

A RESPECTABLE SOLUTION TO THE INDIAN PROBLEM: CANADIAN  
GENOCIDAL INTENT, NON-PHYSICAL CONCEPTIONS OF DESTRUCTION AND  
THE NOVA SCOTIA MI'KMAQ 1867-1969

by

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Thesis submitted in partial fulfillment of the  
requirements for the Degree of  
Bachelor of Arts with  
Honours in History

Acadia University

April, 2016

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## Acknowledgements

Firstly, I'd like to extend a heartfelt thank-you my supervisors, Dr. Stephen Henderson and Dr. Jamie Sedgwick for their mentorship; this project has been extremely important to me, and I would not have been able to bring it to life without their expertise, humor, and encouragement. They have shaped me as an academic, and as a person, and for that I am grateful. To my fellow History and Classics honours students, thank you for daily inspiration, motivation, and countless hours of belly-laughter. Sharing this experience with all of you has been wonderful, and I'm proud of what we have accomplished. To all of the professors whose classes I've enjoyed throughout the years I've spent at Acadia, your passion and knowledge have inspired my deep love for our craft, and if I can be even half of the scholar you all are, I would be very happy indeed. To my friends, those near to me and far away, thank you for endless chats over tea, group hugs—which I've come to embrace—and keeping my sanity intact. Most of all, to Mum and Dad, for being my backbone, and reminding me that I could stand when I wasn't sure that was possible. And to Bronwyn, for keeping me smiling during long nights at the office, and for providing insane wisdom that, admittedly, often made me question who's *actually* the big sister, here. I love you all.

Finally, to my indigenous brothers and sisters Canada-wide, for your bravery and resilience, *wela'lioq*.

*Msit No'kmaq*

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## **Abstract**

This work challenges western discourse within studies of genocide, as well as colonially influenced interpretations of indigenous history, by exploring notions of cultural genocide versus genocide proper within Canadian Indian assimilation policy. Focusing on the Mi'kmaq of Nova Scotia, paired with a re-examination of the UN Genocide Convention, I will analyze how western political discourse restricts international understanding of diverse means of committing genocide to a primary focus on physical violence, while neglecting non-physical forms used to destroy populations legally, culturally and ethnically. This type of violence includes destruction of language and culture, forced enfranchisement and imposition of gross poverty. These were the tools with which Canada attempted to destroy its indigenous population in a fashion acceptable to their reputation as upholders of moral example. Regardless of how noble they believed their motives, the government intended to push indigenous people to extinction. Based on this analysis, it can be argued that Canada committed genocide proper with its assimilation policies. Through examination of the Genocide Convention, I will demonstrate that Canadian intent to destroy First Nations, Métis and Inuit people is explicit in late federal focus on the Maritime Provinces as an area important to “assimilate.” The decimation of the Mi'kmaq in the pre-confederation Canada meant that they posed no threat to the government in 1867; however, later, the need to destroy all indigenous people saw renewed interest in the Mi'kmaq. The construction of Shubenacadie Indian Residential School long after the assimilation project began demonstrates the goal of eradicating Canadian indigenous people, confirming the genocide charge.

## Chapter I: Historiography: Genocide in Historical Context

*Nearly everyone had many difficulties when they left the school finding an identity and a place in the world. Some went home to the reserve after being discharged from the school only to find out that they didn't fit in, and when they tried to point out the social ills at home were told, "You don't belong here. Go back to where you came from." Even those of us who had parents who welcomed us home were suspended in limbo because we could no longer speak Mi'kmaw... Those who ran the school tried to rob us of our collective identity by punishing us for speaking our language, calling us "'savages' and 'heathens'." They...tried to take away our individual identities.– Isabelle Knockwood, *Out of the Depths*<sup>1</sup>*

*Today, I stand before you and acknowledge that what took place in residential schools amounts to nothing short of cultural genocide—a systematic and concerted attempt to extinguish the spirit of Aboriginal peoples. – Justice Murray Sinclair, June 2<sup>nd</sup>, 2015<sup>2</sup>*

### Introduction

Justice Murray Sinclair made his way to the podium amidst great nation-wide anticipation during the Canadian Truth and Reconciliation Commission (TRC) Closing Ceremonies on 2 June 2015. Since 2008, Sinclair and a board of researchers, activists, and other scholars worked tirelessly for the TRC. They scanned legal documents and church records, and travelled around the country collecting testimonies from over 6000 Aboriginal Canadians. The stories the TRC received were horrific. Beginning with Confederation in 1867 and continuing for more than a century, the Canadian federal government implemented a systematic assimilation policy designed to annihilate the Indigenous presence in the country. The most widely executed method of assimilation was the incarceration of over 150,000 First Nations, Métis, and Inuit children between the

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<sup>1</sup> Isabelle Knockwood, *Out of the Depths: The Experiences of Mi'kmaw Children at the Indian Residential School at Shubenacadie, Nova Scotia* (Lockeport: Roseway Publishing, 1992), 156-157.

<sup>2</sup> Justice Murray Sinclair, "For the record: Justice Murray Sinclair on Residential Schools," *MacLeans Magazine*, 2 June 2015, accessed 15 August 2015, <http://www.macleans.ca/politics/for-the-record-justice-murray-sinclair-on-residential-schools/>.

1880s and 1990s, into the infamous Indian Residential School (IRS) system.<sup>3</sup> According to J.R. Miller, it is likely that Canada considered physical annihilation, but “because more coercive methods of achieving the ‘Euthanasia of savage communities’ were inimical, expensive, and politically dangerous,” it chose another route. “Assimilation through evangelization, education, and agriculture,” the policies preferred after the 1830s, proved versatile weapons in the elimination of Aboriginal people.<sup>4</sup> Determined to see indigenous extinction through to the end, Canada implemented many different methods of destroying indigenous cultures.

The IRS system represented by far the largest and most pernicious tool used in the country to annihilate aboriginal people *as* aboriginal people. The intent of these institutions was to make the assimilation process more efficient by separating indigenous children from their families, stripping them of their language and culture, forcefully converting them in a series of boarding schools across Canada. The Canadian government proudly stated that the schools were meant to “kill the Indian in the child,” in other words, to produce Europeanized citizens ready to contribute to Canadian society.<sup>5</sup> Though industrial, day, and eventually, residential schools demonstrated best the impact of assimilation on Indigenous Canadians today, the Federal Government did not consider these institutions successful. In terms of social and political expectations the schools were colossal failures. First, the schools themselves did not succeed in eradicating aboriginal culture or presence in Canada; many children returned home to relearn their languages

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<sup>3</sup> Truth and Reconciliation Commission of Canada, *Interim Report*, Truth and Reconciliation of Canada, 2012, accessed 5 June 2015, <http://www.trc.ca/websites/trcinstitution/index.php?p=580>.

<sup>4</sup> J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996), 75.

<sup>5</sup> Stephen Harper, “Statement of Apology to Former Students of Indian Residential Schools,” Canadian House of Commons, Ottawa, Ontario, 11 June 2008. Accessed 30 August 2015. <https://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>



and understand their cultures again. Second, the schools failed the children they held by causing immeasurable harm. Promising to improve lives, the Canadian government placed generations of First Nations, Inuit and Métis children into institutions, trapping most of them into a horrible future.

Instead of producing a wave of productive Canadian Citizens, as Indian Affairs planned to do,<sup>6</sup> these institutions released young people stuck in cultural limbo. With their language destroyed, children could no longer communicate with their families; at the same time, racism alienated them from the Euro-Canadian world. Many were left traumatized by years of physical, sexual and emotional abuse, often from teachers and school officials who represented several major Christian church denominations. Due to the inability of most schools to teach students properly, many survivors left without any knowledge of how to take care of themselves. As thousands of young adults retreated to reserves, many would develop drug or alcohol addictions, projecting their torture onto loved ones, who would in turn relay the pain on to their own families. The destructive, painful legacy of Canada's assimilation policy and Residential School system lives on in the structural poverty, elevated murder and suicide rates, and environmental degradation Aboriginal communities face to this day.<sup>7</sup>

For decades, Canada's triumphant national narrative has overshadowed a dark colonial past. Since Confederation, Canadian history has been taught through the lives of prominent political figures, with a focus on settler collectives that often ignore—or

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<sup>6</sup> Daniel N. Paul, *We Were Not the Savages: A Mi'kmaq Perspective on the Collision Between European and Native American Civilizations New Twenty-First Century Edition* (Halifax: Fernwood Publishing, 2000), 261.

<sup>7</sup> Truth and Reconciliation Commission of Canada, *Final Report of the Truth and Reconciliation Commission of Canada: Volume One: Summary: Honouring the Truth, Reconciling for the Future*, (Toronto: Lorimer, 2015), 135-137.

minimize—the historical presence of indigenous people. Collective amnesia—or wilful blindness—led Canadians to embrace assimilation without question; those raising concern about federal treatment of indigenous people have too often been ignored. The 2008 acknowledgement of this history with a formal apology to the survivors of IRS by the Canadian Government shifted the narrative. The creation of the TRC to collect testimonies gave residential school survivors an opportunity to share their experiences, and a platform from which they could be heard. The goal was to tell the most complete account of IRS possible, and for seven years, the TRC worked tirelessly to explore this hidden history and deliver a complete narrative to indigenous and non-indigenous Canadians alike, hoping to move toward healing and reconciliation between the two groups.

Justice Sinclair delivered the final report before hundreds of listeners, media crews, and government officials. Accompanying his speech were ninety-four “calls to action,”<sup>8</sup> meant to push Canada into partnering with Aboriginal peoples in a reconciliation movement, bettering indigenous lives and forging a strong relationship between indigenous and settler Canadians. Sinclair’s speech was inspiring, although one thing stood out among the barrage of important statements: Manitoba’s first Aboriginal judge said that without a doubt, Canada had committed cultural genocide against its Indigenous people.

The charge of cultural genocide alone shocked many. That Canada, a Western, progressive nation, might have committed cultural genocide as it spread Christianity and education seemed unthinkable. At least, the charge did not fit Canada’s national image.

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<sup>8</sup> Link to the Calls to Action: Accessed 15 November 2015, [http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls\\_to\\_Action\\_English2.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf).

States with colonial pasts all witnessed bloodshed; yet, each of these states in turn have developed “heroic” histories that paint their colonial ancestors in a flattering light. This often means the stories of marginalized groups are left out of dominant historical narratives; many of those watching the formal apology in 2008 would have been hearing about Canada’s assimilation policies for the first time. Indigenous people, of course, felt less surprised.

Thanks in part to the TRC, today, a more complete, or at least an alternate, indigenous view of history has been brought to the forefront, challenging the dominant Eurocentric, colonial discourse. Any recognition of a violent past in Canada represents a step forward on the road to reconciliation between indigenous and non-indigenous Canadians. Sinclair’s use of the phrase “cultural genocide,” however, speaks to a resilient colonial discourse, even in an organization dedicated to destroying it.

According to the Truth and Reconciliation’s final report:

*Physical genocide* is the mass killing of the members of a targeted group, and *biological genocide* is the destruction of the group’s reproductive capacity. *Cultural genocide* is the destruction of those structures and practices that allow the group to continue as a group. States that engage in cultural genocide set out to destroy political and social institutions of the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and destroyed. And...families are disrupted to prevent the transmission of cultural values and identity from one generation to the next. In its dealing with Aboriginal people, Canada did all these things.<sup>9</sup>

This simple explanation sets up the report’s parameters; the authors explain what happened in Canada, contrasting it with other genocide forms. Though the TRC was sincere with its purpose, the basis of its analysis depended on the exact systems and

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<sup>9</sup> Truth and Reconciliation Commission of Canada, *Final Report*, 1.

structures it worked to condemn. This excerpt includes three classifications of “types” of genocide, and yet makes no mention of genocide proper. The implicit hierarchy of “genocide categories” marginalizes the survivors the TRC tries to defend. In this case “cultural genocide” is considered less severe than physical or biological genocide. Interestingly enough, governments with colonial pasts like Canada have had direct control over the way we see genocide today; these sub-categories stem from political interference in the adoption of genocide as an international crime.

The existence of these different classifications of mass atrocity comes as a result of genocide’s development as a legal concept within the context of the Allied victory over Axis powers during World War II. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide (UNCG) was drafted by an *ad hoc* committee within the United Nations (UN), an organization heavily influenced by Allied powers working to protect their own interests at the time. Most states with representatives working on the Convention had long histories of colonial rule,<sup>10</sup> and many of the actors involved in the draft pushed successfully to remove clauses that could compromise their nation’s reputation on a world stage. As a result, the draft of the Convention provided an extremely restrictive definition of genocide. The UNCG failed consistently to prevent and properly prosecute genocides after 1948, prompting many scholars to offer their own definitions and genocide classification systems. When some felt that a case of mass atrocity did not quite fit the legal—or academic, at that point—definition of genocide, they developed subcategories to draw attention to mass atrocities falling outside of the UN-sanctioned parameters of genocide. These subcategories included *political genocide*,

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<sup>10</sup> Representatives from Belgium, the United Kingdom, and the United States, among others, were on the drafting committees. (Paola Gaeta, *The UN Genocide Convention: A Commentary* (Oxford: Oxford University Press, 2009) 164-165.)

*classicide, gendercide, and of course, ethnocide, or what Sinclair referred to as cultural genocide.*<sup>11</sup>

These scholars had noble intentions; yet, the terms developed created a new issue. A genocide subcategory tends to be viewed as less than a “real” genocide case condemned by the UN, because these terms were created to name atrocities seemingly close to considered notions of genocide, but unable to fit the criteria exactly. Implicitly they are not “real” genocide, so they must be some “other” crime. The UNCG provides too narrow a definition to deem many genocide-like cases genocide proper. This proves unfortunate every time the Convention’s restrictive criteria prevents international action when acknowledged genocides do occur. For example, as news of the 1994 Rwandan Genocide broke, the United Nations remained virtually silent on the issue until it was far too late to save lives. Nesam McMillan argues that “inaction in relation to the genocide is attributed to UN staff acting in their institution’s self interest.”<sup>12</sup> The United Nations and some of its most powerful members, refrained not only from acting, but refused to even say the word “genocide.” To invoke the term, McMillan demonstrates, is to “endure the risks—emotional, political, economic and military—” of dealing with it.<sup>13</sup> Nations that ratify the Convention must “undertake to prevent and to punish” genocides before or when they occur.<sup>14</sup> If the United Nations does not admit genocide is happening, the

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<sup>11</sup> Martin Shaw, *What is Genocide?* (Cambridge: Polity, 2007), 77.

<sup>12</sup> Nesam McMillan, “‘Our’ Shame: International Responsibility for the Rwandan Genocide,” *Australian Feminist Law Journal* 28, no. 1 (2008): 12, accessed November 25, 2015, <http://dx.doi.org/10.1080/13200968.2008.10854393>.

<sup>13</sup> Samantha Power, “Stopping Genocide and Securing ‘Justice’: Learning by Doing,” *Social Research* 69, no. 4 (December 2002): 1097.

<sup>14</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, United Nations, Treaty Series, vol. 78, 280, accessed 30 August 2015, <https://treaties.un.org/doc/Publication/UNTS/Volume%2078/volume-78-I-1021-English.pdf>.

member states are not obligated to act to stop it. This example highlights the politicization of the “genocide” concept and the reason subcategories have been developed. The TRC’s use of one of these subcategories proves the political discourse still deeply rooted in Canadian history; even the tools it uses to shake colonial influence from Canadian history have been blurred by a Eurocentric<sup>15</sup> lens.

Andrew Woolford, Jeff Benvenuto and Alexander Hinton describe the danger with the use of *cultural* genocide instead of genocide:

For the most part the alternative category of “ethnocide” or “cultural genocide” was used to label those cases that did not meet their reductive definition standards of genocide, tacitly suggesting that these instances were less severe or important than the Holocaust or other major genocides of the twentieth century. The trend of conceptually splitting genocide from cultural genocide persists as a result of [a] generation of scholarship, inhibiting a full discussion of colonial genocides.<sup>16</sup>

Based on the evidence TRC’s reports provide, studies of Canadian assimilation policies, and the countless firsthand accounts of indigenous life under Canadian rule, what happened in Canada was not a cultural genocide but a genocide in full. In order to understand this, we must recognize how political discourse shaped the inadequate definition provided by the UN; having the Convention in place to ensure genocide is recognized as a crime is important, but it has limitations in the present day that should be acknowledged.

Despite its shortcomings, many fall back on the UNCG when determining whether or not genocide has occurred. They neglect to consider debates surrounding the

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<sup>15</sup> According to Merriam-Webster, to be Eurocentric is to be “centred on Europe or the Europeans; *especially*: reflecting a tendency to interpret the world in terms of European or Anglo-American values and experiences,” accessed 18 March 2016, <http://www.merriam-webster.com/dictionary/Eurocentric>.

<sup>16</sup> Andrew Woolford, Jeff Benvenuto, and Alexander Hinton, “Introduction” *Colonial Genocide and Indigenous North America*, eds. Andrew Woolford, Jeff Benvenuto, and Alexander Hinton (North Carolina: Duke University Press, 2014), 10.

Convention's content and the compromises made to ensure states would agree to ratify. The initial idea of genocide was significantly broader than what the world's governments were willing to consider in 1948. Despite the political nature of the UNCG definition and how different it is from Lemkin's ideas of genocide, it is the only definition with legal weight; this is dangerous. The Convention was written in the destructive aftermath of the Holocaust and World War II; to charge Germany with genocide appealed to Allied states raging at the horrors of a war they believed the Germans caused. When the primary Nuremberg Trials had ended, however, many of these victorious nations expressed discomfort with the definition of the crime. Many states realized that despite the convenience of term in the context of Nuremberg, genocide was a charge that could be very easily turned on them. Suddenly, the inclusivity of the idea they were presented with was not appealing at all.

Beyond the UNCG remain other, valid ways of understanding genocide. From the narrow perspective the TRC used to draw its conclusions, what happened in Canada may not have been genocide proper. However, I will argue, by other standards it was. To truly heal the Canadian relationship with aboriginal people means we must remove colonial influence from the classification systems we use to determine what indigenous issues are. We must work to remove the colonial, political lens from our understanding of the history of "Indian" assimilation policy in Canada. We must develop an understanding of genocide that allows us to read the Convention more broadly. We will look at how the original concept was developed, and the contexts in which it has been studied and understood from the 1940s to the present day.

### **Raphael Lemkin and the Development of the Concept of Genocide**

Because the UNCG was produced in the aftermath of World War II, the Holocaust serves as the primary genocide example worldwide. However, genocide as a concept developed before the UN passed the Convention. “Genocide” was coined by a Polish lawyer named Raphael Lemkin. Lemkin, also Jewish, noticed uncomfortable correlations between the rise of anti-Semitism in Nazi Germany and the mass slaughter of Armenian Christians during World War I. In 1933, as ethnic conflicts in Europe escalated and Adolf Hitler became the German Chancellor, Lemkin was pushed to submit a paper to the League of Nations, attempting to give a name to the crimes he was witnessing, many of which had gone unpunished.<sup>17</sup> He wanted two concepts to be introduced into international law: the first, “the crime of barbarity...[outlawing] the extermination of ethnic, social and religious groups by means of massacres, pogroms, or economic discrimination.”<sup>18</sup> The second was referred to as “the crime of vandalism [which] forbade the destruction of cultural or artistic works which embodied the genius of a specific people.”<sup>19</sup> Even early on in his work on mass atrocity, Lemkin explored not just the physical annihilation of a people, but the destruction of culture as well. In his mind, to work to destroy a “collectivity” was a crime above all other.<sup>20</sup> Unfortunately, his submission was pushed aside, and Lemkin would not give much focus to the matter for a few more years.<sup>21</sup>

As the World War II began, Lemkin grew fearful of what was happening in Poland; his understanding of group extermination saw echoes of Armenian massacres in

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<sup>17</sup> John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York: Palgrave MacMillan, 2014), 158.

<sup>18</sup> Raphael Lemkin, *Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations*, cited in Cooper, *Raphael Lemkin*, 18.

<sup>19</sup> Lemkin, *Acts*, in Cooper, *Raphael Lemkin*, 19.

<sup>20</sup> Lemkin, *Acts*, in Cooper, *Raphael Lemkin*, 19.

<sup>21</sup> Cooper, *Raphael Lemkin*, 21.



Nazi treatment of Jews. After being wounded in the defence of Poland, he fled to the United States where tried to convince his family to do the same. Due to a variety of reasons, they remained behind.<sup>22</sup> Once in the US, Lemkin took up a teaching position at Duke University.<sup>23</sup> After many reports of the systematic annihilation of Jews and other minorities in Europe during the war, Lemkin began work on his most famous project: a book called *Axis Rule in Occupied Europe*, published in 1944.<sup>24</sup> Though it covered a great deal of material, the most influential part of the book came from its ninth chapter, entitled “Genocide: A New Term and New Conception for Destruction of Nations.” Combining his training in law and philology, Lemkin created the now famous term “genocide” by combining the Greek word *genos*, meaning “race, or tribe” and the Latin word *cide*, which, according to Lemkin means “killing.”<sup>25</sup>

The differences between Lemkin’s understanding of “genocide” and the definition the United Nations provided are staggering, though perhaps not surprising. Popular and political assumptions link genocide, both as a concept and the feelings associated with it, to the horrors of the Holocaust. However, the term “genocide” was created to address both physical *and* cultural annihilation, among other things. Lemkin’s definition was made purposely broad; though one scholar argues that *Axis Rule* was unduly influenced by World War II events, and was unclear about “which aspects of genocide Lemkin viewed as specific to the...Nazis and other Axis nations, and which he viewed as

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<sup>22</sup> Cooper, *Raphael Lemkin*, 30.

<sup>23</sup> Cooper, *Raphael Lemkin*, 38.

<sup>24</sup> Cooper, *Raphael Lemkin*, 53-56.

<sup>25</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, (Washington: Carnegie Endowment for International Peace, Division of International Law, 1944), 79.

universal,”<sup>26</sup> his initial description of genocide, paired with later work, allows the term extension beyond the reaches of Nazi Germany. Thomas Butcher says “Lemkin’s published and unpublished writings show...that he regarded genocide as a multifaceted phenomenon, calling it a ‘synchronized attack’ that involved a variety of techniques targeting all ‘aspects of life’ of the victim nation.”<sup>27</sup> Even without his supplementary writings, in *Axis Rule*, Lemkin’s description of genocide still works as a nearly universal term. While the UNCG suggested the only true way to commit genocide was through physical and biological destruction, Lemkin says,

Genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of the essential foundations of the life of national groups, with the aim of annihilating the groups themselves.<sup>28</sup>

He would go on to explain that this destruction could occur

Through the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.<sup>29</sup>

The committee that finalized the UNCG refused to acknowledge many of Lemkin’s ideas, especially in terms of how genocide could be carried out. In fact, had Lemkin not single-handedly pushed for the United Nations to draft the Convention in the first place, it may never have developed. Unfortunately, while Lemkin’s conception of genocide was designed to work beyond the Holocaust, the politically compromised definition accepted by the UN was built within that context without much consideration of how it could

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<sup>26</sup> Thomas M. Butcher, “A ‘Synchronized Attack’: On Raphael Lemkin’s Holistic Conception of Genocide,” *Journal of Genocide Research* 15, vol. 3 (2013): 260

<sup>27</sup> Butcher, “A ‘Synchronized Attack,’” 253.

<sup>28</sup> Lemkin, *Axis Rule*, 79.

<sup>29</sup> Lemkin, *Axis Rule*, 79.

apply to a post-war world. Evidenced by international failure to prevent or intervene in later genocides in places like Cambodia, Rwanda and Yugoslavia, Lemkin's broader approach still remains the most useful, credible conception. Lemkin understood that genocide was complicated and could appear in many different forms; the UN definition limits itself to only a few.

### **Ethnocide and the Genocide Convention**

Ethnocide may have been born with Raphael Lemkin, but it came close to extinction with the UNCG. *Axis Rule* explains how Lemkin came up with the term “genocide;” in a footnote, he explains that “another term could be used for the same idea, namely, *ethnocide*, consisting of the Greek word ‘ethnos’—nation—and the Latin word ‘cide.’”<sup>30</sup> As we can already see with Lemkin's description of the variety of ways genocide can be committed, it is evident that the two terms were meant to be interchangeable. These concepts were included in the first draft of a Genocide Convention Lemkin presented to the UN, ensuring that it used only general terms to appeal to a larger range of people. Initially, the idea was pitched as an umbrella concept involving cultural methods of destruction; had it remained unaltered, there would have been an opportunity for a broader legal understanding of genocide today. Lemkin's draft included parts about cultural genocide as well as a category of victims including “racial, national, linguistic, religious or political groups.”<sup>31</sup>

The UNCG, contrary to Lemkin's holistic development of “genocide”, took shape through a restrictive diplomatic and legal process. This tension has never been resolved.

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<sup>30</sup> Lemkin, *Axis Rule*, 79.

<sup>31</sup> Cooper, *Raphael Lemkin*, 90.

Members of the drafting committee ultimately excluded cultural genocide and political victim groups in the final document. John Cooper explains the omission:

Principal objections [to the draft] were to states being given jurisdiction to try nationals of any other state for crimes of genocide, the inclusion of cultural genocide in the convention and the proposal to establish a permanent international tribunal to try such crimes.<sup>32</sup>

Lemkin hesitated at these edits, but because he wanted to ensure a convention at all costs, he agreed to the compromise.<sup>33</sup> On December 9, 1948, the Convention was passed. The official United Nations definition of genocide is as follows:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.<sup>34</sup>

According to Martin Shaw, the UNGC “maintained the core of Lemkin’s broad approach. However, its list of acts constituting the crime...[placed] greater emphasis on physical destruction.”<sup>35</sup>

Though the United Nations’ definition allows room for some of the multi-dimensional conceptions Lemkin developed—demonstrated most clearly in Article 2(e)—its narrow focus on genocidal killing has resulted in virtually no success stopping later genocides from occurring. In many of these situations, signs began to appear long before mass murder began, and yet they were ignored, despite the Convention’s clear call

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<sup>32</sup> Cooper, *Raphael Lemkin*, 99.

<sup>33</sup> Cooper, *Raphael Lemkin*, 158-159.

<sup>34</sup> UN General Assembly, *Genocide Convention*, 280.

<sup>35</sup> Shaw, *What is Genocide?*, 22.

to action in these situations.<sup>36</sup> In his desperate one-man push to have a law passed as quickly as possible, Lemkin was forced to accept demands from states like England and the USSR, affecting not only later attempts to punish genocide but also scholarship in the field. At the same time, because conceptions of what could constitute genocide are constantly changing, what could count as genocide in 2016 may not be accepted in 1948. If this history shows anything, it is that though having an international genocide law is beneficial, the interests and discourses shaping this law must be acknowledged. It is time to see genocide through a different lens.

### **Genocide Study as an Academic Field**

After the UNCG was adopted, the concept of genocide fell into obscurity. Early studies reinforced the centrality of the Holocaust. As a result, systematic physical extermination was cemented as the *de facto* genocide characteristic. Along with other types of erasure, cultural destruction remained largely forgotten in the field. In the years following the Second World War, most studies of atrocities focused on Germany: who the Nazis were, and what they did. There was a focus on the attempted extermination of Jews in Europe, but in terms of trying to understand what genocide was and working to stop it from happening again, scholarship proved lacking. Besides passing mentions of the crime in a few unrelated studies in the late forties and early fifties,<sup>37</sup> the study of genocide did not come into its own until 1959 when Pieter N. Drost, a Dutch law professor, published *The Crime of State: Penal Protection for Fundamental Freedoms of*

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<sup>36</sup> Samantha Power, *A Problem from Hell* (New York: Basic Books, 2002), 334.

<sup>37</sup> See: Jessie Bernard, *American Community Behavior: An Analysis of Problems Confronting American Communities Today* (San Diego: Dryden Press, 1949), and Hannah Arendt, *The Origins of Totalitarianism* (San Diego: Harcourt, 1973).

*Persons and Peoples*, “a massive two-volume effort”<sup>38</sup> to develop a solid idea of genocide as an act. Like many of the scholars who would follow him, Drost gave “a scathing critique” of the UNCG, slamming its exclusion of political groups at the request of the Soviet Union. However sharp his critiques of the UNCG may have been, Drost also emphasized physical methods of genocide, “[emphasizing] direct killing” as the only legitimate tool and leaving attacks on culture and ethnocide out completely.<sup>39</sup> Cultural genocide would not be considered true genocide in mainstream scholarship for more than thirty years after Lemkin’s death.

This did not mean the definition the UN provided was without criticism. Many early genocide study scholars opted to write their own definitions to emphasize areas the UNCG did not cover. This is common in most studies of genocide, be they sociological or historical, and for four decades, a large number of academic works focused on what the TRC called “physical genocide.”<sup>40</sup> Worldwide, understanding of what genocide is still relies on the UNCG’s definition. However, discontent triggered by a trend of state failure to act during multiple genocides prompted scholarship to focus on the UNCG; Lemkin’s original, more inclusive framework for study became increasingly obscure.

Drost described genocide as “the deliberate destruction of physical life of individual human beings by reason of their membership of any human collectivity as such.”<sup>41</sup> After *The Crime of State*, genocide study remained dormant until the late 1960s. When news of American treatment of civilians during the Vietnam War broke, public outrage sparked intellectual discussion on the ethics of the United States’ involvement in

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<sup>38</sup> Cited in Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco: City Lights, 1998), 414.

<sup>39</sup> Churchill, *A Little Matter of Genocide*, 414.

<sup>40</sup> Truth and Reconciliation Commission of Canada, *Final Report*, 1.

<sup>41</sup> Cited in Churchill, *A Little Matter of Genocide*, 415.

the war. In 1968, Jean-Paul Sartre invoked the “G-word” again in his essay “On Genocide,” which explored whether or not American action during the war broke international law.<sup>42</sup> Sartre concluded that the U.S. was indeed “guilty of the crime of Genocide,” and though Lemkin was not discussed in the paper, his “linking...of colonization with genocide” came very close to Lemkin’s approach.<sup>43</sup> Sartre accused the United States of wanting Vietnam only to secure imperial control, “[intending] to destroy ‘the masses’ who supported the resistance to American aims and actions.”<sup>44</sup> Sartre’s work was one of the first to discuss the meaning of “intent” as it read in the Genocide Convention. He argues that one of the most important ways to determine that genocide has occurred is to identify “[perpetrator] intention.” He interprets the UNCG to “[define] genocide on the basis of intention.”<sup>45</sup> Interestingly enough, Sartre also makes reference to colonialism and genocide. He says:

Colonization is not just a simple conquest...it is necessarily a cultural genocide. One cannot colonise without systematically destroying the particular character of the natives, at the same time denying them the right of integration with the mother country and of benefitting from its advantages.<sup>46</sup>

Sartre’s separation of cultural genocide from genocide proper set the tone for future study. He continues:

This peculiar method of exchange [exploitation of raw materials sold at favourable prices to the colonial power, sold back to the colony at a higher price] can only be established when the native labour is made to work for starvation wages. It naturally follows that the colonized lose their national personality, their culture, their customs, sometimes even their language, and live in misery like shadows constantly reminded of their own sub

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<sup>42</sup> A. Curthoys and J. Docker, “Defining Genocide,” in *The Historiography of Genocide* ed. Dan Stone (New York: Palgrave MacMillan, 2010), 23-24.

<sup>43</sup> Curthoys and Docker, “Defining Genocide,” 24.

<sup>44</sup> Curthoys and Docker, “Defining Genocide,” 24.

<sup>45</sup> Jean-Paul Sartre, *On Genocide* (Boston: Beacon Press, 1968), 11.

<sup>46</sup> Sartre, *On Genocide*, 13.

humanity. Yet their value as virtually free labour protects them to a certain extent from genocide.<sup>47</sup>

Sartre admits that the colonial process often triggered cultural genocide, but not true genocide, and yet, he contradicts himself later on when he discusses the possibility of Vietnamese genocide. He argues that if the United States were to win the war and impose their own economic system onto the Vietnamese, they

Too [would be committing] genocide: the cutting in two of a sovereign state; occupying one half with a reign of terror...[holding them] in a tight stranglehold. The national unit of “Vietnam” would not be physically eliminated, but it would no longer exist economically, politically or culturally.<sup>48</sup>

Sartre’s arguments about Vietnam align with the TRC’s findings about what happened in Canada. Though his description of ethnocide is unclear, his idea of a true genocide fits better with the definition of “cultural genocide,” the term Sinclair used to describe IRS.

Aside from what constituted a victim group and what acts of violence – or, as Sartre shows, coercion – constituted genocide, the nature of intent forms another point of debate in genocide scholarship. Some deny genocide occurs unless there is explicit intent while others, like Sartre, argued that “genocidal intent” can be clearly determined solely “from the facts.”<sup>49</sup> Sartre’s ideas on intent influenced later studies of colonial genocide where examples of explicit genocidal intent were indeed blurred. For instance, determining perpetrator intent remains crucial in labelling the Canadian genocide case. Sartre’s paper produced a flurry of literature in many different fields, and unlike the period after Drost, the attention to studies of genocide at this point did not die down. In the same vein, Otto Triffterer argued that intent is “the decisive criterion” of the genocide

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<sup>47</sup> Sartre, *On Genocide*, 13-14.

<sup>48</sup> Sartre, *On Genocide*, 18.

<sup>49</sup> Sartre, *On Genocide*, 19.



charge in most, if not all cases.<sup>50</sup> If intent can be established, he continued, then perpetrator action should reflect this intent clearly. If it is not present in the action, the intent does not exist.<sup>51</sup> Actions, in genocide cases, often speak louder than words.

The 1970s brought the first large-scale genocide since WWII, as the Communist Khmer Rouge killed approximately 1.7 million Cambodians between 1975 and 1979.<sup>52</sup> However, because these killings did not receive much news coverage, the most prominent academic works on genocide during this period remained focused on the Holocaust. In 1979, sociologist Helen Fein published her book, *Accounting for Genocide: National Responses and Jewish Victimization during the Holocaust*, with yet another definition to supplant the ineffective one the UN had provided, only to revise it slightly in 1988. To Fein, genocide was

A series of purposeful actions by a perpetrator(s) to destroy a collectivity through mass or selective murders of group members and suppressing the biological and social reproduction of group members, increasing infant mortality, and breaking the linkage between reproduction and socialization of children in the family or group of origin. The perpetrator may be the state of the victim, another state or another collectivity.<sup>53</sup>

Over forty years after Lemkin's insistence that culture formed part of the tapestry of genocide, Fein and other scholars remained focused on mass murder. A. Dirk Moses, for example, stated that "we should avoid using 'genocide' for situations where there is no attempt to destroy the group...where its members are allowed to survive physically."<sup>54</sup> In 1982, Irving Louis Horowitz completely ignored Lemkin's broad framework, defining

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<sup>50</sup> Otto Triffterer, "Genocide, Its Particular Intent to Destroy in Whole or in Part the Group as Such," *Leiden Journal of International Law* 14, no. 2 (2001): 400.

<sup>51</sup> Triffterer, "Genocide, Its Particular Intent to Destroy," 400-401.

<sup>52</sup> Yale University, "The Cambodian Genocide Program," *Genocide Studies Program*, last modified 2010, accessed 3 Jan 2016, <http://www.yale.edu/cgp/>.

<sup>53</sup> Churchill, *A Little Matter of Genocide*, 420.

<sup>54</sup> Shaw, *What is Genocide?*, 66.

genocide as a “collective murder, a ‘*singular*’ type of mass murder, a historically distinct event that had its ultimate expression in the Holocaust.”<sup>55</sup>

Academics like Horowitz stress the Holocaust’s unique place in genocide studies. To them, other instances of genocide paled in comparison. Some even argue that *The Shoah* was and would be the only genocide in history. Yehuda Bauer, according to Ward Churchill, “[championed] the idea that the Holocaust, a term he claims applies exclusively to Jewish victims, represents a category of ‘unprecedented [and] unparalleled physical destruction’ which stand both apart from and above mere genocide.”<sup>56</sup> Churchill goes on to mention Steven T. Katz, who argues “not to separate the Holocaust from genocide, but to make the two terms synonymous.”<sup>57</sup> Moreover, Katz specifically dismissed examples of indigenous genocide. His study of the history of the Pequot “Indians” at war with the English in 1697 claims the Pequots experienced “cultural genocide,”<sup>58</sup> a less authentic erasure than “physical genocide.”<sup>59</sup> To Katz, genocide was “an intentional action aimed at the complete physical eradication of a people.”<sup>60</sup> Katz’ minimizing of Pequot suffering highlights the urgent need for a more comprehensive interpretation of genocide as an idea and legal term. The end of the war left survivors “no longer [able] to be known as Pequots or to reside in their tribal lands.”<sup>61</sup> The near total elimination of a people even by means of destroying their identity must be considered

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<sup>55</sup> Curthoys and Docker, “Defining Genocide,” 27. (Emphasis added).

<sup>56</sup> Churchill, *A Little Matter of Genocide*, 425.

<sup>57</sup> Churchill, *A Little Matter of Genocide*, 427.

<sup>58</sup> Steven T. Katz, “The Pequot War Reconsidered,” *The New England Quarterly* 64, no. 2 (June 1991), 220.

<sup>59</sup> Katz, “The Pequot War Reconsidered,” 220.

<sup>60</sup> Katz, “The Pequot War Reconsidered,” 213.

<sup>61</sup> Katz, “The Pequot War Reconsidered,” 220.

genocide. If legal and academic genocide definitions cannot capture cultural erasure, then we need new definitions or at least new interpretations of current laws.

In 1990 Frank Chalk and Kurt Jonassohn published the seminal *The History and Sociology of Genocide: Analysis and Case Studies*. More inclusive than past works, Chalk and Jonassohn reviewed genocide scholarship from its beginnings, offered their own ideas of what genocide was, and applied their framework to many different case studies, determining whether or not each case constituted genocide. Drawing on work from scholars before them and including an in-depth survey of scholarship up until their own publication, Chalk and Jonassohn crafted an inclusive definition of genocide:

“Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator.”<sup>62</sup>

Because they focused primarily on murder and numbers, they also created a new term called “genocidal massacres” to label cases that “seem to be a combination of genocide and ethnocide,” implying that they see as two what Lemkin saw as one.<sup>63</sup> Importantly, Chalk and Jonassohn include treatment of aboriginal groups by colonial powers in the United States as a case study in their book, concluding, “ethnocide was the principal United States policy toward American Indians in the nineteenth century.” In their view, massacres and plans for assimilation did not quite measure up to genocide proper.<sup>64</sup>

In the decade following Chalk and Jonassohn’s book, a series of failed attempts at stopping multiple genocides impacted genocide study. These cases included the Rwandan

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<sup>62</sup> Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analysis and Case Studies* (New Haven: Yale University Press, 1990), 23.

<sup>63</sup> Chalk and Jonassohn, *The History and Sociology of Genocide*, 26.

<sup>64</sup> Chalk and Jonassohn, *The History and Sociology of Genocide*, 203.

Genocide and the genocide in The Former Yugoslavia in 1994<sup>65</sup> and 1995<sup>66</sup> respectively. Each proved without a doubt that the Genocide Convention, and the world powers charged with keeping it, had failed. Scholars from many different fields flocked to study different genocides, working to understand which mass atrocities fit the bill, how confirmed genocides had been carried out. Studies of massacres and coercive government policies from antiquity to the present day emerged, creating more debate about what constituted genocide. A new nomenclature of sub-genocidal “-cide” terms emerged. Scholars remained uneasy with the analytical tension between physical and cultural destruction. A number of compromise terms entered their vocabulary as an attempt to resolve the unease. These terms had been popping up since the birth of the UNCG, as we can see with the consideration—or lack thereof—of cultural genocide. According to Martin Shaw, “the proliferation of ‘-cide’ concepts has done as much to confuse as to clarify the understanding of violence against civilian social groups.”<sup>67</sup> These concepts, as Chalk and Jonassohn show with their reference to “genocidal massacres,”<sup>68</sup> are often invoked when an atrocity comes close to genocide, but those exploring it do not want to refer to it as genocide proper. This is perhaps the most frustrating move away from Lemkin, as these sub-categories are often attributed to colonial instances of genocide—such as the Canadian case—causing them to be seen as less, or not as authentic a genocide as the Holocaust. Lemkin himself disagreed with these “-cide” words, saying: “many authors, instead of using a generic term, use currently terms connoting *only some*

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<sup>65</sup> See: United Nations Human Rights Council, “Genocide in Rwanda,” accessed 23 February 2016, [http://www.unitedhumanrights.org/genocide/genocide\\_in\\_rwanda.htm](http://www.unitedhumanrights.org/genocide/genocide_in_rwanda.htm).

<sup>66</sup> See: The United States Holocaust Memorial Museum, “Bosnia-Herzegovina,” accessed 23 February 2016, <https://www.ushmm.org/confront-genocide/cases/bosnia-herzegovina>.

<sup>67</sup> Shaw, *What is Genocide?*, 77.

<sup>68</sup> Chalk and Jonassohn, *The History and Sociology of Genocide*, 26.

*functional aspect* of the main generic notion of genocide.”<sup>69</sup> He had meant “genocide” to be the multi-faceted process he considered it to be, but the Eurocentric conception remained narrow. Studies of colonial attempts to eliminate indigenous populations—especially in the Americas were also practically non-existent.

### **The Shift to Colonial Genocide Study**

1992 marked the 500<sup>th</sup> anniversary of Christopher Columbus’ landing in the ‘New’ World. In the United States, this account was widely celebrated. For American indigenous people, the anniversary triggered memories of five hundred years of mass murder, forced dislocation and coercive assimilation. Beginning a few years before 1992, scholars and activists, many of whom were Indigenous, began releasing material that “immensely blurred [the] image of Columbus, which [oscillated] between candidate for canonization and genocidal maniac.”<sup>70</sup> James Axtell, in his 1992 book *Beyond 1492* predicted, “as the biography of Columbus is revised by scholars from a variety of disciplines and countries, we might reasonably expect a new synthesis to emerge.”<sup>71</sup> A new synthesis emerged indeed, with greater focus on American indigenous populations. Inevitably, this brought the question of genocide to the table. Axtell writes:

The most striking difference between the fourth and fifth Columbian centenaries is that the American natives in 1892 were relegated to footnotes while today they not only dominate the text but have begun to rewrite it... A marked shift of focus from the benefits of Columbus’s discovery to its costs, particularly for the victims of European colonialism [began to occur.]<sup>72</sup>

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<sup>69</sup> Shaw, *What is Genocide?*, 77. (Emphasis added.)

<sup>70</sup> James Axtell, *Beyond 1492: Encounters in Colonial North America* (New York: Oxford University Press, 1992), 271.

<sup>71</sup> Axtell, *Beyond 1492*, 276.

<sup>72</sup> Axtell, *Beyond 1492*, 283- 284.

This era produced groundbreaking scholarship, focusing on “encounters” between indigenous populations and European imperialists without the “justification” of colonial ventures present in earlier scholarship.<sup>73</sup> This would allow research into previously unexplored areas of indigenous history and challenge the narrative of the sort of encounters that occurred after European contact. Axtell describes the development of a “new scholarship” that discovered how “native societies were radically re-shaped by warfare, enslavement, resettlement, disease...and a host of other acculturative forces.”<sup>74</sup> He even brings up “genocide” in his work, at one point discussing a “Quincentenary trend toward condemnation of the evils of Columbian, Spanish, European, and Western imperialism, racism and genocide.”<sup>75</sup> This move toward “[admitting] native forms of discourse that do not necessarily fit Western paradigms” would be exactly what the study of colonial genocide in North America needed to take off.<sup>76</sup>

This movement toward considering a fuller colonial history from all sides forced a re-examination of accepted historical sources. Axtell mentioned the word “genocide” in passing, but Ward Churchill wrote entire works dedicated to proving genocide did indeed occur in North America. Churchill’s *A Little Matter of Genocide* (1998), focuses mainly on historical events in the United States, but his reasoning and methodology is important to the study of genocide in Canada. Churchill steps away from the UNCG definition and previous scholarship, choosing instead to work primarily with the framework Raphael Lemkin had developed. He argues that “there is no valid basis for conforming [Lemkin’s work] to the preferences or convenience of one or another set of perpetrators (e.g., the

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<sup>73</sup> Axtell, *Beyond 1492*, 289.

<sup>74</sup> Axtell, *Beyond 1492*, 305.

<sup>75</sup> Axtell, *Beyond 1492*, 301.

<sup>76</sup> Axtell, *Beyond 1492*, 311.

U.S. and former Soviet governments) or special interest groups (e.g., Jewish exclusivists).”<sup>77</sup> Though the main focus Churchill’s book is the United States, he does suggest that genocide occurred in Canada;<sup>78</sup> the framework he lays out is crucial to reexamining ideas of genocide when it occurs in a colonial context. To close the book, he includes a “Proposed Convention on Prevention and Punishment of the Crime of Genocide” where he states:

In the present Convention, genocide means the destruction, entirely or in part, of any racial, ethnic, national, religious, cultural, linguistic, political, economic, gender or other human group, however such groups may be defined by the perpetrator. It is understood that, historically, genocide has taken three (3) primary forms, usually but not always, functioning in combination with one another. *Physical Genocide...Biological Genocide...[and] Cultural Genocide...* It is understood that, insofar as each of these three categories of activity is sufficient in its own right to bring about the complete or partial destruction of human groups, as such, no hierarchy of importance or seriousness can be said to prevail among them. Each will therefore be treated as possessing equal gravity to the other two.<sup>79</sup>

Here, Churchill implies that the way to broaden our understanding of genocide is to categorize the forms it can take. Though I believe identifying these different forms is important, with the current ideological trends, I worry that identifying them separately will only make it easier to downplay terms like “cultural genocide” when indigenous groups invoke them. One will always be considered less than the other. Indeed, the history of these sub-terms was that they were invented and used precisely to avoid using a term as extreme as genocide to define events. However, Churchill’s push toward each of the three types being equal in gravity to one another—“in its own right”—is a start to understanding the complexity of genocide. If scholars began describing the different

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<sup>77</sup> Churchill, *A Little Matter of Genocide*, 10.

<sup>78</sup> Churchill, *A Little Matter of Genocide*, 3.

<sup>79</sup> Churchill, *A Little Matter of Genocide*, 432-433.

ways genocide can be committed all underneath the singular, umbrella term Lemkin had intended, a decolonized understanding of the field is close.

The robust movement to remove the colonial lens from genocide scholarship in Canada occurred differently than in the United States. For instance, there would not be an equivalent to Churchill in Canada in the 1990s; no one was explicitly calling Canada's assimilation policies genocide with Churchill's level of understanding at that time. However, there were works that discussed the "systematic attack on traditional Indian religion and cultural practices."<sup>80</sup> J.R. Miller's *Shingwauk's Vision* (1996) provides a detailed walk through the Indian Residential School System in the country. "Clearly, Canada chose to eliminate Indians by assimilating them, unlike the Americans, who had long sought to exterminate them physically," Miller argues, "In other words, the extinction of the Indians *as Indians* is the ultimate end' of Canadian Indian policy."<sup>81</sup> Like others, Miller separates physical violence—embodied predominantly in American governmental practice—from cultural destruction, the destruction of a people *as* a people. This was the foundation on which Canadian aboriginal genocide policy was built, and Miller's description is proximate to Churchill's definition.

Canadians, to an extent, had been discussing aboriginal history in a more critical light since the 1970s, though this movement would not be popular until the mid-2000's. This was most likely due to the extremely turbulent period of relations between indigenous and non-indigenous Canadians, beginning in the late 1960s. Legal battles for rights, land claims and other petitions began flooding Ottawa after Status Indians were granted the franchise in 1961. In 1969, a wave of Aboriginal outrage caused by the

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<sup>80</sup> Miller, *Shingwauk's Vision*, 184.

<sup>81</sup> Miller, *Shingwauk's Vision*, 184.



infamous White Paper of Prime Minister Pierre Trudeau and Minister of Aboriginal Affairs Jean Chrétien, signaling the government's intention to assimilate indigenous people once and for all, erupted across Canada.<sup>82</sup> Growing unrest inspired books like Harold Cardinal's *The Unjust Society*<sup>83</sup> and Alan C. Cairns' *Citizen's Plus*.<sup>84</sup> Soon, histories of mass atrocities committed at the hands of colonial powers began making their way into print; many of these were written by Indigenous authors, although a few non-Aboriginal scholars, like Miller published work critical of colonial practices as well. In 1986, E. Brian Titley's *A Narrow Vision* explored the life of Indian Affairs Superintendent General Duncan Campbell Scott, who, during his time in office (1913-1932) accelerated the assimilation process at a point where the Canadian genocide was the most obvious. Titley describes Indian assimilation policy as "transformation ...accompanied by 'amalgamation' with the rest of the populace so that the end result would be the disappearance of the Indians as a separate people."<sup>85</sup> Again, there is no mention of the word genocide, but Titley acknowledged that the government intended to get rid of aboriginal people. This, of course, would be demonstrated in the actions the Canadian government undertook to rid the country of the indigenous population.

Works studying indigenous issues continued to proliferate after the 1990 Oka Crisis,<sup>86</sup> revealing the injustices many First Nations, Métis and Inuit people had faced before were not new. There were accounts of the British purposely-administering

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<sup>82</sup> Miller, *Shingwauk's Vision*, 402.

<sup>83</sup> See: Harold Cardinal, *The Unjust Society* (Vancouver: Douglas & McIntyre, 1999).

<sup>84</sup> See: Alan C. Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver: UBC Press, 2000).

<sup>85</sup> E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), 201.

<sup>86</sup> See "The Oka Crisis," *CBC Digital Archives*, n.d., accessed 20 March 2016, <http://www.cbc.ca/archives/topic/the-oka-crisis>.

smallpox-infected blankets to aboriginal communities, evidence of full-on massacres, and in Nova Scotia, bounties offered Mi'kmaw scalps. Daniel Paul's 1993 radical reimagining of colonial relations with indigenous people, called *We Were Not the Savages*, came out of Mi'kma'ki—Nova Scotia, Prince Edward Island, New Brunswick, and Québec's Gaspé Peninsula—a region often presumed to have experienced considerably less colonial violence than western Canada. Paul does not shy away from uncomfortable details; he describes the violent coercion and cultural breakdown the Mi'kmaq have been subjected to since the European arrival. Residential School survivor and scholar, Isabelle Knockwood, has also contributed to literature on Maritime Indigenous history with her 1992 memoir of her time at Shubenacadie Indian Residential School, *Out of the Depths*.<sup>87</sup>

“Genocide” was not used often, or in a proper context, in these earlier scholarly works, because the world's idea of genocide hinged so completely on conceptions of the Holocaust. Only a few scholars like Churchill and Axtell mentioned the word in conjunction with colonial violence and assimilation policies. The shift in interest in the possibility of colonial genocide in Canada really began in 2008 with the formal government apology for Indian Residential Schools. The apology followed a decade-long battle between a group of Indian Residential School survivors and the Canadian government to win compensation for abuse and culture loss in the schools. Headed by a Mi'kmaw woman named Nora Bernard, the largest class-action lawsuit in Canadian

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<sup>87</sup> See: Isabelle Knockwood, *Out of the Depths: The Experiences of Mi'kmaw Children at the Indian Residential School at Shubenacadie, Nova Scotia* (Lockeport: Roseway Publishing, 1992).

history won compensation “worth about \$5 billion” for IRS survivors.<sup>88</sup> The lawsuit birthed the 2006 Indian Residential School Settlement Agreement, forcing the Canadian government to acknowledge its treatment of First Nations, Métis and Inuit people and creating a platform for indigenous Canadians to request compensation.<sup>89</sup> From this point forward, scholarship on Canadian assimilation policy grew in various fields, much of it uncovering—along with the TRC—the horrors of Canadian attempts to destroy aboriginal people as they were. People like David B. MacDonald began to use the term “cultural genocide.” He argued that “cultural genocide made it exceedingly difficult for Aboriginal parents to resist the coercive nature of the [government] system.”<sup>90</sup> Other scholars like Andrew Woolford continue to “[interrogate] and [open] up the UNCG to employ [it] in a manner more sensitive to cultural specificity.”<sup>91</sup>

Regardless of attempts to establish that genocide happened in Canada, the “modernist framework” Woolford mentions continues to “exclude certain forms of destruction from consideration,”<sup>92</sup> making cultural genocide seem “less severe than genocide proper.”<sup>93</sup> Current scholarship on colonial genocide has returned to a focus on Lemkin’s concepts and framework; it shares a disinterest in the Genocide Convention’s

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<sup>88</sup> The Daily News, “Bernard’s Lawsuit Helped Native Nationwide: Nora Bernard, Mi’kmaq Activist—Born Millbrook, 1935,” *The Daily News*, December 30, 2007, accessed 19 December 2015, <http://www.canada.com/story.html?id=983a8b88-a8ac-4e09-9e5c-b2c0e207ac3d>.

<sup>89</sup> Link to IRSSA: Accessed 1 March 2016, <http://www.residentialschoolsettlement.ca/IRS%20Settlement%20Agreement-%20english.pdf>.

<sup>90</sup> David B. MacDonald, “Genocide in the Indian Residential Schools: Canadian History through the Lens of the UN Genocide Convention,” in *Colonial Genocide in Indigenous North America* eds. Andrew Woolford, Jeff Benvenuto, and Alexander Hinton (North Carolina: Duke University Press, 2014), 314.

<sup>91</sup> Andrew Woolford, “Ontological Destruction: Genocide and Canadian Aboriginal Peoples,” *Genocide Studies and Prevention* 4, no. 1 (Spring 2009): 82.

<sup>92</sup> Woolford, “Ontological Destruction,” 91.

<sup>93</sup> Woolford, “Ontological Destruction,” 81.

political bias with a desire to decolonize not just history but the lens through which we view it.

### **The Key to Understanding Colonial Genocide: Determining Perpetrator Intent in Canada**

The case for a Canadian genocide is often criticized because “the Canadian colonial government’s assimilation policies were based on humanitarian and welfare-oriented concerns...[and] do not evince a clear malevolent intent.”<sup>94</sup> This is where Sartre’s idea of “intent [as] implicit in the facts” is important to consider.<sup>95</sup> Fundamentally, genocide is about the destruction of a particular group. In most “modernist” conceptions of group annihilation, “to destroy” means “to murder in mass quantities.” The focus of Woolford’s analysis on “destruction” stems from what he believes is modernist scholars’ inability to see “‘natural’ processes of destruction, such as disease and famine” as a legitimate form of annihilation.<sup>96</sup> He argues that the modern world’s inability to consider these to be true forms of genocidal destruction is because we have been trained to understand “how harms are experienced” only through our own European, modernist schema.<sup>97</sup>

Woolford’s demonstration of different sorts of genocidal harm considers the early “spread of European diseases” as a legitimate form. He reasoned that because the Europeans did not regard the spread of disease as their fault, they found it easy to treat the situation “with a certain degree of indifference.”<sup>98</sup> This “indifference” certainly resulted in human rights violations, but this study focuses on direct Canadian government

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<sup>94</sup> Woolford, “Ontological Destruction,” 91.

<sup>95</sup> Churchill, *A Little Matter of Genocide*, 416.

<sup>96</sup> Woolford, “Ontological Destruction,” 90.

<sup>97</sup> Woolford, “Ontological Destruction,” 90.

<sup>98</sup> Woolford, “Ontological Destruction,” 90.

action meant to break down the Indigenous population.<sup>99</sup> Though there are records of intentional spreading of disease during the colonial period,<sup>100</sup> there is little evidence that the Canadian government purposely caused the epidemics that erupted in the West as settlers arrived in the late nineteenth Century. It has been proven that indigenous resistance to European disease was lacking<sup>101</sup> but I would argue that in post-Confederation Canada, disease was not an intended genocidal tool. Despite his consideration of disease in the post-Confederation period, Woolford provides a fantastic framework to analyze destruction from a non-Eurocentric viewpoint. Moreover, intentional or not, the devastation wrought by epidemics formed part of the traumatic *experience* of Canada's genocide even if it was not a deliberate component of the act itself. We cannot understand the extent of destruction without acknowledging the unintentional horrors alongside the purposeful erasures.

For the current study, I propose that the *intended* "destruction" that occurred in the Canadian genocide was in essence, a metaphorical death. The technical term for this death, the kind of 'death' the Canadian government aimed for, was 'enfranchisement' or 'assimilation.' Most studies of Canadian-Indian relations identify complete enfranchisement or assimilation as the ultimate end of Canada's Indian policy, the answer to the "Indian Problem,"<sup>102</sup> and the end of the Indian "race."<sup>103</sup> It is a well-understood concept, but the gravity of the idea is lost when we devalue what occurred in Canada as

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<sup>99</sup> Woolford, "Ontological Destruction," 90.

<sup>100</sup> Churchill, *A Little Matter of Genocide*, 152.

<sup>101</sup> James W. Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013) 12.

<sup>102</sup> Noel Dyck, *What is the Indian 'Problem'?: Tutelage and Resistance in Canadian Indian Administration* (St. John's: The Institute of Social and Economic Research Memorial University of Newfoundland, 1991), 1.

<sup>103</sup> Canada, Indian Affairs, *Report of the Deputy Superintendent-General of Indian Affairs, 1879*, [Ottawa], 1879, 26.

mere “cultural genocide.” Being forced to join Canadian “culture” and “society” and the imposition of voting rights seem like fairly gentle forms of destruction, if they are considered to be destructive at all. But these ‘harmless acts’ represent the complete erasure of a group of people and its way of life, constituting genocide in its fullest form. Remembering Lemkin, we can see that the “synchronized attack...targeting all aspects of life”<sup>104</sup> he understood genocide to be does not require that physical death be labeled a genocide. Canada’s goal was to “absorb” every indigenous person in the country into not only its settler culture and society, but also into its political structures as “Canadians,” void of all evidence that their indigeneity had existed.<sup>105</sup>

### **The Study**

This study seeks to address “the genocide question” in Canada by identifying the federal government’s explicit intent to destroy its indigenous population. The search for intent leads to interesting places, in this case Nova Scotia, part of the traditional territory of the Mi’kmaq people. There has not been much scholarly research to date on the Mi’kmaq and their experiences with government assimilation policies. What is clear is that their experience was different from the larger groups of First Nations in the Canadian West, but they were also treated as another part of a massive collective of “Indians,” connected to the thousands of other First Nations, Inuit and Métis people across the country. Their story is unique, but it can also illuminate the national experience, and the history of assimilation policy in Canada; the period after 1920 was especially crucial to determining genocidal intent. I argue that the establishment of Shubenacadie Indian Residential School in Nova Scotia nearly fifty years after the beginning of the residential

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<sup>104</sup> Butcher, “A ‘Synchronized Attack,’” 253.

<sup>105</sup> Truth and Reconciliation Commission of Canada, *Final Report*, 54.

school system makes it clear that Canada's goal was to complete a job, the annihilation of its entire indigenous population.

In order to set a framework for the study, I will begin with the definition the UN Genocide Convention provides, though its scope is limited. Lemkin's broader understanding of genocide is imperative to viewing genocide beyond the political discourse of the postwar period. I interpret the United Nations' definition this way: the most important part of the UNCG is the perpetrator's intent to destroy. Once the intent is established, I consider any action taken to aid in the erasure of the victim group a tool of genocide proper. The five sub-clauses mentioned in Article 2 are only a few of the tools perpetrators can employ to annihilate a population; Lemkin's understanding of the various types of genocidal action will inform my interpretation of tools not identified in the convention. Violence is not always the key; the attempted *destruction* of a group, regardless of method, is where the focus of our analysis should lie. A clear intent to destroy, paired with action designed to eradicate a group defined by the perpetrator, constitutes genocide.

## Chapter II: Respectable Solutions to the ‘Indian Problem’: Canada’s Two-Pronged Attack

### Introduction

Scholars have demonstrated that Raphael Lemkin, the man who conceptualized and coined the term “genocide,” envisioned the crime as a “multi-faceted phenomenon” and “synchronized attack” on targeted victim groups.<sup>1</sup> This holistic understanding of genocide provides a valuable lens through which to view Canadian Indian policy in the century following 1867. The convention Lemkin imagined in 1948 would have portrayed genocide as an attack on a group using “a coordinated plan of different actions aiming at the destruction of the essential foundations of life,” and while the UNCG does criminalize more than one possible means of committing the act, the Convention has never captured the full essence of Lemkin’s idea.<sup>2</sup> *Axis Rule* describes the *object* of the “coordinated plan” to be the “[annihilation of] groups themselves,” regardless of method. The intent behind the attack makes a genocide, not the tools of erasure. Lemkin explains:

The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.<sup>3</sup>

Whereas the UNCG places physical destruction at the top of its list, Lemkin places this “genocide tool” among a variety of other tactics for group destruction—including non-physical violence. That is not to say Lemkin discounted mass murder; it was the slaughter

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<sup>1</sup> Butcher, “A ‘Synchronized Attack,’” 253.

<sup>2</sup> Lemkin, *Axis Rule*, 79.

<sup>3</sup> Lemkin, *Axis Rule*, 79.



of millions of European Jews that drove him to write *Axis Rule* in the first place.<sup>4</sup> However, he also appreciated—and acknowledged—the myriad of other ways a group can be exterminated. In order to address the “genocide question” in Canada, Lemkin’s original, broad approach to genocide must be taken into account. This understanding places perpetrator intent as the primary indicator of an act of genocide; once intent is identified, the tools used to carry out the genocide—which, as Lemkin demonstrates, do not necessarily have to be physical—should be recognized as valid ways of group erasure.

Even before the creation of Canada’s federal government in 1867, its colonial predecessors used varying methods of political, social and economic coercion, systematic isolation, and aggressive forms of re-education to ensure the destruction of Aboriginal languages, cultures and religions. At the same time, policies worked to erase the group’s political, legal and social existence. The goal was to gradually destroy the presence of “Indians” in Canada until they had become, as E. Brian Titley writes, “self-supporting individuals who were indistinguishable from their fellow citizens.”<sup>5</sup> The Canadian appropriation of the statement, first coined by American Captain Richard Pratt in 1882, to “kill the Indian . . . and save the man”<sup>6</sup> speaks to understandings of “ethnocide” as the world currently sees it.

Yet, the government’s actions went beyond eroding culture or re-shaping ethnicity; they constituted the elimination of peoples. Canada’s policies aimed to destroy

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<sup>4</sup> Cooper, *Raphael Lemkin*, 53-56.

<sup>5</sup> Titley, *A Narrow Vision*, 3.

<sup>6</sup> Captain R. H. Pratt, “The Advantages of Mingling Indians with Whites,” ed. Isabel C. Barrows, *Proceedings of the National Conference of Charities and Correction at the Nineteenth Annual Session Held in Denver, Col., June 23-29, 1892*. (Boston: George H. Ellis, 1892), 46, accessed 29 February 2016, <http://quod.lib.umich.edu/n/ncosw/ach8650.1892.001/69?view=image&size=100>.

the essence, existence, lifestyles, and lives of its indigenous populations. To do this, they used a two-pronged attack: adults were targeted by ‘enfranchisement’ programs as they were described in the *Indian Act*, while children were ‘assimilated’ by being forced into the IRS system. Each group was targeted with the intent to break down their cultural, political, and social existence. Lemkin understood the “foundations of life” as more than physical existence; this is something lost in the Convention and understandings of “cultural genocide” alone. The Eurocentric, political discourse that shaped the UNCG is also the one that shaped Canadian Indian policy before and after Confederation. To understand this history beyond the colonial lens, we must regard the development of Canadian Indian Policy and of the Genocide Convention with which we will analyse it. It is important to keep this Eurocentrism, as well as Lemkin’s approach to genocide, in mind.

### **Trouble with Treaties: The Beginning of the Indian Problem**

To assess genocidal intent, one must attempt to understand the motivations of the perpetrator. In Canada’s case, this means working to define what so many referred to as the “Indian Problem.”<sup>7</sup> Despite the federal drive to annihilate indigenous people by attacking their identities and political roles, this “Indian Problem” was deeply rooted in a colonial need for land. Much of what Canada did to pacify and destroy indigenous groups stemmed from the federal government’s desire to control traditional territory. The question is why the state, with more power, wealth and weaponry than aboriginal people at the time of Confederation, did not simply drive indigenous groups away, or kill them to get what it wanted. The answer lies over a century before, with agreements made

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<sup>7</sup> Dyck, *What is the Indian ‘Problem’?*, 1.

between colonial powers and indigenous nations that would eventually slow down Canada's land acquisition as it worked to establish itself as a dominion. The Indian Problem, and thus, the genocide of Canadian indigenous people, began with a question of who had claim to Mother Earth.

European imperialism was governed by the idea of *terra nullius*. This was a discourse all on its own; a worldview justifying colonial dealings in the New World. According to Camilla Boisen, "*terra nullius* refers to the Latin expression of Roman Law, of 'land belonging to no one' or unoccupied, describing a territory not subject to sovereignty or ownership by any state." Because indigenous populations did not consist of "political societies" on the European model, they "did not possess the necessary sovereignty for exercising property rights."<sup>8</sup> As a result, the colonisation of the New World was achieved with little acknowledgement of indigenous rights to territory. Europeans saw an untamed natural space ready to be conquered and harvested for the benefit of its new Christian owners. In the earliest years of colonial expansion, especially in the easternmost points of what is today Canada, Europeans assumed they had a "right...to appropriate land;" this "right [was] derived from a duty...imposed by God to make the ground productive."<sup>9</sup> As Indigenous people were not Christian under *terra nullius* upon contact, they had no right to what God had supposedly given French, Portuguese, Danish and English explorers. In the beginning, to use the relationship between Europeans and the Mi'kmaq of Nova Scotia as an example, this assumption of European ownership of new lands led to a vicious dispossession of Maritime indigenous territory, especially as settlers arrived on Canadian shores in higher numbers. As a result,

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<sup>8</sup> Camilla Boisen, "The Changing Moral Justification of Empire: From the Right to Colonise to the Obligation to Civilise," *History of European Ideas* 39, no. 3 (2013): 338.

<sup>9</sup> Boisen, "The Changing Moral Justification of Empire," 338.

many groups like the Mi'kmaq were forced into cycles of devastating poverty, confined to small reserves of land “set aside” for them.<sup>10</sup> The poverty they faced “forced [them] into sustained contact with white settlements to beg for food;” this meant exposure to diseases that decimated their population.<sup>11</sup> This was destruction, surely, but not genocide. From officials’ perspectives, these First Nations did not need to be erased because they did not require their permission to gain any of their territory.

*Terra nullius* governed the earliest years of colonial expansion into North America. Because of this, some of the first treaties between First Nations groups like the Mi'kmaq and European colonial governments had more of an economic and military focus. J.R. Miller explains that from the earliest points of contact, “Europeans encountered First Nations well-versed in creating political agreements among themselves by means of kinship and ritual.”<sup>12</sup> These were indigenous groups with political systems of their own, able to negotiate with European merchants and political leaders on equal footing, and possibly to the greater benefit of established indigenous networks.<sup>13</sup> Land, however, was a different question; Daniel Paul, for example, says the Mi'kmaq had no concept of land ownership. Despite European settler custom, indigenous cultures did not see the Earth as something that could be divided and possessed.<sup>14</sup>

And yet, the land would shape the European-Indigenous relationship in many ways. In Nova Scotia, the dehumanizing ideological lens through which French colonial administration viewed the Mi'kmaq as they settled in the early seventeenth century

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<sup>10</sup> Paul, *We Were Not the Savages*, 179.

<sup>11</sup> Paul, *We Were Not the Savages*, 186-187.

<sup>12</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada*, (Toronto: University of Toronto Press, 2009), 34.

<sup>13</sup> Miller, *Compact, Contract, Covenant*, 25.

<sup>14</sup> Paul, *We Were Not the Savages*, 173.

allowed them to mistakenly assume they had ownership over the small bits of Mi'kmaq territory they actually used. *Terra nullius* led the French to surrender land that was not theirs to the English when they lost control of Acadia with the Treaty of Utrecht in 1713.<sup>15</sup> The French, Miller writes, settled on very little of the Mi'kmaq's land. The British, on the other hand, "often impinged on lands and transportation routes that the Mi'kmaq considered theirs."<sup>16</sup> However, because the British wrongly assumed they had gained control of Nova Scotia, they saw nothing wrong with the invasion. This idea that non-Christians had actually developed political relationships and community networks on unimproved land was baffling to the British; despite misgivings, they "entered into no fewer than thirty-two" treaties with Maritime First Nations between 1720 and 1786. These treaties, however, were considered "peace and friendship" agreements, and had said nothing about land cessation.<sup>17</sup> The land, thought to be in the hands of the British Crown was illegally transferred to Canada in 1867. *Terra Nullius*, at least in the eastern region of Canada and the United States, held strong.

Following the signing of the 1763 Treaty of Paris, Britain had complete control over colonies rapidly expanding across North America.<sup>18</sup> But this expansion caused many issues, especially the further west British settlers moved. The further inland they went, the more angered the resistance they met from indigenous nations, who at the time remained important British economic and military allies.<sup>19</sup> The Crown had to negotiate treaties acquiring indigenous land to keep aboriginal people pacified, allowing

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<sup>15</sup> Paul, *We Were Not the Savages*, 74.

<sup>16</sup> Miller, *Compact, Contract, Covenant*, 61-62.

<sup>17</sup> Miller, *Compact, Contract, Covenant*, 62.

<sup>18</sup> University of Ottawa, "The Treaty of Paris (1763) and North America," *Site for Language Management in Canada (SLMC)*, accessed 20 March 2016, [https://slmc.uottawa.ca/?q=treaty\\_paris\\_1763](https://slmc.uottawa.ca/?q=treaty_paris_1763).

<sup>19</sup> Miller, *Compact, Contract, Covenant*, 66-70.

colonization to continue at a slower pace. This treaty-making mechanism was established by the Royal Proclamation of 1763. “Issued in London on 7 October,” the Proclamation laid official claim to North American territories formerly claimed by France with the conclusion of the Seven Years War.<sup>20</sup> The Proclamation text clearly states that the Crown recognized aboriginal land title. It reads:

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the possession of such Parts of Our Dominions and Territories as, not have been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds... And We do further declare it to be Our Royal Will and Pleasure... to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid.<sup>21</sup>

The Royal Proclamation laid the groundwork for future agreements; there are ghosts of its procedures in the infamous Canadian Numbered Treaties.<sup>22</sup> The Proclamation’s legal constraints on unbridled colonial expansion, I would argue, created the Indian Problem for Canadian colonies, and later, the Canadian federal government. Despite coming from an imperial culture guided by the *terra nullius* concept, the British found themselves negotiating with people they considered inferior to themselves. In Upper Canada, the colony in which Canadian Indian policy was born, the idea of consulting First Nations, and the hassle of negotiating to secure pieces of their land for increased influx of settlers, would trigger the colony’s administrators into searching for ways to get rid of their

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<sup>20</sup> Miller, *Compact, Contract, Covenant*, 67.

<sup>21</sup> “The Royal Proclamation – October 7, 1763” *The Avalon Project*, Yale Law School, Lillian Goldman Law Library, last modified 2008, accessed 29 February 2016, [http://avalon.law.yale.edu/18th\\_century/proc1763.asp](http://avalon.law.yale.edu/18th_century/proc1763.asp).

<sup>22</sup> Miller, *Compact, Contract, Covenant*, 66, 290.

“Indian Problem.” If successful, these governments could abandon administration of Indian affairs, land agreements, and indigenous relief programs, removing the aboriginal “burden” they carried. Stemming from the onerous requirement to consult First Nations, the Canadian genocide was born.

### **The Development of Canadian Assimilation Policy 1830-1867**

While the discourse and methods of widespread British imperial dealings influenced the way early Canadians viewed indigenous people, it was the goals and policies implemented in Upper Canada that ultimately translated into Dominion Indian policy. Though New Brunswick, Prince Edward Island, Nova Scotia and Upper Canada worked under the same legal system as Britain, the Maritime colonies were influenced more by Indian policy from the Thirteen Colonies, later, the United States. After the devastating loss of the Thirteen Colonies during the American Revolution, Sidney Harring argues that Britain valued the administration of Indian Affairs in Upper Canada, untouched by the influence of the Americans. The colonial government’s tactics, however, did not go without criticism.<sup>23</sup>

Upper Canada was distinctly British. The colony’s purpose, said its Lieutenant Governor, Sir Peregrine Maitland in 1826, was less about merely settling, and more about “settlement in such a manner as shall best secure its attachment to British Laws and Government.”<sup>24</sup> With an air of “humanitarianism,”<sup>25</sup> the British believed their justice system to be a privilege to anyone who experienced it,<sup>26</sup> including the indigenous population. According to Harring, Upper Canada implemented a “paternal” policy of

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<sup>23</sup> Sidney L. Harring, *White Man’s Law: Native People in Nineteenth Century Canadian Jurisprudence*, (Toronto: University of Toronto Press, 1998) 19.

<sup>24</sup> Harring, *White Man’s Law*, 16-17, 295.

<sup>25</sup> Harring, *White Man’s Law*, 17.

<sup>26</sup> Harring, *White Man’s Law*, 16.

“liberal treatment” of Indians after 1837.<sup>27</sup> While the idea was to extend British law equally to everyone, the term itself is misleading: the “policy was paternalistic...designed to protect and support the Upper Canadian Indians until they could be assimilated.”<sup>28</sup>

Assimilation itself would become an important term for Anglo-Canadians post-Confederation regarding the management of many different groups, including European immigrants. However, while assimilation was suggested to immigrant groups, Canada did not force the process; the assimilation of Europeans proved haphazard compared to even the earliest coercive assimilation policies directed at Aboriginal groups.<sup>29</sup>

For First Nations groups, assimilation meant giving up traditional lands and moving onto reserves where in many cases, making a traditional living was impossible. It meant having their identities wrung out of them, their languages stolen, and often, forced conversion to a religion they did not understand. This early assimilation began with a series of Upper Canadian Indian Acts that would inspire the Canadian *Indian Act* of 1876. The first Indian Acts developed in the 1830s and 1840s were aimed at land regulation. Although weakly enforced, the Acts attacked Upper Canadian government-appointed Indian agent corruption, and in 1844, set aside “reserve lands... [for individual Indians] in fee simple.”<sup>30</sup> Because British law required property ownership to vote at the time and the government held reserve lands for the benefit of the indigenous people living on it, the reserve system “excluded Indians from the political franchise..., taxation, and liability for debt.” First Nations fiercely “protested” these acts; recognizing them as

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<sup>27</sup> Haring, *White Man's Law*, 11,17.

<sup>28</sup> Haring, *White Man's Law*, 17.

<sup>29</sup> Jatinder Mann, “‘Anglo-Conformity:’ Assimilation Policy in Canada, 1890s-1950s,” *International Journal of Canadian Studies* 50, (2014), 265.

<sup>30</sup> Haring, *White Man's Law*, 31.



“a thinly veiled land grab,” but the government continued passing acts, controlling indigenous lives without indigenous consent.<sup>31</sup>

The first sign of an intensified and widely systematic assimilation policy in Upper Canada, however, came from the Gradual Civilization Act of 1857, the inspiration for the *Indian Act* of 1876. According to Haring, the Gradual Civilization Act

Defined an inferior legal status for Indians, creating a system of legal dualism, denying them the franchise, and placing them in a distinct legal category, under the paternalistic protection of the government. Legally holding Indians in this condition, the government could subject them to unique forms of social control, educate and Christianize them, and “gradually” train them for the full responsibilities of citizenship. Then, when each Indian arrived at that level, a special board of examiners would examine his moral character, education, and personal habits, and if all was satisfactory, would award him forty acres of land and the full privileges of citizenship that went along with it, including the right to vote.<sup>32</sup>

Through this legislation, liberal treatment became a convenient tool to “acquir[e]..lands” through treaty; without a vote, or much legal power at all, Indians would not easily be able to negotiate with the government. Soon enough, the treaties had alienated “almost all Indian lands [in Upper Canada], leaving Indians impoverished and dependent.” This was something “that [Britain, who still had primary control of the colony] had feared, and through recommendations, sought to avoid.”<sup>33</sup> Haring perhaps overstates British benevolence, but correctly identifies the quandary of the treaty system in formalized territorial dispossession under the guise of colonial security. Indeed, the goal in Upper Canada remained the absorption of First Nations people so deeply into society that they became unrecognizable. The British considered this erasure as a gift, but it was a deliberate erasure all the same. Despite its criticism of Upper Canadian land policy,

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<sup>31</sup> Haring, *White Man's Law*, 31.

<sup>32</sup> Haring, *White Man's Law*, 33.

<sup>33</sup> Haring, *White Man's Law*, 29.

Britain gave complete control over Indian Affairs to the colonial government in 1860.<sup>34</sup> Less than a decade later, in 1867, control of Indian Affairs in the old British colonies was centralized under the new Dominion government.

At Confederation, Canada was handed the reins to a series of proto-genocidal policies which it would soon formalize and unleash with new vigour across its expanding territory. William Wicken argues that “colonization evolved after the confederation of Canada, New Brunswick and Nova Scotia.” He says the shift “stemmed from the centralization of power in Ottawa that led to efforts to assimilate aboriginal peoples into Anglo-Canadian society;” this identity, grown during the colonial period and drawing upon British ideals of racial and cultural superiority, had become “the dominant national motif.”<sup>35</sup> As the government moved to obtain the lands between Ontario and British Columbia in an attempt to unify the nation from sea-to-sea, the advance of European settlement and depletion of bison herds decimated the Indigenous populations of the Northwest. Ottawa then worked to destroy whichever peoples managed to survive the diseases, famine and poverty of the initial sweep by imposing its version of civilization upon them. The British tradition of liberal treatment allowed Canada to mistake genocide for progress.

### **Canadian Genocide Stage I: Federal Indian Policy 1867-1920**

Officials in the pre-Confederation era did not feel that the impulse to assimilate indigenous people was a criminal act. Indeed, as I have demonstrated, it was not a new

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<sup>34</sup> Haring, *White Man's Law*, 27.

<sup>35</sup> William C. Wicken, *The Colonization of Mi'kmaw Memory and History, 1794-1928: The King v. Gabriel Sylliboy* (Toronto: University of Toronto Press, 2012), 12.

idea, but standard colonial practise, and one doused in humanitarian ideals of doing the best possible thing for an “inferior” race.<sup>36</sup> According to Titley,

[The] language [of Indian commissioners and the DIA] did betray the influence of the pseudo-scientific discourse of social Darwinism often invoked at the time in defense of imperialism and colonialism. Natives could only survive, it was reasoned, by becoming “imbued with the white man’s spirit and impregnated by his ideas.”<sup>37</sup>

There was no murder; in fact, Canadians believed their government was saving the degenerate population. Despite the fact that policymakers would not physically kill indigenous people, Canada still took steps to get rid of them. With societal and cultural mores barring them from murder, the answer, then, would be to destroy indigenous identity, eventually absorbing aboriginal people into the dominant society until indigeneity ceased to exist. Instead of mass murder, “residential schooling [became] the preferred medium for assimilation.”<sup>38</sup>

Canadians in the colonial period did not see indigenous people as “people.” This meant that they were not considered full citizens, a title only given to land-owning, white men at the time; if anything they were children who needed to be shown the way to Christian civilization. Yet, complete assimilation—the government referred to it as “enfranchisement”—meant a final erasure of indigenous people in the country. Article 26 of the 1876 *Indian Act*, for instance, details that the Superintendent-General of Indian affairs could “[issue] a license to any *person or Indian* to cut and remove trees...”<sup>39</sup> Here we see a distinct line drawn between the civilized “man” and his Indian counterpart, a

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<sup>36</sup> Brian Titley, *The Indian Commissioners: Agents of the State and Indian Policy in Canada’s Prairie West, 1873-1932* (Edmonton: University of Alberta Press, 2009), 206.

<sup>37</sup> Titley, *The Indian Commissioners*, 206-207.

<sup>38</sup> Miller, *Shingwauk’s Vision*, 75.

<sup>39</sup> Canada, *An Act to Amend and Consolidate the Laws Respecting Indians*, 1876, c. 18, 26.3, accessed 9 January 2016, [https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/1876c18\\_1100100010253\\_eng.pdf](https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/1876c18_1100100010253_eng.pdf) (Emphasis added).

gentle othering perhaps, but dehumanisation all the same. The object of enfranchisement was to take the savage Indians and “elevate” them to the status of an educated, Christian citizen.<sup>40</sup> In order to be considered a person, a status Indian needed to renounce his identity, culture and treaty rights; to let the “Indian” die, while the man lived on.<sup>41</sup> This has been recognized as an indicator of “cultural genocide,” but Canadian assimilation policy went deeper than merely leaving behind one’s culture. For example, a preoccupation with Indian-White intermarriages among some of the Department officials suggests that they wished to see the end to the race as well. Scott said: “The happiest future for the Indian race is absorption into the general population...the great forces of intermarriage and education will finally overcome the lingering traces of native custom and tradition.”<sup>42</sup> The intermarriage preference implies an end to the race itself, bloodlines and all.

The humanitarian motives some scholars reference crumble in the face of Social Darwinist discourse of the time. After Confederation, the kind of “euthanasia”<sup>43</sup> Miller mentions—sold as respectable and humane—became national policy. The government attempted first to control indigenous identities by legally creating “Indian status.” Once the state became aware of, and catalogued each indigenous individual’s status, government apparatuses took steps to systematically extinguish all forms of native existence in Canada by attacking indigenous political existence, cultures, languages and conceptions of indigenous identity.

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<sup>40</sup> Canada, Indian Affairs, *Report of the Deputy Superintendent-General of Indian Affairs, 1879*, [Ottawa], 1870, 3.

<sup>41</sup> Canada, *Indian Act*, 86-94.

<sup>42</sup> Titley, *A Narrow Vision*, 34.

<sup>43</sup> Miller, *Shingwauk’s Vision*, 75.

## Systematic Erasure: The Indian Act and Enfranchisement

To destroy indigenous people without directly murdering them, the Canadian government developed a systematic, bureaucratic mechanism to bring an end to the “Indian Problem.” Its genocide plan was codified in the 1876 *Indian Act*. “The Intent of the government’s policy,” the TRC reports, “...firmly established in legislation at the time the [Numbered] Treaties had been negotiated, was to assimilate Aboriginal people into broader Canadian society.”<sup>44</sup> The Act gave the government control over all aspects of an Aboriginal life, right down to their identity as an indigenous person. A “status Indian” was defined as follows: “First. Any male person of Indian blood reputed to belong to a particular band; Secondly. Any child of such person; Thirdly. Any woman who is or was lawfully married to such person.”<sup>45</sup> The *Indian Act* codified the “otherness” imposed on indigenous people. In so doing, it established an official victim group “visible” to the state, its apparatuses, and people. The *Indian Act* implemented a lengthy set of provisions to destroy Canada’s indigenous societies. These provisions at once removed Indian status—thus, identity—from “illegitimate” children of Indians, women who married men without status—both indigenous and non-indigenous – and from “half-breeds,” Canada’s name for Métis people at this time. Any child of an indigenous woman and non-indigenous man<sup>46</sup> was not eligible to partake in the “privileges of Indians” outlined by the Act.<sup>47</sup>

The *Indian Act* also established rules and regulations for the national Indian Reserve System, connecting Canada’s assimilation policies to its desire for indigenous

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<sup>44</sup> Truth and Reconciliation Commission of Canada, *Final Report*, 53.

<sup>45</sup> Canada, *Indian Act*, 3.3

<sup>46</sup> Canada, *Indian Act*, 3.3 (c-e)

<sup>47</sup> Canada, *Indian Act*, 64-69.

lands. Under the Act, a reserve is defined as “any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians.”<sup>48</sup> The idea was that reserves would be “held in trust” for the benefit of the Indians<sup>49</sup>; these benefits are implied to mean a few things: for one, reserve land was protected by a series of clauses, ensuring only “an Indian of the band” could settle in these designated areas.<sup>50</sup> Despite what the Act said, however, the land itself was not completely protected. After all, First Nations people did not have control over the reserve lands they lived on. Article 29 states that “all Indian lands, being or portions of reserves surrendered or to be surrendered to the Crown...shall be managed, leased and sold as the Governor in Council may direct subject to conditions of surrender, and to the provisions of this Act.”<sup>51</sup> Their land could also be seized and sold at will<sup>52</sup> and the band relocated—with “compensation”<sup>53</sup>—if the government found a better use for their reserve. As a result of the practice, displaced Indians often were “forced...to relocate their [original] reserves from agriculturally valuable or resources-rich land onto remote and economically marginal reserves.”<sup>54</sup> The assimilation process was slow, and the Canadian desire for land was strong. If an entire reserve could not be assimilated before it was needed, the Indian could at least be shunted around away from the territory the government demanded at any given moment where the assimilation process could continue.

Though Canada had created the reserve system to accompany the treaty process,

Titley reminds us that,

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<sup>48</sup> Canada, *Indian Act*, 3.6

<sup>49</sup> Canada, *Indian Act*, 3.7

<sup>50</sup> Canada, *Indian Act*, 11.

<sup>51</sup> Canada, *Indian Act*, 29.

<sup>52</sup> Canada, *Indian Act*, 29.

<sup>53</sup> Canada, *Indian Act*, 6.

<sup>54</sup> Truth and Reconciliation Commission of Canada, *Final Report*, 1.

While treaty negotiations created the impression that Native peoples were being consulted on their future place in the new society, the reality was quite different. The Canadian state, confident of its mission in the vanguard of British imperialist expansion and influenced by prevailing racist and Christian triumphalism, was in no mood to tolerate cultures at odds with its definition of “civilized.”<sup>55</sup>

Reserves also kept indigenous people in common areas, separate from the dominant population.

Titley continues:

Reserves were pivotal in the [enfranchisement process]: boundaries excluded their inhabitants from the mainstream, or at least attempted to do so. Physical segregation on reserves sought to minimize conflict between Native and newcomer while constructing zones of protection and exclusion in which experiments in cultural and economic change could be conducted.<sup>56</sup>

As Canada’s territorial reach greatly expanded during the first half century after Confederation, the selection of Indian agents to oversee life on reserve became equally important to the assimilation project as the reserve itself. The Indian agent, or Indian commissioner, served as “the assertion of state authority over Native communities.”<sup>57</sup> Paired with precursors to the Royal Canadian Mounted Police (RCMP),<sup>58</sup> the agent would “subject [the Indians] to constant surveillance and coercive tutelage... [viewing their role] as a triumph—a necessary prelude to bring the forces of assimilation into play.”<sup>59</sup> Once Canadian ownership of land was secure, the role of the reserve was that of

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<sup>55</sup> Titley, *The Indian Commissioners*, 206.

<sup>56</sup> Titley, *The Indian Commissioners*, 207.

<sup>57</sup> Titley, *The Indian Commissioners*, 207.

<sup>58</sup> These were the Northwest Mounted Police until 1904, and then Royal Northwest Mounted Police until 1920 (Library and Archives Canada, “North West Mounted Police (NWMP)-Personnel Records, 1873-1904, accessed 17 March 2016, <http://www.bac-lac.gc.ca/eng/discover/nwmp-personnel-records/pages/north-west-mounted-police.aspx>.)

<sup>59</sup> Titley, *The Indian Commissioners*, 208.

a holding cell, confining a group of ‘savages’ to one place so that the genocide process would be convenient.

On top of constraints regarding land, Status Indians were also prohibited from possessing certain things like alcohol<sup>60</sup> or a mortgage.<sup>61</sup> Both restrictions connected to deep-seated racial prejudices about native wantonness; as they were considered uncivilized creatures, Canada believed they could not handle alcohol or debt. We see here the idea of the Indian-as-child truly reinforced. The legal exclusion from Canadian life and the enforcements put in place to keep Indians from leaving reserves in some cases mirror the exclusion of European Jews from public places and “the public service” in the early years of Nazi rule.<sup>62</sup> The systematic isolation of First Nations people marked an official boundary between the savage and the civilized. Savages were to be confined to the reserve, and only when they took on full citizenship—renouncing their identity as the savage—could they join Canadian society. As Titley writes, “rights were possible, but only at the cost of identity loss;”<sup>63</sup> the issue with this, of course, was that indigenous identity was tantamount to indigenous existence.

Despite the economic nature of the reserve system in the Indian Act, many government officials also saw merit in the isolation it imposed. The civilizing potential of the reserve moved to the forefront of Canadian justification and reasoning. According to Mark Francis, the social Darwinist discourse among Canadian officials led them to “insist that Indians be compelled to undergo a lengthy process of artificially imposed adaptations

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<sup>60</sup> Canada, *Indian Act*, 79.

<sup>61</sup> Canada, *Indian Act*, 66.

<sup>62</sup> Jean-Michel Lecomte, *Teaching about the Holocaust in the 21<sup>st</sup> Century* (Germany: Council of Europe Publishing, 2001), 49, accessed 3 January 2016 [http://www.coe.int/t/dg4/education/historyteaching/source/projects/documentstwentycentury/holocaust\\_en.pdf](http://www.coe.int/t/dg4/education/historyteaching/source/projects/documentstwentycentury/holocaust_en.pdf).

<sup>63</sup> Titley, *The Indian Commissioners*, 207.



so that eventually they could compete on an equal footing with whites.”<sup>64</sup> The road to this level, however, was believed to be long and difficult, as Francis writes:

Tutelage for Indians would be a lengthy process lasting some generations...it would mean an exchange of freedom for the possession of great technological competence and wealth. This trade-off would involve the use of confinement and discipline to force the Indians quickly through an evolution Europeans had laboriously and slowly undergone without external help. Reserves...in which isolated groups of Indians would face restriction...fitted neatly with the conception that mechanically repeated drill would speedily achieve “civilization” of the kind that natural change had taken centuries to accomplish.<sup>65</sup>

The key idea behind the reserve system was to isolate the Indians from a world they were not prepared to face, keeping them under Indian agent’s guardianship—the provider of the funding and education meant to transform them from “Indians” to “Persons”<sup>66</sup>—in an easily monitored area. The metamorphoses from “Indian” to “Person” could only happen if the “Indian” was destroyed completely. To make “persons,” the government erased peoples.

### **Systematic Erasure: Residential Schooling**

Upon examination of these assimilation mechanisms imposed by the *Indian Act*, one can infer that most were directed at adults. Despite this focus, the civilization tool deemed most important by the Canadian government was actually directed at children. When discussing genocide, scholars usually focus on the most diabolical tool perpetrators used in the destruction process. Genocidal tools tend to resonate more the more murderous they are—the gas chambers at extermination camps during the Holocaust come most vividly to mind. Canada’s tool of choice was not murder, but the tools it did

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<sup>64</sup> Mark Francis, “The ‘Civilizing’ of Indigenous People in Nineteenth-Century Canada,” *Journal of World History* 9, no. 1 (Spring 1998), 86.

<sup>65</sup> Francis, “The ‘Civilizing’ of Indigenous People in Nineteenth-Century Canada,” 86-87.

<sup>66</sup> Canada, *Indian Act*, 26.3.

use were just as destructive and debilitating. The institutionalized education of children became Canada's favourite assimilation method. Enfranchisement, as the *Indian Act* described it, involved the adult indigenous population, but Department consensus held that children were more easily molded into "proper citizens." Adults represented a challenge, often being too old to learn new tricks in Canadian society.<sup>67</sup> Enfranchisement outside of residential schools was a way to absorb older generations into the Canadian mold. However, hope for the complete assimilation of the older aboriginal generations remained small.

Officials believed the assimilation process would be the most successful if children were removed from the influence of their traditional communities, placed into schools where they could be immersed into the dominant culture. There were two kinds of schooling that the government subjected children to dating to the pre-Confederation period: the day school, and the residential school. Day schools were meant to achieve the same purpose as the residential school, but by the 1860s, Europeans realized that the closer the schools were to the reserve, the less effective the education was at assimilating students.<sup>68</sup> The residential school became favoured because it removed children from the "influence of the wigwam"<sup>69</sup> and placed them under the legal guardianship of the Canadian government to learn to be Canadians. In many cases, the government forced parents to give their children up to the schools "under threat of prosecution"<sup>70</sup> or tricked

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<sup>67</sup> Milloy, *A National Crime*, 26.

<sup>68</sup> Milloy, *A National Crime*, 30.

<sup>69</sup> Nicholas Davin Flood, "Report on Industrial Schools for Indians and Half-Breeds" (Ottawa, March 14, 1879), 1, accessed 4 January 2016, [http://www.archive.org/stream/cihm\\_03651#page/n9/mode/2up](http://www.archive.org/stream/cihm_03651#page/n9/mode/2up).

<sup>70</sup> Truth and Reconciliation Commission of Canada, *Final Report*, 37.

parents into surrendering by signing forms they could not understand.<sup>71</sup> Canadian officials saw little wrong with this practice. After all, the adults could not be saved, but the children could. ‘Saving,’ in these cases, meant the destruction of a child’s entire identity, everything they were, save for their physical existence. And yet, as we will see, even physical bodies suffered. By 1920, however, most of the evidence pointed to the complete failure of the schools and the *Indian Act* as assimilation mechanisms. Annual Indian Affairs reports from around this period demonstrate consistently low numbers of successful enfranchisement, as well as a growing frustration within the Department of Indian Affairs.

### **Canadian Genocide Stage II: 1920-1929**

Perhaps the point where Canadian intent to destroy becomes the most obvious is in the years leading up to 1920. Optimism surrounded the assimilation policy in the first few decades following Confederation; Edgar Dewdney wrote in 1889:

It is gratifying when one examines the records of past transactions in connection with Indian management to observe the steady, though necessarily very gradual, progress...[of] endeavors to elevate the red man and place him on a social and intellectual level with his white brother.<sup>72</sup>

However, by the mid-1910s, it was evident that the tools the Canadian government was using to achieve assimilation were ineffective. Assimilation was not happening at the levels expected by the DIA. Up to this point, the government had left the decision to pursue enfranchisement to the individual; the expectation, based on ideas of Euro-Canadian racial and cultural superiority, was that most indigenous people would strive to become a part of the dominant society; it was obviously the best choice to make. This

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<sup>71</sup> Chris Benjamin, *Indian School Road: Legacies of the Shubenacadie Residential School* (Halifax: Nimbus Publishing, 2014), 100.

<sup>72</sup> Canada, Indian Affairs, *Report of the Deputy Superintendent-General of Indian Affairs, 1879*, [Ottawa], 1889, 12.

reinforces the uniqueness of the Canadian Genocide; its perpetrators genuinely believed they were implementing these policies for the benefit of the target group. To them, the idea that a group would not want to abandon their identity to join white society was preposterous. The Annual Report for Indian Affairs in 1917 demonstrates this expectation, as policymakers were shocked to find that indigenous people were resisting assimilation. Duncan Campbell Scott, Deputy Superintendent General of the DIA, explained:

At present, the initiative [of enfranchisement] rests with the Indians, and enfranchisement can only be granted upon their application. It might be preferable that in cases where it was deemed advisable upon official investigation, the government should, of its own motion, be empowered to apply enfranchisement, either to special hands or individuals. This is the more necessary inasmuch as many Indians who are fully qualified, for enfranchisement are inclined to cling to the benefits and protection attendant upon their wardship.<sup>73</sup>

This report—and others—expressed frustration that Indians had not chosen to enfranchise in higher numbers. Canada's First Nations were unwilling to destroy themselves. By the 1920s, the Department began implementing measures to force the matter. The Indian Affairs report on the 1920 fiscal year discusses an amendment made to the Act allowing the government to Enfranchise indigenous people against their will:

The amendments repealed sections 107 and 122. These clauses had been upon the statutes since 1857 and under them it was found possible to enfranchise only 65 Indian families of 102 persons since Confederation... The new sections passed at the session of 1920 give the Superintendent General power to make inquiry and report from time to time as to the fitness of any Indian or Indians for enfranchisement, and they give the Governor General in Council authority, acting on such reports to enfranchise an Indian and his wife and minor unmarried children forthwith.<sup>74</sup>

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<sup>73</sup> Canada, Indian Affairs, *Report of the Deputy Superintendent-General of Indian Affairs, 1879*, [Ottawa], 1917, 26.

<sup>74</sup> Canada, Indian Affairs, *Report of the Deputy Superintendent-General of Indian Affairs, 1879*, [Ottawa], 1920, 14.

Forced enfranchisement, despite its eventual failure, demonstrates genocidal intent. Enfranchisement, and thus “citizenship” meant destruction of self, eventually leading to the elimination of a people. If the Indians would not choose to assimilate, they would simply be forced. The intent to destroy completely is explicit in the way the end goal was sought after.

### **A Note on Outcome**

Nearly every source discussing genocide in Canada is quick to mention that assimilation policy was a colossal failure. For the purpose of this study, success of Canada’s genocidal goals is not important. Returning to Sartre, we see that it is not the success but the intent that confirms genocide.<sup>75</sup> Instead of outcome, we are here to challenge ideas of destruction, to establish intent and the different ways intent can be fulfilled, with a broader understanding of the concept beyond the lens of colonial discourse.

### **Conclusion**

Complete assimilation, and therefore the end of the Indian “race,”<sup>76</sup>—for slowly, many believed, the blood line itself would die off as well—meant victory; Canada painted itself into the hero’s role. In the end, however, humanitarian motives do not excuse the fact that the goal was, ultimately, to annihilate First Nations, Métis and Inuit people. Canada’s tools of genocide did not involve murder; its policies, born in the pre-Confederation era and modified in the years following, worked to assimilate—to cause the symbolic demise—of the entire aboriginal population. The *Indian Act* served to trap indigenous people politically, economically and culturally, working to destroy every facet

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<sup>75</sup> Sartre, *On Genocide*, 11.

<sup>76</sup> Despite there being many, diverse, *distinct, independent* indigenous nations in Canada.

of aboriginal life in ways beyond their control. At the same time, the IRS school system became the preferred assimilation machine, trapping indigenous children and subjecting them to concentrated programs designed to aggressively remove their identities. Despite the failure of these programs, that the government implemented them to cause the extinction of indigenous people in Canada warrants a charge of genocide.

Moreover, as the realization of the ineffective nature of the assimilation system hit the DIA, its intent to destroy became more visible, its genocide plans more concrete. After the amendments to the *Indian Act* gave the government more power over indigenous groups, assimilation tactics grew more ruthless, and the DIA expanded its attempts into areas of the country which had previously been ignored. During the 1920s, Canada amended the *Indian Act* to place the Inuit “under the charge of the Superintendent General of Indian Affairs,”<sup>77</sup> and established residential schools in the Maritimes, where we will next turn our focus: to Nova Scotia and the assimilation policy as it applied to the Mi’kmaq there.

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<sup>77</sup> Canada, Indian Affairs, *Report of the Deputy Superintendent-General of Indian Affairs, 1879*, [Ottawa], 1925, 10.

### **Chapter III: Determining Intent in Unlikely Places: The Canadian Genocide at Shubenacadie School**

*I want to get rid of the Indian problem. I do not think as a matter of fact, that this country ought to continuously protect a class of people who are able to stand alone. That is my whole point... Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department. – Duncan Campbell Scott<sup>1</sup>*

#### **Introduction**

It has been established in the previous chapters that perpetrator intent is the most important indicator of genocide. Over the course of its post-Confederation history, the Canadian government consistently expressed the intent to exterminate its Indigenous population, through what officials felt were respectable, even “humanitarian” means. The wish to erase aboriginal existence was made clear not only in Federal Government officials’ statements, specifically the Department of Indian Affairs (DIA), but in the actions Canada took to see its goal through. What has shielded these actions from judicial scrutiny is the fact that Canadian genocide tools have not been predominantly violent in a physical sense; this attempt to destroy indigenous people has been written off as a misguided attempt to do something good. The international perception that genocide automatically means mass murder has also tended to exculpate Canada. Had physical genocide been politically and militarily feasible, it is possible that the young nation may have taken this route. Canada’s development within the British Empire, however, as well as a series of circumstances leading up to Confederation, allowed the federal government to create a genocide mechanism that did not require the use of physical forms of erasure, thus saving it from historical reprimand.

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<sup>1</sup> Titley, *A Narrow Vision*, 50.

The methods Canada chose to destroy the existence of indigenous people were made possible by many factors: Canada was in a position of power over First Nations, Inuit and Métis groups across the landscape it occupied, and the lands it coveted; it had a gross military advantage. As well, settlers flocking to the new country carried diseases lethal to indigenous groups without immunity. Perhaps the most important factor is that Euro-Canadians wielded a discourse that dehumanized aboriginal people as a race below their own. This allowed them to subject indigenous groups to numerous injustices; “Indians” were degenerate, and destroying indigenous identity to ensure the progress of the superior race was perfectly acceptable, a benefit to the world in general. After centuries of colonial dispossession and population decimation due to disease and economic upheaval, Canada’s indigenous peoples had, by 1920, been weakened, left mostly unable to live traditional lifestyles. At the same time, they were subjected to a government system that fostered indigenous dependence on federal programming, undermining them culturally, politically, and to an extent, ethnically. Canada did not resort to mass murder because it did not have to. Colonial destruction had left populations who could not, in many cases, resist government domination. Canada could do with the population what it wanted.

One of the First Nations that had faced longest interaction with Europeans was the Mi’kmaq. By Confederation they had, for the most part, been converted to Catholicism;<sup>2</sup> their lands had been “ceded”—illegally—to the British Crown, and disease had whittled their population down to a fraction of what it had been before Contact. Quite simply, by 1867, the Mi’kmaq posed very little threat to Canadian progress, and though many of the

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<sup>2</sup> Paul, *We Were Not the Savages*, 259.



same assimilationist structures were erected in the Maritime Provinces, they were significantly underfunded and ill-organized. The government was simply not worried about the pace of Mi'kmaw assimilation; they would either die off, or assimilate within a few generations. Canada, specifically the DIA, turned its attention to the West.

By 1920, however, it was clear that Indigenous populations were not assimilating at acceptable rates. Enfranchised Indian men were few and far between; despite the banning of various cultural practices, nations were still holding onto tradition. Day schools, and the boarding and industrial institutions that would eventually form the residential school system, were failing to draw in numbers acceptable to federal Indian agents. After amending the *Indian Act* in 1920 to enfranchise “Indians” against their will and bring indigenous students to day and residential schools by making “education” mandatory for children aged seven to fifteen,<sup>3</sup> Canada looked to assimilate areas that had previously been neglected due to their relative political unimportance. Over the course of the following decade, the government extended its reach into the north,<sup>4</sup> establishing residential schools there. By 1929, the DIA had also made plans to bring a residential school to the Maritimes,<sup>5</sup> demonstrating that despite the relative unimportance of the weakened Mi'kmaq and Wolastoqiyik peoples, an Indian was still an Indian, and needed to be assimilated at all costs.

With a focus on the Mi'kmaq of Nova Scotia, this chapter argues that the renewed attempts to assimilate Maritime First Nations people through the establishment of the Shubenacadie Indian Residential School reveal the nature of genocidal intent in Canada.

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<sup>3</sup> Canada, *Report of the Deputy Superintendent-General of Indian Affairs, 1920*, 14.

<sup>4</sup> Canada, *Report of the Deputy Superintendent-General of Indian Affairs, 1925*, 10.

<sup>5</sup> Canada, Indian Affairs, *Report of the Deputy Superintendent-General of Indian Affairs, 1929*, [Ottawa], 1929, 21.

The goal was to continue assimilating until every indigenous person in Canada had been “absorbed into the body politic.”<sup>6</sup> The intent to destroy indigenous peoples, in whole or in part, is implicit in the renewed drive to assimilate the Mi’kmaq manifested in Shubenacadie’s 1929 construction. Scholars often focus on the most obvious area of genocidal action. Assimilation practices were harsher in the “more savage” West, and this area tends attract more scholarship. Intent perhaps becomes more obvious, however, when attention is paid to areas of little importance to the perpetrator. Strategically speaking, getting rid of the Mi’kmaq was not important, and yet, the government still attempted to ensure their destruction, going out of its way to annihilate the identities of Mi’kmaw children at least until Shubenacadie’s closure in 1967.<sup>7</sup>

This chapter serves two purposes: it is a case study of Nova Scotia Mi’kmaq experience in the Shubenacadie School, an exploration of the horrors they faced as the DIA launched an attack on their identities and ways of being. It will present an image of Canada’s tools of genocide in action. At the same time, it serves to demonstrate how Canada’s focus on a seemingly unimportant area reveals the intent—regardless of the disorganization of the system—to destroy systematically the existence of aboriginal people within the country.

### **Nova Scotia: The Mi’kmaq to Confederation**

The curious thing about genocide in Canada is that compared to genocides involving mass murder, this one happened backwards. In more widely accepted genocide cases, political undermining and cultural destruction of a population occurred before the

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<sup>6</sup> Lisa Salem-Wiseman, “‘Verily, the White Man’s Ways were the Best.’ Duncan Campbell Scott, Native Culture and Assimilation,” *Studies in Canadian Literature* 21, no. 2, (1996): 128.

<sup>7</sup> Marilyn Elaine Thomson-Millward, “Researching the Devils”: A Study of Brokerage at the Indian Residential School, Shubenacadie, Nova Scotia” (PhD diss., Dalhousie University, July 1997), 8.

mass physical destruction of a people. In Canada, as a result of over two centuries of European contact, Indigenous populations had already been physically decimated by disease and starvation resulting from settler colonialism displacing them from traditional lands. This was especially true in the Mi'kmaw case. According to Harald Prins, they had “the dubious honour of being among the very first indigenous peoples in northeast America to encounter the European vanguard.”<sup>8</sup> By 1867, almost three hundred years of colonial contact had whittled the Mi'kmaw population down to perhaps as little as 1400 individuals.<sup>9</sup> Because the Mi'kmaq had such a small population scattered across the Maritimes in the late nineteenth century, they posed a very small threat to Canada's progress plans, and were therefore low on federal radar.

As is the case with most First Nations groups upon contact with European parties, the Mi'kmaq were absolutely decimated by infectious disease shortly after colonial explorers landed on Nova Scotian shores. Prins calls this “The Great Dying”; long before the French had settled in Acadia, explorers and fishers brought diseases to which the Mi'kmaq had no immunity. “Several waves of epidemics” caused “a devastating population decline during the first century of contact.”<sup>10</sup> The extent of the damage these epidemics caused is unknown.<sup>11</sup> Unfortunately, the impact of the Great Dying continued on into the French occupation of Acadia in the 1600s. According to Prins, after a massive “epidemic wave hit the region between 1616-1618... [the Mi'kmaq] declined to a demographic nadir of two thousand.”<sup>12</sup>

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<sup>8</sup> Harald E. L. Prins, *The Mi'kmaq: Resistance, Accommodation, and Cultural Survival: Case Studies in Cultural Anthropology* (Forth Worth: Harcourt Brace College Publishers, 1996), 2.

<sup>9</sup> Paul, *We Were Not the Savages*, 203.

<sup>10</sup> Prins, *The Mi'kmaq*, 53.

<sup>11</sup> Paul, *We Were Not the Savages*, 181.

<sup>12</sup> Prins, *The Mi'kmaq*, 54.

With severe drops in numbers came devastating ramifications; perhaps worst of all, population loss “unhinged the traditional economic and social interdependencies of Mi’kmaq and other tribal groups in the region[.] [S]urvivors came to depend on the very newcomers who brought on their devastation.”<sup>13</sup> The dependence on the French trading system and the goods their relationship provided only grew more pronounced. As the Mi’kmaq worked to survive, they immersed themselves in the French economy, becoming fur trade middlemen, hunting and trapping to provide goods for the trade.<sup>14</sup> This led to overhunting, adversely affecting the Mi’kmaq means of providing for themselves. As their way of life became further altered, their dependence grew; when they could not find what they needed on their own hunting grounds, they were forced to buy “essentials on credit at [trading] posts and fell into debt.”<sup>15</sup> Their reliance on the French put them in a precarious position as the English began to take control.

As Chapter Two explains, because Britain had already considered Mi’kmaq land theirs before issuing the Royal Proclamation of 1763, the Mi’kmaq faced rapid, illegal dispossession in the years following the British takeover of Nova Scotia with the 1713 Treaty of Utrecht.<sup>16</sup> By the 1750s, after almost “fifty...years of conflict, with occasional periods of truce,”<sup>17</sup> the British had disrupted a great deal of their ways of subsistence, and many Mi’kmaq took up work in declining<sup>18</sup> French and British-run trade networks. However, what they could get to survive was often not enough to secure good living

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<sup>13</sup> Prins, *The Mi’kmaq*, 54.

<sup>14</sup> Prins, *The Mi’kmaq*, 49.

<sup>15</sup> Prins, *The Mi’kmaq*, 54.

<sup>16</sup> Paul, *We Were Not the Savages*, 72.

<sup>17</sup> Paul, *We Were Not the Savages*, 73.

<sup>18</sup> Elizabeth Ann Hutton, “Indian Affairs in Nova Scotia, 1760-1834,” in *The Native Peoples of Atlantic Canada: A History of Indian-European Relations*, ed. Harold Franklin McGee (Ottawa: Carleton University Press, 1983), 70.

standards; the Mi'kmaq lived in destitution and often had to rely on the British colonial government for aid.

In the 1780s, suffering from gross poverty and struggling to keep from being pushed completely off of their land, the Mi'kmaq began to petition the government to set aside areas for them protected from squatters. However, “unlike white immigrants, [the Mi'kmaq] could not get title to land. Instead they were granted ‘licenses of occupation during pleasure.’ In other words,” Prins says, “certain areas *owned by the Crown* were *reserved* for exclusive use by a particular Indian band.”<sup>19</sup> These reserves did not allow the Mi'kmaq any sovereignty; they were used as yet another means to assimilate and control the people. By the 1790s, “a London-based Protestant missionary society,” called the New England Company, “offered to buy land for Indians who agreed to give up the ‘wandering existence of their forefathers’ and to ‘send their children daily to school.’”<sup>20</sup> These colonial organizations intended to send indigenous people to school to replace their “inferior” culture with a “superior,” European one, attempting to diminish any evidence that their “savage” ways had ever existed. Instead of freely choosing to assimilate or retain their traditional lifestyles as they had done in the French period, the Mi'kmaq were forced against their will to choose between assimilation or starvation.

With no clout as a military or economic power by the end of the War of 1812, the Mi'kmaq did not concern the colonial government as a threat, but as a nuisance. The British, now secure in their leadership, implemented more aggressive, coercive assimilation policies to rid themselves of the Nova Scotia Mi'kmaq for good. At this point “thousands of white immigrants began pouring into Mi'kmaq country” occupying

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<sup>19</sup> Prins, *The Mi'kmaq*, 168. (Emphasis in original).

<sup>20</sup> Prins, *The Mi'kmaq*, 168.

traditional lands with a vigour not seen before, and swallowing much of the meagre resources they had left.<sup>21</sup>

By 1838, Daniel Paul says, “the Mi’kmaq of Nova Scotia were on the verge of extinction. Their situation was desperate, but colonial authorities displayed no interest in improving it.”<sup>22</sup> Indeed, any attention the British paid to the Mi’kmaq seemed meant to speed up the extinction process by assimilating those strong enough to survive starvation and the diseases running rampant in isolated, impoverished reserves. In 1838, the Lords of Trade completed a census that discovered only 1,425 Mi’kmaq left in Nova Scotia: “a large number were living in various stages of starvation, and ... their sole means of support was begging and what could be got from harvesting scarce wildlife and some fishing.” The trend continued. In 1847, the Nova Scotia colonial government predicted their eventual extinction; Indian Affairs Commissioner Abraham Gesner expressed this feeling when he said:

Unless the progress of their annihilation is soon arrested, the time is close at hand when...the last of their race, to use their own idea “will sleep with the bones of their fathers.” Unless the vices and diseases of civilization are speedily arrested, the Indians...will soon be as the Red Men of Newfoundland [the Beothuk].<sup>23</sup>

Paul explains that though shocking, the revelation of the Mi’kmaq’s impending doom did not inspire direct, preventive action. He argues that “perhaps the intention was to wait for another several years in the hope that the ‘Indian problem’ in Nova Scotia would solve itself for all time with the extinction of the People by starvation.”<sup>24</sup> The British, who

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<sup>21</sup> Prins, *The Mi’kmaq*, 155.

<sup>22</sup> Paul, *We Were Not the Savages*, 182-183.

<sup>23</sup> Paul, *We Were Not the Savages*, 200-201.

<sup>24</sup> Paul, *We Were Not the Savages*, 188.

would soon relinquish direct control over British North America with Canadian Confederation, seemed quite content with letting the Mi'kmaq quietly die off.

### **Nova Scotia Mi'kmaq at Confederation**

As the Canadian government aimed for the eventual extinction of indigenous people, and as they inherited a small, weak, Mi'kmaw population, concern about ensuring their erasure was very low. Yet, the Mi'kmaq were no further assimilated than the rest of Canada's indigenous population had been by 1920. In fact, Scott reported the idea that the Indian population had been shrinking was a myth; if anything, it had been expanding. In 1917, he wrote:

The Indian population does not vary much from year to year. A comparative examination of the census records shows that there is a slow but steady increase. This demonstrates the incorrectness of the popular notion that the Indians are gradually disappearing.<sup>25</sup>

In the interest of progress, this resistance became unacceptable.

As the Department of Indian Affairs realized assimilation and enfranchisement were not happening organically, its officials decided to take matters into their own hands. The system meant to assimilate would have to be more aggressive, better organized, and far-reaching. Scott suggested possible solutions in the 1917 Indian Affairs Annual Report:

The question of Indian enfranchisement is one which assumes greater importance each succeeding year owing to the fact that many of the Indian bands are approaching a point of development and progress which renders it undesirable that they should remain in their present status as wards of the government. It may, therefore, be necessary in the near future to consider the introduction of some easier and shorter method of enfranchisement than that at present provided by the Indian Act.<sup>26</sup>

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<sup>25</sup> Canada, *Report of the Deputy Superintendent-General of Indian Affairs, 1917*, 9.

<sup>26</sup> Canada, *Report of the Deputy Superintendent-General of Indian Affairs, 1917*, 26.

The revelation that things were not going according to plan was likely difficult for Scott to accept. According to E. Brian Titley, Scott's ideas about assimilation were clear. He saw First Nations people as "a real menace to the colonization of Canada;"<sup>27</sup> they were lazy creatures, contributing nothing. He believed they needed to be civilized for their own good, for the good of Canada. Evidenced by his role in the expansion of the IRS system, he held that "education would be a key element in [this] cultural transformation."<sup>28</sup> At the same time, he thought schooling would not be enough, and that "advancement could only take place through the injection of a superior strain of blood. Inter-marriage with the more advanced caucasian race would provide the Indians with the best prospect for progress."<sup>29</sup> This way of thinking mirrored what doctor and naturalist J. Bernard Gilpin had said about inter-marriage in Nova Scotia:<sup>30</sup>

It is generally said our Indians are changing from mixed blood. No doubt there is some truth in this, as the white names continually occurring amongst them prove...It is evident that the time has long passed to consider them as a nation, in approaching them for their good. The sooner all national feeling, language and traditions are gone the better.<sup>31</sup>

Titley summarizes Scott's beliefs and goals for Canadian First Nations:

In other words, the Indian would ultimately disappear as a cultural and biological entity. Of course, the pursuit of this aim was already under way as the twentieth century dawned, and some mixed results were available. Although Scott frequently generalized about Indians, he was also prepared to differentiate among them, especially when it came to assessing progress.<sup>32</sup>

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<sup>27</sup> Titley, *A Narrow Vision*, 32.

<sup>28</sup> Titley, *A Narrow Vision*, 34.

<sup>29</sup> Titley, *A Narrow Vision*, 34.

<sup>30</sup> Allan E. Marble, "Gilpin, John Bernard," in *Dictionary of Canadian Biography*, vol. 12, University of Toronto/Université Laval, 2003—, accessed 1 March 2016, [http://www.biographi.ca/en/bio/gilpin\\_john\\_bernard\\_12E.htm](http://www.biographi.ca/en/bio/gilpin_john_bernard_12E.htm)

<sup>31</sup> J. Bernard Gilpin, "Indians of Nova Scotia," in *The Native Peoples of Atlantic Canada: A History of Indian-European Relations*, ed. Harold Franklin McGee (Ottawa: Carleton University Press, 1983), 113-114.

<sup>32</sup> Titley, *A Narrow Vision*, 34.



This is likely another reason why Nova Scotia was ignored during the early assimilation era. The Mi'kmaq in particular had been living beside and intermarrying with European people for three centuries. Daniel Paul mentions that “Charles de La Tour, in charge of provincial affairs in the 1630s, was married to a Mi'kmaq woman.”<sup>33</sup> Titley does not mention the Maritimes in his work, but he does say that though Scott was not impressed with the progress of the “plains Indian”<sup>34</sup>—demonstrated by the increased focus there—he was the most pleased with the First Nations in Quebec and southern Ontario because they “had been advancing steadily, mainly because of their close and frequent association with white society.”<sup>35</sup> It is likely that if he was pleased with their “progress,” he paid little mind to the Mi'kmaq, who had a similar history.

That the “Indians” were making the choice not to assimilate was not the only concern plaguing the department at this time. It had also become very clear that the key to their assimilation plan, the education of Indigenous children, was also failing. Instead the residential school system was attracting heaps of criticism for the widespread abuse and neglect within the schools themselves.<sup>36</sup> This revelation led to the government’s amending the Indian Act. The amendment

[enabled Department officials] to establish a system of compulsory education at both day and residential, schools... [gave] the department

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<sup>33</sup> Paul, *We Were Not the Savages*, 70.

<sup>34</sup> Titley, *A Narrow Vision*, 34.

<sup>35</sup> Titley, *A Narrow Vision*, 34.

<sup>36</sup> Perhaps the most well-known, public criticism came from Dr. P.H. Bryce in 1907, who was “then the Medical Inspector to the Department of the Interior and Indian Affairs.” After a nationwide Indian school inspection, Bryce summarized his experiences in a report condemning the conditions children faced in the schools. After the government attempted to cover it up, and Duncan Campbell Scott removed him from his position, in 1922 Bryce published *The Story of a National Crime*, a scathing expose blaming the DIA for IRS student death rates. (John S. Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986* (Winnipeg: University of Manitoba Press, 1999), 90-94.)

control [to] remove from the Indian parent the responsibility for the care and education of his child, and the best interests of the Indians are promoted and fully protected. The clauses [applied] to every Indian child over the age of seven and under the age of fifteen.<sup>37</sup>

The policy change was an attempt at damage control more than an action triggered by concern for student welfare. To counter arguments about the failures and inefficiencies of the school system the government had implemented, the Department amalgamated its boarding and industrial schools into residential schools with a more regulated curriculum in 1923.<sup>38</sup> At this point, the Department also began to turn its attention to the more neglected areas of indigenous existence, namely, the Northern Territories and the Maritime Provinces.

### **Shubenacadie and Genocide in the Maritimes**

Nova Scotia Mi'kmaw children had attended day schools since before Confederation, but had gone without a residential school. As part of the movement to make the assimilation machine more efficient in the late 1920s,

Scott, himself, led the way in moving the [residential school] system into one of those [neglected] areas—the east, Quebec and Nova Scotia...Scott was particularly dedicated to [building Shubenacadie]: ‘When we have this school established,’ he wrote to the Catholic church in 1926... ‘one of the desires of my official life will have been accomplished.’<sup>39</sup>

Until the opening of Shubenacadie School in 1929, “most Maritime Aboriginal children who were schooled received their education through day schools.”<sup>40</sup> Andrea Bear Nicholas “observed that day and residential schools were linked by a federal policy aimed at transforming Aboriginal people and argues that while day schools may have

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<sup>37</sup> Canada, *Report of the Deputy Superintendent-General of Indian Affairs, 1920*, 14.

<sup>38</sup> Milloy, *A National Crime*, 102.

<sup>39</sup> Milloy, *A National Crime*, 102-103

<sup>40</sup> Martha Walls, “‘Part of that Whole System:’ Maritime Day and Residential Schooling and Federal Culpability,” *The Canadian Journal of Native Studies* 30, no. 2 (2010): 363.

been ‘[l]ess well known than residential schools... [they were] just as genocidal in intent.’<sup>41</sup> For these smaller, less pressing areas, day schools served to ensure assimilation on a smaller scale. In day schools,

Students were to be instructed in the English [or French] language and their lessons focused on such subjects as “obedience, respect, order and neatness,” “the citizenship of Indians, patriotism, and pauperism,” “Indian and white life” and “Patriotism, the Evils of Indian Isolation, Enfranchisement.”<sup>42</sup>

Though similar to residential schools, day schools considered less effective. According to Marial Mosher, “the philosophy was that greater progress could be made with the education of the children if they were removed from the influence of the reserve, and were ‘emancipated’ from the ignorance and superstition of their culture.”<sup>43</sup> Because a residential school took children away from the influence of their parents and the reserve, it was believed to achieve better results and was the preferred mechanism for assimilating children.

In the Maritimes, Martha Walls explains,

Day schools were...notoriously poorly provisioned, ...suffered from frequent and extended school closures, usually owing to a lack of teachers or heating fuel [...][and because they were] ill-suited to the seasonal mobility of the Mi’kmaq and Wolastoqiyik...the schedules of day schools contributed to erratic and low rates of attendance.<sup>44</sup>

The failure of the day schools then, coincided with the push to further the goal of complete assimilation and made establishing a residential school in Nova Scotia in particular appealing. After announcing the plans for Shubenacadie, Scott made it clear that “the new facility would have ‘the more important part’ in Maritime Indian

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<sup>41</sup> Walls, “‘Part of that Whole System,’” 364.

<sup>42</sup> Walls, “‘Part of that Whole System,’” 364.

<sup>43</sup> Marial Mosher, “Government of Canada and the Education of the Canadian Indian: The Nova Scotia Micmac Experience 1867 to 1972” (PhD diss., Dalhousie University, May 1992), 88.

<sup>44</sup> Walls, “‘Part of that Whole System,’” 365-366.

education”; it would fill a role the day schools could not, swallowing orphaned and impoverished children as well as those living too far away from day schools to attend. The Shubenacadie establishment made it harder for the Mi’kmaq to avoid the assimilation machine.<sup>45</sup>

Walls argues that “The 1929 opening of the residential school also coincided with a reduction of federal funding to Maritime day schools...[ensuring] that the educational options” of Nova Scotia Mi’kmaq and other indigenous children “remained limited.”<sup>46</sup> This increased government power to “[compel] Mi’kmaq and Wolastoqiyik families to ‘choose’ the residential school.”<sup>47</sup> The establishment of a Maritime residential school made escaping assimilation difficult. Many children found themselves forced against their will, as well as the will of their parents, to give themselves over to institutionalization at Shubenacadie.

Because the federal government could not control everything happening on the ground, it relied a great deal on Indian agents in the field and private religious orders to implement its programming. When Shubenacadie opened in 1930, the agents’ job was “to recruit and obtain Mi’kmaq children for the...school.”<sup>48</sup> This meant that aside from the more obvious cases of children in orphanages—the school’s first students consisted of thirty children from Halifax institutions: Home of the Good Shepherd, Saint Patrick’s Home and St. Joseph’s Orphanage<sup>49</sup>—students were often admitted through the subjective decisions of their local agent. Children could be removed from their homes

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<sup>45</sup> Walls, “Part of that Whole System,” 369.

<sup>46</sup> Walls, “Part of that Whole System,” 370.

<sup>47</sup> Walls, “Part of that Whole System,” 372.

<sup>48</sup> Maura Hanrahan, “Resisting Colonialism in Nova Scotia: The Kesukwitk Mi’kmaq, Centralization, and Residential Schooling,” *Native Studies Review* 17, no. 1 (2008): 41.

<sup>49</sup> Thomson-Millward, “Researching the Devils,” 237.

and taken to the school in any instance where the agent deemed their parental figures unsatisfactory. In many cases, decisions to take children were made without the consent of the parents. Marilyn Thomson-Millward recounts an instance in 1937 where an agent attempted to have four children taken to “Shubie,” as the school was known. Their mother was “elderly” and their father “nomadic.” The father “wanted to leave his wife and move with the children to a shack which he then hoped to have repaired at departmental expense.” The agent, A.C. MacNeil, believed that if he did not take the children, “the father would continue to ‘travel,’ and without a woman in the house the children would be neglected.” The father refused to sign his children over; the agent took the matter to Indian Affairs, who determined one of the children could go, as the school had room for only one, and it seemed like the father had not “shown very much interest in him in the past.”<sup>50</sup> In this situation, removing the child served to assimilate him and target the adult’s “savage ways.” Thomson-Millward argues that the “statement” of neglect was “based...solely on the father’s wandering reputation, for the agent had not indicated that there had been any past neglect.”<sup>51</sup>

Indian Agents would take children for many reasons. In one instance, an agent merely wrote: “Mother is of such a character that she is entirely unfit to bring up a child.”<sup>52</sup> They often did not have to explain themselves; their opinions as agents were held above those of their aboriginal wards.<sup>53</sup> In other cases, children were sent to Shubenacadie because they did not live near a reserve school. One agent said, “the parents...are living but they are very poor, and of a roaming nature. They are not living

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<sup>50</sup> Thomson-Millward, “Researching the Devils,” 322.

<sup>51</sup> Thomson-Millward, “Researching the Devils,” 322.

<sup>52</sup> Thomson-Millward, “Researching the Devils,” 102.

<sup>53</sup> Thomson-Millward, “Researching the Devils,” 101.

on any reserve in particular, and their children have actually no school to attend.”<sup>54</sup> Even though “it was generally necessary that the application form be signed by the child’s parent or guardian,” the Indian Agent did not need permission to take a child.<sup>55</sup>

Many parents resorted to hiding their children to keep them from being taken. Maura Hanrahan provides a glimpse into the world of Mi’kmaq parents with her profile of Mi’kmaq in southwest Nova Scotia during the period. She says that Mi’kmaq in this area “declined to take part in the residential school program and, to a remarkable degree, successfully resisted it.”<sup>56</sup> She recounts the memories of a woman, who said

When they came after the kids, the parents would hide the kids from the Indian agents. They would stay in the wood and it was ‘I’ll let you know when you can come out.’ The people at Malaga and Wild Cat [reserves], most of them didn’t go [to residential school] because they hid.<sup>57</sup>

While there were parents who successfully kept their children away from Shubenacadie, other parents voluntarily gave them up for various reasons, the most common of which was a desperate attempt to help them escape the poverty the family was facing. Nora Bernard, a survivor of Shubenacadie, remembers how she came to the school:

My mother took sick and was not able to work any longer to support us, and what the Department of Indian Affairs gave Mom to support us was not enough. She still had to go to work scrubbing floors for the wealthy families of Truro because she did not have a formal education of any kind. She did not want us bumming and being cold in the little shack we lived in, so she sent four of us to school. I know it broke her heart to send us there, but she didn’t want us freezing and starving to death.<sup>58</sup>

Despite parents sending their children away of their own free will, many scholars argue that there also may have been coercion at play in these situations, too. Walls, for instance

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<sup>54</sup> Thomson-Millward, “‘Researching the Devils,’” 102.

<sup>55</sup> Thomson-Millward, “‘Researching the Devils,’” 101.

<sup>56</sup> Hanrahan, “Resisting Colonialism in Nova Scotia,” 41.

<sup>57</sup> Hanrahan, “Resisting Colonialism in Nova Scotia,” 41.

<sup>58</sup> Knockwood, *Out of the Depths*, 38.

connects “Ottawa’s neglect of day schools” to the drive to get “some Mi’kmaq and Wolastoqiyik families to place pupils ‘voluntarily’ at that residential facility as a means of securing some education in the face of inadequate or absent day schooling options.”<sup>59</sup>

She argues that:

Day and residential school policies of the federal government were two sides of the same coin, with the flawed day school system serving to reinforce the residential school model that promised most forcefully and dramatically to assimilate Aboriginal people into the Canadian mainstream.<sup>60</sup>

The benefit of the schools, and assimilation generally was not only for the assimilation targets themselves, but for the wider society. Thomson-Millward says:

[Shubenacadie operated during] a time when institutional care was seen as a remedy for the environmental and even biological ills of a poor home life, when removing people from unfortunate influences and placing them in ideal surroundings was seen as good for both society in general and the afflicted individual in particular.<sup>61</sup>

Though the primary justification for residential schools would have been cause for many to laud Indian Affairs for its “rescue mission,” historical analysis reveals the selfish intent behind the system. Residential schools were meant to assimilate, enfranchise, and thus, destroy indigenous children. Despite the proclaimed ‘noble purpose’ of the schools, they were still explicit genocide tools.

### **Nova Scotia School, National Connections**

Above all, Shubenacadie served the national purpose of assimilating the Maritime indigenous population. It offered the government an excuse to scoop up orphaned Mi’kmaw and Wolastoqiyik children stuck in homes, or out of reach of the day schools. Opening a residential school in a previously neglected area meant the DIA could expedite

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<sup>59</sup> Walls, “‘Part of that Whole System,’” 375.

<sup>60</sup> Walls, “‘Part of that Whole System,’” 375.

<sup>61</sup> Thomson-Millward, “‘Researching the Devils,’” 266-267.

progress among the people there, and more completely erase Mi'kmaw identity, and thus existence.

### **Shubenacadie as a Tool of Genocide**

Shubenacadie's ultimate goal, the goal of the entire residential school system, was its students' complete assimilation. This was to be done with a curriculum designed to enforce the use of the English language, to demand children adopt mainstream Canadian culture and societal mores, and to train them in gender-specific roles of the Euro-Canadian working class. While this was supposed to happen within a classroom, through vocational training, and children's mandatory use of English at all times, the administration also used shame and coercion to get students to fit into a "civilized" mold. Survivors often recall blatant attacks on their identity, nuns teaching them to be ashamed of being "Indian," the removal of their clothing in favour of a strict uniform dress code, violent reinforcement of gender roles and the constant repression of their native language.

### **Uniforms**

Assimilation began immediately upon arrival at Shubenacadie with a direct attack on visible signs of indigenous culture. The clothing children came in and any items their parents had allowed them to bring were confiscated. Their hair was cut; they were given a uniform that they would wear daily. According to Milloy,

For school administrators, school uniforms were especially significant. They would counter what had always been seen by Europeans as the dangerous, excessive individuality of Aboriginal society. Unbridled individualism, manifest in boisterous, decorative display, which broke the bounds of decorum and thus signaled the potentiality of lawlessness, was the core of savagery. In the schools, this boundless liberty could be moderated by uniforms, which reduced the children to sameness, to



regularity, to order. Uniforms were, therefore, agents of discipline and thus of civilization and modernity.<sup>62</sup>

Isabelle Knockwood remembers how her identity was taken on her first day at

Shubenacadie:

Our home clothes were stripped off and we were put in the tub. When we got out we were given new clothes with wide black and white vertical stripes. Much later I discovered that this was almost identical to the prison garb of the time. We were also given numbers. I was 58 and Rosie was 57. Our clothes were all marked in black Indian inks—our blouses, skirts, socks, underwear, towels, face-cloths—everything except the bedding had our marks on it. Next came the hair cut. Rosie lost her ringlets and we both had hair cut short over our ears and almost straight across the top with bangs.<sup>63</sup>

Rita Joe, another Shubenacadie survivor, had a similar experience. Writing for a 1978 issue of the *Micmac News*, she recalled that “[she] was taken downstairs to the recreation area and [her] clothes [were] taken away. A sailor blouse and a skirt was [her] attire from then on, [her] long hair was cut and checked, the Sister said that it was clean.”<sup>64</sup> The first step to destroying identity was to erase any external evidence that it existed.

### **Language**

Almost immediately after children stepped through the large front doors, the administration launched an attack on their language as well.<sup>65</sup> Teachers were given clear instructions about what they were to achieve with their work at the schools. At the top of a list of “suggestions” circulated nationwide on residential school registers was a clear instruction to ensure “every effort...be made to induce pupils to speak English and to teach them to understand it.” They were to “insist on English during even the supervised play.” The importance to the DIA of forgetting indigenous languages is made clear in a

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<sup>62</sup> Milloy, *A National Crime*, 124.

<sup>63</sup> Knockwood, *Out of the Depths*, 34.

<sup>64</sup> Rita Joe, “As I Saw It...Shubie,” *Micmac News*, October, 1978, 15.

<sup>65</sup> Knockwood, *Out of the Depths*, 102.

circulated pamphlet which reads rather bluntly: “Failure in this means wasted efforts.”<sup>66</sup>

From the beginning of the official residential school system in Canada, indigenous languages were the DIA’s primary target. Mosher explains,

Language is linked with the process of thought and the perception of the environment and the people in it. To prohibit the use of the language associated with the whole socialization process within one’s own culture is a step toward disrupting not only the process of communication but the whole image of the world and the behaviour pattern.<sup>67</sup>

To break down the culture, the language had to go extinct, and as most of the children who stepped into the school for the first time did not understand English, this assault hit them the hardest. Peter Julian, at Shubie in 1938, remembers that

They [the administration] started off with an interpreter who was one of the older kids who told me if I was caught talking Indian again I was to be beaten and that sort of put a fright into me...it was pounded out of me with a few strappings from the nuns. Also, I had missed a few meals every time I got caught talking Indian.<sup>68</sup>

Julian’s vivid description of having his Mi’kmaq “pounded out of” him is a stepping stone to understanding the violent means through which Mi’kmaw culture was annihilated at the school. The drive to destroy it at whatever cost speaks to the kinds of violence used to annihilate indigenous culture; most survivor accounts discuss being punished psychologically and physically for speaking their language. When children were not being beaten for using Mi’kmaq, the language itself was being demeaned as gibberish. Isabelle Knockwood relates a particularly vivid memory of a student who had the misfortune of being caught speaking Mi’kmaq by the infamous Sister Mary Leonard, or “Wikew” as the children called her:

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<sup>66</sup> Knockwood, *Out of the Depths*, 54.

<sup>67</sup> Knockwood, *Out of the Depths*, 104.

<sup>68</sup> Knockwood, *Out of the Depths*, 39-40

I came into the recreation hall to find Wikew slapping a little girl and yelling at her. The nun had the little girl backed up against the presses which were shelves where we kept shoes, mitts, and our precious junk boxes. The little girl was looking in her junk box when the nun came up from behind her and swung her around and began beating her up. From where I was standing by the toilet door, I could see the nun's back. Her arms were swinging first, the nun's size obstructed my view but it also blocked the girl's escape. When Wikew hit with her right hand, her black veil swung left and when she slapped with the right, the veil went in the opposite direction. I could see the girl's feet. At first, she was standing with both feet on the floor, then the Sister pinched her cheeks and her lips were drawn taut across her teeth and her eyes were wide with terror... Then the nun picked the little girl clean off the floor by her ears or hair and the girl stood on her tiptoes with her feet dangling in the air so that one of her shoes fell off. The nun was yelling, "you bad, bad girl." Then she let go with one hand and continued slapping her in the mouth until her nose bled. The little girl was still holding her junk box while tears and drops of blood were falling in it. Wikew hit the box, and the girl's precious possessions went flying in every direction onto the floor. Suddenly, Wikew turned around and screeched at us who were standing paralyzed with fear. "Get out you little savages and don't let me hear anyone else talking that mumbo jumbo again."<sup>69</sup>

The fear of what would happen if they were caught speaking Mi'kmaq plagued Shubenacadie children; many resorted to silence, while others worked anxiously to learn English as quickly as possible. The children's language progress was often measured by the abuse they sustained; Knockwood says "when little children first arrived at the school we would see bruises on their throats and cheeks that told us that they had been caught speaking Mi'kmaq. Once we saw the bruises begin to fade, we knew they'd stopped talking."<sup>70</sup> Most students had learned to "stop talking" by the time they left the school.<sup>71</sup> With their Mi'kmaq forgotten, children found communication with families and connection to their culture impossible. Chief Ben Christmas of Membertou, in a letter to Father Mackey, the school's principal, in 1932, relayed the fears of a mother who found

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<sup>69</sup> Knockwood, *Out of the Depths*, 101-102.

<sup>70</sup> Knockwood, *Out of the Depths*, 102.

<sup>71</sup> Knockwood, *Out of the Depths*, 101.

“in the two years since her son had been at school she had not only discerned no evidence of his educational progress, but had been astonished to see he had lost his ‘own graceful tongue.’”<sup>72</sup> Without a way to communicate, these children could no longer “thrive...in their own communities,” and many were ultimately cut off.<sup>73</sup>

### **In the Classroom**

The education administered in Shubenacadie’s classrooms and in residential schools across the nation was “intended to mirror that prescribed by the relevant provincial Department of Education.”<sup>74</sup> However, many Indian Residential School survivors’ accounts suggest little effort at teaching students at par with non-indigenous pupils. Instead, following orders “to discuss with the children ‘Indian and white life, the evils of Indian isolation [and] enfranchisement,’ and to explain ‘labour as the law of existence,’”<sup>75</sup> teachers spent most of the time in class shaming students about their identity, reinforcing the lessons with physical abuse. The image of the Sister in the classroom stands in direct opposition to the Godly ideals of the Sisters of Charity, with “attitudes toward the Indian children [that] were similar to those they held of the unwed mothers in the Halifax home.”<sup>76</sup> According to Thomson-Millward, their goals for both Mi’kmaw students and the women they worked with in the city were to “help give them a normal, happy life away from ‘the wounds that life has dealt them,’ and that they might lead them to ‘holier ways of thinking and acting.’” The Sisters believed “they needed the tenderest of care, holding as they did such great potential for good or evil.”<sup>77</sup> However,

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<sup>72</sup> Thomson-Millward, “Researching the Devils,” 353.

<sup>73</sup> Milloy, *A National Crime*, 281.

<sup>74</sup> Thomson-Millward, “Researching the Devils,” 103.

<sup>75</sup> Thomson-Millward, “Researching the Devils,” 104.

<sup>76</sup> Thomson-Millward, “Researching the Devils,” 266.

<sup>77</sup> Thomson-Millward, “Researching the Devils,” 266.

there was no evidence of anything near “the tenderest of care” in Shubenacadie classrooms.

The rigid rules controlling student interaction made classes uncomfortable places for children, especially those unable to speak to their siblings. Isabelle Knockwood recounts one of her first moments in class with her sister, Rosie, and her brother, Joe. “We were not allowed to talk to him,” she says,

Though we held our eyes on him just the same. We were trying to learn and understand English, which was completely foreign to us, and apply it to everyday life by watching others and intimidating their behaviour, acting through trial and error, sometimes with horrible consequences.<sup>78</sup>

Tensions were often high, as a single mistake could result in public embarrassment or physical punishment. Knockwood remembers

Hours and hours...spent on spelling, but the most frightening time came when the Sister said, ‘Take out your readers.’ We all knew someone was going to get beaten because it took at least four or five years to get rid of our accents and some people never did.<sup>79</sup>

The fear that these children were subjected to often affected their learning, for they were unsure as to when the next punishment would come. Knockwood mentions that “the nuns did not hesitate to come up behind the children standing at the blackboard and to poke them in the ribs with the long pointer or to hit them over the knuckles while they sat writing at their desks.”<sup>80</sup> Assimilation, here, was achieved through physical and mental abuse.

While the use of English was enforced, the push for assimilation and coercion to abandon Mi’kmaw identity and take on a new life in the Euro-Canadian world was at times subtler. “Shame too was associated with learning,” Knockwood writes,

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<sup>78</sup> Knockwood, *Out of the Depths*, 55.

<sup>79</sup> Knockwood, *Out of the Depths*, 56.

<sup>80</sup> Knockwood, *Out of the Depths*, 57.

particularly in history and catechism where Indians were depicted in a derogatory way as savages and heathens. A picture of the Hurons scalping three missionaries was in one of the texts but was never discussed...One indication I had that I was different racially from the priest, nuns, farmers, and maintenance workers and their families was that we were called derogatory names such as “savage,” “heathen,” “pagan” and “wild Indian” by some of the nuns.<sup>81</sup>

Outside of teaching shame for one’s identity and drilling times tables, little learning of any benefit to the students came out of Shubenacadie. A “motherless Mi’kmaq child from the Kesukwitk Mi’kmaq study group who attended...Shubenacadie for two years” said “that she spent most of her days at the school doing laundry and learned nothing academic: ‘I was in Grade 8 when I started and Grade 8 when I left.’”<sup>82</sup> Events at Shubie demonstrate that despite poor funding and subpar teachers,<sup>83</sup> the school was expected to work to assimilate. If academic learning would not be achieved, then cultural destruction would be.

## **Labour**

Much of the failure to teach students stems from the DIA-conceived “half day” school system. On principle, it was meant to consist of a half day spent in the classroom, and a half day spent working on vocational training. However, due to the perpetual lack of funding for most residential schools, children were used to keep the school running; they spent very little time actually learning anything. Thomson-Millward explains, “the half-day system meant older children often were used to provide any necessary work around the building and sometimes were not sent to classes at all.”<sup>84</sup> We get a glimpse from a few different angles at what a day at Shubenacadie was supposed to look like.

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<sup>81</sup> Knockwood, *Out of the Depths*, 56.

<sup>82</sup> Hanrahan, “Resisting Colonialism in Nova Scotia,” 43.

<sup>83</sup> Milloy, *A National Crime*, 131.

<sup>84</sup> Thomson-Millward, “‘Researching the Devils,’” 398.

Listed in the *Annals*<sup>85</sup> by the Sisters of Charity who ran the school, “the children’s daily programme” looked like this:

6:30 Children’s rising  
7:00 Holy Mass  
7:30 Breakfast  
8:00 House Charges  
12:00 Dinner  
1:30 Class  
3:00 Dismissal  
5:40 Supper  
6:40 Night Prayers  
7:00 Retiring<sup>86</sup>

The schedule demonstrates a well-structured day for Shubie students, modeled to develop disciplinary patterns in the Mi’kmaq children. However, survivors remember the daily schedule differently. Knockwood describes her day in her memoir *Out of the Depths*:

My institutionalized education began with bells. The first bell rang early in the morning calling the Sisters to prayer. The second bell rang at nine o’clock calling us to class. Next came the welcomed recess bell followed by the not-so-welcome one calling us back to class. The dinner bell rang at noon and another at one o’clock summoning us to afternoon class and then another telling us that class was over. The eighth bell of the day was the supper one, which had a different sound because it was a smaller bell, and finally, the bell calling us to Benediction. Nine bells in each day.<sup>87</sup>

Children remember the rigid schedules feeling like a prison. Despite the anxious memories Shubenacadie classes, students comment that they actually spent very little time in a classroom at all. Knockwood writes,

Much of the day-to-day activity of the school revolved around manual rather than academic work. The school ran a complete farming operation supervised by two non-Natives, and worked by the male Native students ranging in ages from approximately twelve to sixteen. They rose at four o’clock in the morning to milk the cows.<sup>88</sup>

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<sup>85</sup> The Sisters of Charity *Annals* are not available for access; all *Annals* excerpts are pulled from Thomson-Millward’s Doctoral thesis.

<sup>86</sup> Thomson-Millward, “‘Researching the Devils,’” 237-238.

<sup>87</sup> Knockwood, *Out of the Depths*, 54-55.

<sup>88</sup> Knockwood, *Out of the Depths*, 61.

The school's working aspect was solidified early on. Scott announced in 1927 that Shubenacadie would "accommodate 125 children, and offer an education in carpentry, farming, gardening, and the care of stock; for the girls, 'domestic activity.'"<sup>89</sup> Labour was gendered, preparing students for their roles in the new society. It may be argued that students ended up working to support the school merely because funding was meagre. However, by the time Shubenacadie was built, officials assumed the students would be made to keep it going. The plans also mentioned "the school would be part of a farm with pasture, barn and henhouse, staffed by a Reverend Principal, assistant, farm instructor, engineer-carpenter, labourer, and eight to ten teaching Sisters."<sup>90</sup> As the school was to be central to the assimilation process in the Maritimes, Shubenacadie was built on 130 acres of farmland,<sup>91</sup> in line with the government's plans to effectively assimilate the Mi'kmaq and Wolastoqiyik people by turning them into farmers.<sup>92</sup> Labour, regardless of whether it took away from learning, was part of the assimilation process; that it was required to keep the school running shows the government's neglect of its wards. Neglect furthered the weight of these human rights violations, but that they were forced to do Euro-Canadian style work shows that this too, was a genocide tool.

Despite the constant labour, the idea of the "lazy Indian" prevailed. Thomson-Millward discusses the observations of education student G.G. Currie, who believed that despite the work, students "were not learning responsibility, initiative, perseverance, self-esteem, self reliance, or confidence." Many children leaving Shubenacadie returned to their reserves, "and soon become as lazy and indifferent as their fathers and mothers."

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<sup>89</sup> Thomson-Millward, "Researching the Devils," 99.

<sup>90</sup> Thomson-Millward, "Researching the Devils," 99-100.

<sup>91</sup> Thomson-Millward, "Researching the Devils," 100.

<sup>92</sup> Thomson-Millward, "Researching the Devils," 94.



As a result, “he stressed the necessity to put even more emphasis on vocational training, and suggested a close supervision of the graduates once they returned home.”<sup>93</sup> If the school failed to “kill the Indian” in the student, the assimilation policy would continue; the dedication to assimilation is certainly indicative of genocidal intent.

## **Prison**

The mandatory nature of the schools was perhaps the most terrifying thing for both Mi’kmaw children and their families. In a few cases Mi’kmaw parents hired lawyers to have their children removed from the school;<sup>94</sup> some parents had successfully hidden their children from Indian agents and RCMP officers,<sup>95</sup> but common in survivor accounts is the idea that once inside the school, there was no escape. The example made of caught runaways and truants was enough to instil fear into any child. The school administration partnered with local Indian agents and RCMP officers to ensure anyone incarcerated at Shubenacadie remained there. Alice Sylliboy,<sup>96</sup> and many other survivors recall “the dungeon,” a broom closet “about four feet wide and eight feet long,” that “was the infamous room which...was used to punish runaway kids.”<sup>97</sup> She describes the tense atmosphere in the school when a runaway or truant was brought home in great detail:

Runaways were brought back in a cop car by the RCMP. Their heads were shaved and they were kept in the dark broom and soap closet, sometimes for several days and nights. They were strapped and fed only dry bread and water. In one case, the boys were tied to a chair and left there for two days. Matthew Thomas and his wife Katie Copage were both students in 1934 when Bruce Labrador and Joe Toney ran away and were brought back. They told me that the two boys had their heads shaved and had their hands tied behind their backs. They were strapped to a chair with a Bible

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<sup>93</sup> Thomson-Millward, “Researching the Devils,” 107.

<sup>94</sup> Hanrahan, “Resisting Colonialism in Nova Scotia,” 40.

<sup>95</sup> Hanrahan, “Resisting Colonialism in Nova Scotia,” 41.

<sup>96</sup> Conrad W. Paul, “The Shubenacadie Indian Residential School: Part One,” *Micmac News*, August, 1978, 23.

<sup>97</sup> Knockwood, *Out of the Depths*, 49.

on their laps which they were supposed to read. They had to sit in the broom closet all day and all night and all the next day without permission to go to the bathroom.<sup>98</sup>

The complete lack of control children had over their situation was devastating and the constant fear of abuse caused social, mental and physical health issues later in life for many survivors.<sup>99</sup>

## **Conclusion**

The dominating images of genocide, for most people, remain mass graves and gas chambers. The historical context of the UNCG and the Western discourse of genocide ensure this idea remains. When we attempt to look beyond this lens and analyse what it would truly mean to work to exterminate a group of people, however, our visions of genocide broaden; we can now look critically at instances of atrocity neglected by scholars of traditional genocides. Despite the bias inherent in the UNCG, and its presumed inapplicability to the Canadian situation, it is necessary, because it provides a definition of the crime of genocide. As Leo Kuper, a South African sociologist and one of the most influential genocide scholars in the 1980s argued,<sup>100</sup> the world still needs a law criminalizing genocide. Kuper “reluctantly [accepted] the UN handiwork on the grounds that its definition is internationally recognized and may one day become the basis for more effective preventive action by the United Nations.”<sup>101</sup> He makes an important point; despite the inherent issues with the UN definition, we must remain aware of the crime and understand that it has happened in the past and could happen again. We cannot get rid of the framework; but we can certainly reinterpret it.

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<sup>98</sup> Knockwood, *Out of the Depths*, 90.

<sup>99</sup> Truth and Reconciliation Commission of Canada, *Final Report*, 136-137, 159.

<sup>100</sup> Chalk and Jonassohn, *The History and Sociology of Genocide*, 17.

<sup>101</sup> Chalk and Jonassohn, *The History and Sociology of Genocide*, 17.

By studying past genocides, we can see how diverse these situations are, and recognize why Raphael Lemkin was determined for others to recognize “genocide” as a broad, inclusive term. The Cambodian genocide may share similarities with the Holocaust, but the differences between the two are staggering. As with the above example, so should it be with Canada. The intent to destroy—first on the list of requirements for genocide in Article 2—has been clearly demonstrated in the federal government’s Indian assimilation policy. The five tools with which genocide could be committed included in the sub-clauses of Article 2 can be found in the Canadian event in fragments—especially Article 2(e), which discusses the removal of children from the victim group<sup>102</sup>—but most Canadians would not agree that this is a case of genocide.

This is where Lemkin’s theories and a broader understanding of what genocide is come into play. We realize that even once we establish intent to destroy, with only a few tools of erasure recognized by international law, there are many genocide cases that could pass by unacknowledged. If we recognize intent as the most important indicator of the crime, and can pinpoint explicit examples of a goal to annihilate a victim group, we merely need to examine which actions the perpetrator carried out to achieve this goal. To insist only mass murder can cause group erasure will allow other perpetrators to commit these heinous crimes without consequence. If Canada’s genocide demonstrates anything, it is this.

Social Darwinist ideas about the preservation of the “superior” British moral code and reputation pushed Canadian génocidaires to devise other means of destroying its indigenous population. DIA actors believed that if they did not kill anyone, they would

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<sup>102</sup> UN General Assembly, *Genocide Convention*, 280.

not only escape scorn and punishment, but also remain in their position as the moral examples to the world. The genocide itself failed, but the intent to destroy was very clear; Canada remains guilty.

In the end, what we are presented with is a clear, demonstrable intent to annihilate Canadian indigenous groups and a series of systematic—albeit unorganized and underfunded—policies mobilized to do just that. Though the government did not implement policy designed to kill anyone directly, its desire to see the extinction of aboriginal people oozes through the statement, “to kill the Indian...and save the man.”<sup>103</sup> And as in so many other genocide cases involving physical destruction, Canada’s government was determined to continue until every indigenous person in the country ceased to exist. As we see here with the Mi’kmaq assimilation experience, even the areas with little strategic importance to the government—recall Nova Scotia had been obtained without treaty—were subjected to tools of genocide. In the beginning, the Indian Problem was about land, but at some point this shifted. By the 1850s and 1860s<sup>104</sup>, once Upper Canada had absorbed most indigenous territory, this genocide became about getting rid of First Nations, Métis, and Inuit people for the sole reason that they were First Nations, Métis, or Inuit, and the agreements the government had made to obtain indigenous holdings were burdensome.

There will not be legal justice on an international level for the survivors of the Canadian genocide. The broad approach to the genocide concept is still debated within the field, and on a public level, images of the Holocaust remain primary, while even

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<sup>103</sup> Captain R. H. Pratt, “The Advantages of Mingling Indians with Whites,” 46.

<sup>104</sup> Indigenous and Northern Affairs Canada, “Upper Canada Land Surrenders and the Williams Treaties (1781-1862/1923),” *Indigenous and Northern Affairs Canada*, accessed 12 March 2016, <https://www.aadnc-aandc.gc.ca/eng/1360941656761/1360941689121#uc>.

indigenous advocates for reconciliation often diminish the severity of what has been done to their people over the course of Canadian history. Perhaps all we need to move forward is to recognize what Canada attempted to do was much bigger than just a “cultural genocide” of indigenous groups. To view this history as merely a sub-category of a much more important phenomenon adds to the marginalization of a people fighting for the rights stolen from them centuries ago. At the same time, without a broader understanding of genocide, we will continue to see events unfold as the Rwandan genocide did, while the world stands frozen, arguing over specifics while the existence of millions is erased. I use the term, “erased,” purposefully; there are more ways to make a person disappear than killing them, after all.

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