred between 1966 and 1974 (Richmond 1975, p. 6 - 8). He emphasized that this period of policy change has resulted in a historical shift that has paved the path for a more "optimistic future" (Richmond 1975, p. 20). He also provides a historical context that allowed for the emergence of the White Paper on Immigration (1966) and later the Green Paper (1975) (Richmond 1975, p. 9 -11). Much of his contribution was in providing a critical analysis on the content of the Green Paper by identifying critical gaps within the scholarship, focus, and orientations. He criticized the Green Paper (1975) for its vague assessment of potential "social difficulties" that might arise through the migration of other racial groups which some believed might change the integrity of Canadian national identity (Richmond 1975, p. 9 -15). Richmond asserted that the Green Paper Committee was drawing on the example of American racial tensions as a possibility of what may similarly occur in Canada (Richmond 1975, p. 19 - 20). But what the *Green Paper* did not acknowledge is that those tensions owed not to 20th century migration but to a legacy of oppression and discrimination originating from slavery. The Green Paper also failed to include polls that highlight that there is significant Canadian support for more diverse Despite the influx of more diverse migrant groups into Canada, the Green Paper overemphasized this diversity and did not explicitly state that most migration is still dominated by those of British or American origins (Richmond 1975, p. 19 - 20). Richmond's reflections allow for critical analysis of the Green Paper (1975) as well as highlighting its relevance to the year of 1974 but it fails to discuss key migrant groups beyond vague racial (or continental) categories such as "Asian" and "African" (Richmond 1975, p. 13 - 14).

In 1975, Freda Hawkins offered her own reflection on the circumstances leading to the creation of the *Green Paper* (1975) and explored the potential effects of this document on immigration policy and program development. Her assessment contextualized the creation of the *Green Paper* (1975) and the emergence of a "new era of immigration policy" (1975) (Hawkins 1975, p. 238). Hawkins highlighted the four key tenets of Canadian immigration emphasized in the *Green Paper* (1975) as being non-discriminatory policies, careful selection for labour force, emphasis on family reunion and an "active refugee policy and program" (Hawkins 1975, p. 239). She also discussed relevant policy issues such as the

¹⁴ Not including those of Egyptian origin.

increased immigration of "other ethnic groups" or the "third force", promoting resettlement of immigrants outside of urban centres, specialization of immigrant work skills to regional labour needs, economic and labour merits of family reunification programs and lastly the brain drain associated from certain refugee policies (Hawkins 1975, p. 241-248). Hawkins argued that the *Green Paper* (1975) has engaged the public in a national debate in an unprecedented fashion. This public engagement at the national level has allowed the government to gauge public support and find solutions that move towards a "multi-racial immigration movement" (Hawkins 1975, p. 247-248). Hawkins' reflection does not really investigate the implication of immigration policy shifts with the experiences of those more multiracial immigrant and refugee populations. The focus remains on the sentiments of Canadian citizens.

Nearly two decades after the commentary from the above scholars, Jakubowski entered the conversation with Immigration and the Legalization of Racism (1997). Drawing on many of the initial reactions and discussion, Jakubowski questioned whether Canadian immigration policy has moved beyond the historical racial biases and to what extent these biases still shape immigration. As a legal professional, Jakubowski is critical of legal practices of immigration policy and law. Her analysis has offered a historical and contemporary assessment that focuses on the period our research project intends to examine (1974 -1991).¹⁵ Through examining key legislation,¹⁶ government documents,¹⁷ policy and program reforms,¹⁸ Jakubowski has offered an in-depth legal and policy review of Canadian immigration policy. She has also provided a substantial critical analysis of these reforms on refugee policy and programs. But unlike the previous research, Jakubowski has used quantitative research in order to gauge the effects of these policy shifts on refugees and migrants. Citing the testimonies of applicants, caseworkers, lawyers and other immigration professionals, Jakubowski has contextualized policy reforms with the varied experiences of these individuals. Our project seeks to go further by focusing on the experiences of former applicants. The work of Jakubowski and other scholars lack discussion on how policy affected specific diaspora communities, such as the Ethiopian and Eritrean community. In a similar fashion to Jakubowski, we seek to further use the experiences of Ethiopian and Eritrean migrants to see how these pivotal policy shifts have shaped their migration and settlement to Canada.

Many of the direct references to Ethiopian and Eritrean migration can be found in key government documents such as Cultural Interaction of Canadians and Ethiopian Newcomers to Canada (1989), The Settlement of Ethiopian Refugees in Toronto (1989), Refugee Perspectives (1984-1985) (1986 - 1987), Canada Treaty Series 1969 No. 6 Refugees Convention Relating to the Status of Refugees (1969) and Immigration Levels, 1985 - 1987: Analytical Considerations (1984). These documents heavily focus on refugee applications and resettlement of this community. Any discussion on Ethiopian and Eritrean communities has also focused on refugee immigration policy. Rhoda Howard, a leading authority on African refugee migration to Canada, has outlined Canadian efforts in response to the refugee crisis in Africa whilst examining the steady increase in the number of African refugees to Canada (Howard 1981, p. 97). Howard highlighted the unique experience of Ethiopian and Eritrean refugees in being one of the first African populations to successfully migrate to Canada in the late 1970's. Howard also examines the role international organization like UNHCR (United Nations High Commissioner for Refugees) has had in advocating for the resettlement of one million Eritrean refugees during the 1970's. She presented a critical analysis of Canadian refugee policy and examined the historical shifts that led to policy landscape of the early 1980's (Howard 1980, p. 364). Howard situated policy shifts with the political events, such as civil war, that allowed for the catalyst for early migration of Biafran and Ugandan refugees that have allowed for a shift in "humanitarian efforts" of the Canadian government (Howard 1980, p. 368).

Ethiopian and Eritrean communities are only mentioned in statistics in other articles, with brief references to political unrest (Sinclair, 1979; Howard,1981; Finkle, 2006; Bosak, 1993; Kibreab, 1983). The Oral History Collection of Ethiopian and Eritrean Migrants focuses on gathering more qualitative data

¹⁵ Covering all three waves of migration

¹⁶ Including amendments to Immigration Act; Section 3f

¹⁷ An example being the Task Force on Immigration Practices and Procedures reports(1981)

¹⁸ Bill C86, Foreign Domestic Workers Program and the Live In Caregiver Program

in hopes of moving beyond statistical presence in government documents and focusing on their migration stories. The current literature on changes in Canadian immigration policy does not contextualize these shifts with the experiences of Ethiopian and Eritrean populations. The focus has been both reactive to policy changes and overall assessment of the merits of policy shifts without directly linking these historical shifts in policy and politics that allowed for increased migration of Ethiopian and Eritrean communities. The *Oral History Collection of Ethiopian and Eritrean Migrants* attempts to bridge this gap by further contextualizing the progression of these policy shifts through the experiences of Ethiopian and Eritrean migrants.

Cultural Adaptation and Gendered Experiences of Migration

Migrants who have come to North America face many barriers and challenges often related to language and adaptation of different social norms. The differences between North American and African culture in particular become most apparent when using a traditional First World versus Third World narrative. The transition involved for those who migrate to North America from countries such as in Africa, are far more complex than simply moving from one continent to another. In terms of cultural adaptation, African scholar Joseph Mensah, specifically looks at the dynamics of African identities within Canadian context, where he explores the intersections of new-found identity formation in relation to African immigrants. He states that the portrayal of 'Blacks' within Canada – both in the public and academic sphere - contain major overgeneralizations that ignore their vast diversity amongst the entire population (Mensa, 2014). He further focuses on the transnational identities that African immigrants hold and the changes these members have overcome upon migrating to Canada. Although his work does not focus directly within the East African diaspora as focuses on here, he highlights how racial discrimination and identity politics undermines Black African migrants in Canada in comparison to other immigrant diasporas in terms of employment, education, housing, and law enforcement (Mensa, 2014). Migration studies in Canada have focused on the basic needs of Blacks and Africans in Canada, however without investigating processes of identity formation and transnational identity. The minimal literature available to the topic at hand, underlines the need for further research into the experience of Black African migrants in Canada, specifically among East Africans-- as the difference between migrants from different African countries has not been touched upon.

John Sorenson for instance, has specifically discussed the complexities of identity amongst Ethiopians themselves, highlighting the dynamics and politics between different groups within the country. He explains that Ethiopian immigrants coming to Canada, already a minority, are not seen by Canadian officials as having complex internal dynamics, despite how the Amhara, Oromo, and Tigrayian groups are just three of the most prominent divisions. Furthermore, Eritreans are also classified among Ethiopians, although they have just as many diverse ethnic groups such as Bilen, Kunama, and Nara. In his words, "regardless of their origins or their form of self-identification, all these refugees are officially classified by the Canadian government as Ethiopian, however amongst the immigrant and refugee population itself, there is a very active attempt to assert these identities" (Sorensen, p.71). Although there are organizations in Canada that specifically cater towards the Tigrayian and Oromo diaspora, most organizations promote a pan-Ethiopian identity. Similarly, although Eritreans have been recognized as a distinct ethnic identity within Canada, Eritreans consist of some nine different ethnic groups. Sorenson highlights that certain communities reject the idea of an all-inclusive Ethiopian identity, as it entails the cultural dominance of the Amhara, who tend to impose their language, culture and political standpoint over all groups (Sorenson, 2004). This overgeneralization of the Ethiopian and Eritrean community's culture as all-inclusive, dilutes the massive amount of diverse heritage carried over with them when migrating.

Furthermore, Ethiopian and Eritrean immigrants are constantly navigating through race relations amounts themselves and other Black minorities within the North American setting. Shelly Habecker has questioned if Ethiopian and Eritrean immigrants— officially classified as Black, are affected by the same racial injustices that oppresses other Black Americans. However, Habecker's discussion of how these groups are distinct from other Black Americans does not diminish the oppression of Ethiopian and Eritrean migrants, however highlights the different and complex challenges Black migrants face within a North

American society. Many Ethiopian and Eritrean migrants view themselves as predominantly *East* African with Semitic origins, creating 'Habesha' spaces through culture, language, and transnational connections become heavily produced (Habecker, 2010). This identification with East African heritage rather than just as African, speaks to Ethiopian and Eritrean migrants' desire to highlight their distinct cultural ties that are different from that of other African and Black migrants who come to North America. The overgeneralization of African and Black migrants' cultural differences reflects the lack of understanding from Canadian authorities that is needed to support Ethiopian and Eritrean migrants.

Most studies on Ethiopian and Eritrean refugees have not focused on the perspective of gender. Helene Moussa has found that women and children make up the majority of refugees particularly of African refugees – and their particular experiences have also been neglected in the research (Moussa, 1993). The term 'refugee' is gender neutral, thereby submerging women's experiences and specific needs within the male-dominated discourse. Rachel Ogbagzy, stated for instance that Eritrean women assert their gender identity while also being conscious of their ethnic and national identities as well. However, as immigrants to North America their of their racial and ethnic identities often overshadow their gender identity. Furthermore, women of colour are often accustomed to have to act upon certain aspects of their identity. for instance their racial background over other aspects, because that is only where they are able to find a place of belonging. In most cases, other parts of their identity then become conflicted or overlooked because their racial background is put at the forefront – in this sense they become solely defined by their racial identity, rather than being seen as a whole individual with many diverse identity factors. (Ogbagzy, 1999). Ogbagzy clarifies that bias against African immigrants has continually been reinforced within Western media, depicting them as "uncivilized" or economically dependent. For instance, the Canadian media had portrayed Ethiopian migrants as famine victims rather than political refugees (Ogbagzy, 1999) (Moussa 1993). As discussed above, Ethiopian migrants left the country specifically for political reasons, rather than solely on economic considerations. Like Habecker, Ogbagzy too stated that there is in fact an "East African versus Black North American" conflict in relation to their racial identity, and there are huge differences between their life experiences. More specifically, Eritreans, Ethiopian and Somali women for instance are often subjected to discrimination because of their appearance, constantly being regarded as "non-African" looking (Habecker 2010) (Ogbabgzy, 1999). Although, this may seem an advantage in certain scenarios related to oppression, not only does their gendered identity as migrants become erased, their racial identity becomes ambiguous as well, leaving them with no place of belonging outside of the East African community. Despite the extensive research discussed above, there is much work to be done concerning the cultural adaptation experiences of Ethiopian and Eritrean migrants, and gendered differences. The oral history of migrants is one promising method that can improve our understanding of the dynamics of the Ethiopian and Eritrean communities' complex experiences, and will further assist researchers in understanding the dynamics of their migration transition in North America.

Conclusion: Future Steps

This review has collected highlights from the existing literature, spanning from contemporaneous accounts of revolutionaries to academic discourse, surrounding immigration and cultural shifts. Despite the extensive literature, there are still a multitude of avenues that need to be addressed. *The Oral History Collection of Ethiopian and Eritrean Migrants* aims to address this issue by conducting oral history interviews and documenting its findings. Furthermore, the final research report will aim to capture these narratives and produce future research materials. Most importantly, these oral histories are invaluable for the community's heritage. Future steps include conducting oral history interviews and producing a final report which will include a thematic analysis, interview transcriptions, and a final reflection. Accessibility is vital to disseminating the information collected through this project. As a result, all information collected, including oral histories, will be accessible through the *University of Toronto Scarborough's Digital Archive*.

Researchers from the OHC-EEM project represent a new wave of research methods, based in diaspora-led practices. These practices allow for the inclusion of diaspora members in production and preservation of research. The future steps of the OHC-EEM project will focus on improving the digital

platform of the OHC-EEM as well as recruiting more participants, faculty members and interested student researchers to support the project. In the future, we plan to collect more migration stories of Ethiopian and Eritrean migrants to further capture the complexity of these communities. The OHC-EEM hopes to motivate student researchers to further engage in scholarships and the preservation of the migration stories of our diasporic communities. As a part of the amazing diversity of the Ethiopian and Eritrean community, we are responsible for participating in the discourse surrounding Ethiopian and Eritrean migration. Our commitment to this responsibility will forever be entrenched in the continued mission statement of the Oral History Collection of Ethiopian and Eritrean Migrants project.

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Fall 2018 Vol. 1