



9-27-2023

Writing and Resisting Colonial Genocide

Heidi Matthews

Luann Good Gingrich

Joel Ong

Source Publication:

Global Social Policy, 0(0). <https://doi.org/10.1177/14680181231201948>

Follow this and additional works at: https://digitalcommons.osgoode.yorku.ca/scholarly_works



Part of the [Human Rights Law Commons](#), [Indigenous, Indian, and Aboriginal Law Commons](#), and the [International Humanitarian Law Commons](#)



This work is licensed under a [Creative Commons Attribution 4.0 License](#).

Writing and resisting colonial genocide

Global Social Policy

1–6

© The Author(s) 2023



Article reuse guidelines:

sagepub.com/journals-permissions

DOI: 10.1177/14680181231201948

journals.sagepub.com/home/gsp

**Heidi Matthews, Luann Good Gingrich
and Joel Ong**

York University, Canada

Canada has pursued policies of Indigenous assimilation and annihilation, many of which continue today. Among others, these include ‘Indian residential schools’, the Indian Act, welfare-state child removals, the Sixties Scoop, the prohibition of cultural practices, forced sterilization and environmental destruction. We are scholars co-leading a large interdisciplinary programme of research studying ‘colonial genocide’.¹ Our research seeks to understand how historic colonialism and its contemporary manifestations rely on genocidal logic for power and profit. While we begin in Turtle Island, our work has global application. The act of naming is a powerful analytical and political tool, and ‘genocide’ is one of the most compelling – and controversial – names in the business of writing international law and policy. This contribution uses personal narrative to perform how reflexivity shapes choices around both *how* we make meaning and *what* we make meaning of.

Our object of study is the ‘common sense’ that organizes and coheres institutions, policies and practices to consolidate economic and political power over Indigenous Peoples and Mother Earth. Doctrines of marketization, privatization, deregulation and social welfare austerity drive genocide. Often, the practices of international law are understood as exogenous to, rather than constitutive of, this common sense. Applying ‘colonial genocide’ as our analytic framework requires us to critically examine ‘how international law makes its world, what practices bring that world into being, and how responsibility may be taken up for that actualisation’ (Pahuja, 2013: 64).

Traditionally, international law and policy have been ‘preoccup[ied] with text, with the intentions of states, and with normative and regulatory frameworks’ (Hohmann and Joyce, 2018: 1). The authority invested in text as both source and method of legal meaning-making works to normalize and invisibilize genocidal processes (Buchanan and Hewitt, 2018). Our (re-)writing seeks to make conscious and explicit the hidden narratives that animate genocide. For us, ‘writing’ means storytelling, and does not always take the form of academic prose; evidence of genocide may be documented as visual material, digital media, sound and movement.

Corresponding author:

Heidi Matthews, Osgoode Hall Law School, York University, 4700 Keele Street, Toronto, ON M3J 1P3, Canada.

Email: hmatthews@osgoode.yorku.ca

Historical processes of settler colonialism and nation-building – political, material, symbolic and affective – are consistent with more contemporary logics underpinning neoliberal global social policy. We maintain that it is for settlers to own the responsibility of truth-telling about colonial genocide, and to bear the sometimes-violent costs of this work. Settler truth-telling demands accountable reflexivity – that is, confronting and challenging collective and individual self-conceptions of exceptionalism. Doing so requires ‘a distinct displacement and ironicization of what is accepted as “true” in one’s own legal (political – philosophical – cultural) imagination in order to create a space in which competing, alternative explanations can become visible’ (Zumbansen, 2019: 915).

For us, ‘scholarship is politics’ (Trubek, 1984: 592). The story we tell, and how we tell it, departs from traditional methodical styles of academic writing in at least two ways. First, we understand ‘anticolonial’ approaches to involve taking seriously the responsibility of ‘non-Indigenous peoples to restrain and refashion their own institutions, behaviours and even identities’ (de Costa, 2016: 63). Second, we are uninterested in the pretense of neutral or objective findings, or in shaping legal and policy interpretations that fail to contest the colonial worldviews that underpin existing institutions of national and transnational power.

Our writing is undertaken with a ‘will to insurrection’ (Williams, 1987: 126). Our story is partisan. It is – necessarily – personal. Our self-consciously political orientation joins up the global with the hyperlocal. We try ‘to investigate the underlying, deeper as well as systematic conditions out of which legal challenges emerge locally’ (Zumbansen, 2019: 915).

Luann

The final report of Canada’s Truth and Reconciliation Commission (TRC) provides an historical record of Canada’s Indian Residential Schools. The report states, ‘The legacy from the schools and the political and legal policies and mechanisms surrounding their history continue to this day. This is reflected in the significant educational, income, health, and social disparities between Aboriginal people and other Canadians’ (TRC of Canada, 2015: 135). Children suffered malnutrition, disease and abuse. They were punished – sometimes beaten – for speaking their language or interacting with their siblings. Many were forced to do physical labour. We know that some children died and were buried in unmarked graves.

I am Mennonite by ethnicity and cultural-religious heritage. It’s who I am, for good and not-so-good. Mennonites identify as a people committed to social justice, community and right relationships with each other and the Earth. ‘We’ are people who care for ‘the least of these’, and we do it better than most – and with humility.

The TRC report details the three residential schools in Ontario run by Mennonites, the last of which closed in 1991. I know people who worked at Poplar Hill in the 1960s.

As awareness of the harm of residential schools has grown, Mennonites have responded, in part, with

It wasn’t us. It was the Catholics, Anglicans, United and Presbyterians. And yet, ‘the Indian Residential schools were instituted as part and parcel of the church’s mission, a historic reality from which no church can now dissociate itself’. (Rempel Petkau, 2010: n.p.)

We did good. We were educating Indian children. And the TRC report states, '[t]he residential school system was based on an assumption that European civilization and Christian religions were superior to Aboriginal culture, which was seen as being savage and brutal'. (TRC of Canada, 2015: 4)

Residential schools were not all bad. Indian children learned 'about the Bible and hymns . . . and practical stuff like sewing, knitting, cooking and home nursing'. And the cost was unspeakable, as 'we were made to feel that our identity was not good'. (Anglican Journal, 2011: n.p.)

The idealized Self is dependent on many devalued Others.

Heidi

'I'm a Newfoundlander born and bred'.² I grew up in St. John's during a troubled time for an already troubled province. I came of age in the 1990s, during the largest industrial closure in Canadian history: the cod moratorium on 'our fishery'.³ The economic and social fallout of the moratorium was close on the heels of the collapse of my parents' marriage. I left the province at age 18, and I didn't look back until the next global industrial closure: the pandemic allowed me to 'come home'⁴ for a while, returning to the shores of Trinity Bay, the home of both my maternal and paternal grandparents.

On the tiny highway that takes you to my community you pass a sign indicating that there is a 'Beothuk site' behind a gas station. 'Discovered' in 1988 and excavated between 1994 and 1997, the 'site' is a confirmed Beothuk inhabitation described by English adventurer John Guy in his 1612 journals. It features two weatherworn visitor information plaques describing the 'encounter' between Guy's colonists and the Beothuk people. Guy writes that when the colonists found the Beothuk wigwams, they gathered the inhabitants' items into one structure and left 'some bisket, & three or four amber beades . . . to beginne to winne them by fayre means'. The colonists appear not to have met with any Beothuk, who had relocated to an island in the middle of the adjacent lake to avoid the English.

The plaques indicate that while

[c]arbon dated samples taken from the fireplaces show that they were using the site as early as the 11th century . . . it is hard to imagine the Beothuk remaining in this area much after 1650. By this time English fishers had established year-round settlements further out the Bay . . . Undoubtedly these settlers were frequenting the bottom of the Bay, especially during winter, to hunt, trap and cut lumber.

The plaques imply that European settlement and continued inhabitation of their traditional territory by the Beothuk were simply incompatible. There are no hints as to why. We are not told what Guy might have meant by 'winning them'.

No one really knows how many Beothuk inhabited what is today known as Newfoundland. Conventional settler history tells us that the last Beothuk—a woman named Shawnadithit—died of tuberculosis in 1829 after having been kidnapped by settlers.

Mi'kmaq oral history contests this 'bystander myth' (Neilsen, 2020: 299), holding that Beothuk descendants are alive today.

Newfoundlanders' self-conception has long identified with colonial victimhood, where first London, then Ottawa, are to blame for our economic hardship.⁵ The settler common sense narrative is that due mainly to the misfortune of disease and competition for natural resources, the Beothuk simply disappeared. *'We' are not responsible.*

Joel

I am a first-generation settler of Chinese and South-east Asian descent who now calls Tkaronto my home. I am a media artist interested in art that 'does not reside in material entities, but in relations between people and between people and the components of their environment' (Burnham, 1968: 31). My work connects scientific and artistic approaches to the environment using relational methods of understanding. I am currently collaborating on an Indigenous Language Keeping and Knowledge Sharing initiative led by a Cayuga Elder who teaches the traditional names and stories of trees and other plants important to their culture. Using different words – here, reclaiming Indigenous language for the natural environment – helps us understand how to write global social policy in a transformative mode. It opens space for suppressed narratives that contest common sense colonial distributions of power. Hidden narratives inform the relational work we do in unravelling the often-invisible lines that global capitalism, social policies and the emerging biopolitics of displacement inscribe on the bodies of Indigenous Peoples all over the world. We are not content to leave this as grief work, much as it is embodied in the turbulence of our times. Rather, living within paradoxes of hope and grief, joy and suffering, we consider relational work as risk-taking. This work also reminds us, as educators, to realize the ancestral and political ripples within diverse diasporic movements and to see our research as 'wake work', and as an act of community.

While the TRC and the National Inquiry into Missing and Murdered Indigenous Women and Girls found that Canada is responsible for genocide against Indigenous Peoples, Canada's 'reconciliation' efforts have been built primarily on survivors' narratives of victimhood without accountability linking the crimes in question to the broader Canadian political project. Perpetrators did not participate, did not divulge the details of their crimes, and their names were kept secret.

Lead by Indigenous ways of knowing and being in the world, our work is rooted in principles of acceptance, understanding and interconnectedness with each other and the material world; how we know and what we know are based in a commitment to just and equitable relationships and accountable truth-telling (McGregor, 2018). Working in relationship with Indigenous scholars and community partners, we aim to radically reimagine the meaning of reconciliation and accountability.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: We gratefully acknowledge funding from the Government of Canada's

New Frontiers in Research Fund (NFRF), [NFRFR-2021-00344]; and York University's Catalyzing Interdisciplinary Research Clusters (CIRC) programme.

Notes

1. Our team integrates methods from critical social policy analysis to public sector governance, critical legal studies to women's studies, global perspectives on the legacies of colonialism to environmental and climate justice, Indigenous legal systems and ways of knowing to digital art and research creation, to global health and humanitarianism. In addition to the authors, our team includes Angele Alook, Elaine Coburn, Ravi de Costa, Karen Drake, Jeffery Hewitt, Deborah McGregor, James Orbinski, Mathieu Poirier, and Ian Stedman.
2. This is a lyric from the 1982 classic Newfoundland folk song, 'The Islander', by Bruce Moss.
3. See Note 2.
4. The idea of 'coming home' figures large in the culture of Newfoundland and Labrador. The provincial department of Tourism, Culture, Arts and Recreation sponsors Come Home years. The department billed Come Home Year 2022 as 'a reunion we have all been waiting for': Come Home 2022 will encourage former residents of Newfoundland and Labrador now living away to come home, remind residents of the province of the wonders here in their own 'backyard', and complement ongoing work to attract and expand marketing efforts with non-resident visitors.
5. Fascinatingly, Moss reportedly refused a US\$20,000 offer from the producers of *The Simpsons* to use 'The Islander' in an episode that was 'offensive' to 'our culture and our people'; 'Musician turned down \$20K offer for *The Simpsons* to use iconic Newfoundland song', CBC News, 30 April, 2019, Available at: <https://www.cbc.ca/news/canada/newfoundland-labrador/bruce-moss-the-islander-the-simpsons-1.5116299>.

References

- Anglican Journal (2011) Mixed experiences at Indian residential school. *Anglican Journal*, 14 July. Available at: <https://anglicanjournal.com/mixed-experiences-at-mennonite-associated-residential-school-9923/>
- Buchanan R and Hewitt J (2018) Treaty Canoe. In: Hohmann J and Joyce D (eds) *International Law's Objects*. Oxford: Oxford University Press, pp. 491–503.
- Burnham J (1968) Systems esthetics, *Artforum*, pp. 30–35. Available at: <https://www.artforum.com/print/196807/systems-esthetics-32466>
- de Costa R (2016) Two kinds of recognition: The politics of engagement in settler societies. In: Maddison S, Clark T and de Costa R (eds) *The Limits of Settler Colonial Reconciliation: Non-Indigenous People and the Responsibility to Engage*. Singapore: Springer, pp. 49–66.
- Hohmann J and Joyce D (2018) Introduction. In: Hohmann J and Joyce D (eds) *International Law's Objects*. Oxford: Oxford University Press, pp. 1–12.
- McGregor D (2018) From 'decolonized' to reconciliation research in Canada: Drawing from Indigenous research paradigms. *ACME: An International Journal for Critical Geographies* 17(3): 810–831.
- Neilsen S (2020) Review of the book: *Tracing Ochre: Changing Perspectives on the Beothuk*, ed. By Fiona Polack. *The Canadian Historical Review* 101(2): 299–301.
- Pahuja S (2013) Laws of encounter: A jurisdictional account of international law. *London Review of International Law* 1(1): 63–98.
- Rempel Petkau E (2010) How complicit are Mennonites in residential school abuse? *Canadian Mennonite*, 26 August. Available at: <https://canadianmennonite.org/articles/how-complicit-are-mennonites-residential-school-abuse>

- Trubek DM (1984) Where the action is: Critical legal studies and empiricism. *Stanford Law Review* 36(1/2): 575–622.
- Truth and Reconciliation Commission of Canada (TRC) (2015) *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. Ottawa, ON, Canada: Truth and Reconciliation Commission of Canada.
- Williams RA (1987) Taking rights aggressively: The perils and promise of critical legal theory for peoples of color. *Minnesota Journal of Law & Inequality* 5(1): 103–134.
- Zumbansen P (2019) Transnational law as socio-legal theory and critique: Prospects for ‘Law and Society’ in a Divided World. *Buffalo Law Review* 67(3): 909–960.

Author biographies

Heidi Matthews is an Assistant Professor at Osgoode Hall Law School at York University, where she is Co-Director of the International and Transnational Law Intensive Program. She researches and teaches in the areas of international and domestic criminal law, the law of war/international humanitarian law, human rights, sexuality and the law, legal history and political theory. Her work theorizes contemporary shifts in the practice and discourse of the global legal regulation of political violence, with particular attention to history and gender, as well as political and critical theory. She is committed to work that engages the public imagination and is a frequent contributor to public discourse through op-eds, news and podcast interviews, and social media. You can find her on Twitter @Heidi__Matthews.

Luann Good Gingrich is a Professor in the School of Social Work and Academic Director of Research Commons at York University. Using an approach to critical analysis of social systems based in Reflexive Sociology (Bourdieu), Popular Education (Freire), Institutional Ethnography (Smith) and Community-Based Research, her research aims to describe and measure the processes and outcomes of social exclusion, devaluation and dispossession. Her work zeros in on the interface of ideology (or worldview), material and symbolic inequality, migration and displacement, and social policy systems. She applies her theoretical and empirical work to the development of approaches to research, social policy and practice that lead from inequality to just relationships, from structural violence to social healing, and from competition and conflict to collaboration and shared responsibility.

Joel Ong is an Associate Professor in Computational Arts and Helen Carswell Chair in Community-Engaged Research in the Arts at York University. He is a media artist whose works connect scientific and artistic approaches to the environment, developed from more than a decade of explorations in sound, installation and socially conscious art. His conceptual explorations revolve around metaphors of distance and connectivity, assiduously reworking the notion of the ‘environment’ – how different tools and scales of observation reveal diverse biotic and abiotic relationalities, and how these continually oscillate between natural and computational worlds. His works have been shown internationally, including at the Currents New Media Festival, Nuit Blanche Toronto, the Seattle Art Museum, the Gregg Museum of Art and Design, the Penny Stamps Gallery and the Ontario Science Centre.