**Genocide**

Stolen Lives: The Indigenous Peoples of Canada and the Indian Residential Schools

Chapter 7

The term *genocide* was defined by the Polish Jewish jurist Raphael Lemkin. In 1941, he escaped from eastern Europe and the German occupation that killed most of his family, settled in the United States, and continued his lifelong effort to outlaw the killing of ethnic, religious, cultural, racial, or national groups. In his book *Axis Rule in Occupied Europe*, published in 1944, Lemkin chose a new term to describe what until then was “a crime without a name.”

The term Lemkin coined comes from the Greek word genos, a group defined by kinship, and the Latin *cide*, to destroy or kill (as in *pesticide* or *homicide*). Genocide, then, signifies the destruction of a group of people as a collective with common culture and identity, not just the killing of a lot of people. The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations in 1948, just a few years after the horrors the Holocaust. Lemkin was adamant that the term was not simply meant to apply to crimes of the past: it also offered a framework to help prevent future atrocities. He sought a broad definition of *genocide* that included *cultural* and *economic* destruction, but those did not make it into the final draft that was subsequently adopted by the United Nations.

Article 2 of the convention of 1948 defines genocide as “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.

**Connection Questions**

1. The Genocide Convention includes the word *intent* in the definition of genocide. What does that word mean in this context? How do you prove intent? What kinds of evidence would you need? How does the requirement to prove intent help distinguish genocide from other mass atrocities?
2. Which articles, if any, of the Genocide Convention seem to you to be most relevant to the treatment of Indigenous Peoples in Canada? Why?
3. Canada adopted the Genocide Convention in 1952. When it did, the Genocide Convention became the law of the land in Canada. But, says David MacDonald of the University of Guelph, “When Canada [ratified] the UNGC in 1952, we did so highly selectively. Portions of the Convention were excluded from the Criminal Code, such that genocide still means only Article 2 (a) and (b). The official reasons given to parliament. . . was that [the] portions of the UNGC ‘intended to cover certain historical incidents in Europe that have little essential relevance to Canada’ could safely be omitted. They even asserted that ‘mass transfers of children to another group are unknown . . .in Canada.” How does the selective ratification of the convention impact the legal definition of genocide in Canada?

**Introduction**

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Some scholars, activists, and Indigenous leaders are not content with the apologies or the Truth and Reconciliation Commission events alone. They would like Canada to acknowledge that the colonial policies that affected the indigenous communities so deeply amount, in fact, to genocide. The final report of the Truth and Reconciliation Commission, a body that resulted from a settlement agreement between the Indigenous Peoples and the Canadian government, declared in 2015:

*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” . . . 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 the political and social institutions of the targeted group. . . . Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and destroyed. And, most significantly to the issue at hand, families are disrupted to prevent the transmission of cultural values and identity from one generation to the next.*

This chapter examines the heated debate that led to this declaration as a way for us to consider what is at stake in the way we remember the past. The debate we follow is particular to the story of the Indian Residential Schools, and yet it raises universal questions about the way the events of the past impact individuals, communities, and nations today.

**Guiding Questions**

1. What is at stake when people argue over the words used to describe past crimes?
2. What is genocide? What is cultural genocide?
3. Why might some resist the use of the word genocide to describe what happened at the residential schools? Why might some insist that the word genocide be used to describe those same events?