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"But how could anyone rationalize policies that discriminate?: Understanding Canada's Failure to Implement Jordan's Principle

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Résumé de l'article

This article seeks to understand Canada's failure to implement Jordan's Principle, a child-first policy ensuring First Nations have access to the same level and quality of services available to other children. Policy-making in Canada rests firmly within a neoliberal political framework that extends market-based thinking to all aspects of social life. Neoliberal thought interlocks with stories of Other to inform notions of deservingness as well as one's potential as a valuable citizen with something to contribute. Social policy decisions, including the decision to implement a particular policy or not, offer a means through which to disseminate neoliberal values and norms. As self-determining peoples with distinct rights, lands, and governance structures, First Nations transgress the image of the "good" neoliberal citizen in a variety of ways. Neoliberalism holds that punitive measures are sometimes needed to encourage citizens to adopt particular norms, and this allows policy makers to rationalize and justify policies that discriminate against First Nations children. Stereotypes about Indigenous peoples are also used to manipulate public sentiment in favour of government policy. Canada's failure to implement Jordan's Principle can be understood as part of a broader strategy to encourage First Nations to rescind their distinct rights and assimilate as good neoliberal citizens.

"But how could anyone rationalize policies that discriminate?: Understanding Canada's Failure to Implement Jordan's Principle

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Abstract

This article seeks to understand Canada's failure to implement Jordan's Principle, a child-first policy ensuring First Nations have access to the same level and quality of services available to other children. Policy-making in Canada rests firmly within a neoliberal political framework that extends market-based thinking to all aspects of social life. Neoliberal thought interlocks with stories of Other to inform notions of deservingness as well as one's potential as a valuable citizen with something to contribute. Social policy decisions, including the decision to implement a particular policy or not, offer a means through which to disseminate neoliberal values and norms.

As self-determining peoples with distinct rights, lands, and governance structures, First Nations transgress the image of the "good" neoliberal citizen in a variety of ways. Neoliberalism holds that punitive measures are sometimes needed to encourage citizens to adopt particular norms, and this allows policy makers to rationalize and justify policies that discriminate against First Nations children. Stereotypes about Indigenous peoples are also used to manipulate public sentiment in favour of government policy. Canada's failure to implement Jordan's Principle can be understood as part of a broader strategy to encourage First Nations to rescind their distinct rights and assimilate as good neoliberal citizens.

Introduction

First Nations children in Canada are routinely denied access to government services available to other children. Jurisdictional funding disputes between and within federal and provincial/territorial governments mean that First Nations children are often left waiting indefinitely for services they desperately need, or told that the services available to them are less than those available to other children (Auditor General of Canada, 2008, 2011; First Nations Child and Family Caring Society, 2005). Jordan's Principle is a child-first policy aimed at resolving such jurisdictional disputes and inequities. Jordan's Principle received unanimous support in the House of Commons in 2007. Despite this, governments at both the federal and provincial/territorial level have failed to implement it as it was written or intended.

Using Jordan's Principle as a case study, I argue that policymaking and implementation in Canada rest firmly within a neoliberal political rationality where moral decisions are those that reflect free market values. Neoliberal discourse interlocks with ideas of deserving and underserving and stories of Other to legitimate Canada's failure to implement social justice policy for First Nations children.

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Making Self Visible: Subject Position And Policy Analysis

While the practice of making oneself visible is slowly gaining ground in academic settings, and particularly within the context of critical, Indigenous, and anti-oppressive approaches (see for example, Brown & Strega (Eds.), 2005), the policy world remains largely preoccupied with the idea that policy-making should be a neutral process. What follows is my attempt to counter the assumed neutrality of policy work by making myself and my position visible as part of this analysis.

I am an Anishnabe woman of mixed descent. Heron's (2005) theory of subject position reminds us that ideas of self are complex, shifting, and contextual, and certainly my own positioning involves more than these two dimensions. Yet I mention gender and Indigenous descent specifically, as these facets have a particular influence on how I see and understand the world. My family ties are to the Wasauksing First Nation in Ontario, though I did not grow up in that community. My mother was adopted by a non-Indigenous family during the sixties and her experience as well as the intergenerational impacts of this have given me a special interest in the rights and well-being of Indigenous children. First Nations teachings hold that women have a special role in the well-being of children and families, and these teachings, too, have undoubtedly shaped my academic and work interests. As a First Nations person involved in social policy work, I have often wondered how governments are able to rationalize policy decisions that are clearly detrimental to Indigenous peoples, and especially First Nations children.[1]

While I have made the decision to write myself into this discussion, it is important to emphasize that this article is not about me, in the sense that it is informed by more than my personal experience. It feels odd to write about First Nations as "them" or "they" when in fact I am writing about my community, and I am personally affected by the discourses I describe. But my voice is not the focus of this discussion. This article draws on a range of voices, theoretical perspectives, and research/policy/legal documents as the focus of the analysis.

Jordan's Principle

Jordan River Anderson was a First Nations child from Norway House Cree Nation in Manitoba. Jordan was born with complex medical needs and spent the first two years of his life in hospital, where health care providers worked to stabilize his condition. Shortly after his second birthday, doctors said that Jordan was well enough to return home to Norway House. Tragically, Jordan remained in hospital unnecessarily for more than two years while the federal government and the province of Manitoba argued over who would pay for his at-home care. Jordan died in hospital at five years old, never having lived in a family home (First Nations Child and Family Caring Society, 2012).

First Nations children in Canada with status under the Indian Act are routinely denied access to government services, or receive a lesser quality and standard of care, simply because of who they are (Blackstock, 2011c). This situation is not limited to health care, but extends to other services such as education and child welfare. While provincial laws and standards apply on reserve, the federal government is responsible for funding most services in First Nations communities. The funding provided by the federal government is often lower than that provided by the provinces, with the result that services on reserve are generally fewer and of lesser quality than the provincial

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1 'Indigenous peoples' refers to all people in Canada and internationally of Indigenous descent. First Nations is a term used in Canada and refers to one of three Indigenous groups (First Nations, Metis, and Inuit).

standard (Auditor General of Canada, 2008, 2011; First Nations Child and Family Caring Society, 2005; Office of the Parliamentary Budget Officer, 2009). In other instances, federal and provincial/territorial governments disagree as to which level of government is responsible for funding services for First Nations people, and disputes also arise between departments within the same level of government (Blackstock, 2011c; First Nations Child and Family Caring Society, 2005). The result is a jurisdictional vacuum in which First Nations children and their families are left waiting while governments argue over responsibility. Research conducted in 2005 sampled 12 First Nations child and family services agencies and found 393 jurisdictional disputes occurring in one year alone (First Nations Child and Family Caring Society, 2005).

Jordan's Principle is a child-first policy for resolving jurisdictional disputes within and between federal and provincial/territorial governments regarding services for First Nations children. It applies to all government services available to children, youth, and their families. Jordan's Principle states that when a jurisdictional dispute arises regarding the provision of a service or standard available to all other children, the government or department of first contact must meet the need and pay for the service without delay or disruption (First Nations Child and Family Caring Society, 2012). Once the needs of the child are met, the government or department of first contact can refer the matter to intergovernmental processes to discuss repayment.

Jordan's Principle passed unanimously as a private Members' motion in the House of Commons in December 2007. Years later, Jordan's Principle is still without full and proper implementation at either the federal or provincial/territorial level, and the federal government is attempting to further limit its responsibility by narrowing the scope of Jordan's Principle to apply only to children with complex medical needs requiring multiple service providers (First Nations Child and Family Caring Society, 2012). First Nations children continue to wait for government services, or receive services of a lesser quality and standard than those available to other children. As recently as 2011, 37 children with disabilities in Jordan's home community of Norway House Cree Nation were at risk of losing doctor-recommended services, such as occupational and speech therapy, as a result of similar jurisdictional disputes (Hanley, 2011).

Neoliberalism – What is it, and Why Does it Matter Here?

How might we begin to understand the government's failure to implement Jordan's Principle? I suggest that policy decisions in Canada are driven by more than research evidence, considerations of justice, equality, or, in this case, the "best interests of the child." As we shall see, policy-making in Canada rests firmly within a neoliberal framework that poses significant barriers to the implementation of community-specific, social justice policy.

While frequently discussed in terms of its fiscal policies and impacts, Brown (2005) argues that neoliberalism is far more than an economic approach. It is a political rationality that involves "*extending and disseminating market values to all institutions and social action*" (Brown, 2005, p. 40; emphasis in original). It invokes a social analysis where free-market principles become the basis for decision-making in all spheres. Moral decisions are those that align with liberal economics, so there exists no morality other than that based on market values (Brown, 2005).

Neoliberalism sees the state as having little or no role in the care of individuals or families. The good neoliberal citizen is "measured by their capacity for 'self-care' — the ability to provide for their own needs and service their own ambitions" (Brown, 2005, p. 42). As such, gross disparities in income and circumstance are not something to be addressed by the state, but rather something

to be managed and offset at the individual level. Those who require help or support from the state are branded as having failed to manage their lives appropriately. Citizens must be taught, therefore, how to make "good" choices based on the ideals of self-sufficiency, "rational" decision-making, efficiency, and prudence.

Social policy represents an important mechanism through which the state can disseminate neoliberal values and norms. In contrast to classical economic liberalism,

> neoliberalism does not conceive of either the market itself or rational economic behavior as purely natural . . . the economy must be directed, buttressed, and protected by law and policy as well as the dissemination of social norms designed to facilitate competition, free trade, and rational economic action (Brown, 2005, p. 41).

The role and function of social policy, then, involves shaping subjects in the image of the good neoliberal citizen. This is done by enacting policies that encourage subjects to act in particular ways or make particular choices — "choice" being a loose term, as it often involves selecting from a limited range of unsavory or punitive options. At the core, neoliberal social policies are designed to encourage independence in the form of labour market participation and reliance on the marketplace for the provision of things formally considered a right of social citizenship, such as health care, security in old age, or financial support during times of unemployment.

While social policy is indeed an important tool in shaping good neoliberal citizens, we must remember that policy does not literally make or create us. Policy encourages particular actions and choices, but its real power lies in the potential to define and shape ideas of normality (Brown, 2005). Social policy is a vehicle through which particular ideas, values, and assumptions are cast as "good" and "normal," and through which such ideas are taken up by subjects, internalized, and reproduced. In this sense, social policy is not so much about governing subjects in a direct way, but rather about *inducing subjects to govern themselves according to a particular image*. Policy decisions, then, are about far more than defining a particular course of action or response. They are about power and the "management of life" (Drinkwater, 2005, p. 230).

Thus, in addition to its tangible or physical impacts, social policy also re/produces ideas about who "we" are, who "they" are, as well as the nature and limits of one's rights. Far beyond simply exploring the impacts of social policy, critical analysis must ask: what unspoken stories are being told and what values, assumptions, and interests shape the debate? How are certain identities and bodies devalued through discourse, and how are these ideas reflected in, reproduced, and reinforced by social policy? These are the questions we must ask in analyzing Canada's failure to implement Jordan's Principle.

Neoliberal Equality: The Deservingness of Some is Always Already Mitigated

The distinction between those who are "deserving" and those who are not has long been a feature of social policy discourse. Contemporary notions of deserving and undeserving build on the discourse of classical liberalism, but with a decidedly neoliberal flavour. Under classical liberalism "social policy was limited to assisting the 'deserving poor' and reinforcing the work ethic among the rest" (Mahon, 2008, p. 343). The undeserving poor were persons (usually men) who were considered able but unwilling to work (O'Connell, 2009). Today, assumptions of deservingness have shifted beyond the dichotomy of able/unable to impose free market values

and assumptions on all aspects of social life. Citizen-subjects are deserving only insofar as they are willing to accept and embody neoliberal social norms.

Neoliberal ideas of deserving/undeserving are reflected not only in the nature of policy, but also in how the public understands and responds to these decisions. This can be seen, for example, in the backlash toward employment equity policies. Neoliberal thought frames the market as a neutral force that rewards those who work hard. From this perspective, if someone is really the "best person for the job," they should be able to *earn* the position based on merit alone (Creese, 2007). The discourse of deserving and undeserving is also present in polices of income or social assistance, and various authors have shown how these ideas are taken up by welfare workers or case managers who assess and measure the "deservingness" of clients based on their willingness to model neoliberal values such as independence, motivation, and taking responsibility for one's situation (McDonald & Marston, 2005; Moffatt, 1999).

It would be a mistake, however, to assume that ideas of deserving and undeserving are shaped only by neoliberal thought. Neoliberalism melds with concepts of "normal" to produce complex and shifting ideas of who is deserving, who is not, and in what context. Normal should not be mistaken for neutral as ideas of normality are in fact reflective of a very particular image: white, male, non-"disabled," cisgendered, heterosexual, and middle class — what Fellows and Razack (1998) refer to as the "unmarked" subject. Discourses of normal and Other influence beliefs about the extent to which people are to blame for their situation, as well as their potential as valuable citizens with something to contribute.

As described by Dominelli (2002), Othering is a process by which relations of dominance are legitimated and reproduced. Those who do not fit within the bounds of normal are cast as Other — as abnormal or "different." Othering creates a dichotomy between "us" and "them," between those who belong and those who are or can be justifiably excluded. Othering also serves to legitimate the assumption that "we" (those in positions of dominance) know what is best for "them," and thus a denial of autonomy and self-determination. This negation of value is particularly evident with respect to First Nations people and First Nations children.

Mahon (2008) argues that Canada's history of social liberalism in the post-war era has tempered the forces of neoliberalism, resulting in an economic and political approach she terms "inclusive liberalism." While still embracing many of neoliberalism's social norms and economic policies, inclusive liberalism acknowledges the need for a certain amount of social investment in order to generate human capital and "empower" citizen-subjects to participate in the paid labour market. Not everyone is presumed deserving of this investment, however. Mahon (2008) writes that inclusive liberalism is characterized by a concern for "the child." Canada's federal government, however, sees fit to underfund education on reserves by an estimated $3,400 per year per child, as compared to provincial/territorial standards ("Ottawa should close gap", 2011; see also Office of the Parliamentary Budget Officer, 2009). Child welfare services are similarly underfunded, with First Nations children on reserve receiving an estimated 22 percent less than other children (McDonald & Ladd, 2000, as cited in Blackstock, 2011a).

First Nations peoples transgress the image of the unmarked subject and good neoliberal citizen in a variety of ways. As self-determining peoples, First Nations possess distinct rights, lands, and governance structures — a scenario that does not fit well with what Cunningham and Baeza described as "the new global policy theme of reintegrating marginalised communities into the mainstream" (2005, p. 470). Social policy decisions offer a means through which to undermine these distinct rights and assimilate First Nations as good neoliberal citizens.

Impacts of Policy Decision
Not to Implement Jordan's Principle

Social policy decisions are decisions of power. As Drinkwater (2005) describes, power acts on subjects not by making their decisions but by structuring the field of possible actions. Thus we may ask, how does power structure the field of possible actions for First Nations children and families who are denied access to health and other government services? What impact do these policies have?

In some instances, First Nations youth living on reserve must leave home to attend high school, either because there is no high school in the community or because federal underfunding makes it impossible for communities to provide the quality of education found in provincial schools (Blackstock, 2011c). In the case of children with disabilities or special medical needs, First Nations governments often have little alternative but to absorb the necessary costs, so that children are not forced to go without doctor-recommended services. This, however, requires a redirection of funds, and thus the inability to meet other community needs and governance priorities. This is not a permanent solution, as communities generally do not have the funds to cover these costs in the long term — nor is it their responsibility to do so. In still other cases, parents or caregivers are forced to quit their jobs to assume duties ordinarily performed by a trained professional (see, for example, Ridgen, 2012). In this circumstance, the neoliberal emphasis on paid employment collides with a parallel belief in individual, family-based responsibility for dependents that require care (Mahon, 2008). In yet other cases, there remains but one viable course of action for ensuring the needs of children are met. Caregivers may find themselves with no alternative but to place children in foster care, not because of child protection issues but because it is the only way to ensure the child has access to the services they need (see, for example, Ranxarex, 2010). While federal and provincial/territorial governments cannot seem to agree on who will pay for services in a child's family home, they do have a system in place for providing services to First Nations children in child welfare care.

Common to all these scenarios is the denial of state responsibility (legal, constitutional, or fiduciary), the undermining of First Nations governments as sovereign entities, and the push for First Nations to rescind their status as distinct people with distinct rights and lands as the surest course in receiving adequate care and ensuring their children have access to the same level and quality of services available to other children. As has been observed, "The lack of services, opportunities and deplorable living conditions characterizing many of Canada's reserves has led to mass urbanization of Aboriginal peoples" (First Nations Child and Family Caring Society, 2005, p. 90). In this context, the conscious underfunding of basic services such as health care, safe-drinking water, child welfare, housing, and education is perhaps best understood as a form of *punishment* for daring to resist what Drinkwater (2005) refers to as the normalizing and productive forces of inclusion.

The Power of Discourse:
Stories, Assumptions, and Social Policy

Policy-making is about more than identifying a particular course of action or approach. It is also a battle of ideas and perceptions, and thus involves a discursive campaign to justify and rationalize the decisions made. Indeed, the discrimination experienced by First Nations children is so blatant that it must be rationalized, justified, reframed as something else. In doing so, policy-

makers draw on existing stereotypes and misunderstandings to manipulate public sentiment in favour of government policy. This is accomplished by shifting accountability from federal and provincial/territorial governments and holding First Nations, collectively and as individuals, responsible for the discrimination they experience.

Cunningham and Baeza (2005) illustrate the power of discourse in framing policy decisions related to Indigenous peoples. Though their analysis deals with the Australian context, my experience as a First Nations woman involved in policy issues tells me that many if not all of these stories and assumptions are present in Canada as well. These discourses include the widespread perception of accountability problems among Indigenous organizations and governments, as well as doubts regarding their competency, honesty, representativeness, and legitimacy. The relative success of these organizations or governments is measured against a host of unrealistic expectations that hold Indigenous leaders responsible for "resolving" centuries of colonial policy and oppression. When these expectations go unmet, Indigenous governments and organizations are branded as ineffective or underachieving (Cunningham & Baeza, 2005).

In addition to this, there exists in Canada a particular discourse that paints First Nations as the undeserving recipients of government hand-outs. This includes the false perception that First Nations receive too much government funding, do not pay taxes, and have a lot of money (see for example, Ridgen, 2012). High rates of unemployment on reserve are detached from their structural origins and construed as the result of individual deficit, motivation, laziness, or a poor work ethic. These ideas serve to bolster and reinforce the idea of First Nations as a collective Other. Constructed in opposition to the good neoliberal citizen, these ideas reproduce relations of dominance, suggesting that "we" know what "they" need. As Dominelli writes, the result is a "'them-us' division which privileges those who are considered 'us' and deemed to 'belong' to a particular social order. . . . meanwhile those cast in the 'them' category are outsiders who are not valued as human beings on the same basis as those in the 'us' groups" (2002, p. 17). This sets the stage for discriminatory treatment on the grounds that "they," by virtue of inherent shortcomings, need to be treated differently from "us."

Finally, because neoliberalism sees the state as having zero responsibility in terms of job creation, First Nations are blamed for choosing to live in poverty rather than "doing everything they can to find work," a sentiment which is generally code for "they should move to a place where more opportunities exist." First Nations governments are also blamed for failing to create jobs and improve conditions on reserve, when in fact the economic possibilities and options available are heavily constrained by the federal government through the *Indian Act*.

Taken together, this discourse feeds the perception that there should be "more to show for governments' efforts in Indigenous affairs" (Cunningham and Baeza, 2005). The poor socio-economic conditions on many First Nations reserves are used as evidence to bolster the discourse that Indigenous governments are incapable of managing their own affairs, and to reinforce the idea that the path forward lies in accepting government policy and embracing neoliberal social norms. By framing the issue this way, governments are able to capitalize on the neoliberal discourse of wasted public spending and the need for individual accountability, and manipulate public perception in favour of policy approaches that seek to absorb First Nations into the larger social body. Terms such as "integration" are used to mask what is in fact a tacit policy of normalization and assimilation. As Palmater (2012) recently observed with respect to the 2012 federal budget, the focus is integrating Indigenous peoples into society "as a labour source, as tax payers and as individual property owners." Missing from this discussion is any whisper that

the socio-economic conditions on reserve are in fact the result of policy decisions, legislation, and gross underfunding, primarily at the federal level. As Blackstock writes, "Canada will often cite how much it spends on First Nations children without drawing attention to the fact that this amount falls far short of what is required" (2011a, p. 10).

Neoliberal Morality: "But How can Governments Possibly Rationalize Discrimination against Children?"

Morrow, Wasik, Cohen, and Elah-Perry argue that the influence of neoliberal thought in Canada has led to the fiscalization of policy decisions — that is, "policy decisions being made based on budget concerns rather than social and moral values" (2009, p. 669). Neoliberalism, as we have seen, is about more than economic policy, yet fiscal restraint and minimal social spending remain fundamental to the broader ideological approach. Thus, a stated commitment to implementing Jordan's Principle is offset by the concern for setting a precedent of sorts; governments do not want to accept responsibility in even one case, because one case could become two, two could become three, and three could be taken as an admission of jurisdictional responsibility, which of course entails a funding responsibility as well.

Still, one might wonder how even the most fiscally conservative government or individual could justify discrimination based solely on economic grounds. Brown's (2005) work, however, suggests that policy decisions under neoliberalism *are* subject to moral evaluation, but that this morality reflects free market values rather than values of equity, human rights, or social justice. As she writes, "neoliberalism equates moral responsibility with rational action; it erases the discrepancy between economic and moral behavior by configuring morality as entirely a matter of rational deliberation about costs, benefits, and consequences" (2005 p. 42). This suggests that decision makers are able to rationalize failure to implement Jordan's Principle by drawing on the discourse that says First Nations are to blame for the conditions on reserve, and that the most rational, cost-effective, and beneficial path lies *not* in respecting Indigenous sovereignty but in absorbing this "marginalized" community into mainstream society.

An analysis of neoliberal morality thus sheds light on how governments are able to rationalize policy decisions that perpetuate poverty on reserves. Neoliberalism sees poverty as an inevitable feature of developed economies and holds individuals responsible for managing this circumstance (Lister 1998; Mahon, 2008). From this perspective, the failure to address structural poverty is not immoral because poverty is not something to be "solved" by the state. This reticence to address poverty in general is compounded by a distaste for First Nations sovereignty in a political climate that favours integration as the preferred means of addressing community-based issues. Distinct First Nations spaces are not seen as an efficient or rational investment.

In this way, Canada's failure to implement Jordan's Principle can be understood as part of a broader strategy to encourage First Nations to become good neoliberal citizens, rescind their status as separate, and assimilate into the broader social body. This is accomplished by devaluing certain spaces and ways of being to the point that living and performing as "normal" can seem preferable to living as one *is* and being marked as Other. The underfunding of basic services on reserve can be seen as a punitive measure, a tacit punishment for daring to resist the forces of inclusion. Not unlike the workhouse philosophy of classical liberalism, neoliberalism believes that punitive measures are sometimes needed to encourage citizens to act responsibly, as defined in neoliberal terms (McDonald & Marston, 2005; Moffatt, 1999). In this context, punitive polices that seek to "activate" or "empower" subjects are not acts of discrimination or injustice, but rather

moral polices that "help" subjects embrace their role as good neoliberal citizens. In this light, we can begin to understand how governments are able to discriminate against First Nations children while at the same time maintaining that their approach is one of good and moral policy.

Looking Forward

Indigenous families, communities, and leaders are taking action to counter the forces of neoliberalism, assert their rights, and demand better for their children. In 2011, Maurina Beadle and the Pictou Landing First Nation filed a federal court case against Canada for failing to implement Jordan's Principle. Pictou Landing is a small First Nations community in Nova Scotia. Maurina Beadle's 17-year old son Jeremy was born with multiple disabilities and requires complete personal care. Maurina suffered a stroke in May 2010 and, as a result, is no longer able to meet all of Jeremy's physical needs. Despite the fact that the family's situation clearly meets even the narrow and improper interpretation of Jordan's Principle, it was soon apparent that the neither the federal government nor the province of Nova Scotia was willing to pay for Jeremy's at-home care until the jurisdictional dispute was settled (Blackstock, 2011b).

Ignoring provincial health policy and a recent federal court ruling on care services for people with disabilities, both the federal and provincial government have since decided that Jeremy is entitled only to a fixed and capped amount for in-home support (Blackstock, 2011b; *Nova Scotia (Community Services) v. Boudreau*, 2011; *Pictou Landing Band Council and Maurina Beadle v. Attorney General of Canada*, 2011). As this amount is not sufficient to meet Jeremy's care needs, government representatives have suggested that he be placed in a residential care facility far from his community. As Pictou Landing First Nation stated in filing the case:

> The lack of support and funding for a child like Jeremy to remain in the community and the push to institutionalize him can be likened to Residential School policy, where the government decided that it is better able to care for First Nations children in an institution rather than the First Nation community in which they are a member (Pictou Landing First Nation, 2011).

The case was heard in Federal Court in June 2012 but is still awaiting a ruling.

Legal proceedings such as the case filed by Maurina Beadle and the Pictou Landing First Nation offer an important challenge to the neoliberal discourse that seeks to justify discrimination against children and undermine the rights of First Nations peoples. First Nations mothers should not have to fight for the right to care for their children simply because they are First Nations and live on reserve. One thing is clear: challenging policy requires more than just "good evidence" but also attention to the stories and assumptions that shape, inform, and reinforce policy decisions. We all have a role to play in this process. It is much easier for governments to implement policies or undermine equity-seeking organizations where no public opposition exists. Full and proper implementation of Jordan's Principle may run contrary to the forces of neoliberal thought, but there are many others who reject this concept of morality. Jordan's Principle is supported by over 6,600 organizations and individuals across Canada, including large and influential groups such as the Canadian Paediatric Society, the Canadian Federation of Nurses, the Canadian Social Work Association, and the National Youth in Care Network (Blackstock, 2011b; First Nations Child and Family Caring Society, 2012).

In Closing

In this article I have drawn attention to the negative discourses affecting Indigenous peoples, because it is these stories and assumptions that help us understand how governments are able to justify assimilationist policy choices, and how public opinion can be manipulated in favour of these decisions. But these are not the only stories that exist. My mind now wanders to the stories *I* know about First Nations peoples. These are not stories of defeat or desperation, but rather of generosity, pride, care, strength, art, happiness, and laughter. They are the stories of families like Maurina and Jeremy. They are stories of resistance and love.

We must remember that neoliberal discourse and stories of Other draw power only through our re-telling or enactment. First Nations and allies are challenging this discourse by telling a different story. In our story, there is simply no rationalization for policies of discrimination and inequity.

You can sign up to support Jordan's Principle at www.jordansprinciple.ca

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