

Indigenous Genocide and Perceptions of the Holocaust in Canada¹

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This chapter explores genocide against Indigenous peoples in what is now Canada and the ways this topic has been tied to larger discussions of genocide and the Holocaust. Contemporary genocide claims in Canada revolve primarily around the Indian Residential Schools (IRS) system (1834–1996). Attempts to deal with the IRS system and its aftermath led to the establishment of the Royal Commission on Aboriginal Peoples (RCAP) in 1991 and the Truth and Reconciliation Commission (TRC) of Canada (2009–15). While the RCAP was set up by the federal government, the TRC was an outcome of Indigenous-led litigation to compensate for the widespread and systematic abuses endured in the IRS system. Both commissions provided a forum for Indigenous and settler peoples to discuss genocide, understood according to the standard legally binding definition in the United Nations Genocide Convention of 1948.

In a more derivative sense, the Americanisation of the Holocaust during the 1990s and the history wars over Holocaust uniqueness and Indigenous genocide had an influence on some scholars and activists in Canada. This marked a phase of what Michael Rothberg has called ‘competitive memory’, featuring debates over whether the Holocaust was unique and whether Indigenous history was marked by genocide or something else.² Holocaust uniqueness theorists such as Steven Katz in 1994 asserted that the Holocaust could not be compared to other atrocities in world history. This provoked spirited discussion amongst Indigenous and settler academics and activists, most notably David Stannard in 1992 and Ward Churchill in 1997, who promoted memory of Indigenous genocide, while also accusing Holocaust uniqueness theorists of genocide denial.³ This included Churchill’s argument that the Holocaust was derivative, that the Nazis were

inspired by the destruction of the Americas, and that the United States was founded on the genocide of Indigenous peoples.⁴ Such authors argued that the Holocaust was deployed by the state as a means of deflecting attention away from the genocide closer to home, thus functioning as what Hansen has called a ‘screen memory’.⁵

While the Stannard-Churchill style of argumentation migrated north to Canada during the 1990s, the TRC chose to move beyond this debate, focusing instead on commonalities between victim groups, while avoiding overt competition. This was more akin to Rothberg’s ‘multidirectional memory’ implying a dialogue between groups who had suffered from genocide. Some scholars such as Tasha Hubbard, Matt Wildcat, and Andrew Woolford⁶ have recently explored ways in which the field of genocide studies can be at least partially decolonised, and how the concept of genocide, so rooted in western law, can be expanded to better engage with Indigenous relationships with land, waters, plants, animals, and Indigenous experiences of continued colonisation. In particular, they challenge western ideas of group identity and boundary formation, expanding the circle of identity to include traditional territory, flora, and fauna.

This chapter begins with a discussion of the IRS system as genocide in the Canadian context. The ongoing legacies from the system engendered two phases of discussion about genocide. The first phase began during the early 1990s and led to the formation of the RCAP and was accompanied south of the border by the Americanisation of the Holocaust and the backlash against it. As I have discussed elsewhere, this conflict over memory, together with RCAP, precipitated much discussion of Indigenous genocide in Canada, although the precise causal linkages are difficult to draw.⁷ Here, as in the United States, the Holocaust was seen as a competitor for public attention, deflecting sympathy from and engagement with Indigenous genocide.

The second phase of genocide discussion was precipitated by the class action suits launched as a result of the IRS system. The 2007 settlement agreement between IRS Survivors and government and church officials produced a Truth and Reconciliation Commission which created a forum for a broad-based national discussion of colonisation, including genocidal crimes against Indigenous peoples. Into this mix the Holocaust became a touchstone of discussion, although the TRC was far more cautious about engaging with it too readily. The Americanisation phase had by this point wound down, as had the debates about Holocaust uniqueness (vis-à-vis other genocides) that so concerned the three editions of Alan S. Rosenbaum's volume *Is the Holocaust Unique?*⁸ The TRC moved beyond these debates because their agenda was social and political – to bring about reconciliation and to change the nature of national narratives and policies in the present. Early attempts at attention seeking epitomised by Churchill, who argued that the Holocaust was a derivative of the genocide perpetrated on North America's Indigenous peoples,⁹ were set aside in favour of more concerted efforts to institutionalise change and bring about forms of nation-to-nation partnership between Indigenous nations and the federal government of Canada.

<H1>Indigenous Genocide in Canada</H1>

Indigenous peoples have been subject to the predations of colonial and settler colonial regimes for several centuries, yet have also displayed resilience and resurgence in the face of difficult odds. Currently, forty percent of the world's countries contain Indigenous nations, who collectively comprise 370 million people or five percent of the global population, living in over seventy states.¹⁰ The total population of Canada is over 35 million people. In 2011, there were 1.4 million people with an Indigenous identity, representing some 4.3 percent of the total population, a jump

of over twenty percent from the previous census in 2006.¹¹ Indigeneity is diverse, with a wide range of geographical, legal, social, cultural, and linguistic differences: 633 Indian bands, 3,500 reserves, 11 language families, and 53 languages.¹²

It is beyond the scope of this chapter to provide a detailed history of the colonisation of the Americas and its genocidal impacts.¹³ Instead the focus here is on Canada, with emphasis on the IRS system. Canada shares with other settler states the distinction of having Indigenous peoples who are marginalised on their traditional lands by a dominant colonising state and settler society.¹⁴ Many also struggle to overcome unequal conditions in terms of access to safe drinking water, adequate housing, food, clothing, medical care, and education.¹⁵ As with other Indigenous peoples, the relationship with colonising powers began at some level on the basis of mutual respect. Figuring as military and economic allies in wars against the French, the Dutch, and later the Americans, and as the key partner in the fur trade, Indigenous peoples had clear economic value to the early explorers and colonisers. The change in focus from trade to resource extraction and agriculture eroded and eventually destroyed the partnership, to be replaced by a sense that Indigenous peoples were an impediment to the larger settler colonial project.¹⁶

Claims of genocide according to the UN Genocide Convention (UNGC), and cultural genocide (as defined by the 1947 draft UNGC), relate to Canada's network of Indian Residential Schools. The IRS system was developed in the context of Indigenous uprisings in the late nineteenth century against colonial expansion. It also acknowledged the English–French conflicts that had divided the fledgling country for considerable time, conflicts which were expressed in political, cultural, linguistic, and religious terms.¹⁷ The system was also created during the numerical decline of Indigenous populations during the nineteenth century, due to starvation (a

result of the decimation of food like the bison), disease (smallpox, malaria, whooping cough, tuberculosis), and other conditions.¹⁸

The first modern Indian residential schools date back to 1834 with the formation of the Mohawk Industrial School in what is now Brantford, Ontario, although the Catholic Recollets from France created the first religious boarding schools for Indigenous children in 1620. The process of creating a systematic network of residential schools dates to the nineteenth century.¹⁹ In 1844, the Bagot Commission recommended rural boarding schools be used to separate and assimilate Indigenous children, a plan which MP Nicholas Flood Davin in his report of 1879 fleshed out in more detail, encouraging the government of the day to ‘aggressively civilize’ Indigenous children.²⁰

A coherent system of Indian Residential Schools was established by the mid-1880s, and developed as a partnership between the federal government and the mainline Canadian churches, who were together responsible for running most schools until the 1950s. The Catholic Church ran the majority of the schools, followed by the Anglicans, with the Presbyterian, Methodist, and United Churches running most of the remainder. While the federal government often organised the establishment of the schools, churches also took a lead role, creating schools and then petitioning the government for funding later.²¹ At least 150,000 children passed through 125 residential schools, the last of which closed only in 1996. Ironically, those promoting the IRS system were often the more progressive of state and church officials, who believed Indigenous peoples could be redeemed and made to fit within the settler state if they could abandon their linguistic, cultural, spiritual, and governance practices. The alternative view held that Indigenous peoples were a separate species of human, ill adapted to western civilisation, and thus fated to disappear.²²

I have made the case in previous publications for the applicability of the UN Genocide Convention and have argued that the architects and managers of the system possessed the requisite

specific intent to ‘destroy, in whole or in part, an identifiable group of persons’.²³ My focus has been on forcible transfer, namely Article 2(e) of the UNGC.²⁴ In terms of genocidal action, the Canadian government amended the Indian Act (the act which still governs federal government relations with Indigenous peoples) in 1920, making school attendance compulsory for all Indigenous children aged seven to fifteen. In practice this meant a large proportion of First Nations children were forced to attend residential schools, as day schools near or on reserves were sparse.²⁵ Section 119 of the Indian Act empowered truant officers to ‘take into custody a child whom he believes on reasonable grounds to be absent from school contrary to this Act and may convey the child to school, using as much force as the circumstances require’.²⁶

Within the schools, a very high level of coercion over the lives of Indigenous children extended the ambit of forcible transfer.²⁷ To further the transfer process, children’s names were replaced with numbers and/or new Christian names, hair was shorn, personal possessions were confiscated, clothing was replaced with uniforms, and other indicia of a child’s identity were systematically suppressed. Corporal punishment was rampant, as were forms of verbal, psychological, physical, and sexual abuse, all of which have left lasting legacies on IRS Survivors and their families.²⁸ Problems of intergenerational trauma remain extremely serious, since Survivors learned few parenting skills and were often deracinated from their languages and cultures. In some families five or six generations of children were forced under law to attend these schools.²⁹

To prevent Indigenous resistance to the system and other aspects of the expanding settler colonial state, the federal government passed discriminatory legislation against Indigenous cultures, languages, and mobility. Examples include the outlawing of the potlatches in 1884, giveaway ceremonies amongst Prairie First Nations, the Thirst Dance of the Saulteaux and Cree, and the Blackfoot Sun Dance.³⁰ In 1885, Indian Affairs introduced a pass system, which prevented

Indigenous peoples from leaving their reserves without the written consent of the Indian agent or employer.³¹ An amendment to the Indian Act in 1927 made it illegal for Indigenous people to hire lawyers in pursuit of land claims or other matters, and until 1960, Indigenous peoples did not have the right to vote without renouncing their status. These and other impediments scotched Indigenous abilities to combat the forced removal of their children to a system that proved to have devastating consequences.

Some of these consequences, as outlined by the TRC in 2015, included continuous nutritional deficiencies and epidemics of tuberculosis and other illnesses, in part due to chronic underfunding over the lifetime of the schools. The TRC reports an overall death toll in the system of 3,201 children from 1867 to 2000, although due to financial and time constraints, the TRC was not able to complete its investigations.³² Horrific levels of physical and sexual abuse were also rampant. In January 2015, the government's Independent Assessment Process (IAP) compiled claims by (living) IRS Survivors for abuses suffered in the system. Almost 38,000 claims were received by the IPA specifically for injuries suffered from physical and sexual abuse, with almost 31,000 claims resolved.³³ How serious was the abuse? The TRC concluded: 'Not only was abuse prevalent at schools throughout the country, but, for a large percentage of former students, it was also extremely violent, intrusive, and harmful'.³⁴ This constitutes only a small representation of the consequences of the IRS system on Indigenous Survivors, their families, and communities.

<H1>Legacies of Genocide and Engagement with the Holocaust</H1>

During the 1980s, North America was rocked by scandals about the sexual abuse in Catholic run boarding schools. The 1989 sexual abuse scandal at the Mount Cashel Orphanage in Newfoundland touched off a nationwide discussion about the predations of clergy and boarding

school workers on children.³⁵ This period created a window of opportunity for discussion of similar abuse in the IRS system. Phil Fontaine, who later became national chief of the Assembly of First Nations, openly discussed his history of physical and sexual abuse and encouraged others to come forward.³⁶ Sensing that Indigenous-Settler relations had reached a breaking point, the federal government in 1991 launched the Royal Commission on Aboriginal Peoples, which including an investigation of Indian Residential Schools, located within a much larger study of Indigenous-settler relations.³⁷

The RCAP's report in 1996 described four main types of harm committed during the colonisation process, the first concerning physical and sexual abuse in the IRS system. The system's goals of assimilation and cultural destruction were highlighted, alongside the 'very high death rate' from tuberculosis, 'overcrowding, lack of care and cleanliness and poor sanitation'.³⁸ "To kill the Indian in the child", the authors observed, Indian Affairs 'aimed at severing the artery of culture that ran between generations and was the profound connection between parent and child sustaining family and community. In the end, at the point of final assimilation, "all the Indian there is in the race should be dead"'.³⁹ For many Indigenous peoples, it accepted as true that the system was genocidal and that the violent colonisation of Indigenous lands constituted a larger genocidal project.⁴⁰

The RCAP recommended a public enquiry into the IRS system, a formal apology, and the rebuilding of damaged lives and communities.⁴¹ Reluctant to set up an enquiry, the government responded with a 'Statement of Reconciliation', and a \$350 million 'Healing Fund'. This admission of wrongdoing opened a Pandora's box of litigation on the part of Survivors. This included over 13,000 individual suits, as well as the 'Baxter' class action suit, where nineteen legal firms representing 90,000 Survivors sought \$12 billion from the churches and the federal government.⁴²

When the Manitoba Oblate Order declared bankruptcy and other churches threatened to do the same, the federal government stepped in and assumed the lion's share of responsibility for the system. In 2007, the Indian Residential Schools Settlement Agreement (IRSSA) was signed between legal representatives of IRS Survivors and government and church plaintiffs, setting out details for compensation, a commemoration fund, funds to promote healing and health support, and a Truth and Reconciliation Commission.⁴³ In 2008, the prime minister presented an official apology for the crimes of the IRS system, acknowledging the intentionality behind the forcible removal of Indigenous children.⁴⁴ The period between the formation of RCAP and the IRSSA was the time in which public discussion of Indigenous genocide and the Holocaust became more commonplace.

Events south of the border also played a role in the development of an Indigenous genocide discussion in Canada. The Americanisation of the Holocaust and the ensuing Indigenous pushback coincided with the sesquicentennial of Columbus' voyages. If the RCAP helped develop more introspective historical reflection, the Americanisation debates fueled a tendency towards deploying Holocaust rhetoric and hyperbole. 'Americanisation' refers to a process whereby the Holocaust came to assume an almost iconic status as the worst *moral* evil of all time, and whereby it was deployed to script American history/values as the antithesis of Nazi Germany.⁴⁵ Specifically, Americanisation promoted a three-part narrative of American beneficence during World War II: first Americans had liberated the death camps and prosecuted Nazi leaders for their crimes; second America functioned as a haven for Holocaust Survivors; and third, the lessons of the Holocaust were internalised, prompting American governments to adopt a foreign policy of genocide prevention.⁴⁶

These aspects of Americanisation were subject to scrutiny and sometimes vitriolic debate. *American Holocaust* and Ward Churchill's *A Little Matter of Genocide* both articulated the view that Americanisation was destructive to Indigenous interests by helping to erase the memory of

five hundred years of Indigenous extermination. Spanish and Portuguese conquest precipitated violence and displacement in the late fifteenth century. The conquistadors, he concluded, were little more than brutal, degenerate savages, ‘the equivalent of a horde of ravenous locusts’.⁴⁷ The conquistadors, he concluded, were little more than brutal, degenerate savages, ‘the equivalent of a horde of ravenous locusts’.⁴⁸

The documentation of genocide continued into contemporary America, with Churchill arguing that America’s founders ruled according to a ‘virulent Anglo-Saxon supremacism’ little different from ‘Nazi Aryanist ideology’.⁴⁹ Of all colonisers, he concluded, the English were the most ‘overtly genocidal’.⁵⁰ Taken together, the destruction of between ninety and one hundred million Indigenous people over five centuries constituted ‘the most massive act of genocide in the history of the world’.⁵¹ Churchill advanced that the Holocaust was derivative insofar as Hitler was inspired by the destruction of the Americas.⁵² Stannard added that America’s founding fathers, from George Washington onwards, were little more than Nazi-like killers.⁵³ Given the proposition that the Holocaust was merely a copy of colonial horrors perpetrated in the Americas, those promoting the uniqueness of the Holocaust were seen as morally worse than Holocaust deniers, because by promoting uniqueness they denied five centuries of deliberate mass murder of Indigenous peoples.⁵⁴

In retrospect, aspects of this work can be framed through perceptions of what Holocaust commemoration signified in American and Canadian life. For activist historians like Stannard and Churchill, the Holocaust functioned as what Miriam Hansen has called a ‘screen memory’, where a traumatic event far from home is instrumentalised to replace and/or hide ‘another traumatic event that cannot be approached directly’, whose commemoration is more problematic politically and socially. As Hansen explains: ‘The displaced referents of such memorializing may extend to events

as distant as the genocide of Native Americans or as recent as the Vietnam War'.⁵⁵ As such the Holocaust was used to shift attention away from the reality of Indigenous genocide. Other theorists had arrived at similar conclusions. In her 2000 article 'Dare to Compare' in the *American Indian Quarterly*, Lilian Friedberg^[66]. If Holocaust denial was seen as a deliberate affront to the victims of Nazi terror, 'In America', she described, 'the situation is the reverse: victims seeking recovery are seen as assaulting American ideals.'. If Holocaust denial was seen as a deliberate affront to the victims of Nazi terror, 'In America', she described, 'the situation is the reverse: victims seeking recovery are seen as assaulting American ideals'.⁵⁶

For their part, Holocaust uniqueness theorists such as Steven Katz unintended, and painted colonisation as a tragic confrontation between irreconcilable but well-meaning cultures.^[66]⁵⁷ *physical* eradication of every Jewish man, woman and child.'^[66]⁵⁸ In a controversial rhetorical move, Katz privileged a definition of genocide around totalising physical, which excluded all other instances of genocide in world history, including the genocide of North America's Indigenous peoples and the Armenian^[66] genocide.⁵⁹

This American history war seems to have had some impact on Canadian genocide scholarship – the allure of comparison to the Holocaust and the desire to critique uniqueness theorists also seems to have been an animating issue. Hypothetically, as Stannard and others were describing colonial genocides against Indigenous peoples, RCAP was conducting hearings across Canada. If a claim of genocide could have been proven at this time, it could potentially have been published in the RCAP's final report, thus having a marked impact on how Canadians interpreted their national history. This did not happen despite a number of Indigenous writers making allegations of genocide.

In 1994, Chrisjohn and Young produced a submission to RCAP titled *The Circle Game* which was published as a book in 1997. The authors invoked the Holocaust to systematically understand the horrific crimes committed in residential schools. They began their study by asking:

<quotation>What if the Holocaust had never stopped, so that, for the State's victims, there was no vindication, no validation, no justice, but instead the dawning realization that this was how things were going to be? ... And what if others could find no option other than to accept the slow, lingering death the State had mapped out for the, or even to speed themselves along to their State-desired end? What if? Then, you would have Canada's treatment of the North American Aboriginal population in general, and the Indian Residential School Experience in particular.⁶⁰</quotation>

Echoing Stannard and Churchill, the authors seemed to suggest that Jews were 'lucky' that the Holocaust ended; Indigenous peoples were not so fortunate since they never gained a national homeland like Israel where they could be free of racist attempts to destroy them. Rhetoric aside, Chrisjohn presented a spirited analysis with valuable psychological insights into the IRS system and its detrimental effects on Survivors and their families.

A later contribution to the same discussion was Neu and Therrien's *Accounting for Genocide*, which in 2003 paralleled antisemitic and anti-Indigenous hatreds and policies. The authors observed that both groups shared the distinction of being seen as 'frightening: the wild and savage Indian, the wandering stateless Jew'. As 'outsiders' they threatened by their very existence the 'heterophobia' of the modern bureaucratic state.⁶¹ Further highlighted were similarities between German and Canadian bureaucracies, including how perpetrator groups established a utopian vision of a purified society, based on the destruction of one or more victim groups.⁶² In both cases, bureaucratic forms of genocide arose out of a rational pursuit of efficiency. Both Jews and Indigenous peoples were problematised by the perpetrator state, who then deployed 'cost/benefit analysis, budgeting and the

development of incentive and disincentive schemes’, to bring about their elimination of targeted peoples.⁶³

Echoing Stannard-Churchill, Indigenous genocide figured as a precedent for the Holocaust, the authors claiming: ‘The Nazi death camps, social engineering experiments in the extreme ... may have found their infancy in the social engineering projects of Canada: assimilation and absorption, compulsory enfranchisement’.⁶⁴ The authors similarly questioned whether the speed and compressed nature of the Holocaust made it worse than the genocide of Indigenous peoples over generations, given that ‘the end result of the two methods of extermination are similar’.⁶⁵ Overall, the purpose of this work, as with Chrisjohn and Young, was to bring attention to the continued legacies of the IRS system as legacies of genocide, at a time when no compensation for Survivors had been forthcoming.

Other writing during this time also deployed the Holocaust but refrained from adopting the tone or argumentative style of Stannard and Churchill. In 1996, Agnes Grant, in *No End of Grief*, saw the utility of Holocaust imagery as a means of attracting attention to crimes in the IRS system and also saw commonalities between Holocaust and IRS Survivors in the fate of victimised families.⁶⁶ Three years later, in the second edition of his *Unjust Society*, noted Cree historian Harold Cardinal similarly cast the IRS experience as a form of genocide akin to the Holocaust and drew out the analogy at some length.⁶⁷

This work arguably reflected a third influence on Indigenous genocide scholarship – the comparative exploration of intergenerational trauma within Jewish and Indigenous communities. Work on Indigenous intergenerational trauma built on clinical studies of Holocaust Survivors and their children during the 1960s, that is, the study of how ‘Survivor syndrome’ affected children through secondary or intergenerational trauma.⁶⁸ From the mid-1990s, such work within Indigenous communities was notably associated with Lakota mental health researcher Maria

Yellow Horse Brave Heart and psychologist Eduardo Duran. Holocaust Survivors, as well as Armenian genocide Survivors and Japanese Americans who were interned during World War II all displayed similar symptoms of trauma, which they passed on to their children.⁶⁹

This comparative work led to a larger discussion of the role of colonial violence on Indigenous peoples. In 2001, Brasfield identified a ‘residential school syndrome’ (RSS) with symptoms akin to post-traumatic stress disorder (PTSD), but with the added concern that whereas PTSD is an individual phenomenon, RSS had community aspects as well. Brasfield distinguished RSS from PTSD by adding new symptoms to the definition, such as rejection of Indigenous culture and language, the persistent abuse of drugs and alcohol, and the lack of a particular ‘traumatizing incident’ that could be isolated as the primary cause of the trauma.⁷⁰

In a broader sense, colonisation was presented as an ongoing system of genocide, marginalisation, racism, and structural violence. In this model the colonisation and occupation of the Americas constituted genocide, and Indigenous peoples suffered from its intergenerational traumatic effects on an ongoing basis. Wesley-Esquimaux and Smolewski notably traced a continuous process of ‘unremitting trauma and post-traumatic effects’ since European contact and conquest in 1492, that included massacres and spreading disease which resulted in the radical depopulation of Indigenous peoples, through to the present day.⁷¹ The continued and daily stressors of colonialism and historical trauma were inherited by offspring from their parents and grandparents and then passed along to succeeding generations.⁷²

Much of this work departed from a comparative assessment of genocide per se to larger questions about the effects of ongoing colonisation and racism on Indigenous individuals, families, and communities. This reflects to some extent the movement away from Rothberg’s ‘competitive memory’ to multidirectional memory, which stresses that memory of genocide is not a zero sum

competition for recognition in the public sphere, where ‘the remembrance of one history erase[s] others from view’.⁷³ Rather, memory transitions into a dialogue between different victim groups, where the public space is shared by focusing on overlapping commonalities while similarly respecting differences. Rothberg puts it that ‘the borders of memory and identity are jagged; what looks at first like my own property often turns out to be a borrowing or adaptation from a history that initially might seem foreign or distant’.⁷⁴ Arguably this search for commonalities, for understanding history and memory in a non-competitive sum zero environment was a key focus of the Truth and Reconciliation Commission.

<H1>The TRC and the Genocide Question</H1>

The formation of the TRC influenced how Indigenous peoples and the settler public engaged with genocide and the Holocaust, presenting a stable nationwide institutional base for articulation of genocide claims by Survivors, other Indigenous peoples, church and government officials, and others. The TRC was formed under Schedule N of the IRSSA, with a five-year mandate, later expanded to six. The commission was headed by a commission chair and two additional commissioners, with a survivor’s committee to provide advice and support. The commissioners all had ties to the IRS system. The parents and grandparents of Chief Commissioner Justice Murray Sinclair, an Anishinaabeg judge, attended residential school, as did the husband of Commissioner Marie Wilson. The third commissioner, Chief Wilton Littlechild spent fourteen years in residential schools.

Between 2009 and 2015, the TRC held seven national events and many more regional events, where statements from Survivors and their families were taken, either in public or private

settings. The media and the general public were engaged by these events, alongside church and other groups, who made expressions of reconciliation, and reflected on how best to respond to the legacies of the system. Upon its conclusion, funding was provided for a national centre to house documents and encourage research on the system, its legacies, and the scope for future reconciliation.⁷⁵

The mandate of the TRC was deliberately antithetical to the principles of the Nuremberg Tribunal. This was not to be a retributive commission focused on finding and punishing perpetrators but rather was driven by Survivor priorities, given that it was funded by the Survivors and was designed to promote healing from over a century of trauma. As such there was no judicial aspect to the mandate. Schedule N, Article 2 of the IRSSA prevented the TRC from holding formal hearings, public enquiries, or conducting formal legal processes. Commissioners could not subpoena witnesses, nor compel anyone to attend or participate. They could not name the names of suspected perpetrators and could not prosecute or provide amnesties to anyone. Article 4 iterated that the commission could 'not duplicate in whole or in part the function of criminal investigations'.⁷⁶

As Matt James observes, previous commissions in other countries focused on prosecuting perpetrators and had tended to use victims instrumentally, as a means of understanding the crimes of the perpetrators while similarly naming individuals who might be convicted of specific crimes.⁷⁷ At the TRC, this instrumentality was to be avoided, and there would be no traumatising adversarial conflicts between the parties to the Settlement Agreement and their proxies – no Survivors being accused of lying or exaggeration by government lawyers, church officials, or an enflamed public. The lack of a legal mandate also meant that the commission was constrained from officially

concluding that any crimes either domestic or international had been committed by the state or the churches in the IRS system. This included not only genocide but also crimes against humanity.

A central focus of the TRC seemed to be providing a safe space for Indigenous spirituality and Indigenous cultures and languages, the very things that had been attacked by the architects of the IRS system. Indigenous ceremonies, prayers, beliefs, and values played a central role, so that the TRC itself could play a role in the reclamation of Indigenous cultures, languages, and values. Traditional Indigenous health support workers are always on hand; simultaneous translation of public sessions into several Indigenous languages was provided. The themes of the national and regional events, as well as the public engagement strategies for community groups and school children were all centred around traditional Indigenous teachings.

Coupled with traditional ceremonies and practices were traditional symbols, such as the hand steamed and carved Coast Salish bentwood box, which became a 'sacred' symbol of the TRC. Carved from a single piece of cedar in 2009 by the artist Luke Marston, the box became a repository of memories and promises of reconciliation for the future.⁷⁸ National and regional events had special times set aside for 'expressions of reconciliation' when civil society groups, church officials, elected or other community leaders, media personalities, and many others could make offerings in the box.

The TRC Forum in early 2011 introduced the genocide concept in terms of memorialisation and commemoration. The forum's purpose was to engage experts on the prospective layout, goals, and nature of the Research Centre that would follow the end of the TRC's mandate. Commissioner Littlechild, and invited speakers like Stephen Smith, director of the Shoah Foundation, argued that genocide should be considered as a label for the crimes of the IRS system. Officials from various genocide museums, from Rwanda, Bangladesh, and several North American Holocaust museums and centres, were brought in to give addresses on how best to commemorate genocide and preserve

the memory of its victims.⁷⁹ Again this focus was on preserving the memory of collectively traumatic events and not specifically on genocide per se.

Operating with their mandate, the commission appeared to pursue a bifurcated strategy toward the concept of genocide. The commissioners individually and publicly opined that the IRS system was genocidal and encouraged public figures supporting the TRC to do the same. However, no official publication or statement from the TRC ever invoked the term. For example in 2012, Sinclair argued on the Canadian Broadcasting Company documentary series *8th Fire* that genocide had been committed.⁸⁰ However, the TRC's interim report released in the same year did not mention genocide.⁸¹ Sinclair's position was that while he felt the IRS system violated the UNGC, the commission had no legal recourse against the government.⁸²

The TRC also functioned as a platform for the articulation of genocide claims and created the space for prominent leaders to discuss the issue. Conforming to an Indigenous tradition of transmitting teachings and understandings orally, Honorary Witnesses were tasked with listening to Survivors, participating in the truth-telling process, and then reporting back to the TRC audience and to their own communities what they had witnessed and learned.⁸³ Several Honorary Witnesses invoked genocide. In 2013, former Prime Minister Paul Martin argued at the Montreal National Event that 'cultural genocide' had been committed.⁸⁴

Honorary Witness and former National Chief of the Assembly of First Nations, Phil Fontaine, would go further, charging the Canadian government with genocide, specifically Article 2e covering the forced transfer of children.⁸⁵ Fontaine had long maintained close ties with the Canadian Jewish community. In 2006, he travelled to Israel with the Canadian Jewish Congress on a six-day educational tour with its chief executive officer Bernie Farber that included a visit to Yad Vashem and other notable sites.⁸⁶ In 2013, he and Farber penned an article in *The Globe and*

Mail, Canada's national newspaper, charging Canada with violations of the UNGC. They argued that healing from the effects of a century of genocide would never be addressed until a 'national conversation' about this issue had taken place.⁸⁷

The TRC's mandate officially ended in June 2015. At the closing event in Ottawa, the commission delivered a series of publications: a summary report (*Honouring the Truth, Reconciling for the Future*), a book of recommendations and principles (*What We Have Learned: Principles of Truth and Reconciliation*), a volume of Survivor testimonies (*The Survivors Speak*), and a twenty-page booklet, *Calls to Action*. On December 15, 2015, the TRC finally launched its six-volume, seven-part final report, of over 2 million words, a thorough account of the history of the system, its aftermath, and recommendations for the way forward. The report was divided as follows: *The History, Part 1 – Origins to 1939*; *The History, Part 2 – 1939 to 2000*; *The Inuit and Northern Experience*; *The Métis Experience*; *Missing Children and Unmarked Burials*; *The Legacy*; and *Reconciliation*.

The primary concern of the TRC was promoting reconciliation. Ninety-four recommendations suggested everything from increased funding for Indigenous programming for the Canadian Broadcasting Corporation to the adoption into domestic law of the UN Declaration on the Rights of Indigenous Peoples, as well as a national monitoring body to oversee and report back annually on the implementation of the TRC recommendations. Reconciliation according to the TRC would involve 'creating a relationship of mutual respect as was promised in the Royal Proclamation of 1763 and in the assurances given at, and reflected in, the many Treaties signed between the Crown and Canada's Aboriginal people, most since Confederation'.⁸⁸ For Commissioner Wilson, one of the most important recommendations was for the institutionalisation of the reconciliation process with a National Council for Reconciliation to ensure that the

recommendations are implemented, or at least, to ensure that a record is kept of the progress of federal and provincial governments towards TRC goals.⁸⁹

There were no recommendations about genocide in the final reports – nothing about expanding the definition of genocide in either international or domestic law, although there were other legal recommendations unrelated to the UNGC. However, the TRC did promote the term cultural genocide, echoing Paul Martin’s conclusions, and conclusions by Canadian Supreme Court Chief Justice Beverly McLachlin, who also called the IRS system ‘cultural genocide,’ in a public lecture on May 28, 2015, less than a week before the release of the summary report.⁹⁰ The summary report began with the charge of ‘cultural genocide’:

<quotation>For over a century, the central goals of Canada’s Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as ‘cultural genocide’.⁹¹ </quotation>

This excerpt would be extensively quoted in the weeks ahead and was widely supported by officials and the media.

The TRC also managed to insert a range of references to genocide and the Holocaust in its more than 4,000 pages of published text. For example, on page 264 of the summary report the commissioners observed: ‘It is difficult to understand why the forced assimilation of children through removal from their families and communities – to be placed with people of another race for the purpose of destroying the race and culture from which the children come – can be deemed an act of genocide under Article 2(e) of the UN’s Convention on Genocide, but is not a civil wrong.’⁹² Here, there was a suggestion that the removal of children violated the UNGC, but the statement was

couched in sufficiently convoluted language that it would be difficult to claim that genocide was a conclusion of the commission.

By December 2015, the full final reports featured discussion of genocide and the Holocaust, but these terms played an arguably marginal role in the overall thrust of what the commission was seeking to do. Volume I, Part 1 said virtually nothing about this era, and the only time Holocaust is used is to refer to Stannard's *American Holocaust*.⁹³ In Volume I, Part 2, a brief reference was made to Nazi medical experiments in concentration camps, which were compared with nutrition experiments in the IRS system. Both were presented as violations of the post-World War II Nuremberg code, but no further comparisons were made.⁹⁴ Volumes II, III, and V made no mention of the Holocaust and avoided any parallels between the IRS and Nazi crimes. In the *Missing Children* volume (Volume IV), where one might expect parallels to be drawn, the authors were similarly careful. When reviewing reports of Indigenous deaths in the schools early in the twentieth century the report was clear that, 'these percentages cannot be directly compared with other death rates—particularly those that arise in other contexts such as the Nazi work camps of the 1930s and 1940s'.⁹⁵ In other words, when the Holocaust was brought into it, it was done to indicate clearly that the Canadian case was very different.

In Volume VI, the final volume on reconciliation there are three references to the Holocaust: 'For members of the Jewish community, their experience of the Holocaust is a source of empathy in approaching the topic of the residential schools'.⁹⁶ On another occasion, the Holocaust was briefly discussed alongside the IRS system as examples of 'intergenerational impacts of human rights violations'.⁹⁷

Overall, the commission worked to promote a victim-centred narrative based on the truths of what the Survivors and their families endured. They were very careful to avoid parallels to the

Holocaust or to other Nazi crimes that could suggest sensationalism or somehow be interpreted as disrespectful to Jewish Canadians. This was all consistent with the commission's desire to gather allies from a wide range of communities. The focus on division was notably avoided throughout the entire mandate of the commission.

<H1>Indigenous Genocide Scholarship during the TRC Mandate</H1>

Scholarship on Indigenous genocide expanded during the lifetime of the TRC, as genocide scholars examined in detail with how Indigenous genocide bore some similarities but also marked differences to other genocides in world history. Indeed, many academics, such as the author, were hired as consultants by the TRC. The key point for many scholars has been to engage with Indigenous group identities on their own terms, as well as reflecting the reality that genocides like those suffered by Armenians, Rwandan Tutsi, and European Jews were geographically and temporally compressed events. While there was and is intergenerational trauma as a result of these experiences, scholars of Indigenous genocide continually engage with the fact that while genocidal periods may be over, the effects of genocide continue because there has been no break with the past. The institutions, structures, and often the embedded attitudes and systemic forms of structural violence that precipitated genocide, continue still.

One aspect of decolonising genocide is to understand the target groups as they see themselves, outside of the Lemkinian or later legal definitions of what constitutes groupness. As Woolford has discussed, in the case of Indigenous peoples, group identity is not confined solely to people, since 'animist beliefs often blur the lines between nature and culture', while similarly, 'Indigenous cosmology may view specific flora and fauna as part of the group itself'. In oral

societies where language and culture are transmitted through children, child removal will mean far more than simply ‘an interruption of reproductive and socialization patterns’.⁹⁸ Woolford’s work fundamentally questions western assumptions about where and when a group begins and ends and how members of the group seek to identify one another. Without a sense of how the group understands its identity in relation to its own group members and to those not of the group, it becomes impossible to engage with whether or not the group was actually targeted for destruction.⁹⁹

Of central importance to Indigenous group identity may be relationships with non-human animals. Tasha Hubbard’s work on buffalo genocide pushes past the traditional boundaries of groupness in western genocide studies. At a certain level the deliberate decimation of the buffalo deprived plains people of their traditional source of food, clothing, and shelter and hastened the deaths of plains Indigenous peoples as well as their submission within the settler colonial state. This move, which precipitated mass starvation, can be seen as a second wave of trauma after the spread of epidemic disease. However, Hubbard goes further, applying an ‘Indigenous epistemological framework’ which includes buffalo as members of the group. This aids the process of decolonising genocide studies and ‘expands the conception of people to include other-than-human animals’. Part of this is to show the strong interrelated nature of plains peoples’ lives with buffalo, while refuting European notions of human dominance and primacy, as well as the ‘human-centric and territorially shallow conceptualizations of group life’. The belief in balance and egalitarian relationships between all living creatures changes the way genocide should be understood.¹⁰⁰ Using an Indigenous lens then allows us to problematise what Hubbard calls ‘a Euro-Western ideology to the land, propped up by the continued hierarchy in which humans occupy an exalted place at the top’.¹⁰¹

When does genocide begin and end? For those studying Indigenous genocide, the continued presence of the settler state before, during, and after genocidal episodes makes determining this difficult. Temporally and geographically, Woolford argues that settler colonialism as well as genocidal policies are uneven and inconsistently applied allowing for periods and sites of overt genocidal aggression, as well as instances of colonial weakness and successful Indigenous resistance. Woolford analogises settler colonialism to a series of nets, operating at the ‘macro-, meso-, and microsocietal levels’. These, he explains, ‘tighten or slacken as they stretch across space and time, and when brought together, one on top of the other, they form a settler colonial mesh, which operates to entrap Indigenous peoples within the settler colonial assimilative project’.¹⁰² The net imagery allows for a multilayered understanding of colonial processes, where some areas of the net are drawn tightly preventing escape, while others are permeable and more permissible. Woolford’s key point is that the entire system is enveloped in what he calls a ‘genocidal frame of reference’. Given that the entire IRS system is part of a genocidal ‘mesh’, individual instances of teacher benevolence or Indigenous resistance do not change the finding that the system was genocidal.¹⁰³

The imagery of colonisation as a net is persuasive, given that settler colonialism does not begin or end according to the time frame of genocidal actions. The Canadian government predated the formation of the IRS system and obviously continued to operate afterwards, alongside institutions who aided and abetted genocide like the Royal Canadian Mounted Police, the Department of Indigenous Affairs, the Catholic Entities, and the Anglican, United, and Presbyterian churches of Canada.

Tricia Logan has employed Woolford’s model to make sense of settler colonial genocide against the Métis,¹⁰⁴ from the use of residential schools, alienation from land, forced sterilisation,

starvation, and a plethora of other means. Like other theorists, Logan has an interest in genocide as patterns and networks of communications, identities, and behaviour. Genocide in the Canadian context can exist by ‘impos[ing] the national pattern of the oppressor while often quite brutally eliminating the national pattern of the oppressed’. Genocide of the Métis did not necessarily involve clear-cut genocidal plans and actions per se, and the use of bureaucracies obscured the intent behind many governmental actions. As such: ‘Legislation and administration was pervasive and far-reaching to the point that it is hard to quantify the direct impact and the number of people who resisted and confronted the systems. In the same way, actions of individual Indian agents, provincial child welfare administration, private corporations, police forces and church officials have over time both supported and violated Indigenous peoples’.¹⁰⁵

Chris Powell’s book *Barbaric Civilization* in 2011 briefly engaged with genocide as forcible transfer in the residential schools. He focuses on patterns and clusters of settler state actions that while ‘not intrinsically genocidal, have operated genocidally in the context of a Canadian colonialism’.¹⁰⁶ This includes theft and conversion of Indigenous lands; denial of recognition to Indigenous peoples through legal manipulation; and the use of judicial and economic instruments to imprison, impoverish, and otherwise marginalise Indigenous peoples. As Powell puts it, ‘Taken together, these practices have worked genocidally to impede Aboriginal cultural survival and to construct a Europeanised Canada with no space for Indigenous societies’.¹⁰⁷

Powell’s later work with Julie Peristerakis has focused on groups as ‘cultural collectivities as dynamic social networks or “figurations”’.¹⁰⁸ The purpose then is to see groups as dynamic and changing not static. As such genocide is not so much about attacking a static group with a clear form of identity but also attacking the relations that underpin the group as well. As such genocide

can be seen as ‘the violent erasure of a collective identity ... a multidimensional process that works through the destruction of the social institutions that maintain collective identity as well as through the physical destruction of human individuals’.¹⁰⁹ Like others stressing a more complex reading of genocidal action, Powell promotes a wider approach to understanding the dynamics of colonial genocide, focusing not only on the UN definition but on ‘wider processes of destruction of Indigenous economic, political, religious, artistic, gender, and family institutions’. The point here is that, in isolation, such forms of targeted destruction might not fall under the category of genocide, yet ‘it is their combined and cumulative effect that renders them genocidal’.¹¹⁰

For those writing on Indigenous genocide, the IRS system is but one manifestation of much larger processes of genocide at work at varying degrees of intensity and in different regions, territorially and temporally distinctive, but nevertheless part of a larger colonising process with aims at the elimination of Indigenous identity and groupness. The focus is on decolonising genocide studies to question the human-centred nature of groupness, to problematise group identity both in terms of an isolated identity separate from ties to other groups and also identity in relation to land and spiritual practices derived therefrom.

This change in tone is evident even in standard western style work explicitly comparing Indigenous genocide to the Holocaust. Take for example Carroll Kakel’s *The American West and the Nazi East*, which marshals an array of evidence that Hitler was inspired by the violent expansion of the United States.¹¹¹ While drawing out some similarities such as ‘racial othering’, the targeting of ‘frontiers’, and “‘eliminationist’ assaults”,¹¹² the primary focus is on the differences that make colonial Indigenous genocides distinctive. Consonant with some of the Canadian work, Kakel describes colonialism marked by ‘genocidal explosions’ in the form of ‘sporadic “waves of genocide” and “genocidal moments”’ taking place over a century, while the

German case was far more concentrated: a ‘daily “genocidal orgy” of violence’, ‘an intense genocide’, with ‘unprecedented “factory line/industrial killing”’.¹¹³ In short scholarly analysis has moved on considerably from the Stannard-Churchill thesis that Indigenous genocide should be compared whenever and wherever possible with Nazi crimes.

As discussed earlier, Indigenous genocide work in the United States in the wake of ‘Americanisation’ involved overt and hyperbolic comparisons to the Holocaust as a means of gaining attention for a marginalised cause. Stannard and Churchill increased the profile of the American Holocaust but were not able to produce substantive changes in the nature of the settler colonial state relationship with Indigenous peoples.

In the Canadian case, we see strong echoes of Stannard and Churchill’s thesis in the work of competitive memory, which developed during the period from the early 1990s to the pre-IRSSA settlement period in 2007. Some of these publications emerged from a desire to engage Canadians in a debate about colonisation during the tenure of the RCAP. The work of the TRC and that of some genocide scholars examining the genocide of Canada’s Indigenous peoples has veered away from competitive memory towards a more multidirectional form of memory.

This may be influenced in part by the work of comparative intergenerational trauma studies from the United States and may also have stemmed from recognition that hyperbole and Holocaust rhetoric could be counterproductive, especially when seeking alliances with Jewish groups and reconciliation with the broader Canadian settler society. Discussion of the Holocaust was also muted within Indigenous genocide studies since the nature of genocide in the western settler state is very different, as a continuous, low-level, and long-term process of structural violence which has no clear beginning or end point. Further, studies of Indigenous genocide problematise the

nature of groups and inter-group relations alongside other take for granted assumptions of mainstream westernised genocide studies.

Work by genocide scholars on Indigenous genocide has developed as part of an Indigenous resurgence now taking place in some western settler states like Canada. In the public sphere, narratives of ‘treaty people’¹¹⁴ and now a focus on completing the ‘unfinished business of Confederation’¹¹⁵ (as Prime Minister Trudeau put it) reinforce the notion that Canada is embarking on a new political project of Indigenous recognition, inclusion, and partnership. The extent to which real political change will come about remains to be seen; Canadian officials have historically been adept at promising much to Indigenous peoples while delivering very little. What is equally unclear at the time of writing is whether this decolonising trend in a small section of the genocide studies community will continue to grow. This trend will be aided by the National Centre for Truth and Reconciliation, which houses an enormous archive of information related to the IRS system and its legacies. Arguably, its growth and prominence within the community of genocide scholars may help increase scholarly awareness of the continued legacies of Indigenous colonisation and potentially bring about some positive political change.

<notes>¹ The research and writing of this chapter are made possible by a SSHRCC Insight Grant 430201.

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³ For a detailed discussion, see David B MacDonald, *Identity Politics in the Age of Genocide* (London: Routledge, 2008), chap. 4. For discussion of the plagiarism controversy surrounding Churchill and claims that he has falsified an Indigenous identity, see p. 232.

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⁵ Miriam Bratu Hansen, ‘“Schindler’s List’ Is Not’ Shoah’: The Second Commandment, Popular Modernism, and Public Memory,’ *Critical Inquiry* 22, no. 2 (1996): 292–312.

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- ⁸ The essence of this debate concerned whether the Jewish Holocaust was a unique and unprecedented horror in world history that had no parallels either before or since. Contributors debated whether antisemitism was a uniquely destructive form of prejudice, whether the methods and scale of killing were unique, and whether other examples of genocide, including Indigenous genocide in North America, were indeed genocides as defined under the UN Genocide Convention. For a detailed discussion and critique of this debate see David B MacDonald, 'Daring to Compare: The Debate about a Maori "Holocaust" in New Zealand', *Journal of Genocide Research* 5, no. 3 (September 2003): 383–404.
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¹⁰⁹ Powell and Peristerakis, 71.

¹¹⁰ Powell and Peristerakis, 71.

¹¹¹ Carroll P. Kakel, *The American West and the Nazi East: A Comparative and Interpretive Perspective* (London: Palgrave Macmillan, 2011).

¹¹² Kakel, 75–76.

¹¹³ Kakel, 183.

¹¹⁴ Roger Epp, *We Are All Treaty People: Prairie Essay* (Edmonton, Alberta: University of Alberta Press, 2008), 133.

¹¹⁵ Mark Kennedy, ‘Fixing Relations with Indigenous People “The Unfinished Business of Confederation” New Minister Says.’ *Ottawa Citizen*, November 13, 2015, <http://ottawacitizen.com/news/politics/fixing-relations-with-indigenous-people-the-unfinished-business-of-confederation-new-minister-says>. </notes>