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## **To Know the Place for the First Time: The Ethical Ownership of Life and Death**

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What we call the beginning is often the end  
And to make an end is to make a beginning.  
The end is where we start from ...

We shall not cease from exploration  
And the end of all our exploring  
Will be to arrive where we started  
And know the place for the first time.

– T.S. Eliot (*Four Quartets V, Little Gidding*)

Metaphors of war are often, and rightfully, applied to controversies that have recently raged over the ownership of skeletal remains. Frequently, these sorts of oppositions lead to a barricading of beliefs as attempts are made to secure the fortress of opinion against the barrage of invading ideas. More positively, these controversies and their accompanying disagreements can also provide unparalleled opportunities to understand more fully the presuppositions inherent in the opinions expressed. The underlying premises of convictions are most often met only when they are called into question.

In this paper I will explore one of these underlying ideas, the idea of “ownership” in the debates surrounding the repatriation of skeletal remains, such as the recent case of the St. James Cathedral in Toronto and the famous Kennewick Man case.<sup>1</sup> By looking at what fundamental ideas underlie the types of arguments used to determine the rightful place of these remains, some of the more damaging assumptions of the term “ownership” will be uncovered, and a more profitable method for adjudicating these disputes may be discerned. It will be made apparent, though not overt, that the humane way of approaching such cases must take into account the inescapable framework that Christianity has provided for our current conceptions of what it means to be human. In public debates, where “Christian”

arguments are frequently dismissed simply because of their overt orientation and not because of their content, one must tread carefully between uncovering the theological roots of the issue if a secular audience is to be convinced.

This essay is thus an attempt to clear away much of the dangerous and unfruitful ideas that lay hidden from the disputes themselves, but nevertheless provide the assumptions upon which they are based. In this way the end of my discussion will hopefully lead to a new beginning for a more genuine dialogue. The paradox, as T.S. Eliot helps illustrate, is that the end of the current discussion, specifically uncovering its hidden presuppositions, forms the beginning of my discussion. It is the end where we start from.

Disputes, being the result conflicting world-views, are inextricably bound to principles that are more fundamental than the disputes themselves. Arguments and debates develop complex and nuanced forms, but their theoretical foundation quite often hinge on a few hidden basic principles. Bertrand Russell makes this point in the introduction of his exploration of Aristotle's *Physics* when he states that "every philosopher, in addition to the formal system which he offers to the world, has another, much simpler, of which he may be quite unaware."<sup>2</sup> His colleague Alfred North Whitehead calls this "the secret imaginative background" of ideas.<sup>3</sup>

What is suggested here is that not only disputes, but all ideas are composed of basic assumptions that are not part of the idea itself and yet form the worldview out of which ideas emerge. A scientist working in a laboratory and looking for a cure for a certain type of cancer, for example, carries a great number of assumptions about the nature of reality and disease, the truth of science and its methodology, the meaning of scientific progress etc. These ideas are not overtly present in scientific work and scientists may never think about them, but they provide the context for their work and its reception by their peers (who most likely have the same set of basic assumptions). In saying this, of course, we are not reducing all ideas to more simple formulaic presuppositions, but rather identifying the place where thought, out of necessity, must stake its ground in order to begin.

All ideas are to varying degrees thus comprised of what I like to term "included-excluded assumptions." By this I mean that ideas *include* the shared cultural and intellectual traditions out of which authors are inevitably entrenched, but that these are overtly *excluded*

from the formulation of the idea itself. Included-excluded ideas attain their status through their ability to be fruitful as a guiding world-view through which meaningful results can be produced.<sup>4</sup> They have attained this status through their ability to be fruitful as a guiding world-view through which meaningful results have been produced. In this way these assumptions are tried and true, tested by time and proven so that they gain a level of truth-status. It is only when ideas are thus considered that they have an opportunity of becoming included-excluded assumptions.

An example here will help illustrate. There can be no doubt that the theory and philosophy of scientific method is an included-excluded assumption for the vast majority of scientists. When scientists do not receive the results they expect, they generally do not call into question the nature of the scientific enterprise, or the experimental method itself. The problem is considered within the assumptions of their scientific training. The reason for this is that these assumptions have provided years of good results. Until there comes a point when the results are consistently poor, there is no reason to examine included-excluded assumptions, and there are many good reasons to leave them alone.

It is relatively easy to uncover long outmoded included-excluded assumptions, but it is much more difficult to see our own. We can understand the (incorrect) assumptions underlying the idea of slavery or the Ptolemaic universe because the results these assumptions produced eventually became problematic and their truth-status had to be investigated. We have a much harder time identifying our own presuppositions because they are still operative within our thought processes and therefore harder to ascertain. When our own presuppositions do not give us our expected results, however difficult, they too will be called into question.

Such is the case with the determination of ancient remains. The Kennewick Man and St. James controversies simply highlight something that many ethically sensitive people have long known. The results of debates like these are consistently poor for all parties concerned, and we need to look more carefully at the included-excluded ideas we have been working with. In terms of the debates surrounding the ownership of dead bodies, the presupposition that needs careful attention is the word “ownership” itself and its implication in “rights.” The Western idea of ownership has come to

be indelibly, and for the most part unconsciously, associated with one's rights over a given object, becoming intellectually *de rigueur* for Western and many non-Western societies. Some natives believe they have the legal and religious right to repatriate skeletal remains that belong to their ancestors<sup>5</sup> and many scientists and modern Westerners believe that the interests of scientific truth should be factored into ascertaining the ownership of such remains. Ultimately, the Government holds the right to ascertain ownership using official judicial means. It is, furthermore, usually within the official structures of ownership (official treaties and legal procedures) that all parties involved plead their cases.

The included-excluded idea at work in these disputes, then, has to do with rights as a product of ownership. Our focus in the following sections deals with the inadequacies of this assumption for dealing with humans, and the troubles it has created in adjudicating disputes over human remains.

### **The Ownership of Inanimate and Non-Human Objects**

The idea of ownership in modern Western society generally connotes a legal category. The degree to which ownership can be determined reflects the precision and technicalities of our laws and their binding adjudication. This legal determination of ownership works well for objectified, inanimate objects. For obvious reasons, it is relatively easy to determine the owner of objects; there can be no doubt that I own the computer that I used to type this essay because I have a bill of receipt that proves that I have legally purchased it from an authorized dealer and have paid the requisite taxes to the government.

Even with the inherent Western ethos that undoubtedly pervades and is reflected in the legal system itself, difficult cases where religious and cultural issues are at stake in determining the ownership of inanimate objects have been continuously settled by legal contracts and rulings. For example, the first modern land claim settlement in Canada, "The James Bay and Northern Quebec Agreement (1975)"<sup>6</sup> resulted from the perceived violation of the 1912 agreement whereby native lands were transferred to the Province of Quebec in return for recognition of the rights of native inhabitants on the land. With the unilateral establishment of the James Bay Development Corporation in 1971, native peoples rightfully felt that a violation had occurred.

They initially succeeded in legally ceasing construction of the James

Bay project but the ruling was shortly overturned and construction continued. Through arduous negotiations a new document, the “James Bay and Northern Quebec Agreement,” was developed in 1975 and construction continued.<sup>7</sup>

This case is submitted here because it reveals the relationship between religious/cultural ideas and legality in determining ownership of inanimate objects. More specifically, non-human things can be viewed as “objects” that are used by humans, even when the surface meaning seems to indicate otherwise. Significantly, the native Cree inhabitants of the James Bay region do not believe that land constitutes an “inanimate” object. The characteristics of the land are very much like the characteristics of a human being for the Cree, and therefore the land is in fact imbued with a personality that resists the simple objectification that the modern Western Judeo-Christian view of nature presupposes.<sup>8</sup>

However, although there are different religious, cultural and economic motives that foster different views of the land, it was possible for the Cree, the federal government of Canada, the provincial government of Quebec, and the James Bay Development Corporation (the signatories of the aforementioned agreement in 1975), to finalize a legal settlement. The Grand Council of Crees ultimately determined that the continuation of Cree religion and culture must be maintained, even at the price of sacrificing some land. Here is Chief Billy Diamond, one of the major figures in the negotiations:

The Cree People were very reluctant to sign an Agreement in Principle. However, after many meetings and many hours of meetings, the Grand Council of the Crees has received a mandate to sign an Agreement in Principle with the Quebec Government.... We feel, as Cree People, that by coming to an Agreement in Principle, that it is the best way to see that our rights and that our land are protected as much as possible from white man's intrusion and white man's use. We have always said that we wanted to maintain our way of life. We have always said that we want to pass the land on to our children.... We believe that even though we practised the traditional way of life, the aboriginal way of life, we believe this agreement supports and strengthens the hunting, fishing and trapping rights in/over all of the territory, and restricts non-Native activity in that area. By the proposed agreement, we feel we have removed the worst effects of the Project to our way of life and the Cree People.... I hope you can all understand our feelings, that it has been a tough

fight, and our people are still very much opposed to the project, but they realize that they must share the resources. That is why we have come to a decision to sign an Agreement in Principle with the Quebec Government.<sup>9</sup>

Human interests took precedence over land in this case. Specifically, land was viewed as a symbol for the continuation of a certain lifestyle. In signing the document in 1975 and in ratifying it in 2002, the Cree essentially believed that their lifestyle could be maintained even with the development James Bay, while the larger capitalist interests believed that their profitability could also be maintained if they agreed to some of the demands of the natives. Land, being something that can be bargained in order to achieve desired results, is here objectified in both cases. Therefore, even in this case which is wrought with religious and cultural implications, the legal system is able to determine ownership of the land because it was in some sense viewed as an inanimate object that could be negotiated in this dispute.

It is not only the ownership of objectified inanimate objects that are adequately determined by our judicial system. The ownership of a pet animal, for example, is even more easily determined by these means. While very few people would claim that a living animal should be compared to an inanimate object, our laws nevertheless apply very similar standards in determining the legal ownership of animals as it does with inanimate objects. In fact, not only the determination, but also the practical power hierarchy within this relationship reveals that ownership is a good model for the relationship between non-human living things and humans. A good pet is one that is obedient to human commands and does not follow its own free choice (which is usually instinctual). That is, in the same way that objects are used for human concerns and are therefore objectified, other living things are also viewed in terms of their utility for humans and are also objectified. Therefore, the legal determination of ownership has been applicable for both animate and inanimate objects.

The legal determination of ownership as just described also provides the criteria by which any given object can be utilized by its owner. I can “own” a dog, but I am rightfully not permitted by law to torture the animal or use it in any way that I please. I can own a gun, but I can understandably only utilize it under certain prescribed

limits. Ownership therefore does not imply a *carte blanche* in terms of how the object may be utilized, but rather provides the determination of who may rightfully, which in these cases means legally, use the object in accordance with the law.

### **The Ownership of Humans**

Although legal determination of ownership can be applied to objects that are living or non-living, this same method is inadequate when dealing with humans, and the failure to recognize this difference significantly contributes to the unsatisfactory nature of the disputes over skeletal remains.

Take, for instance, the case of children. *In some ways* a legal determination of ownership can be applied here. That is, a child has a legal parent or guardian and, since the rise of divorce, courts have had to establish legal precedents for determining a child's rightful caregiver. Of course, as in the case of any object as discussed earlier, this legal determination does not imply that the legal guardian or parent has the right to treat the child in any manner they wish. The legal system is, then, equipped to determine the rightful place of children.

However, the legal determination of a child's belonging also contains within its language the seeds for the idea that humans constitute a different legal category than other living or non-living objects. The words "parent" or "guardian" connote something far different than an "owner" of land or even a household pet. The best models for good parenting (in Western society at least), as every good parent knows, sees that a child is raised with love and care so that they will eventually be able to make good choices as an adult. We freely give of ourselves to protect and love our children so that they will eventually learn to grow into the responsibilities inherent in the human right to be free and autonomous, and in turn learn to freely give love to their loved-ones. A parent or guardian thus protects and nurtures the child in the interest of the autonomy and freedom of *the child* and not out of unabashed self-interest.

The legal determination of a parent or guardian is, then, much different than the legal determination of other living or non-living things. This is obvious in cases where inanimate objects are "owned" in order to benefit the owner. In the case of other living things, pets for example, the point is less obvious but nevertheless the same. Quite often, many owners of pets claim that they are more like

“parents.” This no doubt reflects the owner’s refusal to objectify their pet, treating it rather as a living thing that needs to be nurtured. The analogy between owner/pet and parent/child is however is inadequate. Given the model of parenting that sees the end product as the development of a free and autonomous individual who is able to make decisions for themselves, we can see that a human-pet relationship cannot be a good “parenting” model. The owner of a pet provides care and expects obedience, and the end result of this relationship apart from any anthropocentric ideas of love, is obedience. If a dog starts to “think” for himself, he is usually considered a hazard and is “put-down,” if a child thinks for herself we hope the parents have a good University savings plan, as she will one day become a leader of society. The care of a pet is ultimately done with the owner in mind, not the freedom of the pet.

Humans are therefore not “owned” in the same way as any other living or non-living thing. If this was not the case, and humans constituted the same category of “ownership” as other objects, then there would be very little ethical argumentation against slavery. At its base, slavery is abhorrent because we believe that humans cannot be owned in the way that any other object can. We do not own humans but we can be entrusted with them. This change in perspective is what is desperately needed in our current mindset about determining the rightful place of skeletal remains and leads to a conception of humane ethical discourse that is far more meaningful than one based on “ownership.”

### **Entrustment of Humans as a Special Ethical Category**

The special ethical status afforded to humans has a long lineage in Western intellectual and religious thought. Its origins are found in the most dominant mythology that shapes the modern Western orientation to nature and humanity’s place in it: the myth of the fall found in Genesis 1-3. The story we all know well enough, but it is its legacy on the Western mind that is most applicable here. The legacy of Genesis is the relatively simple idea that has had a complex and powerful force on Western thought: we are both created in the image of God and therefore somewhat separated and different from nature, but since we are fallen we are also part of nature as well. We are caught in the middle between our animal nature and our divine likeness. Since one of the results of the fall was freedom of the will (modern terminology prefers the term “freedom of choice”) we are

free to relate to our animal nature or to our divine likeness. The history of Western thought shows that we have decisively chosen the latter. Even when the religious underpinnings of this orientation are removed, as it is for much of modern secular society, this fundamental cosmological and anthropological orientation remains.

The reason it remains does not originate solely out of obsessive ideas about our own self-importance. There is a very practical statement at work in this orientation as well. The bare fact that, regardless of religion or culture and in all historical epochs, humans out of necessity have shaped the natural world in order to survive is perhaps the main reason humans deem human life to be distinct from all others. Wendell Berry, a leading advocate for ecological awareness, writes:

Pure nature, anyhow, is not good for humans to live in, and humans do not want to live in it – or not for very long. Any exposure to the elements that lasts more than a few hours will remind us of the desirability of the basic human amenities: clothing, shelter, cooked food, the company of kinfolk and friends – perhaps even of hot baths and music and books.<sup>10</sup>

By human standards the natural world is unbearably cruel and does not contain any discernable morality or ethics – instincts reign supreme. If humans base their society on this model, the results are cruelty and hatred (Social Darwinism, for example). Civilization is a constant fight against the barbarism (from a human point of view) we see in nature. As Northrop Frye, following William Blake, has continuously argued, nature offers the necessary raw materials needed to overcome the bare necessities of existence to which animals are a slave: we use the land to create gardens and farms; we derive electricity from water and sun; we are not content with mere sustenance, but want cuisine; we are not content with shelter, but want a home; we are not content with sex, but want love. These are specifically human creations, and they are so imbedded in us that we usually forget that they are creations, created out of the combination of our needs and wants. The “real world” for humans is a world created by humans that separates us from the natural world.<sup>11</sup>

Of course this separation does not inherently imply the domination of nature, since there is obviously a symbiotic relationship between human culture and the natural world. The degree of symbiosis depends on specific individual and cultural

norms, and Western culture has historically failed to understand this symbiosis. Nevertheless, the point here, to quote Berry once again, is that “so long at least as humans are in the world, in human culture is the preservation of wilderness.”<sup>12</sup> This leads to the inescapable framework for the special ethical status afforded to humans. In our separation from nature to create human culture, we have consciously created for ourselves a distinct world for human culture, and with it a distinct category for ethical discourse.

Ownership is an inadequate language when dealing with humans because it reflects a detached and objectified power relationship. We can own land or even a pet but we do not own humans because a transformation of the “I” into an “It,” in Martin Buber’s famous formulation, betrays the separation of human culture from nature and makes humans into objects. Earlier we stated that ownership implies that one has the rightful use of an object, and this model can now be seen as inadequate because our ethical codes constantly reinforce the idea that humans are not meant to be “used” by others. Charles Taylor has persuasively argued that the dominance of instrumental reason in our decision-making processes and its accompanying idea of “efficiency” as the sole criteria for measuring success has left the essentially dialogical nature of our human relationships inarticulate for much of modern society.<sup>13</sup> It is not efficient to fall in love, to have children, to do volunteer work or to have dinner with your friends. Yet these things are obviously not a waste of time either. They are expressions of our belief that it is not only *with* but also *through* our relationships with other humans that we find our humanity. The connection between ownership and rights, applicable as it is for all other interactions, fails us at the most fundamental human level because it objectifies people.

However, when the humans we are dealing with are dead, this inadequate language for human life is frequently thought to be appropriate (if only unconsciously as an included-excluded idea) and human bodies are treated as objects in public discourse. The question before us now is if this is an appropriate vehicle to discuss where skeletal remains belong.

### **Dead Bodies as a Special Ethical Category**

The theoretical foundation for rejecting a detached and objectified language of ownership when dealing with dead human remains and

establishing a more humane and engaged language is found in the idea that the wishes of the dead should be honoured.

The objectification of dead bodies is undoubtedly the result of the modern scientific definition of life. As fluid as it is in the case of the exact point where human life begins, modern science is unyielding in its definition of when life ends. This orientation has of course been required since objectification of dead bodies has become necessary in the advancement of knowledge. Ethically, it is only possible to probe a body if there is at least an implicit idea that the body is no longer part of life. In this way, then, dead bodies are objectified and a language of ownership may then be profitably applied. Frequently, however, the use of one's body after death still requires prior permission of the deceased, and this singular fact highlights the tension in our view of dead bodies. A scientific community requires the objectification of dead bodies in order to do their work, but the respect for the wishes of the dead still plays a major role in determining how the body will be used. If the body is no longer part of life and can thus be objectified, then what justifiable claims do the deceased have? Why do we, and more importantly, why *should* we respect the wishes of the dead?

Aside from the various religious and cultural implications of the answer, a significant principle we have already discussed can be brought to bear in this discussion. The reason humans treat human life in a way that is different from any other living or non-living object, as we have seen, is because it reflects our sense that humans should not be objectified. This too can be extended to human remains as well. The underlying ethos of all our ethical codes is that humans must build a system of belief and action that transcends mere instinct – we are different from any other form of life on earth, and must create a world based on this distinction. Regardless of the ethical codes we create, this inevitable fact remains. In the same way, an ethical code for dead bodies (regardless of how an individual or their culture defines “appropriate” means of dealing with them) should also reflect reverence for humanity. That is, since our actions towards other humans is part of the creation of culture, and the creation of culture stems from our need to separate ourselves from the rest of nature in order to find our humanity, it can then be rightfully argued (and has been done in numerous occasions) that our defiance to treat bodies simply as objects is an indication of the value we place on the uniqueness of human life.

There are, of course, degrees of objectification. For example, in November 2000, the historic St. James Cathedral in Toronto proposed to close a portion of the former Burying Ground located on its site in order to rebuild the Parish House. Old burials would be documented and re-interred in St. James' Cemetery. St. James' Cemetery was established in 1844 to replace the old burial ground. The first re-burials from the old churchyard Burying Ground were made there more than 150 years ago. Theologically, this move is unquestionably valid. There is no violation of religious doctrine, as long as the dead bodies are respected in the removal and reburying processes (even the body of Pope John XXIII was moved).

But theology is not the only argument that comes into play in this dispute. A vocal opponent to the Church is "Heritage Toronto." They filed an objection to the Cathedral Corporation's application with the Ontario Registrar. They believe that that the renovations and even possible plans to develop a condominium on the site will alter the historical value of the site. Some family members of those buried on these lands, additionally, feel that their loved ones should be left at rest. I do not intend here to settle this matter, but I do want to show the types of questions that must be asked if we are to not objectify these remains.

*First*, who is entrusted with the bodies? In this case it is the Church, who is bound by its conscience and guided by doctrine and tradition. The deceased have decided to be buried on a Christian burial plot, and have therefore entrusted their remains to the dictates of Christian protocol. Questions of historical preservation or genealogy, while having general validity and importance, have no specific value in establishing who the bodies have been entrusted to.

*Second*, is the entrustment of the body being violated? That is, are the fundamental principles of those entrusted with the remains being violated? This discussion can only be carried forward internally by the Church.

And *third*, are there any other options?

This case is significant because more than any other recent issue, it highlights the main ethical component of dealing with dead bodies. When entrusted with the care of a body, one must take seriously the underlying ethos, formulated as – obeying the wishes of the deceased is not only an expression of their wishes, but is a symbol for the value of our humanity. The value of the individual's humanity must come first, which means primarily denying their objectification. The main

question in dealing with the dead is, then, is not who owns the body, but rather who is entrusted with the remains. This is easily ascertained for the most part, but it is the exceptional case which tests the ethical code I have been advocating. When the body is of significant historical import, as is the case with Kennewick Man, the scientist might claim that these bodies must be utilized for some greater goal such as scientific truth, or historical preservation, or human knowledge. In developing an ethics of the dead, are these not valuable arguments? Are these not the seeds upon which our great modern world is based? Don't these ends justify the means, thereby also justifying the utilization of these bodies regardless of how the deceased may have wished?

Isaiah Berlin, one of the wisest and most practical voices of the twentieth century, provides insight into such cases. Following Alexander Herzen, Berlin states that modernity has developed a new form of sacrifice that emphasizes human sacrifice on the altars of abstractions – the “nation, Church, party, class, progress, the forces of history” to which I would like to add “scientific progress and scientific truth.” He goes on to say:

The one thing that we may be sure of is the reality of the sacrifice, the dying and the dead. But the ideal for the sake of which they die remains unrealised. The eggs are broken, and the habit of breaking them grows, but the omelette remains invisible.<sup>14</sup>

Distant goals are not by themselves enough reason to dishonor the value of human life. In fact, the idea that scientific or historical truths are ends in themselves is a radical misunderstanding of the nature of any intellectual enterprise.

Intellectual constructs are bodies of knowledge that attempt to give a better human understanding (which usually means unity) to what is currently unstructured and disunited. One does not study nature, but rather the human intellectual construct called physics or biology. One does not study random events of the past, but rather shapes those events in a human understanding called history. All academic endeavours and intellectual pursuits are attempts to give a human understanding and even sometimes control (in the best sense of the word) to what is presently unknown or little understood. They are guided by our notion that as humans we should be able to have some control over reality unlike other animals which are at the whim of natural forces. They are guided by the idea that we can create

reality to be more humane with the power of our human understanding. Creating unity out of disorder is a specifically human enterprise that aims to show our human-ness and the power of our mind is an integral part of this.

By disrespecting human life while pursuing these tremendously important fields, we forget that the truth to which science and history and archaeology point are truths that are meant to uphold the dignity of our humanity. They are not intended and they are not created to degrade it. By disrespecting the wishes of the dead or those entrusted with their bodies we are showing our devaluation of life for some distant goal, like abstract truth that is divorced from its human component. To invert Berlin's formula, we might begin to see the omelet, but there will be fewer and fewer eggs to make them with, and even fewer people to enjoy the breakfast feast. Only when the entrustment of remains cannot be reasonably established should we be willing to sacrifice the individual on the altar of an abstraction. Moreover, in these cases we do so advisedly, knowing that we have taken something of that individual's humanity away, and lamenting that our knowledge comes at such a great cost.

Such thinking reflects the central idea I have been pursuing. In realising that one cannot own a human body (living or dead), but we can be "entrusted" with it and in respecting what the word entrusted means, we are showing our reverence for human life. Additionally, in the utilization of instrumental reason to establish the rightful ownership of dead bodies, the ends to which reason aspires are already established as valid. If we turn our attention to the ends themselves I believe a more humane question emerges. Such a focus changes the question from "*where* does a body rightfully belong" to "*does* a body rightfully belong?" In the first question, reason is used instrumentally to achieve a most efficient and objective answer, in the second the answer is forestalled because the question itself is being scrutinized. This conclusion is where the new beginning for this question may emerge and if we are successful in this pursuit may we come again *to know the place for the first time*.

## Notes

- <sup>1</sup> On the Kennewick Man case, see James Chatters, *Ancient Encounters: Kennewick Man and the First Americans* (New York: Simon and

- Schuster, 2001), and David Hurst Thomson, *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity* (New York: Basic Books, 2000). The St. James Cathedral case will be briefly discussed later.
- 2 Bertrand Russell, *A History of Western Philosophy* (New York: Simon and Schuster, 1972 [1945]), p. 203.
  - 3 Alfred North Whitehead, *Science and the Modern World* (New York: Macmillan, 1973 [1925]), p.7.
  - 4 “Results” in this sense means that the assumption, whether factually true or not, provides the adequate framework for a desired result.
  - 5 See Armand Minthorn’s statement on the Kennewick Man issue at the Confederated Tribes of the Umatilla Indian Reservation website <<http://www.umatilla.nsn.us/kennman.html>>.
  - 6 This agreement was amended in January 31, 1978 to include the Naskapani Indian Band.
  - 7 A copy of the official *The James Bay and Northern Quebec Agreement* can be found at the Government of Canada’s web-site: <[http://www.ainc-inac.gc.ca/pr/agr/que/jbnq\\_e.html](http://www.ainc-inac.gc.ca/pr/agr/que/jbnq_e.html)>. This agreement was, until recently, an agreement in principle alone. On February 5, 2002, the \$2.25 billion (\$US) agreement was officially endorsed by the James Bay Cree.
  - 8 See Harvey Feit’s article “Hunting and the Quest for Power: The James Bay Cree and Whitemen in the Twentieth Century,” in *Native Peoples: The Canadian Experience*, Ed. Morrison and Wilson (Toronto: McClelland and Stewart, 1986), pp. 171-207.
  - 9 Chief Billy Diamond, “Highlights of the Negotiations Leading to the James Bay and Northern Quebec Agreement.” Val D’Or: Grand Council of the Crees, 1977. Quoted in Feit, p. 202.
  - 10 Wendell Berry, “Getting Along with Nature,” in *Home Economics* (San Francisco: Northpoint Press, 1987), p. 6.
  - 11 Northrop Frye, *The Educated Imagination* (Toronto: House of Anansi Press, 1963), pp. 1-11.
  - 12 Berry, p.11.
  - 13 For an introduction to this idea, see Charles Taylor’s, *The Malaise of Modernity* (Toronto: House of Anansi Press, 1991), pp. 31-41. For more detailed analysis, see Part I of his *The Sources of the Self* (Cambridge: Harvard University Press, 1989).
  - 14 Isaiah Berlin, “The Pursuit of the Ideal,” in *The Proper Study of Mankind: An Anthology of Essays* (London: Pimlico), pp. 13-14.