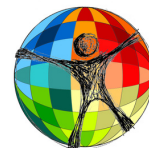


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# **The Interpersonal Sites of Systemic Perpetuation: How the Inheritance of Generational Trauma Has Culminated in a Global System of Exploitation**

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# ABSTRACT

The international legal system, structured into states and ordered by laws, is founded on an existential ideology of alienated relationships. The many interconnected and systemic problems that the international human rights project attempts to resolve are maintained by a global culture which promotes the exertion of control over others for self-protection, transactional relational expectancies, and the violent refusal of vulnerability and accountability.

In order to resolve these problems and create a global society where the values promoted by human rights rhetoric are protected, we must trace back the inherited generational trauma of these alienated relations and understand the psychological and evolutionary dynamics that caused us to arrive to this point. Only then can we engage with our international legal tools and transform the foundation of our global society.

# CONTENTS

INTRODUCTION	6
SITUATING THE CULTURE IN QUESTION	8
THE CULTURAL PERPETUATION OF SYSTEMS	12
THE CENTRALITY OF THE FAMILY	14
MY FAMILY	16
PARALLELS WITH THE GLOBAL CULTURE	19
DESCRIPTION, NOT PRESCRIPTION	23
PSYCHO-ANALYSIS OF THE GLOBAL SOCIETY	26
TRANSFORMING THE GLOBAL LEGAL CULTURE	30
CONCLUSION	35
BIBLIOGRAPHY	36

## Introduction

Dissonance increasingly perturbs the contemporary context of globalization as the international economic and legal order conflicts with a maturing rhetoric of equality and human rights.<sup>1</sup> There are many drivers that built and that maintain the global system, and uncovering and understanding them leads to the awareness that even the most democratic states are constructed to permit an ever-growing disparity in the distribution of wealth.<sup>2</sup> I will focus this paper on the ideology, or existential story, that underpins the meaning-schema of the global legal system and the laws that structure most human communities.

By taking the framework of “culture” and a specific look at interpersonal dynamics within the family unit, I will use a personal narrative methodology and an interdisciplinary approach to explain how intergenerational trauma has been successively inherited to produce the current paradoxical global order. The macro is analogous to the micro; by analyzing my family through a systems approach, I will outline the key ideological factors that drive the international legal framework.

If these ideological factors are not addressed, then the system of inequality that we are uncomfortable with cannot be dismantled. It is why the international human rights project, the greatest attempt to solve problems of inequality on a global scale in history, currently stops short of actual systemic change. It fights

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<sup>1</sup> See Eric Posner, “The case against human rights”, *The Guardian* (4 December 2014), online: <[www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights](http://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights)> (“[t]he use of ‘human rights’ in English-language books has increased 200-fold since 1940, and is used today 100 times more often than terms such as ‘constitutional rights’ and ‘natural rights’. ... And yet it is hard to avoid the conclusion that governments continue to violate human rights with impunity.”)

<sup>2</sup> See Andrea Willige, “Which are the world’s strongest democracies?” (23 February 2017), online: *World Economic Forum* <[www.weforum.org/agenda/2017/02/which-are-the-worlds-strongest-democracies/](http://www.weforum.org/agenda/2017/02/which-are-the-worlds-strongest-democracies/)> (1. Norway 2. Iceland 3. Sweden) and Julien Grunfelder, “Chapter 7 – Increasing Income Inequality” in Julien Grunfelder et al, eds, *State of the Nordic Region 2020* (Denmark: Nordic Council of Ministers, 2020), online (pdf): <[pub.norden.org/nord2020-001/nord2020-001.pdf](http://pub.norden.org/nord2020-001/nord2020-001.pdf)> (“[w]hile the Nordic countries remain among the most equal of the OECD countries, these inequalities are increasing not only between municipalities, regions and countries in the Nordic Region, but also within these geographical areas” at 101).

The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

against itself—the same ideological institutions that give it legitimacy are the ones that it must eventually deconstruct to uphold its mission.<sup>3</sup> The international power regime is what is hurting the relationship of “rights,” an inherently sentimental concept, we want to have with each other as humans.

The context which allows us to look critically at the system we occupy is the culmination of 10,000 years of cultural evolution. Today, there is such a thing as a global culture, and understanding its dynamic requires thinking in nuanced, paradoxical terms. The big systems are created and maintained by individual people, and we need to see both scales simultaneously. This sharp bird’s-eye view is important to understand the way everything is connected in a macro tapestry, and at the same time to see how the vehicle that transmits this system is individual threads, micro in size and dynamic. I outline a theoretical framework that analyzes both scales at the same time—how we are both powerless against, and powerful within, the structures into which we are born.

I offer a brief psychoanalysis of the relational dynamics of my family, and then propose a parallel “psychoanalysis” of the current globalized system to find its root and offer a plan for societal healing. The cultural interactional themes analyzed include the exertion of control over others for self-protection, the transactional nature of relational expectancies, and the violent refusal of vulnerability and accountability. I then propose possible changes in the contemporary legal system and identify key actors whose personal therapeutic journey could influence great cultural repercussions. The cultural dynamics which shape every relationship taking place in the globalized world are much greater than any participating individual. But because culture comes to exist through interpersonal interactions, it is imperative for the individual to heal if they are ever to perpetuate different dynamics in their future relations, thus enabling a new culture.

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<sup>3</sup> See David Kennedy, “The International Human Rights Movement: Part of the Problem?” (2002) 15 Harv Hum Rts J 101 (“[h]uman rights foregrounds problems of participation and procedure, at the expense of distribution, implicitly legitimating the existing distribution of wealth, status and power in societies” at 109).

I am a person high on the global hierarchy ladder: my identity is at the intersection of nearly every crossroad of privilege and I benefit from immense generational power. My perspective of the global situation is from close enough to the top of the pyramid—in other words, the inherited trauma passed down in my family is what remains after the compounded layers of financial and social stressors of the hierarchy are stripped.<sup>4</sup> It is the hurt inherent in the pyramid itself.

The relationship dynamics described herein are not a claim of homogeneity, merely a broad pattern being recognized. There is a long legacy of resistance against colonization and a growing movement of mental health awareness and care which have been transforming the culture of globalization for generations, and to which I hope this paper will be a useful addition. The great lesson that emerges is that we do not need human rights and development missions, heroics in distant lands, to “save the world.” Rather, we must look inward and transform our ideologies, for we are the world and we are saving ourselves.

## **Situating the Culture in Question**

The international legal system is maintained by a cultural context which gives it meaning and legitimacy; given the global scope of this context, to understand the boundaries of the international legal system it is necessary to define the boundaries of “culture” itself.

Culture is a phenomenon that emerges when a group repeats a behaviour, and is thus a collaboratively constructed project. It is the collection of knowledge and mannerisms passed down and around by a group which is localized, in deep relation with the places and spaces they occupy.<sup>5</sup> There are many cultures

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<sup>4</sup> See Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics” (1989) 1:8 U Chicago Legal F 139 (“the failure to embrace the complexities of compoundedness is not simply a matter of political will, but is also due to the influence of a way of thinking about discrimination which structures politics so that struggles are categorized as singular issues” at 166–67).

<sup>5</sup> David Garneau, “Imaginary Spaces of Conciliation and Reconciliation: Art, Curation, and Healing” in *Arts of Engagement: Taking Aesthetic Action In and Beyond the Truth and Reconciliation Commission of Canada*, ed by D Robinson (Waterloo: Wilfrid Laurier University Press, 2016) at 25.



The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

in the world, and they do not have fixed borders between themselves. There are cultures nested in cultures, and people build their identities by participating in multiple cultural circles at once.<sup>6</sup> A culture can also be understood as a pattern by which novel behaviours are socially transmitted among peers and between generations, usually with the purpose of increasing quality of life, which itself can be defined in many ways, from physical to social.<sup>7</sup>

Culture therefore has a life-protection quality, and it is not surprising that cultural phenomena are also present in animals, from tool use to songs and grooming traditions.<sup>8</sup> Culture emerges through evolutionary developments of intelligence and social relations as part of the toolkit potentially available to lifeforms to use to better and more quickly adjust to their environment. It is simply put the power to organize groups to collectively adapt to changing circumstances.<sup>9</sup>

Human behaviour is motivated by narrative structures of meaning; we have used our ever-developing ability of abstract thought to elevate culture into the realm of storytelling. The first stories emerged organically from our intelligent cohabitation with the world around us, at least 40,000 years ago.<sup>10</sup> We observed the patterns of the universe, the push and pull of complementary forces and the cyclical nature of time, and formed schemas of

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<sup>6</sup> See *ibid* ("people, including Indigenous persons, experience themselves less as fixed subjects and more as having multiple and flexible identities" at 27–28).

<sup>7</sup> See Luigi L Cavalli-Sforza, "Cultural Evolution" (1986) 26:3 *American Zoologist* 845.

<sup>8</sup> See *ibid* at 846.

<sup>9</sup> See *ibid* ("The variety of these mechanisms can make culture extremely fast and flexible, and there are the great advantages of cultural adaptation vs. genetic adaptation by natural selection, or vs. physiological adaptations (which are relatively fast but highly specific ... )." at 845).

<sup>10</sup> Given that the oldest cave art yet discovered has been dated to over 43,000 years ago (see Adam Brumm et al, "Oldest cave art found in Sulawesi" (2021) 7:3 *Science Advances* 1) and that the oldest use of fire has been dated to over a million years ago (see Francesco Berna et al, "Microstratigraphic evidence of in situ fire in the Acheulean strata of Wonderwerk Cave, Northern Cape province, South Africa" (2012) 109:20 *PNAS* E1215).

understanding based on those observations.<sup>11</sup> These schemas of meaning were then organized into narrative structures where characters exerted agency and influenced their environments. These stories became a source of fulfillment in an existential sense, and the cultural behaviours that were guided by these stories gave meaning to those who identified through that culture by collectively preserving a sense of connection to a common inheritance, which anchors us together in our time and space.

Many eons have passed since those first stories began influencing the shape of human culture, and our cultures have become increasingly complex. We are now well into the Age of the Humans, the Anthropocene, that began when our ancestors' culture received the storytelling boost, and things are very different. An international legal system, recognizable by its state-based normative framework and the use of written law to order members of the community, now structures most societies in the world as an effect of gradual globalization.<sup>12</sup>

Civil law and common law, of European heritage, are the language of this "new" global culture.<sup>13</sup> This international legal

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<sup>11</sup> John Borrows, "Patterns", (2018) still unpublished ("If we try to live without patterns we do ourselves a disservice. The failure to follow patterns denies a basic physiological fact. ... When I look at the patterns found in the natural world around me I find reinforcement for this insight.")

<sup>12</sup> While this globalization is not a universal development, bypassing large populations and geographies in favour of particular peoples and markets in the distribution of benefits, the fact remains that there is a dominant culture of political, economic, and sociocultural norms which is being imposed on every country in the world by international organizations, global superpowers, and local governmental structures: see Robert Schaeffer, "Theories of Globalization" in Robert Schaeffer, ed, *Understanding Globalization: The Social Consequences of Political, Economic and Environmental Change* (New York: Rowman & Littlefield, 2003). See also Subhabrata Bobby Banerjee & Stephen Linseed, "Globalization, Multiculturalism and Other Fictions: Colonialism for the New Millennium?" (2001) 8:4 *Organizations* 683.

<sup>13</sup> The main systems of law on which nations are built include common law, civil law, customary law, and religious law. Most countries in the world that are not purely common law or civil law are mixed with those systems—only Andorra, Guernsey, and Jersey are considered "customary law monosystems," while Afghanistan, the Maldives Islands, and Saudi Arabia are "Muslim law monosystems." However, these descriptions can still be misleading, as the influence of common law and civil law, European in origin, are the meta-narrative that structure statehood at the international level; further, these countries, in participating in the international legal regime, accept treaties and

The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

regime structures relationships between states and state-emulating political structures based on governments creating laws. While every country writes their own laws, they all flow from the Euro-centric traditions of common and civil law which were imposed on them to promote colonial interests and, subsequently in a modernization of the rhetoric, liberalized and globalized markets of exchange.<sup>14</sup>

This culture is imposed on near every other around the world. Its political and legal framework structures local norms by outlining the expectations on each participant—what behaviour is encouraged in different interactions, what knowledge is taught, what morality is legal. It has resulted in a global network of wealth-siphoning that made eight men as rich as half the world.<sup>15</sup> This is only possible because of transnational kleptocracy networks that make human rights violations systemic, embedded in the bureaucratic backbone of nations.<sup>16</sup>

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normative expectations based on these European systems. Finally, Muslim and customary legal traditions “tend to be limited to the laws relating to personal status” (“Classification of legal systems and corresponding political entities” (last visited 8 July 2022), online: *JuriGlobe – World Legal Systems Research Group*, by University of Ottawa <[www.juriglobe.ca/eng/sys-juri/index-syst.php](http://www.juriglobe.ca/eng/sys-juri/index-syst.php)>).

<sup>14</sup> See Scott Turner, “Global Civil Society, Anarchy and Governance: Assessing an Emerging Paradigm” (1998) 35:1 *J of Peace Research* 25 (“the first European states were ultimately responsible for the mostly violent extension of the state system throughout the entire world” at 27).

<sup>15</sup> See Deborah Hardoon, “An Economy for the 99%” (January 2017) at 2, online (pdf): OXFAM International Briefing Paper <[oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/file\\_attachments/bp-economy-for-99-percent-160117-en.pdf](https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/file_attachments/bp-economy-for-99-percent-160117-en.pdf)>.

<sup>16</sup> Sarah Chayes, *When Corruption is the Operating System: The Case of Honduras* (Washington: Carnegie Endowment for International Peace, 2017), online (pdf): <[carnegieendowment.org/files/Chayes\\_Corruption\\_Final\\_updated.pdf](https://carnegieendowment.org/files/Chayes_Corruption_Final_updated.pdf)> (“[i]n some five dozen countries worldwide, corruption can no longer be understood as merely the iniquitous doings of individuals. Rather, it is the operating system of sophisticated networks that cross sectoral and national boundaries in their drive to maximize returns for their members. ... For the full list and methodology [used to identify kleptocratic nations], see *Corruption: Violent Extremism, Kleptocracy, and the Dangers of Failing Governance*, Before the Senate Comm. on Foreign Relations, 113th Cong., (June 30, 2016) (statement of Sarah Chayes, [www.foreign.senate.gov/imo/media/doc/063016\\_Chayes\\_Testimony.pdf](https://www.foreign.senate.gov/imo/media/doc/063016_Chayes_Testimony.pdf))” at 1, 123). Many of these kleptocratic nations are historic and contemporary

No one experiences globalization the same, yet we all experience globalization and live within the framework of its cultural expectancies. The economic framework of this international legal system seeps down from the top to infiltrate every person's psyche and understanding of the nature of life and reality, our schemas. But despite its narrative that calls itself universal and objective law, there is resistance against the homogeneity of this international legal order, and it is more accurate to describe the current global situation as legal pluralism.<sup>17</sup> This paper is very much about the alternative ways of thinking, but first I must begin by talking about the culture that drove globalization through coercion and force over the last 10,000 years, the broad strokes that are recognizable to all those who participate today, willingly or not, in global culture.

While this culture is huge, it only really exists tangibly in small spaces—in interpersonal interactions. My personal experience in my family reflects the wider dynamics of the culture in which we are embedded. The structures of international law had a direct effect on the shape of my family: laws about conquest, about property ownership, about criminality and more shaped the social culture that defined my experiences as a legitimate descendant of colonizers. But these large concepts only mean anything concrete in relational moments that often feel very insignificant.

## **The Cultural Perpetuation of Systems**

The language of systemic problems and human rights violations is gradually emerging in courts around the world.<sup>18</sup> The discourse is often couched in the terms of discrimination, and Colleen Sheppard's micro-meso-macro model, which "assist[s] us in naming and identifying the effects and processes of social

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victims of powerful nations' covert and overt attempts of regime changes in foreign states, which expands Chayes' list of countries involved in the kleptocratic network: see Dov H Levin, "Partisan electoral interventions buy the great powers: Introducing the PEIG Datasets" (2019) 36:1 Conflict Management and Peace Science 88.

<sup>17</sup> See John Griffiths, "What is Legal Pluralism?" (1986) 24 J Leg Pluralism & Unofficial L 1 at 2.

<sup>18</sup> *Broniowski v Poland* [GC], No 31443/96, [2004] V ECHR 189, and the pilot judgements that emerged from that case. For Canadian examples, see *Fraser v Canada* (Attorney General), 2020 SCC 28 at paras 29–31.

The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

inequality and discrimination,”<sup>19</sup> is useful in naming and identifying the processes of the global culture which perpetuates systemic inequality more generally.

The micro-context is the collection of stories that makes up the individual's personal experience in different social locations.<sup>20</sup> Culture is practiced in interactions between those who carry that culture, existing in moments of exchange such as when a passerby says a disparaging comment to houseless person. The meso-context is the institutional construct in which micro-interactions take place. In this abstract cultural space, the norms of institutions conceptually frame what is expected in each social location.<sup>21</sup> These are the rules that are applied upon and affect individuals, for example a sign prohibiting loitering on the side of a building, which is enforced by police intervention. Culture is in large part influenced by the rules imposed by the gatekeepers of these social spaces. Finally, the macro-context contains the vast tapestry of patterns that makes up the society in which the individuals and institutions exist, encompassing long histories and deep ideological foundations.<sup>22</sup> Here, culture is most abstract and yet most recognizable to us when we speak of it colloquially. The social expectation that individuals be economically productive so as to afford a house and avoid being shamed and erased from public spaces is the result of cultural currents that define our relations with each other and the situations in which violence is accepted.

All the meso- and macro-contexts exist solely in their manifestation in micro-interactions. Both the institutions and the societal context exist in the constructed social abstract; they are only real insofar as humans with the power to hold these concepts in their minds do so. As such, we can only experience a culture when other people are involved, it is necessarily a social activity with others who agree with you. The macro-culture that perpetuates human rights abuses is not outside of our grasp and

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<sup>19</sup> Colleen Sheppard, *Inclusive equality: the relational dimensions of systemic discrimination in Canada* (Quebec, McGill University Press: 2010) at 9.

<sup>20</sup> See *ibid.*

<sup>21</sup> See *ibid.*

<sup>22</sup> See *ibid* at 10.

beyond human ability to control—we created it action by action, and we maintain it collectively decision by decision. Rights are an abstract, legal concept that is always being debated and pontificated, but their impacts are felt carnally and individually. Their value only exists in an embodied, sentimental way, and the legal documents establishing their protections refer to relational bonds and emotional reactions to those acts which threaten the wellbeing of those bonds.<sup>23</sup> It stands to reason that a critical mass of individuals communicating and agreeing with each other to behave differently in their personal interactions with others would eventually completely transform the macro-expectancies of their culture.

Systems are not changed from the top-down. Change happens first at the “bottom” in private, not-culturally-significant interactions, then moves to the “top” by affecting an individual in a position of power. That individual would then transform their behaviours and, because of the powerful position they occupy, those behaviours would affect a significant number of other individuals, making its way back to the “bottom.” When enough individuals at the “top” have been transformed, their combined behaviours would produce a critical mass of influence that would open the door for transformative change, deliberately re-writing the macro culture by changing laws and enforced expectancies.<sup>24</sup>

## **The Centrality of the Family**

We are embedded into culture before we are even born. While the behaviours we exhibit as adults are taught to us every moment of our existence, it is in the first few years of absorption that we build the core of who we will be for the rest of our lives. The family unit, defined for this text as at least one adult raising a child, is the relational bubble into which we emerge into the world,

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<sup>23</sup> *Universal Declaration of Human Rights*, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 (1948) 71 (the Preamble outlines the motivations of the Charter, namely to protect “all members of the human family” from the “barbarous acts which have outraged the conscience of mankind”).

<sup>24</sup> See Joseph Markus, “What is the Use of a Human Right to Development? Legal Pluralism, ‘Participation’, and a Tentative Rehabilitation” (2014) 41:3 *JL & Soc’y* 367 (“local actors, in resisting international norms, may well succeed in subverting or transforming them. On that approach the resulting local transformation is able to seep back up over time so that the global norm is gradually transformed as well” at 376–77).

The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

and is the one which teaches us scaffolding by which all other information will be categorized and understood.<sup>25</sup>

The family is thus the prime agent of socialization.<sup>26</sup> The abstract macro-context of social norms, which are rarely explicitly outlined in later phases of life, are imprinted onto the young person through their interactions with their family members, caregivers and siblings. It is during the first years that gender-related expectations or the role that violence plays in conflict resolution are taught. Who are the good guys? Why are the bad guys bad? What role do you play in the family? What role does your family play in the world? The answers to these questions will frame the meaning of all subsequent learning the person accomplishes in life, unless later challenged and re-examined. As the adult teaches the child everything, it becomes a moment to observe what the adult has absorbed from the culture in which they live. The dynamics that shape people's behaviour in public does not stay at the door when they get home. The opposite is also true: one's home life dictates a lot about how one socializes with peers and authority figures. When parents take their kids out in public and demonstrate social interactions, these lessons are solidified.

Family is also the prime economic unit. There are many ways of conceptualizing family, and the nuclear heterosexual family unit is a product of economic thought. The last 500 years of colonial history have been concomitant with the imposition of the nuclear family model as a Western liberal value, representing a

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<sup>25</sup> See Natalie Spadafora & Taylor Downes, "Scaffolding in Learning" in Todd K. Shackelford & Viviana A. Weekes-Shackelford, eds, *Encyclopedia of Evolutionary Psychological Science*, living edition, (Rochester: Springer, 2019).

<sup>26</sup> See V. Santiago Arias & Narissra Maria Punyanunt-Carter, "Family, Culture, and Communication" (22 August 2017), online: *Oxford Research Encyclopedia of Communication* <[oxfordre.com/view/10.1093/acrefore/9780190228613.001.0001/acrefore-9780190228613-e-504](https://oxfordre.com/view/10.1093/acrefore/9780190228613.001.0001/acrefore-9780190228613-e-504)> ("[f]amily is the fundamental structure of every society because, among other functions, this social institution provides individuals, from birth until adulthood, membership and a sense of belonging, economic support, nurture, education and socialization" at 1).

modern and civilized alternative to varied traditional forms and sizes.<sup>27</sup>

Much feminist literature has extrapolated on the significance of personal, private matters for public and political practices.<sup>28</sup> The separation of childrearing and early socialization from public conversation is a result of state-management practices. Analyzing micro-dynamics in the family can reveal insights into the meso- and macro-culture. Family can be considered a microcosm of the wider social dynamics—the same ideological, existential story that guides institutions and the legal frameworks of a country are scaled down to guide the actors in a household. These norms about the nuclear family severely constrain our ideas about who deserves trust and care, and influence the cost-benefit analysis by discounting non-financial variables from the conversation.

## **My Family**

The greatest conflicts in my life come from navigating my position within my family. The wider context in which our relationship exists is essential for explaining the dynamic I have with my parents: we are a wealthy family in a hierarchized society. My parents needed to work many hours to uphold our lifestyle, so I was raised in part by a retinue of helpers. I recognize some of the more painful dynamics of my relationship with my parents in the way that they interacted with the service-people they hired, with some contextual nuances given the differing social positions. The culture my parents grew up in did not have space for them to address their own trauma; on the contrary, they were encouraged to dismiss their emotional difficulties as frivolous. My mother was raised in an abusive family dynamic by caregivers who were also abused in their own families; my father says he has not

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<sup>27</sup> See Gillian Hewitson, "Economics and the family: a postcolonial perspective" (2013) 37:1 Cambridge J of Econ 91 ("[o]ne way in which these contemporary theories of race and gender were built into the foundation of the discipline was through the ideal of the nuclear family, made up of a breadwinner husband and dependent wife and children, and its role in understanding economic progress. As I will demonstrate, the nuclear family was an instrument of colonization and a means by which economically productive citizens were distinguished from those who did not contribute to the European economic transformation of [the world]" at 93).

<sup>28</sup> See Carol Hanisch, "The Personal is Political" in Shulamith Firestone & Anne Koedt, eds, *Notes from the Second Year: Women's Liberation* (New York: 1970).



## The Interpersonal Sites of Systemic Perpetuation: How the Inheritance of Generational Trauma Has Culminated in a Global System of Exploitation

experienced any trauma, but I argue that we are all harmed by the dysfunctional relational dynamics of the global system. I have identified three key relational dynamics that have been passed down into my relationship with my parents.

### *Exertion of control over others for self-protection*

My mother has a lot of repressed trauma from her own upbringing that was then projected on to me. One of the underlying sources of her pain was a need to be in control of all her decisions and the circumstances of her life, and she had many responsibilities as a successful white wife. My self-determination as I grew up became a threat to her ability to control her circumstances, and we clashed over my need to grow and her need to feel safely in control.

My father, who also wanted to maintain control over the situation but was never taught the tools to deal with emotional conflicts properly, did so by imposing a narrative of “there is no problem,” or “that’s not a real problem,” teaching me to accept things as they were without trying to change them

This need to exert control within the household to protect their identities was exacerbated by their economic and social success internationally, and the life satisfaction they gained from that status. They found fulfillment in their work, and the longer they left for, the more inevitable changes they missed being a part of. Their inability to consent to these changes due to their absences were seen as threats to their role in the family, and consequently, to their wider success in the world.

### *Transactional relational expectancies*

As I grew up and came to practice a more active role in the family, my expectations of what the space I could occupy should look like clashed with their expectations of what I was entitled to. Because of all the economic opportunities that they had provided me, they felt that I was demanding more than I had earned if I asked for more decision-making power within the family home. We had many “my house, my rules” arguments. Family was compared to a business model, where they were the bosses and I

was an employee, and how due to that dynamic I owed them to keep the home how they liked it in their absence.

There was a loss of perspective of the non-financial value of relationships and the resources needed to have healthy ones. The non-pecuniary contributions I made in taking care of the home as the oldest in their absence were not considered in the transaction calculation. At most, they justified why I didn't pay rent to live at home as an adult. My need to assert myself in the world could not be done under their roof, I was expected to separate from my nuclear family and pay for a house of my own if I wanted to have governing powers.

### *Violent refusal of accountability and vulnerability*

There is a profound barrier I try to overcome every time I want to talk about this with my parents to try and fix things, and that is the emotional violence I faced that made it difficult to practice accountability.

My mother would sometimes lash out physically during our fights, and she would deal with her emotions about that by freezing herself off until she managed to repress it, then pretending like nothing ever happened. Apologies were unilaterally expected from me, and I was to "get over the past" while my mother would hold on to my shortcomings as ammunition for years.

My father would minimize the reasons for my fights with my mother as irrelevant or shallow, saying our relational problems would be solved when I grew up and moved out, a rhetoric strongly implying the problem was simply my presence in the home. This dismissive and emotionally detached role as the patriarch of the family also perpetuated violence on my mother, as by ignoring all the emotional burdens in the family he left it all to her to be both the enforcer and the subsequent consoler.

This problem in my family is much bigger than just my family, it is a traditional dynamic passed down for generations. The confusing thing is that even as we perpetuate these dynamics, we are dissatisfied with them and seek to fix something that feels broken. My family has been engaging with therapeutic support for years, which has in turn enabled my perspective on our problems and how to resolve them.

## Parallels with the Global Culture

The global culture of today was built by those generations of ancestors who treated their children and the societal actors around them in the same paradoxical way their parents treated them. Even as political systems siphon inordinate amounts of power into the hands of very few, those few have time and again been compelled to loosen the grip of control over the “other” and recognize values of peace and harmony which require giving the “other” freedoms.<sup>29</sup> Wise power holders recognize their own dependence on a healthy social environment, and a succession of them have resulted in the democratic institutions we know today.<sup>30</sup>

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<sup>29</sup> See Amélie Kuhrt, *The Persian Empire: A Corpus of Sources of the Achaemenid Period* (London: Routledge, 2003) (the first record of a power-holder recognizing the importance of people’s cultural connections to spaces and stories is an over 2,500 years old clay cylinder extolling how the divinely appointed Emperor Cyrus proved his righteousness by repatriating slaves and restoring diverse temples and cult sanctuaries after the invasion of Babylon (at 70, 72)).

<sup>30</sup> *Magna Carta*, 1215 (last visited 8 July 2022), online: [reclaimliberty.com/magna-carta-full-text/](https://reclaimliberty.com/magna-carta-full-text/) (declared to be “for the health of our soul and those of our ancestors and heirs, ... and the better ordering of our kingdom”); *Petition of Rights*, 1628, cited in Bruce Frohnen, ed, *The American Republic: Primary Sources* (Indianapolis: Liberty Fund, 2002), online: [oll.libertyfund.org/page/1628-petition-of-right](https://oll.libertyfund.org/page/1628-petition-of-right) (declared that no undue tax or loan could be levied “because such loans were against reason and the franchise of the land”); *United States Declaration of Independence*, 1776 (last visited 8 July 2022), online: [www.archives.gov/founding-docs/declaration-transcript](https://www.archives.gov/founding-docs/declaration-transcript) (“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed”); *Declaration of the Rights of Man and the Citizen*, 1789 (last visited 8 July 2022), online (pdf): [constitutionnet.org/sites/default/files/declaration\\_of\\_the\\_rights\\_of\\_man\\_1789.pdf](https://constitutionnet.org/sites/default/files/declaration_of_the_rights_of_man_1789.pdf) (“The representatives of the people of France, formed into a National Assembly, considering that ignorance, neglect, or contempt of human rights, are the sole causes of public misfortunes and corruptions of Government, have resolved to set forth in a solemn declaration, these natural, imprescriptible, and inalienable rights: that this declaration being constantly present to the minds of the members of the body social, they may be for ever kept attentive to their rights and their duties”); *Universal Declaration of Human Rights*, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 (1948) 71 (“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all

These attempts at self-reflection have not yet gone far enough, though they are reaching a global crescendo. The modern international human rights project is a fitting example, limited as it is by its dependence on the legitimacy of the existing system: it calls for equality but does not suggest dismantling the unequal system. There are limits to how far one can critique the power structure if one is not willing to question its core foundation. The relational dynamics that are holding us back from truly transformative work are the same ones that disturb the peace in my family.

### *Exertion of control over others for self-protection*

Although there has been a growing requirement to consult the populations present on a territory earmarked for development projects, the requirements of consultation are often not met. Seeking the informed consent of groups who have rich relationships with the land identified as monetarily valuable is not a linear process, and the burden makes human rights and development projects much less efficient and profitable.<sup>31</sup> The economic conditions of self-protection are translated into the goals that are prioritized: the international human rights projects that get the most funding and support from states and state-sized corporations are those that establish stability for investors. Investors use their financial control to ensure that their fiscal commitments are returned, and so development projects must protect their continued existence by producing economic results that appeal to the funders. This dynamic is legitimized by a rhetoric of “rule of law,” broadly understood as the promotion of

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members of the human family is the foundation of freedom, justice and peace in the world”).

<sup>31</sup> Economic aid for human rights and development projects is debt, and the authorities that approve projects often are pressured to maximize fiscal benefits: see David C Baluarte, “Balancing Indigenous Rights and a State’s Right to Develop in Latin America: The Inter-American Rights Regime and ILO Convention 169” (2004) 4:2 Sustainable Development Law & Policy 1 (“[m]any Latin American governments view the exploitation of the continent’s natural wealth as their only escape from poverty. ... Many of these projects, however, negatively affect the environments of indigenous communities where these valuable products are found” at 9).

The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

stable property rights regimes and a secure environment for foreign investments.<sup>32</sup>

In order to maximize the economic benefits of a project, it is necessary to exert control over all the moving pieces of the operation to ensure that goals are most efficiently met and the project's and the investors' protections secured. The process of consultation is a threat to this efficiency, resulting in the dismissal of the real implications of consent-gathering—Special Rapporteurs, UN Working Groups and High-Level Task Forces are all guilty of treating consultation as validation rather than an effort in cooperation.<sup>33</sup>

*Transactional nature of relational expectancies*

The result of measuring the success of human rights and development projects in economic terms is that other needs are not given as much attention, and the fiscal viability of projects is used as a metric to make life-saving decisions. Governments invest resources into the most marginalized on the promise that a profitable portion of individuals will become economically productive members of society.<sup>34</sup>

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<sup>32</sup> See Tor Krever, "The Legal Turn in Late Development Theory: The Rule of Law and the World Bank's Development Model" (2011) 52: 1 Harv Intl LJ 287 ("[t]he Doing Business reports have application beyond the private business sector: measures of business-friendliness are increasingly used as proxies for the quality of legal systems more broadly, and have influenced legal reform in a number of developing countries. Economic efficiency and market facilitation have secured a near monopoly as the sole metrics for evaluating legal institutions, and jurisdictions now compete in a crude legal boosterism for both foreign capital and development aid, for which Doing Business and the WGI conveniently provide benchmarks" at 315)

<sup>33</sup> See *supra* note 24 ("IFIs, despite superficially noble intentions, risk disempowering the populations of object states. The IFIs represent the international community's main response to the perceived problem of underdevelopment, but they do not seem fully to embrace the principle that development should be a process that is chosen. At a very basic level there is a deep disconnect here between the people who are the object of development and the entities that define what development is" at 377–78).

<sup>34</sup> See Zenia Kish & Justin Leroy, "Bonded Life: Technologies of racial finance from slave insurance to philanthrocapital" (2015) 29:5-6 Cultural Studies 630 ("[Social Impact Bonds] presuppose that their bonded subjects enter society pre-

Often there is an expectation that the economically beneficial solution is the most reasonable one, and there is a demonstrated need to fight within the legal system to prove otherwise. Indigenous water and land protectors who defy resource extraction or infrastructure building projects on their territories find it difficult to transform their spiritual or familial bonds with their ancestral places into legal language acceptable to developers.<sup>35</sup> Similarly, there is little legal incentive for states or pharmaceutical corporations to jeopardize their trademarks and profit margins by making vaccines accessible to the marginalized communities that need them most and can least afford them.<sup>36</sup> The inherent sensibility of the human rights discourse often makes it toothless against the economic logic of the global system.

### *Violent refusal of accountability and vulnerability*

When locals refuse to cooperate with the imposed projects, there is often violence, especially when human rights is linked with development or when Indigenous protestors are involved.<sup>37</sup> The human rights justice system that enables individuals to hold states and state-sized corporations accountable is financially draining,

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constituted as indebted ... making these populations investible promises to transform them into the universal subjects of economic modernity" (at 632), and "[r]ather than putting others at risk, these subjects become worth taking a risk on —because they can now pay back" (at 639)).

<sup>35</sup> According Supreme Court of Canada's analysis, spiritual connections with the outdoors are less worthy of protection and encouragement than commercialized outdoor recreation. See *Ktunaxa Nation v British Columbia (Forests, Lands and Natural Resource Operations)*, 2017 SCC 54 at para 145 onward.

<sup>36</sup> See Michael Westerhaus & Arachu Castro, "How Do Intellectual Property Law and International Trade Agreements Affect Access to Antiretroviral Therapy?" (2006) 3:8 PLoS Medicine 1230.

<sup>37</sup> See Darryl Fears, "For Latin American environmentalists, death is a constant companion", *The Washington Post* (30 March 2016), online: <[www.washingtonpost.com/national/health-science/for-latin-american-environmentalists-death-is-a-constant-companion/2016/03/25/85920f96-ec69-11e5-bc08-3e03a5b41910\\_story.html](http://www.washingtonpost.com/national/health-science/for-latin-american-environmentalists-death-is-a-constant-companion/2016/03/25/85920f96-ec69-11e5-bc08-3e03a5b41910_story.html)> ("[m]ost victims are indigenous people 'who are oppressed, largely marginalized and are considered almost expendable by the powers that be,' [John Knox, a United Nations special rapporteur on human rights and the environment] said.")

The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

physically exhausting, and emotionally retraumatizing.<sup>38</sup> Political immunity often makes it difficult to hold decision-makers far up the chain of command accountable for the granular repercussions of their priorities, and the increasingly indirect effects of transnational operations make it almost impossible to demand justice.<sup>39</sup>

It is not possible for the international human rights project to be immune from the dynamics of the culture from which it emerges, and so while it diminishes the scope of the violence by being against it, it does not erase violence because it does not disempower the power abusers. The violence in the international legal system more generally, and the increasing militarization of internal law enforcement bodies around the world, magnifies the three relational dynamics outlined above.<sup>40</sup>

## Description, not Prescription

The ideological story that makes one see the world as a competitive threat against which one must defend is inherited and operates by triggering deep cognitive heuristics we barely understand. People who live under the influence of the globalist culture are stuck in a loop of reinforcing experiences which makes

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<sup>38</sup> See Dinah Shelton, "The Rules and the Reality of petition Procedures in the Inter-American Human Rights System" (2015) 5:1 Notre Dame J Intl & Comp L 1 (the burden of procedure is increasingly difficult for individual claimants to carry—95% of the petitions to the Human Rights Committee are rejected even before considering their admissibility).

<sup>39</sup> See Julia Eckert & Laura Knöpfel, "Legal responsibility in an entangled world" (2020) 4:2 J of Legal Anth 1 ("established legal institutions do not adequately reflect how harm is produced in border-transcending networks of extraction, production, trade, and consumption, and they also do not pay heed to matters of power and capacity in these complex processes. ... Such organized irresponsibility is not a by-product of global value chains, but a central reason for their profitability" at 1, 2).

<sup>40</sup> See Sarah Repucci & Amy Slipowitz, "Freedom in the World 2021" (2021), online (pdf): Freedom House <[freedomhouse.org/sites/default/files/2021-02/FIW2021\\_World\\_02252021\\_FINAL-web-upload.pdf](https://freedomhouse.org/sites/default/files/2021-02/FIW2021_World_02252021_FINAL-web-upload.pdf)> ("[t]he expansion of authoritarian rule, combined with the fading and inconsistent presence of major democracies on the international stage, has had tangible effects on human life and security, including the frequent resort to military force to resolve political disputes" at 2).

fundamentally changing behaviour a difficult task. The cognitive process of such a change is essentially to admit that one was mistaken in their entire life's pursuit, which is a deeply painful experience that leaves the ego bruised and in need of healing.<sup>41</sup> Without a therapeutic framework to engage with the individual in a non-judgemental, constructive, and compassionate way that pushes them to become vulnerable to accountability, they risk succumbing to the damaging consequences of shame.

Shame is not a constructive emotion: it halts transformative work and causes the individual to become defensive or apathetic.<sup>42</sup> People are wired for self-preservation. At the root, the emotional problem is fear of the "other." An emotional problem cannot be fixed with facts and logic, as one would expect necessary to change someone's mind. Rather, it must be addressed as a question of changing feelings—the person has to be convinced to open their hearts to vulnerability, and for that they need to feel safe and heard, like their best interests are being considered. They need to be inspired to find the strength to go through the painful process of existential reconstruction and given the confidence that the outcome will be better for the preservation of their self.

There is a popular narrative that the ego is a toxic construct, that cajoling the ego is a problematic behaviour. But the ego is our self-concept, our individualities; it is a necessary feature of the human psyche. The system we live in represses individual egos because self-fulfilled egos are not efficient parts of the global economic machine. My parents, like all of us in the globalized system, need a psychoanalysis: we do not behave this way because we are bad people, but because we were trained by a common inheritance to internalize our fears and project them down the generational ladder. If we want to stop the generational trauma, we need to find the source of our projections and heal

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<sup>41</sup> See Peggy A Thoits, "Self, Identity, Stress, and Mental Health" in CS Aneshensel & JC Phelan, eds, *Handbook on the Sociology of Mental Health* (Boston: Springer, 1999) (injuries to identity or self-worth not only as precursors but as key markers of mental disorder).

<sup>42</sup> See Jeffrey Stuewig et al, "Shaming, Blaming, and Maiming: Functional Links Among the Moral Emotions, Externalization of Blame, and Aggression" (2010) 44:1 J Res Pers 91 ("[t]he propensity to shift responsibility and react defensively converges with clinical and theoretical descriptions of how shame may be transformed into maladaptive responses, such as hostility, anger and sometimes aggression" at 99).



The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

the hurts done unto us, and by healing that hurt and stopping the projection, we break the generational inheritance cycle and change the culture.

This controlling, transactional and violent relational dynamic is not “human nature” and inevitable. It is one way of being among many possibilities. Ancient cultures preserved by Indigenous knowledge keepers around the world are demonstrations of a foundational relationship dynamic based on trust and reciprocity. There are also multiple examples of autonomous communities within the wider globalist society who practice non-hierarchical community-organizational structures with great success.<sup>43</sup> These alternatives are proof that empowering, reciprocal and nurturing relationships can form the basis of a healthy and diverse society. “Human nature” is just “nature”—adaptation. We all share common roots, those first stories that the ones we now call early humans told each other around campfires, the ones that are still being maintained by Indigenous Peoples’ traditional knowledge. The origin of the current global culture was a break away from that traditional way of understanding the world and the relationships we cultivate in it.

If we go back far enough to the past, we might be able to pinpoint a moment in history when a particular group of humans underwent a cultural transformation due to a change in environment. Around 400 generations ago, we went from cyclical to hierarchical thinking. By narrating the process of this transformation, we can reverse-engineer a fix to our relationship problems to create a different global cultural system. The goal is to fix the roots and then retrofit the structure of the existing plant, not completely uproot it and start over.

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<sup>43</sup> See Elinor Ostrom, “Beyond Markets and States: Polycentric Governance of Complex Economic Systems” (2010) 100:3 *The American Economic Review* 641 (“when subjects communicate face-to-face, they frequently agree on joint strategies and keep to their agreements—substantially increasing their net returns” at 655).

## Psycho-Analysis of the Global Society

The relational dynamic outlined so far—controlling, transactional, and violent—is the symptom of an alienated spiritual connection between the “self” and the “other.” It manifests in families and in the international system as the perceived threat of another’s self-determination. The source of this alienation must be traced back 10,000 years.

The recent history of the alienated, globalist culture is a wave of colonization emerging from the European continent. But the roots of this culture are older than the concepts of “Europe,” or even of states. We can trace the existential logic of this culture back to monotheistic, Abrahamic narratives about the nature of the universe, the purpose of existence, and the role of humans on earth. These narratives structured believers’ understanding of a hierarchical world under the dominion of a singular, all-powerful entity who demands that all beneath Him replicate the pyramidal power distribution and live in His image.<sup>44</sup> But the logic that framed this ideological schema can be retraced even further back in time.

The first humans who began telling stories spread around the world and settled in different places, adapting the core themes of the cyclical, reciprocal, and interdependent nature of life to their new environmental contexts. Through this time, humans and the plants and animals with whom they had the tightest relations domesticated each other, meaning their bodies adapted to promote more harmonious relations with each other.<sup>45</sup> This has been termed the development of “hobby farming” around 30,000 years ago, as it was a complementary food source to hunting and

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<sup>44</sup> For example, the Canadian Constitution Acts are based on the divine appointment of monarchical hierarchy. *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, s 91, reprinted in RSC 1985, Appendix II, No 5 (“The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.” at III, 9) *Constitution Act, 1982*, s 35, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 (“Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law” at Part 1).

<sup>45</sup> See Richard Wrangham, “The Evolution of Cooking” in John Brockman, ed, *The New Humanists: Science at the Edge* (New York: Sterling Publishing, 2003) (self-domestication involves being in an environment that favours reduction in aggression, including interspecific and intraspecific antagonism, for survival; self-domestication may be favoured by prosociality, as traits arising from self-domestication lead to stronger social structures (at 99–110)).

The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

gathering.<sup>46</sup> This type of early agriculture was based on respectful and familial relationship with plants and animals.<sup>47</sup>

Then the group that settled in Mesopotamia faced changing climactic conditions at the end of the last Ice Age 11,000 years ago, when the sea level in the Fertile Crescent rose over a relatively short period of time. This forced a population who were primarily hunter-gatherers to leave a rich prey region and to move inland. The new area was less able to support these immigrants as hunter-gatherers, and they were forced to increase their labours to extend their use of farming in order to maintain their population.<sup>48</sup>

This development occurred over a few generations, incrementally trapping them in a feedback loop of necessity. Dependence on agriculture increased sedentarism, which increased population size; as population size increased, more agricultural output became necessary to provide, which in turn required more labourers and further increased group size.<sup>49</sup> A perpetual stress to provide sufficient food gradually replaced the trusting confidence in nature's gifts, and these farming communities continually searched for techniques to maximize the

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<sup>46</sup> See Colin Tudge, *Neanderthals, Bandits and Farmers: How Agriculture Really Began* (London: Weidenfeld & Nicolson, 1998) at 32.

<sup>47</sup> See Vena A'dae Romero-Briones, "Indigenous Agricultural Models" (27 July 2016), online (video): *TedxTalks*, YouTube <[www.youtube.com/watch?v=WZRi\\_I2StSg&ab\\_channel=TEDxTalks](http://www.youtube.com/watch?v=WZRi_I2StSg&ab_channel=TEDxTalks)> ("[w]hen we look at hundreds of Indigenous agricultural models, we find their foods are the accumulation of direct connections with the land, with each other, and with ancestry. [...An] important trait of Indigenous models of agriculture is that they are based on intellectual humility, in that nature and our relationships with nature cannot always be explained or controlled. ... Indigenous people are as much part of the land as the land is part of us. We cultivate the land while the land cultivates us.")

<sup>48</sup> See *supra* note 46 at 31–32.

<sup>49</sup> See *ibid* ("[h]unter gatherers take from their environment only what their environment happens to produce; and if they take too much, the desirable prey species collapse. ... But the whole point of agriculture is to manipulate the environment so as to increase the amount of food that it will provide. ... And if you increase the food supply, you can increase your own population. But then, of course, the farmers find themselves in a vicious spiral. The more they farm, the more their population rises and the more they are obliged to farm, because only by farming can they feed the extra mouths" at 32–33).

efficiency of their efforts. Efficiency means that one's goals are achieved with the minimal expenditure of resources, and for collective endeavours like food production, it demands that a centralized managerial force direct all efforts toward the same goal. These early agriculturalists deployed all the cultural tools they had inherited over generations, desperately trying to feed their children and adapt to the sudden stress, thinking ingeniously and coming up with intelligent new ways to better control the variables against them and create more reliable food supplies. Efficiency was a matter of survival and necessarily had to be prioritized over other values—including, eventually, the values of interpersonal respect which had been practiced between humans and non-humans until that point.

The interdependent relationships which had defined early agriculture had space for the self-determination of the plants and animals that fed the human communities with whom they grew. But when your community is constantly threatened by starvation, the milk a cow produces is a valuable resource, and the calf for whom it is produced becomes competition. The efficient use of food resources for the benefit of feeding humans requires that the milk be diverted from the calves to the children. The cow does not share these priorities, and so her own concerns and desires must be controlled and silenced for the sake of human efficiency.

This violence of control, necessary though it may be, triggered a cognitive dissonance in those who believed in reciprocal and cyclical relationships. It could not be relieved by a change in behaviour as there was no feasible alternative for survival, and values are felt rather than rationalized, making them not intentionally changeable. So this cognitive dissonance was resolved by reframing their understanding of the world so the facts of the relationships aligned with their feelings about order in nature, creating a new ideological foundation. The "self" was alienated from the "other"—rather than interdependent and mutually constitutive, the "self" was conceptualized as fenced in and separate from the "other" selves around them.<sup>50</sup> This disconnection, and the consequent loss of recognition of the "self" within the "other," was necessary to deny the agency and

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<sup>50</sup> See Patricia Seed, *Ceremonies of Possession in Europe's Conquest of the New World, 1492–1640* (Cambridge: Cambridge University Press, 1995) 154.

The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

personhood of non-humans and reduce them from relatives to things to be controlled and owned.<sup>51</sup>

A series of cognitive heuristics are triggered by this alienation in a second feedback loop of input analysis. Hierarchies are a natural component of emotional and intelligent thought, as they are the personal priorities by which a creature assigns its limited energy.<sup>52</sup> Concepts that are ranked high on a person's hierarchy of value are given more memory space in the brain, while concepts that rank low are simplified and given less capacity.<sup>53</sup> In this simplification process, the qualities that differentiate them most from high-value concepts are used as a shorthand for the low-rank concepts, which in turn makes difference a shorthand for value.<sup>54</sup> The more different an animal or a plant is from a human, the less valuable it must be, and the less valuable it is, the more different it seems. And because of the severed connection between "self" and "other," the personal hierarchies no longer reflect a circular understanding of life where even the grandest creatures give themselves to maintain the smallest, but rather an ultimate order of value where the top and bottom of the hierarchy become mutually exclusive, with an ever-widening chasm of worth between them.

This self-perpetuating alienation between the "self" and all that is unlike the "self" gradually trickled into inter-human

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<sup>51</sup> Wapshkaa Mia'iingan (Aaron Mills), "Aki, Anishinaabek, kaye tahsh Crown" (2010) 9:1 Ind LJ 107 ("[s]uch an attitude is what Dr Gordon Christie has usefully described as a 'user-thing vision' of human-land relations, wherein 'resource extraction for trade is simple a means by which the land is used. The land itself is not held to have any interest in the relationship as it is not seen as a thing that has interests or that enters into relationships' " at 25).

<sup>52</sup> The first categorization that emerges is the sense of self, and the self is dependent on the survival instinct for its existence: see Abraham H Maslow, "A Theory of Human Motivation" (1943) 50:4 Psyc Rev 370. See also Alan Sugarman & Lee S Jaffe, "Toward a Developmental Understanding of the Self Schema" (1990) 13:2 Psychoanalysis and Contemporary Thought 117.

<sup>53</sup> See Alan D Castel, "The Adaptive and Strategic Use of Memory By Older Adults: Evaluative Processing and Value- Directed Remembering" (2007) 48 Psychology of Learning and Motivation 225.

<sup>54</sup> See Fabio Lorenzi-Cioldi, "Group Homogeneity Perception in Status Hierarchies: The Moderating Effect of the Salience of Group Status Differentials" (2008) 21:3 Revue internationale de psychologie sociale 67.

relationships within communities. As group sizes increased and communities became composed of strangers, tasks were assigned as specializations for increased efficiency. As families passed down specializations and differentiated themselves from each other, difference became the threatening presence of the "other." It is natural to trust someone one knows more than someone one does not, and the more different the stranger is from oneself the less they can be known. Thus as differentiations increased, so did distrust between members of the community and a sense of competitiveness grew in a third feedback loop.

Competition amongst strangers for limited life-saving resources naturally turns violent. The most powerful ones impose their control by force, and the fear of being controlled by others within one's own community destroys the relational fabric of society. Incrementally, members of the community found themselves in a race for power to protect the "self" from the "other," and a final feedback loop was initiated. Seeing others with power caused one to fear that such power would be misused against them, which drove one to collect more power to protect themselves; similarly, others would see the one proactively collecting power and fear their agendas, driving them to collect power of their own.

Such was the foundation of the new ideological framework: relationships between the "self" and the "other" must be controlling, transactional, and violent, for otherwise the "other" will exploit a vulnerability and abuse the "self." The civilizations that grew from this story were the legacy of those strongest who rose to the top by imposing their will; monarchies and empires justified by religions that spoke of dominion, and rationalized by legal codes that disempowered the majority for the efficient benefit of the most powerful minorities. These civilizations, fuelled by these feedback loops of efficacious control, alienation and hierarchization, loss of trust, and fear, spread aggressively over the entire global playing field until the geographical limits of the world forced us, descendants and inheritors of this culture, to slow down and reconsider our drivers.

## **Transforming the Global Legal Culture**

In a world created from our minds, it is only by changing our minds that we can change the world. It is why the first step on the roadmap to revolutionary action, as outlined by Mariame

The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

Kaba, is internal transformation.<sup>55</sup> Both the interpersonal difficulties we experience within our families and the international cultural systems that entrench those problems will be solved in the same way: through the personal spiritual therapy of many individual hearts. By transforming the person, the culture that is manifested in that person's interactions with the world are transformed as well.

This is a spiritual conversation, but it is also a legal conversation, with completely new implications for the concepts of property, power, and justice. How would we live together if everyone's individual morality were trusted and given space to coexist? To accommodate each other's freedoms and give everyone the means to determine their own fulfilment, we must embrace the subjective egos that make us who we are as individuals. Egos are complicated and need to be coddled gently to become mature and resilient. When young egos are neglected or not protected from harm, they become defensive and afraid adults. Our individual egos have collectively been brutalized for generations—we are generationally traumatized. To recreate a nurturing society, we need to heal.

This healing requires that we reconsider our understanding of subjectivity and objectivity. The "objective standard" of the international legal system is in fact the subjective hierarchy of a minority being imposed on the majority.<sup>56</sup> This means that the negative connotation of "subjectivity" which colours the

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<sup>55</sup> See Mariame Kaba, "So You're Thinking About Becoming an Abolitionist" (last visited 8 July 2022), online: [level <level.medium.com/so-youre-thinking-about-becoming-an-abolitionist-a436f8e31894>](https://level.medium.com/so-youre-thinking-about-becoming-an-abolitionist-a436f8e31894) ("[f]irst, when we set about trying to transform society, we must remember that we ourselves will also need to transform. Our imagination of what a different world can be is limited. We are deeply entangled in the very systems we are organizing to change. White supremacy, misogyny, ableism, classism, homophobia, and transphobia exist everywhere. We have all so thoroughly internalized these logics of oppression that if oppression were to end tomorrow, we would be likely to reproduce previous structures. Being intentionally in relation to one another, a part of a collective, helps to not only imagine new worlds but also to imagine ourselves differently.")

<sup>56</sup> See Catherine A MacKinnon, "Reflections on Sex Equality Under Law" (1991) 100:5 Yale LJ 1281 (on how "objectivity" has long served as a legal tool of oppression as it lacks specific content which allows it to be co-opted as a stand-in for dominant values).

international legal culture is only representative of the misalignment between the imposed subjectivity and the individual subjectivity's interests and priorities. The subjectivities of the masses are deemed untrustworthy and dangerous only because they are not efficient from the standpoint of current power distribution.

The second step of revolutionary roadmap is simultaneous with the third: "imagine and experiment with new collective structures that enable us to take more principled action, such as embracing collective responsibility to resolve conflicts" while concurrently engaging in active strategies to reduce the identified harms.<sup>57</sup> This work occurs in conversation with likeminded individuals, within a community in person or online. In small, intimate groups we would begin creating safe spaces in which to overcome the fear of being vulnerable in front of the "other" and be held accountable.

Freely accessible resources could be created by experts to guide the general public on conversations about law and the legal structures that shape the world. The current format of power distribution and law-making in a democratic nation is the polished outcome of a difficult moral quandary; we should set our sights on eliminating the source of the problem altogether rather than trying to solve the compounded repercussions with bureaucracy. Key players in this phase of the transformative process would be community leaders who are already organizing discussions about abolishing the current system online and offline.

Collective work requires some amount of centralized organization, and it is likely that several independent attempts at providing that service would emerge to collect cohesive threads of conversations into a tapestry of greater influence. These conversations would have to have given specific attention to the idea of justice and what it would take for perpetrators (often themselves victims as well) to be forgiven by their victims (often themselves perpetrators in other relationships) so we can all live in a new peace together. Further, the question of what justice looks like when forgiveness is not possible, when the oppressor

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<sup>57</sup> Kaba, *supra* note 55.



The Interpersonal Sites of Systemic Perpetuation: How the  
Inheritance of Generational Trauma Has Culminated in a Global  
System of Exploitation

does not repent, must be answered by many voices for whom the question is painfully pertinent.

The tapestry that emerges from these testimonies and contributions would have to weave together new ideas about almost every concept and institution known to us. This is why the fourth step of Kaba's revolutionary roadmap is discerning how all the problems are interconnected and "imagin[ing] a new everything."<sup>58</sup> A reconstructed justice could not have practical sense if every other institution in which it is involved does not transform as well. What would property look like?<sup>59</sup> What would personhood entail?<sup>60</sup> What kinds of governments, healthcare and education systems would we create?

The level of organization of these conversations and their outcomes would gradually increase in breadth of impact as more prominent people added their influence. If enough powerful voices became involved, it could reach the impact of the creation of an International Truth and Conciliation commission or an inquiry under a UN treaty body.<sup>61</sup> To be most transformative, such a commission would preferably be led by Indigenous knowledge-holders and leaders from around the world, who could be asked

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<sup>58</sup> *Supra* note 55.

<sup>59</sup> See Paul Nadasdy, "The Gift in the Animal: The Ontology of Hunting and Human-Animal Sociality" (2007) 34:1 *American Ethnologist* 25 (for example, the Kluane people see "themselves as embedded in a web of reciprocal relations with the animals on whom they depend. By accepting the gifts animals make of their own bodies, hunters incur a spiritual debt that they must repay through the observance of a whole series of different ritual attitudes and practices" at 27).

<sup>60</sup> John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010) ("The active nature of rocks means that they have an agency of their own that must be respected when Anishinabek people use them. As such, it would be inappropriate to use rocks without their acquiescence and participation because such action could oppress their liberty in some circumstances. Using rocks without their consent could be considered akin to using another person against his or her will. The enslavement of rocks could lead to great calamities for the Earth and her people. Therefore, to ensure that rocks and land are used appropriately, particular ceremonies or legal permissions are required." at 245).

<sup>61</sup> See Meghan Campbell, "Beyond the courtroom: accountability for grave and systemic human rights abuses" (2019) 1 *U of Oxford HR Hub J* 55.

to outline specific laws, practices and expectations that violate the requirements of healthy relationships. Systemic, tapestry-level justice requires that those whose marginalization was necessary to create the system under reconstruction be given a guiding role in that reconstruction of a new global connectivity.<sup>62</sup> As the last knowledge-keepers of the original stories we developed as an intelligent species, they can best guide us in remembering lost lessons and building an alternate system based on trust and reciprocal relations.<sup>63</sup>

The report produced by such a commission would enable communities to engage in conversations in more coordinated, committed ways. The report could guide community members to think and talk about large-scale, negotiated infrastructure design and eventually build their own small-scale infrastructure for sustainable independence to address their needs like access to water, food, waste, electricity, etc.<sup>64</sup> In this way, communities would start outlining themselves, their sustenance needs and their cultural preferences, and how they want to be connected to the communities around them. The priority of civilization would be consent, not growth.

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<sup>62</sup> Sha Zukang, "Foreword to the State of the World's Indigenous Peoples" in The Department of Economic and Social Affairs of the United Nations Secretariat Report, *State of the World's Indigenous Peoples* ST/ESA/328 (2019), online (pdf):

[www.un.org/esa/socdev/unpfii/documents/SOWIP/en/SOWIP\\_web.pdf](https://www.un.org/esa/socdev/unpfii/documents/SOWIP/en/SOWIP_web.pdf)

("Indigenous peoples are custodians of some of the most biologically diverse territories in the world. They are also responsible for a great deal of the world's linguistic and cultural diversity, and their traditional knowledge has been and continues to be an invaluable resource that benefits all of mankind. Yet, indigenous peoples continue to suffer discrimination, marginalization, extreme poverty and conflict" at V).

<sup>63</sup> Sandra Harding, *Whose Science? Whose Knowledge?* (New York: Cornell University Press, 1991) (on how those at the top of social hierarchies lose sight of real human relations and the true nature of social reality, while those at the bottom in marginalized positions often have important insights).

<sup>64</sup> Harry Beran, "A Democratic Theory of Political Self-Determination for a New World Order" in Percy B Lehning, ed, *Theories of Secession* (London: Routledge, 2005) 33 (on how true political self-determination inevitably involves the cultural and economic freedom of a self-defined territorial group (at 35)).

## Conclusion

There are many issues with the world that we live in, and they all interconnect over the foundational culture which gradually developed over the last 10,000 years. The ancestors of the culture which today has taken over the globe suffered threatening environmental shifts and adapted as best they could. The increasing control exerted over their non-human relations to efficiently feed the human community caused a cognitive dissonance between these people's beliefs and the actions they had been forced to take, and they alienated their "self" from the "other" as a result. This alienation had tremendous consequences on the foundational beliefs that guided these people's priorities, and they were caught in heuristic feedback loops of fearful competition. This relational dynamic, which produces interactions that are controlling, transactional, and violent, has since pushed successive generations to hoard more wealth than their parents did, entrenching society deeper and deeper into a competitive spiral of expansionism.

However, cognitive dissonance can be resolved by altering the conditions which cause the disconnect between values and behaviours. The greatest resistance against the controlling, transactional and violent relational dynamic—the alienated relationships with non-humans and humans alike—are empowerment, trust and patience, for others but also ourselves. We are both powerless against and powerful within the structures into which we are born.

Changing everything might sound daunting, but it also means there are many places to start, infinite opportunities to collaborate, and endless imaginative interventions and experiments to create.<sup>65</sup>

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<sup>65</sup> Kaba, *supra* note 55.

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