THE MAKING OF A “PEACEABLE KINGDOM”: LAND, PEOPLING AND PROGRESS IN AN EXPANDING CANADA

by

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Abstract

My dissertation mobilises the tools of critical political theory to study the processes of land appropriation and cultural homogenisation over lands claimed by Canada in the development of the Canadian state and identity. I examine the justifications for Canadian attempts at incorporating non-Canadian lands and peoples by using the case of the “North-West” (now the Prairie provinces). Adopting James Tully’s critical approach to political philosophy, I scrutinise hundreds of parliamentary and governmental archival documents. These documents reveal that the Canadian state mobilised liberal concepts of peace and progress to justify Canadian territorial and political expansion. I argue that Canada authorised its appropriation of Indigenous lands by claiming that it alone could improve the lands it looked to incorporate. To the extent that Canadian colonial liberalism regarded the Indigenous Peoples of the North-West as requiring the protection and assistance of the Dominion in achieving higher forms of humanity, colonial liberalism also authorised the epistemic violence of their assimilation to emerging settle communities. In short, I show that the Canadian state used colonial liberalism to effect the dispossession and assimilation of Indigenous Peoples necessitated by that its territorial and political development.

By bringing into view the violence implicated in Canadian development, this dissertation first challenges the hegemony of the Canadian state and nation as those of a “Peaceable Kingdom”. Secondly, this dissertation uses Canadian political thinking to illuminate the larger liberal tradition. By examining the roots of liberalism in the process of territorial expansion and settlement in Canadian political development, I expose the intimate connection between liberalism and settler colonisation and surface the intrinsically violent potential of liberalism. Finally, this research identifies the potential for exclusion that is built into the liberal tradition and has to be addressed if Canada is to reconcile with the needs and aspirations of Indigenous Peoples. In particular, I argue that the contemporary Canadian liberal regime should redress its exclusionary legacy by supporting land-based practices of Indigenous self-government.
Lay summary

Narratives of the past and present of Canada continue to abound with images of the nation as a “Peaceable Kingdom”: a force that makes and keeps peace. This dissertation tracks the political and territorial processes that allowed the Canadian state to expand around the time of Confederation (1857-1885). By examining various archival documents, I find that Canadian authorities justify Canadian expansion as peaceable and progressive – concepts that are central to a tradition scholarly literature names “colonial liberalism”. Despite its emphasis on peace, I show that colonial liberalism has embedded into it violence for Indigenous Peoples (most importantly in the form dispossession and assimilation). By surfacing the violence of Canadian territorial and political development, this dissertation dispels the myth of Canada as a “Peaceable Kingdom”.

Preface

This dissertation comprises original, unpublished, independent work by the author, Éléna Choquette. Sections of chapter 3 were reorganised and translated into French for publication in an edited volume on Confederation at the Presses de l'Université Laval.
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CHAPTER 1: Introduction

This first map, which was prepared by the Canadian Geographic (as all following maps), presents the standard representation of the political and territorial Canada of 2019. It displays 10 provinces and 3 territories. In many different ways, this map is a colonial map: it depicts the perspective of a settler colonial state that claims to have appropriated the northern part of North America and to have defeated competing claims to its territorial sovereignty. The making of this colonial Canada, as well as the violence that it implied, is the object of this dissertation.
This map of British North American territories and colonies is from 1862. The starting point of this historical enquiry is 1857 and the map of that particular year closely resembles this one. During this period, Canada (or the Province of Canada) had not been constituted as a political entity that was legally distinct from the United Kingdom.
This map from 1867 depicts Canada at Confederation. Confederation and the few years that followed it were a critical time for Canadian political and territorial development. In shades of red and orange, we see the provinces that found Canada as a country that was distinct from the United Kingdom. British colonies and territories not attached to Canada as its founding of 1867 appear in shades of blue and purple. This map shows that the properly Canadian claims to territorial sovereignty at the time of Confederation were largely centred on the Great Lakes-St-Lawrence River Basin and, as such, were relatively limited in geographical extent. Confederation, however, had built into it an ambitious project of territorial expansion. As soon as they united into the Canadian Dominion, the new provinces looked to what they named “the Northwest” – the vast continental interior that now comprises present-day provinces of Alberta, Saskatchewan and Manitoba as well as the three territories – as the concrete place of their dreams of territorial expansion.
By 1873, less than six years after Confederation, the Dominion claimed to have attached not only the British colonies of British Columbia and Prince Edward Island, but also the vast swaths of Northwestern lands in their entirety. Graphically, this is illustrated by the replacement of British claims to territorial sovereignty (in shades of blue and purple) by properly Canadian claims to territorial sovereignty (in red and orange). Because Canada was then endowed with a domain of lands five times as large as the original Dominion, it had metamorphosed into a “continental empire”, to use the words of noted historian Chester Martin (1973). This dissertation focuses on the region then named the “North-West Territories”, that is, all the lands claimed by the Dominion of Canada beyond the then established provinces. These territories roughly correspond to present-day provinces of Manitoba, Saskatchewan, and Alberta, as well as the three territories and large sections of Ontario and Québec.
The end point of this enquiry is 1885. Even if the internal borders within the Canadian Dominion were still being negotiated, the external borders of Canada were fixed around that time (with the notable exception of the British colony of Newfoundland, which joined Canada in 1949). Canada then claimed to have defeated all competing claims to its sovereignty on the lands it still considers to be hers today. To use the words of settler colonisation scholar Patrick Wolfe, “despite the remaining blanks and smudges on the map” Canada’s political and geographical constitutions were officially treated as homogenous on all of this half continent by the year 1885.
On July 1, 2017, *The Globe and Mail* celebrated Canada’s sesquicentennial anniversary with the publication of a series of texts authored by major political figures. Prince Charles stated in his that “it is Canada’s natural beauty, vast landscapes and seemingly infinite natural resources that define it in the eyes of the world”. He continued in praising the fact that these natural features sustain a properly Canadian lifestyle and spirit that “welcomes others, embraces diversity and reaches for understanding amongst all”. According to Prince Charles, Canadians have “an unquenchable desire to contribute and to make the world a better place for everyone” (*The Globe and Mail*, 2017: A4).

Prime Minister Trudeau added his voice to that of Prince Charles. He wrote: “for the past 150 years, Canada has tapped into the ambition, work ethic and ingenuity of its people. We are a country of millions bound together by a spirit of daring and hard work [...]. We share dreams, values and the belief that better is always possible.” Both texts mobilise familiar themes in Canadian politics, including the idea, articulated by Pierre Elliott Trudeau that the world needs the kind of peace Canada has been building and keeping since it came into the Western world. In 1962, Pierre Elliott Trudeau wrote that it “seems urgent, for world peace and the welfare of new States, that [the Canadian] form of ‘good government’ – that is, democratic federalism – is perfected and spread, in order to resolve to some degree the problems of ethnic pluralism around the world” (Trudeau, 1967).

What these stories reflect is the popular image of Canada as a massive territorial entity, which abounds with extractable resources and is peopled with peace-loving, industrious and righteous communities. The language of Prince Charles and the Trudeaus also manifest the widespread assumption that Canadians are capable of progress and realise it within the borders of their sovereign country as well as beyond them. In fact, in the words of Pierre Elliott Trudeau, the Canadian understanding of government resolves ethnic pluralism and should thus be spread across the nations

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1 This is a translation of the original text, published in French in 1962. The original excerpt reads: “Il semble même assez urgent, pour la paix du monde et le bonheur des États nouveaux, que cette forme de *good government* qu’est le fédéralisme démocratique soit perfectionnée et répandue, en vue de résoudre un peu partout les problèmes du pluralisme ethnique” (Trudeau, 1967).
of the world. In short, the celebration of the 150th anniversary of Canada by representatives of the Crown and Canadian governments consolidated the Canadian self-understanding of the Canadian nation and state as that of benevolent presence in and for the world.

Popular narratives of the past and present of Canada continue to abound with images of the nation as a middle power that makes and keeps peace, both in its founding and its most recent developments. Some stories of Canadian settlement recount the supposed peacefulness of the early colonial days and insist on the Canadian “orderly frontiers”, which are sometimes reported to contrast with the American “chaotic” conquest history. Treaty-signing procedures in Canadian history are often cited as an illustration of the benevolent alternatives preferred by Canadian colonial authorities, which despised the American experience of land conflict and wars of occupation. The persistent identification of the state of Canada with peace, and in opposition to violence, also mobilises the clause entrenched into the Canadian constitution that echoes “peace, order and good government” as underpinning principles that are assumed to have guided the properly Canadian regime of citizenship throughout recent history. The lasting connection of Canadians with the idea of themselves as “peaceable” also taps into former Prime Minister Lester B. Pearson’s peace keeping missions for which Canada received its one and only Nobel Peace Prize. This self-narrative of Canada by Canadians, well captured by the phrase “Peaceable Kingdom”, finally exploits the shift in recent years of the role of Canada as that of a “peace-keeper” to that of a “peace-builder” outside of its own borders.

In addition to inhabiting the Canadian collective psyche, the myth of Canada as a Peaceable Kingdom has also permeated scholarship in political science. Various works in Canadian politics have adopted the phrase in their titles. In their recent introductory book to Canadian politics, Christopher Cochrane, Kelly Blidook and Rand Dyck declare: “Although Canada made major

2 The same cannot be said of the scholarship within the discipline of history. Many works of historiography support and feed the findings of this research.
contributions to two world wars, Canadians are not a warlike people. They abhor violence at home and abroad, they have no enemies, and their military establishment has been small” (2017: 247). “Few countries can match Canada's peaceful history,” David E. Smith continues (1991: 457), echoing Julien Bauer’s statement that the use of violence is exceptional in Canadian history (1998: 122). “Compared to most other countries, Canada has indeed been a 'peaceable kingdom’”, concludes Thomas W. Joseph (Joseph, 2001: 317).

Although the broader narrative of the supposedly peaceable process of Canadian settlement dates back to the 1860s, the idea of the Canadian Dominion as a “Peaceable Kingdom” developed more recently (see Kokotailo, 1999; c.f. Frye, 1965). According to Kokotailo, “Peaceable Kingdom” had become a crucial component of the national self-definition and “an accepted part of Canadian cultural currency” by the end of the twentieth century (1999: 4). In March 1990, in the context of the potential ratification of the Meech Lake Accord, former Progressive Conservative Prime Minister and then Secretary of State for External Affairs Joe Clark expressed his worries about the future of Canada if the Accord failed: “No one here can guarantee that our children will inherit a kingdom so peaceable as that in which we grew up” (in Kokotailo, 1999: 9). In the end, it appears that “Peaceable Kingdom” has become, at least in English Canada, a relatively common metaphor for the past and present of the Canadian nation.

1. Overview of dissertation

Marxist thinker Antonio Gramsci defined hegemony as the structure of bourgeois rule over the working class in the stabilised capitalist societies of the West (Gramsci, 1971: 169-70, cf. Anderson, 1976). If we are to extend the Gramscian concept of hegemony to the study of the structure of colonial (as opposed to, or in addition to, bourgeois) rule in settler societies, then this dissertation

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4 The original text, in French, is the following: ”Les dérapages sont effectivement très rares au Canada au point [où] dans un pays aussi fracturé que le Canada, les recours à la violence sont exceptionnels” (Bauer, 1998: 122).
undertakes to challenge a number of hegemonic processes and understandings that have authorised the violence that underlay these processes.

In particular, this thesis mobilises the tools of critical political theory to study the processes of land appropriation and cultural homogenisation over lands claimed by Canada as their own in the development of the Canadian state and identity. Using the case of the “North-West”, I examine the justifications for Canadian attempts at incorporating non-Canadian lands and peoples, which I argue belong to the tradition of colonial liberalism. Colonial liberalism is organised around the concepts of improvement, which applies to both land (through cultivation) and peoples (through agrarian labour, enfranchisement and schooling). Throughout the following chapters, I argue that Canada authorised its appropriation of Indigenous lands by claiming that it alone could improve the lands it looked to appropriate. To the extent that Canadian colonial liberalism regarded the Indigenous Peoples of the North-West as requiring the protection and assistance of the Dominion in achieving higher forms of humanity, I argue that it authorised the epistemic violence of their assimilation to emerging settle communities. By bringing into view the violence implicated in Canadian territorial and political development, this dissertation challenges the hegemonic self-understanding of the Canadian state and nation as those of a Peaceable Kingdom.

2. Time and place

My dissertation focuses on the years 1857–1885, which encompass a foundational period for Canadian state and identity development. As British American colonies acted upon their Confederal project to unite, they discussed and established how the young Canadian state was to appropriate and govern the continental interior and its peoples. My thesis focuses on that particular region, a

5 Like Coulthard (2007 and 2014; see also Alfred, 1999), I use the term “Indigenous Peoples” in the context of this dissertation to refer to the descendants of those who have traditionally occupied the territory that is now known as Canada prior to the arrival of European settlers and state powers. “Indian” and “First Nation” are legal categories entrenched into the Indian Act and the Constitutional Act, 1982, section 35 (2), distinct from “Inuit” and “Metis”.
contested colonial space, which is to be annexed and given the name “North-Western Territories”. I demonstrate that for the first time in 1857 Canadian officialdom claimed the “North-West” as its own to rule and develop. I track the evolution of that claim up to 1885, when consolidating Canadian political and military powers declare to have built a distinctively Canadian transcontinental power out of British North America and to have secured sovereignty over the continental inlands and peoples.

In Reordering the World, Bell proposes that it was in the settler colonies, not in India, that British liberals found the “concrete place of their dreams” (2016: 33). I build on that analysis by showing that it was in the North-West that Canadian colonial liberals found an ideal site for pursuing their dream of territorial expansion in cultural uniformity. Accordingly, they elaborated the project of annexing, populating and cultivating the North-West. This territorial and political project reveals most clearly the reality and strategies – the instruments, actors and ideology – of Canadian political development in the second half of the 19th century.

The term “North-West Territories” has designated different regions in Canadian history and during the thirty years covered by this study. The term was first used to designate British North American territory outside of British North American colonies that was not comprised within Rupert’s Land. Rupert’s Land covered the Hudson Bay drainage basin and its name signalled the commercial monopoly the Hudson’s Bay Company (HBC) operated on that land for 200 years (1670–1870). The North-Western Territories were named to indicate its location in relation to Rupert’s Land. In 1869-70, the HBC surrendered its charter to the British Crown, which “transferred” its title to Rupert’s Land and the North-West Territories to the Canadian Dominion. Starting in 1870, Canada asserted sovereignty over these new lands (see chapters 4 and 5). The Dominion named “North-Western Territories” all of the territory it claimed beyond those enclosed within Canadian provinces. During the period studied in this dissertation, the North-Western Territories generally comprise present-day provinces of Alberta, Saskatchewan, and Manitoba, large sections of Ontario as well as the Territories of Yukon, Northwest Territory and Nunavut. I use these names for clarity and not with the intention of validating Canadian claims of sovereignty over these territories. For detailed discussions of the legality and validity of Canadian claims to sovereignty over Canada, see McNeil, 2013, and over the North-Western Territories in particular, see Gaudry, 2014.

Scholars of the region have already shown that an important regime change – from a traditional Indigenous regime based on trade to a settler colonial regime centred on immigration and agriculture – occurred in the last 15 years of the historical period covered in this thesis (see Wildcat, 2015). I add to this scholarship by including the decade that preceded the creation of Manitoba, the first Canadian province to be founded in the North-West, in 1869.

Some of the strategies of Canadian political development used in the North-West in the late 19th century were replicated in the various Canadian attempts at incorporating the lands and peoples of the “Far North” in the mid-20th century (see Sabin, 2014, and thanks to Glen Coulthard for stressing the resemblance between the two models of development).
3. Colonial liberalism

This dissertation examines the production of a discursive complex that promoted and authorised land appropriation and cultural homogenisation in Canadian political development. Committed to the making of a large nation and the spreading of civilisation, I find that various Canadian officials articulated a colonial liberal ideology centred on the concepts of improvement – for land – and progress – for peoples, which are both to be performed through agrarian labour. In addition to authorising the incorporation of lands and peoples under Canadian rule, I argue that colonial liberalism obscures the violence inherent to these processes. Expressed in a language that emphasises benevolence, peace and advancement, colonial liberalism conversely provides justification for – and masks – the violence intrinsic to Indigenous dispossession and assimilation. This thesis also contributes to exposing the complicity of liberal thought with settler colonisation. Not only do liberal thinkers and actors promote settler colonisation in Canadian political development, but they also are its most vocal and efficacious architects. In other words, in the Canadian Dominion, territorial expansion and cultural uniformity are distinctively liberal projects and policies. Structured around the concepts of improvement and progress for lands and peoples, colonial liberalism has thus enabled, ennobled, and disavowed the Canadian violence of dispossession and assimilation.

4. Instruments of dispossession and assimilation

This dissertation also tracks the shifting strategies employed by the emerging Canadian settler colonial regime to expand its frontiers and to cultivate cultural uniformity within these borders. Sequentially, Canadian officialdom first undertook to incorporate the North-West by

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By examining the impact of political ideas on political processes, I do not want to propose that political thinking is autonomous, that is, isolated from various pressures – most importantly economic forces. Drives for territorial appropriation and cultural uniformity have both political and economic underpinnings (Nichols, 2018) and some of these surfaced in the discourse I study and cite as evidence of the importance and content of colonial liberalism in Canadian political development.
producing knowledge, considered to be validated by science, on the agrarian, mineral and climatic “value” of the region. Upon positive reports of the suitability of the North-West for agricultural purposes, Canadian authorities used the “gentle” instruments of administration (e.g. land surveys and adoption of land-holding schemes), geo-constitutional design (e.g. creation of new provinces and territories), politics (e.g. declaration of sovereignty) and law (e.g. enactment of policies of enfranchisement) in an effort to appropriate northwestern lands and peoples.

There are other significant means through which the Dominion authorities undertook to arrogate Indigenous lands and eliminate Indigenous Peoples as occupants of their lands – most important treaties. An increasingly extensive scholarship centres treaty making in Canada and in North America more generally (for instance, Asch, 2014, Borrows, 2002, Craft, 2013, Hall, 2015, Ladner, 2003, Lawrence, 2010, Miller, 2009, Simpson, 2008, Starblanket, 2019, and Stark, 2012, 2016). Very importantly, this literature reveals the two antagonistic economic visions embedded in treaty relations that Indigenous and settler colonial leadership put forth. If Indigenous peoples primarily saw treaties as “living relationships, diplomatic processes that enabled the expansion of intricate kin-based networks situated within a relational paradigm that saw the world as a deeply interconnected and interdependent place”\(^{10}\), the settler government of Canada negotiated treaties as a transactional means to access and acquire Indigenous lands (Stark, 2016). In this sense, Canadian authorities have claimed to use treaties to extinguish Indigenous peoples’ outstanding claims to the lands Canada designed to appropriate and to thus authorise its territorial expansion and consolidation (Starblanket, 2019). \(^{11}\) Since treaty making as a means for Dominion authorities to acquire Indigenous lands is well covered elsewhere, this dissertation focuses on the various non-
treaty initiatives of approaching and settling the North-West, which are less discussed within the literature on Canadian political development.\textsuperscript{12}

Indigenous Peoples resisted hard and fierce attempts at dispossessing them of their lands and ways of being on that land. To that resistance, I find that Canadian authorities responded with the strong arm of the law, that is, through police and military forces (e.g. constitution of special police forces, dispatch of military troops, and execution upon the charge of disloyalty). By distinguishing the various instruments by which Canadian authorities set out to acquire the West, it becomes clear that these actors rely on extra-legal violence to bring about a thoroughly Canadian regime of law – supposedly defined by its quiescence and civility – onto the Plains. In short, if Canadian officials claim to prefer to absorb lands and peoples through the “gentle” means of constitutionalism, administration and law, I show that they resort to police and military forces especially when Indigenous Peoples resist the consolidation of Canadian rule.

Furthermore, this dissertation points to the variety of actors implicated in the attempted annexation of lands and peoples into Canadian officialdom. Historical actors committed to the founding and development of Canada include not only important office holders and statespersons, but also social and natural scientists as well as heads of military expeditions whose words and work were critical to creating the ideological context in which larger ideas emerged and were advanced. In sum, I find that while various Canadian officials claimed to prefer the “gentle” means of constitutionalism, administration and law to develop and consolidate Canadian rule, they regularly resorted to police and military forces in aid of their cause.

\textsuperscript{12} Indeed, there are risks in neglecting treaty making in this research. First, in the words of Starblanket (2019: 2), treaties are “the locus of Indigenous peoples’ distinct political relationship with the Canadian state”. To the extent that treaty-making can be opposed to alternative and more violence means of territorial expansion for settler states, treaties – and the numbered treaties in particular – have furthermore served the perpetuation of the idea of Canada as a Peaceable Kingdom. Because it was not possible to account for the complex of treaties relations within the parameters of this dissertation, however, interested readers are encouraged to refer to the works cited above.
5. Methods and posture

The object of this thesis is what Duncan Bell names settler “mythscapes”, that is, “evocative narratives that embody claims about the origins, the legitimacy, and the destiny” of settler colonial enterprises (Bell, 2016: 42). The method I use to conduct this excavation into Canadian settler mythscapes borrows from the critical political philosophy of James Tully (2002, 2008), itself based upon the works of Foucault (2003) and the Governmentality school, as well as upon the works of Quentin Skinner (2002) and the Cambridge School. In a word, I analyse Canadian settler mythscapes by carrying out surveys of political language and practices of governance in the development of the Canadian Dominion, from 1857 and 1885. In addition to being historical and practical, this method is inherently critical: it problematises contemporary practices of governance by seeing them both as stemming from past actions and as capable of being altered.

The claims under investigation in this thesis have been contested and frustrated by the sustained and formidable resistance and resilience of Indigenous Peoples throughout the period. To better contextualise the significance of a claim articulated by a particular agent of Canadian political development, I will report on some acts of Indigenous resistance. To do so, however, is to engage in the representation of Indigenous Peoples. As Matt Wildcat powerfully argues, representing Indigenous Peoples is a highly fraught scholarly endeavour, for they are still confronting settler practises of elimination in contemporary Canada (2015: 396, see also Wolfe, 1999: 4). Claims to authority over the interpretation of Indigenous discourse and practice made by scholars such as I, or from within the “settler colonial academy” more generally, run the risk of continuing the usurpation of Indigenous constitutional and political space.13 In response to these representational hurdles, this thesis zeroes in on the interpretation of non-Indigenous discourse and practice.14 To interpret

13 I am a white scholar of French-Canadian ancestry.
14 While this includes the Dominion’s construction and appropriation of Indigeneity, I do not make substantive claims as to whether this construction corresponds to what Indigenous Peoples are to themselves and other peoples.
historical Indigenous discourse and practices of governance, I rely as much as I can on Indigenous scholarship and historiography and, whenever it is not possible, I self-consciously evaluate my interpretations, especially in view of the “particular power relations and discursive effects involved” (Alcoff, 2013) in such evaluation. Finally, I do not intend this research to yield an authoritative history of Canadian political development; rather, it aspires to provide another perspective from which to examine the “cacophony” of Canadian political development (Byrd, 2011).

6. Contribution to the study of Canadian political development

The major contributions of this thesis are threefold. First, my dissertation contributes to the study of Canadian political development by challenging entrenched foundational narratives of Canada as a perennial peace-making force, captured by the phrase “Peaceable Kingdom”. In dedicated scholarship, the political development of Canada appears as especially peaceful when it is compared to those of other polities, most importantly the United States. Comparative studies of Canadian history have proposed that the Canadian processes of expansion and settlement contrasted with their American counterpart in being more passive and law-abiding (Lipset, 1990, Torrance, 1986), less bloody (Pateman, 2007), less aggressive and lacking rabid nationalism and expansionism (Nichols, 2009), and more gentle, restrained and accommodating (Coates, 1999). Most studies conclude that violent confrontations were less frequent and deadly in the Canadian case for the reason that the government – as opposed to settlers – initiated the process of appropriating and setting the Canadian North-West. My research turns the cultural and scholarly paradigm of Canada as a Peaceable Kingdom on its head by surfacing the violence it perpetrated to secure its existence and expansion in the mid- and late-nineteenth century. In particular, I argue that the violence of the Canadian founding and development presents a paradox: while the Dominion declared to act on a peaceable programme of aggrandisement, it waged war against Indigenous peoples as belligerent and obstructive forces in the way of Dominion construction.
Moreover, I show that the relatively important role of the state in Canadian political development did not contribute to making the processes of incorporating new lands less violent: conversely, it shifted the locus and means of the foundational violence and allowed Canadian authorities to authorise that violence as lawful. This dissertation centres on the state-led and state building violence, which stemmed from a Canadian impulse to incorporate new lands into the young Dominion. In so doing, I provide original data on the establishment of defining and formative institutions of Canadian settler colonial rule (most importantly the province of Manitoba, the Indian Act of 1876, the Indian Residential School and the North-West Mounted Police). In sum, my research provides a historical record that incorporates the violence of Canadian political development and thereby participates in undoing its historical and contemporarily disavowal.

Finally, together with LaSelva (1996) and Vipond (1991), this research challenges the widespread understanding that Canadian Confederation and development were the work of pragmatic politicians who avoided issues of principle in order to achieve political consensus amongst colonial elites. As opposed to these two authors, however, I argue that the consensus reached through Confederation was productive not only of liberty and of a sense of community (Vipond, 1991), but also of exclusion, especially with regard to Indigenous Peoples. In this sense, this dissertation addresses one conspicuous silence in the dominant understanding of Confederation: the absence of Indigenous communities from that founding event. As explained in the Report of the Royal Commission on Bilingualism and Biculturalism, Canadian children have traditionally been taught either one of two versions of Canadian history. If French-speaking Quebecois children have been told about the survival and development of French-Canadian society within Canada, their English-speaking Canadian counterparts have been taught the survival and development of Canada as a political entity in North America (1968: 275, see Krikorian et al., 2017). These two seemingly competing versions of Canadian history, which endure to this day, have significant implications for Canadian political identity. As proposed by Krikorian et al. in the introduction to Roads to Confederation, these two versions of
Canadian history “perpetuate the myth that there is no role or place for Indigenous Peoples in the making of Canada” (2017: 15).

This dissertation contributes to dispelling that myth by centring Indigenous Peoples not only within Confederation, but also within the scholarship on Confederation. There is a widespread recognition within the Canadian political science scholarly community that more research needs to be undertaken on the place of Indigenous Peoples in Canadian political development, including during the Confederation period. Throughout the chapters, this dissertation contributes to addressing this important limit in the scholarship in Canadian Confederation and political development by tracking the responses of the Canadian government to the resistance of Indigenous Peoples to its violent project of territorial expansion.

7. Contribution to the history of political ideas

The second contribution of my dissertation is situated within the field of political theory. This thesis proposes to contribute to the understanding of liberalism's complicity with settler colonisation by studying the critical and yet overlooked perspective of the colonies of settlement. While a promising strand of scholarship within political theory has undertaken to explore the roots of the liberal tradition in the history of colonialism (Armitage, 2000, Arneil, 1996, Bell, 2016, Pitts, 2005,

15 To validate their selection choices within their volume, Krikorian et al. organised a Canada-wide survey to which almost 500 scholars responded. “By far” the most common response to the question of what areas of future research needed attention was that of the relationship between Indigenous and non-Indigenous nations around the time of Confederation (2017: 13). The main report of the Royal Commission on Aboriginal Peoples (RCAP) (1996) does include a passage on Confederation, which notes the absence of Indigenous Peoples in the talks leading up to it. However, the passage is very short. Although it identifies several implications of the Confederation (especially as concerns the adoption of legislative measures by the Dominion Parliament), the Report does not systematically identify the sources of the parliamentary debates in the decade that preceded 1867. Another publication of the RCAP, published in 1993 under the title Partners in Confederation: Aboriginal Peoples, Self-Government, and the Constitution, looks in more detail at the Confederation event. Its main purpose, however, is different from that of my dissertation: it is to determine the extent to which Indigenous communities were regulated by customary Indigenous law before and after Confederation. In addition, this publication argues that the 1867 federal union is not of considerable importance from the point of view of the relations between Indigenous Peoples and colonial governments (1993: 23). As the dissertation specifies, I support the opposite point of view.
Tully, 1980), it overlooked to analyse colonial liberalism as it was articulated by non-canonical thinkers and actors actually living within the British Dominions. Examining the formation and usage of colonial liberal arguments in the development of the Canadian settler state reveals both their fragility and their varying emphasises, especially when they are challenged and frustrated.

Canadian colonial liberalism applied mainly to lands and peoples. Colonial liberalism first conceived of land as improvable through agriculture. Various documents analysed in this thesis testify to the colonial liberal understanding that land, to boast its full value, must be cleared of trees, ploughed and cultivated. For land to be thus valorised, it must be divided into lots and possessed by farmers. For colonial liberalism, the ideal farmer is a rational and industrious landholder and husbandman. Virtually everyone—or virtually all males—can become that person through the labouring of land, for agrarian labour is also regarded as helping individuals become more rational (i.e. intelligent, independent and aware of one’s self-interest) and industrious (i.e. enterprising and prosperous). In addition to these attributes, I find that colonial liberalism requires of individuals to be calm (as opposed to excited or excitable, or violent) and loyal (i.e. docile and law-abiding, no matter how laws are made and enforced). Most scholarly analyses of colonial liberalism stress its potential for changing subjects from within. I find that in addition to seeking the internalisation of its power within the subjects themselves, colonial liberalism justifies the punishment of subjects considered to be disloyal to the established regime of rule. Throughout the dissertation, I show that the Dominion wages war against Indigenous Peoples as belligerent and disloyal forces in the way of Dominion construction.

As a consequence of these commitments, I show that colonial liberalism can be at least as violent as imperialism, which endorses “conquest” as a legitimate means to appropriate lands and peoples. In particular, I demonstrate that colonial liberalism is intrinsically violent in physical, material and epistemic ways. First, by demanding the execution of “violent” or “disloyal” subjects, colonial liberalism is destructive of certain lives and is thus physically violent. Second, by demanding the incorporation of new lands, colonial liberalism is expansionist and appropriative and is thus
materially violent. Third, by demanding the enfranchisement of Indigenous adults and the schooling of Indigenous children, colonial liberalism is destructive of certain ways of being and knowing and is thus epistemically violent. In short, this dissertation ultimately centres on Canadian political thinking to illuminate the larger liberal tradition by bringing out its connection to settler colonialism, by surfacing its intrinsically violent potential and by underlining the significant contributions of colonial liberal authors and advocates in the Canadian Dominion.

8. Normative contribution

This thesis finally provides Canadians with ways of thinking critically about contemporary liberalism, on the one hand, and contemporary Canada, on the other. First, most struggles for coexistence and rights are still couched in liberal terms today. Because contemporary liberal practices of inclusion and equality very much owe to the late Victorian discourse on assimilation and exclusion, it is imperative to study the sources of liberalism in the British settler world to undertake the decolonisation of the now dominant tradition. To that end, my thesis tracks continuities in the liberal tradition and identifies the legacies of appropriation and exclusion that it carries to this day. In addition to rethinking the liberal tradition, this thesis also unsettles “precarious assumptions” Canadians have about themselves, to borrow Audra Simpson’s apt phrase (2014: 22). By showing the Canadian endeavours to appropriate Indigenous lands and to eradicate Indigenous epistemologies, this dissertation additionally exposes the “fragility” of the Canadian settler state (Simpson, 2008: 191) at the same time as it challenges what Alfred names the “fundamental imperial lie” (1999: 84) that underlay Canadian claims to sovereignty over Canadian territory. In a word, this thesis contributes a historically based challenge to entrenched narratives in Canadian history and politics, which have partly been written out of the denial of its foundational violence. In that sense,

16 Simpson writes that settler states possess “a precarious assumption that their boundaries are permanent, incontestable, and entrenched. They possess a precarious assumption about their own (just) origins. And by extension, they possess a precarious assumption about themselves” (2014: 22).
this thesis thus supports Indigenous efforts to resist the different forms of erasure contained within colonial liberalism in Canada and other settler states.

9. Chapter division

This thesis comprises seven chapters, including this introduction. The second chapter introduces the important concepts of the dissertation. It defines settler colonisation and details its strategies of elimination, which I classify as constituting physical, material or epistemic violence. I then examine the ideological content of colonial liberalism, which helped Canadian authorities frame these violent settler colonial processes as legitimate. The following chapters track the different stages of the consolidation of settler powers in the North-West between 1857 and 1885. Chapter 3 centres on the pre-Confederal decade to track the emergence of Canada as a settler colonial power in the elaboration and implementation of the 1867 Canadian constitutional scheme. As the power shifted from an exterior British government to a local and permanent settler state, properly Canadian impulses to appropriate new lands and their peoples heightened. This chapter records the initial Canadian project of annexing the North-West and its peoples, first championed in the reports of scientific expeditions. It also studies the constitutional securing of these ambitions in the elaboration and enactment of the Confederation agreement of 1867. Chapter 4 examines the few years that followed Confederation and centres on the creation of the first Canadian province in the North-West. It exposes the colonial liberal strategies (administrative, geo-constitutional and military) that enabled the materialisation of the Confederation project – that is, the expansion of Canadian rule to the North-West. Chapter 5 investigates the means by which the state sought to impose a properly Canadian legal order in the North-Western Territories, the region of the North-West outside of the small province of Manitoba. Most importantly, the Canadian government introduced the Dominion Lands Act to promote land division and appropriation by individual farmers, promoted foreign immigration upon these lots and formed a regional police force to secure Canadian sovereignty in the territory. Chapter 6 scrutinises the Canadian attempts at assimilating the Indigenous Peoples of the North-West. I argue
that it does so by differentiating Indigenous Peoples of the North-West from those who lived within the Canadian provinces and by differentiating Indigenous adults from children. Cultural uniformity, according to Dominion officials, was to be promoted by “emancipating” and regulating the identity of Indigenous adults and by schooling their children into European ways. Chapter 7 looks at the reaction of the colonial powers to the frustration of the Canadian colonial liberal dream of appropriating the North-West. I argue that the Dominion resolved to wage war to resisting subjects by framing acts of resistance as acts of rebellion and by executing Indigenous leaders for having been disloyal to the now established Canadian authorities. The conclusion discusses the Canadian claim to possess and rule the whole of former British North America by the end of 1885.
CHAPTER 2: Settler colonisation and colonial liberalism

In this chapter, I make important distinctions amongst the concepts under study and underline the importance of examining historical ideologies as forces inherent to the political development of polities. Borrowing from Patrick Wolfe’s influential work, I define settler colonisation and outline its visible and less visible manifestations as concerns land, population, and narrative. I turn next to a detailed examination of the strategies of settler colonisation in the context of this study. I find strategies constitutive of three types of violence: physical, material, and epistemic. The predominant types of violence in Canadian political development are the last two, material and epistemic violence, in the form of dispossession and assimilation. If assimilation as a settler colonial objective is essentially pursued by means of legislation, I show that dispossession is sought after through a variety of different techniques: production of science, proclamation of sovereignty, geo-constitutional design, administration, legislation and deployment of special police and military forces.

Finally, I turn to the ideological forces that contribute to making these violent impositions legitimate, namely variations of colonial liberalism. The last substantive section thereby analyses the formation and evolving life of colonial liberalism as an ideological tradition and its distinct manifestations in the context of mid-19th century British North America. Committed to the making of a large nation and the spreading of civilisation, I find that various Canadian officials articulated a colonial liberal ideology centred on the concepts of improvement – for land – and progress – for peoples –, which are both to be performed through agrarian labour. In addition to authorising the incorporation of lands and peoples under Canadian rule, I argue that colonial liberalism obscures the violence inherent to these processes. Expressed in a language that emphasises benevolence, peace and advancement, colonial liberalism conversely provides justification for – and masks – the violence intrinsic to Indigenous dispossession and assimilation. In particular, I demonstrate that colonial liberalism is intrinsically violent in physical, material and epistemic ways. First, by demanding the execution of “violent” or “disloyal” subjects, colonial liberalism is destructive of certain lives and is
thus physically violent. Second, by demanding the incorporation of lands to be improved, colonial liberalism is expansionist and appropriative and is thus materially violent. Third, by demanding the progress of Indigenous Peoples by enfranchising adults and schooling children, colonial liberalism is destructive of certain ways of being and knowing and is thus epistemically violent.

1. Preliminary distinctions

Before I define settler colonisation, it is imperative to distinguish *processes* from the *ideological justifications* of these processes. To that effect, Barbara Arneil usefully refers to “colonisation”, or “settler colonisation”, as historical processes and practices. Conversely, “colonialism” and “settler colonialism” are referred to as ideological or doctrinal systems by which such processes are justified (see Arneil, 2012: 492). 17 Adopting that distinction, I borrow from Freeden (1996) an understanding of ideologies that is essentially morphological. According to this account, ideological formations revolve around more or less central values, such as liberty, order or equality. As an ideology, colonial liberalism draws on different values to uphold particular political arrangements – or changes to them.

If one considers the political world as linguistically constituted (Ball, Farr, and Hanson, 1989), as I do, the study of ideologies is therefore critical to understanding these realities. Languages map political possibilities: they enable actors to do certain things and prevent them from doing others. Settler colonial polities, like other political regimes, are constituted through language and self-representation, thus imposing order and meaning on change, place and time (Lorimier, 2006, Pitts, 2010). To understand and eventually destabilise them, it is necessary to grasp the continuities in their development that persists to this day. In sum, returning to the original coinage of relationships of inequality ultimately serves the purpose of problematising contemporary practices of governance,

17 Distinguish from Veracini (2010), who rather proposes that colonialism is a form of rule exercised over colonised peoples, whereas colonisation is a form of rule exercised over colonised land.
that is, of seeing them both as stemming from past actions and as capable of being altered. In this sense, my enquiry into the mid and late 19th-century colonial liberalism situates one of its contexts of emergence and development in order to see how it contributed to shaping contemporary discourse and practices and how it can be critically assessed against alternative ways of governing (Tully, 2002).

2. Settler colonisation: its specificity and foundational role for Canadian political development

Settler colonisation constitutes a crucial element of the Canadian political founding and development. According to a number of scholars spanning various academic traditions, there might not be a single more important force that carved the current political order in Canada (Battell Lowman and Barker, 2015, Carter, 2008, Morgensen, 2011) – but also in the Americas more generally (Belich, 2008, Byrd, 2011, Mamdani, 2015). That settler colonisation, and its British version in particular, was the most significant process in modern history does not make it readily visible to the untrained eye. It is part of the settler colonial regime that it is hegemonic, continually obscured (Byrd, 2011) and becomes naturalised – even within political theory (Morgensen, 2011). Drawing from Wolfe (1999, 2006, 2008) and Veracini (2010), I define the motive, logic, grammar, actors, rhythm, and track manifestations of settler colonisation, before I distinguish it from empire, colonisation and processes based on race. Such characterisation of historical and contemporary processes should render settler colonisation more discernable.

2.1. Motive: access to land

The first component to settler colonialism – its "specific, irreducible element", Wolfe writes (2006: 388) – is its territoriality: its emptying, occupation and exploitation of land, as well as its production of sovereignty over that land. The territorial impetus of settler colonisation is the interest of both capital and settlers to pursue agriculture on that land as a way of securing their own survival and reproduction. Agriculture was understood both in Great Britain and in its settler colonies as capable of supporting larger populations than non-sedentary modes of production, although other
motives explain the settler appetite for land – for instance, forestry, fishing, pastoralism and mining (Wolfe, 2008). In sum, settler colonisation centres on the access to and appropriation of land and its exploitable resources by settlers and the various agencies related to them (Harris, 2004, Ross-Tremblay, 2015).

2.2. Logic: elimination

The settlers’ intention to stay – as opposed to the sojourners’ intention to return – inclines them to want to acquire land and thereby to regard the population indigenous to it as plainly “superfluous”, to be “eliminated” (Wolfe, 1999: 3). Numerous readings of British North American settler colonisation confirm the fact that it is structured around the appropriation of Indigenous land and the elimination of Indigenous Peoples as occupants of their lands, rather than around the integration of Indigenous populations into early capitalist labour systems (Belich, 2008, Johnson and Lawson, 2000, Mamdani, 2015, Morgensen, 2011). In other words, the priority of British North American settler colonisation was territory, not the extraction of an economic surplus from Indigenous labour on that territory. For that reason, Indigenous populations, including their potential labour force, are deemed dispensable and, thereby, to be eliminated (Cannon and Sunseri, 2001). The strategies of this elimination are more than one, and I will delve into them further in this chapter.

The usage of “elimination” and “violence” as central concepts – as opposed to “genocide” – is consistent with many works within the scholarship on settler colonisation and colonialism. There are indeed many ways in which genocide and settler colonial elimination intersect. In the words of Wildcat (2015: 394), elimination is a type of genocide. Settler colonisation is genocidal to the extent that it “seeks to undercut or destroy the collectivity of Indigenous peoples, even if it does not always want to destroy the individuals within the collective or the collective in its totality”. There are

18 In this sense, there are important similarities between genocide and settler colonisation. Wolfe nonetheless argues that the two should be distinguished: if settler colonisation is inherently eliminativist, it is not necessarily genocidal, as it sometimes favours the producing of certain kinds of life over their destruction (2006, see also Morgensen, 2011 and, for a contrary point of view, Moses, 2004b and Wildcat, 2015).
important continuities and similarities between genocide and settler colonisation, but the two should nonetheless be distinguished: if settler colonisation is inherently eliminativist, it is not necessarily genocidal, as it sometimes favours the producing of certain kinds of lives over their destruction (2006, see also Morgensen, 2011 and, for a contrary point of view, Moses, 2004b and Wildcat, 2015). Using “genocide” as a structuring concept would pose another set of problems. As the tabling of the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls has shown, debates on the appropriateness of using “genocide” in the context of the relationship between Indigenous Peoples and the Canadian state shifted national attention away from the actual findings of the Report. Finally, because genocide is a legal term, most notably defined in the UN Convention on the Prevention and Punishment of the Crime of Genocide, it carries with it legal implications that are not accounted for in this work. For these various reasons, the threefold violence of Canadian political development is explored in relation to this implication for the elimination – rather than the “genocide” – of Indigenous Peoples.

2.3. Grammar: race

If the primary motor behind settler colonisation is land, race is its grammar (Wolfe, 1999). It is critical to distinguish race, or racism, from settler colonisation. Mamdani notes, for instance, that the American society may have registered some successes in relation to African Americans, but it has entirely failed to challenge its racist and colonial foundations in relation to Indigenous Peoples. In this sense, “a deracialized America still remains a settler society and a settler state” (2015: 607). It is important to distinguish between racist and settler colonial structures within settler societies, for the conflation of the two can have important and dangerous consequences. Byrd writes that the collapsing of the settler colonial into the racist paradigm only obscures settler colonisation and masks
its territorial dispossession (2011, cf. Simpson, 2014).\textsuperscript{19} In sum, racism and settler colonialism are both structures organised about race, although racial notions play a secondary role in relation to settler colonial ones.\textsuperscript{20} Indigenous peoples are targeted as racialised peoples in the settler colonial dynamic for the primary reason that they find themselves on the land coveted by settlers.

If processes of settler colonisation imply the racialisation of Indigenous Peoples, they also imply the racialisation of settler authorities as “white”. As Painter (2010), Moreton-Robinson (2015) and Wolfe (2015) demonstrate, whiteness as a racial idea helped configure settler nations as settler possessions. Similarly, whiteness helped settler authorities legitimise the violence of their territorial and political project. In the words of Wolfe, whiteness “provided an expedient resolution to the logical affront that colonialism presented to liberal-democratic ideology” (2015, see also Painter, 2010).

2.4. Actors: settlers and others

The settler colonisation of British North America and Canada was a long and complex process, superposing “histories of slavery, colonialism, arrival and indigeneity” (Byrd, 2011: xxxvi). I organise the actors of these histories into three categories according to whether, in the context of settler colonisation, they have original ties to land (Indigenous Peoples) or they arrived in North America, either by choice (settlers) or by force (arrivants). Such a categorisation avoids the collapsing of the last two categories into one (encompassing all non-indigenous peoples) and isolates those who propagated the violence of settler colonisation, that is, those (the “settlers”) whose discourse or actions participated in furthering the elimination of Indigenous Peoples inherent to settler colonisation (Wildcat, 2015).

\textsuperscript{19} Byrd (2011) specifies that the conflation supports settler colonial dispossession particularly when it offers assimilation of Indigenous Peoples as reparation for settler colonial wrongs. Under this paradigm, Indigenous are regarded as any other internal ethnic minorities (see also Wolfe, 2015). This argument likewise holds for the conflation between settler colonisation and internal colonisation (see also Smith, 2009).

\textsuperscript{20} Compare Mills’ (1997) understanding of a racial contract (1997) to Pateman’s understanding of a settler colonial contract (2007). Both contracts are power structures that have the effect of distributing socioeconomic privilege, material wealth, as well as benefits, burdens, rights and duties unequally amongst groups. Yet, that distribution is based on dissimilar principles under the two systems.
The intermediary group, which Byrd identifies as that of "arrivants" (2011), comprises individuals or groups who arrived in British North America through various forms of compulsion. They include enslaved populations, as well as certain kinds of bounded people such as British and French emigrants who were either mentally ill, impoverished, petty criminals or indentured servants forced into emigration. Some arrivants were also non-British, non-white, or non-Christian subaltern migrants who faced persecution in their home countries – people forced into the Americas through the violence of European and Anglo-American racism, ableism, intolerance and criminal justice policies in combination with colonialism and imperialism.

By separating arrivants from settlers, we make sure not to attribute the material violence of dispossession on all communities immigrating to the Canadian Northwest. As Thobani (2007) rightfully emphasises, the processes of foreign immigration to British America have an ambiguous place in the founding violence of the erection of a settler society. On the one hand, arrivants have a long history of denigration, unequal opportunities and exploitation by settlers. The first groups to immigrate to the Prairies were destitute communities who faced political oppression in their country of origin, for example the Mennonites, who by immigrating to Canada starting in 1874 escaped persecution in Russia. Once established, arrivants experienced hardship incomparable with the difficulties faced by settlers born in the other Canadian provinces. On the other hand, the migrants to Canada did become implicated, generally unknowingly, in the dispossession of Indigenous Peoples. The process of incorporating arrivants into Canadian citizenship, however long and arduous, has

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22 Most women, too, occupied an ambivalent place in settler colonisation. While they served the empire through work and motherhood, they also endured forms of settler patriarchy that challenged their loyalty to colonial authorities (Perry, 2006).
23 It should be specified that only a few settlers and arrivants settled on the Plains between 1857 and 1885. According to Norrie (1979), the vast majority of entries for homesteads from 1872 to 1930 were made after 1900. By 1885, only 8,8% of the eventual total net homestead entries had been recorded. "Explosive colonisation" (Belich, 2008) failed in Canada before the turn of the century, most importantly for the reason that potential settlers preferred to immigrate to the United States. Thanks to the advent of rail, improvements in wheat farming and processing techniques, the filling-up of the prime lands of the United States and improvements in Canadian boosterism, the four western provinces experienced between 1891 and 1921 one of the latest and largest of all "Anglo booms," growing tenfold to 2.5 million people (2008: 408).
supported the Dominion’s “erasure of its originary violence and its fantasies of progress and prosperity” (2007: 15, Good, 1998). In sum, dividing non-Indigenous populations into settlers and arrivants emphasises that the two groups were not equal partners in the Dominion’s settler colonial project of eliminating Indigenous Peoples.24

This research focuses on the former group—the “settlers”—for it is their discourses and practices that pursued most directly the settler colonial elimination of Indigenous Peoples. In this sense, this dissertation centres the Dominion and Dominion officials as the most vocal and efficient architects of settler colonial territorial appropriation and elimination of Indigenous Peoples as occupants of their lands. The very designation of Canada as a “Dominion” between 1867 and 1947 signalled that it was “an autonomous Community within the British Empire” (Balfour Declaration of 1926). Originally associated with the British-majority settler states of Canada, Australia, and New Zealand, the term expressed the distinction of the Empire’s settler states from its colonial dependencies like India (Freeman-Maloy, 2018: 80). I argue that it also signalled Canada’s foundation as a settler state—that is, as a state that emerged from the aspiration to appropriate Indigenous land and eliminate Indigenous Peoples as occupants of their lands.

2.5. Rhythm: explosive

The pace at which the various territorial, economic and political processes of settler colonisation took place in British North America in the mid-19th century was extremely fast. Encompassing all similar processes developing in British settler colonies, Belich argues that they belong to a phenomenon he calls “explosive colonisation”, that is, the most “volcanic form of socio-economic reproduction in human history” (2006: 41). Whereas colonisation normally took a couple of centuries to take root, the explosive rhythm of settler colonisation in the context of this study took

24 Thobani writes that immigrant communities “have constituted their subjectivity variously as abject outcasts, humble supplicants, deserving and stubborn claimants, ambitious assistants in the hegemonic Euro-Canadian project, and sometimes even as revolutionary activists” (2007: 17).
place in a couple of decades only. Due to climatic conditions and distance from seas, the prairie region was one of the last great frontiers absorbed in the processes of the great land rush, Weaver argues (2003). Settler authorities nonetheless acted from a sense of urgency in appropriating the enormous region, a sense that accompanied most acts of land hunting and grabbing in settler societies around the world.

2.6. Manifestations: patterns of land appropriation, population economy, and narrative

I specified at the outset of this section that, notwithstanding its importance for Canadian political development, settler colonisation and its constitutive violent nature can be difficult to perceive, as it has been concealed behind and naturalised into the contemporary constitutional and political order. The motive, logic, grammar, actors, and rhythm of processes of settler colonisation, historical and contemporary, may be difficult to distinguish. It is thus imperative to specify some of its manifestations. I study three: its patterns of land appropriation, population economy and narratives. The first two will be explored in further details in the following section, on the physical and material forms of violence operated by settler colonisation.

Given the inherent territoriality and acquisitiveness of the settler colonial project, it is to be expected that its materialisation brings about distinct patterns of land hunting, seizure, attribution and distribution. At the same time as it ordered a fundamental re-imagining of spatial relationships, settler colonisation introduced new notions of territorial boundaries and property ownership in British North America. Various mechanisms, including private initiatives and state-engineered property rights, supported by cultural attitudes about ownership and the market economy, made way for Indigenous dispossession (Weaver, 2003). During the period under study, the expansionist aspirations of Canadian authorities mostly applied to the land west and north of the frontier of then Upper Canada. Representations of that territory, as full of resources, and yet as empty and in need of improvement, are the subject of chapter 3. The following four chapters discuss the means by which the new Dominion undertook to appropriate and consolidate its sovereignty over these lands.
Settler colonialism can also be defined through the population economy patterns it sustains (Veracini, 2010). Generally, settlers who colonise a “new” place are defined by their intention to stay, as opposed to temporary sojourners’ intention to “return”. The cloning of British society operated through mass immigration and reproduction in the settler colonies like British North America. The counterpart to the arrivals and territorialisation of settler communities is the deterritorialisation, or the territorial displacement, of its Indigenous inhabitants. The specific population economies sustained by settler colonisation are manifest in the content of immigration and settlement policies drafted and adopted by settler governments, examined in chapter 5.

Finally, settler colonisation produces discernable narratives. Numerous scholars have argued that the processes tied to the foundation of the Canadian polity were not really amenable to myth making, for they were strictly imbued with pragmatism and consensus-seeking considerations (Vipond, 1989, LaSelva, 1996). I dispute this point by delineating the distinct narrative structures, or “mythscapes” as Bell names them, that settlers construct to confer meaning onto their experiences. Producing narratives is vital for settler communities, as it locates the origins and secures the legitimacy of their sovereignty. As such, they operate the naturalisation of the settler and define its relation to indigeneity. As this dissertation illustrates in various ways, settler mythscapes served the disavowal of the founding colonising act by operating the effacement of the Indigenous and its replacement by the national.

Settler colonial narratives were first tied to settlers’ departure from home. In the early 1880s, Belich explains (2008), British attitudes to emigration shifted: from an act of desperation, moving overseas became an act of hope. Departing from home was no longer stigmatised as a necessitated exile, but was conceived as a long-ranged aspiration to reproduce the metropolitan society beyond

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25 Intentions of settlers and sojourners fundamentally differed, and that is signalled by a distinction that was increasingly made from the 1820s between the “emigrant” and the “settler” or “colonist”. That British North Americans increasingly preferred the latter two words suggest that they were understood their settlement as participating in the remaking of a new society, not in the joining of some other groups’ society (Belich, 2006: 53).
its territorial centre. British settlers even hoped to become "better Britons" by the very act of immigrating to a land of great economic potential that would avoid rigid class distinction and would be freed of past wants and difficulties (Buckner, 2008b). Idealised images of the newlands also prompted the emigration of British settlers in the second half of the 19th century. Belich writes of these as a new form of utopianism: "older utopianisms looked up to heaven, forward to the future, or back to an idealised past. Settler utopianism looked out – to the newlands" (2006: 52). British North America, along with the United States and the Australian continent, appeared in the emigrant guides examined in chapter 5 as sites of paradise, replete with gardens, fruit-bearing trees, fine towns and vast suburban lots. In addition to images of natural abundance, many versions of settler colonial narratives emphasised the dignity and value of hard agrarian work associated with developing these resources (Belich, 2006).

Settler colonial narratives also confer meaning on the foundation of a settler community and, as such, on the origins and extent of its sovereignty. In the context of this study, the founders of the Canadian polity narrate it as a necessity to protect the settler community against exterior threats, including those originating with Indigenous Peoples. Their narration is accompanied with an understanding of settler peoplehood as peaceful, hard-working and capable of extraordinary demographic and economic growth. Founding narratives are marked with a sense of faith in unlimited material and civilisational possibilities, which carves a need to resettle a growing number of people within the settler colonies and beyond them (Veracini, 2010). In the context of this study, expansionist aspirations apply to the North-west Territories, which led to the formulation of a claim to Canadian settler sovereignty to it in defiance of both Indigenous Peoples and the Hudson’s Bay Company (Gaudry, 2016). Settler colonial narratives in mid and late 19th century British North America also provided for the elimination of these Indigenous Peoples. Whether they were represented as nomadic (and thus rootless and removable), or not nomadic (and thus in need of being removed), the various settler colonial narratives underwrote the “scientific” observation according to which Indigenous
Peoples were a dying race. All narratives thus pointed to the inevitability of their elimination and replacement by a settler regime (Johnson and Lawson, 2000).

2.7. Empire, and colony

To define settler colonisation most clearly, it is useful to distinguish it from closely related concepts. Numerous scholars have sought to differentiate settler colonialism from “colonialism” and “imperialism” (e.g., Tully, 2004, Wolfe, 2006, Young, 2001). The majority of these scholars concur that colonial (and settler colonial) discourse and practice are forms of domination that are less broad in scope, as well as more concrete and direct in their effects, than their imperial counterparts. Others specify that imperialism is centre-driven, whereas colonialism operated on the periphery, in the colonies (Harris, 2004). Accordingly, empire is typically understood to refer to as a form of rule that is exercised over extensive, overseas territories. Furthermore, relationships within empire are often racialised, that is, organised by racialised hierarchy and race-based beliefs (Arneil, 2017, Howe, 2002). At any rate, this study will proceed from the definition of an empire as a large–and expansionist– multinational political unit divided between a dominant centre and subordinate, sometimes far distant, peripheries, which reproduces differentiation and inequality amongst peoples and peoples it annexes (Pitts, 2010, Howe, 2002).

Just as some thinkers made various attempts to differentiate colonisation from empire, scholars have compared colonisation with settler colonisation to show how they emerge as

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26 As always, a distinction should be maintained between empire, as an object of study and a process, and imperialism, as the ideology that justifies these processes.

27 While acknowledging these debates, Coulthard specifies that he uses the terms interchangeably, if only to avoid repetitiveness (see 2007 and 2014). Other authors who contribute to contemporary scholarship follow suit. Pitts, for one, argues that while the two terms stress different elements (colonialism accentuates settlement, whereas imperialism highlights political and economic domination), she argues it has become impossible to distinguish the two terms in contemporary scholarship (Pitts, 2010). Let us note, in addition to distinctions outlined above, that the employment of the terms “colonial” and “imperial” in the literature on Canadian history has a particular pattern to it: the adjective “colonial” is typically used to refer to the British North American colonies and their government, while the adjective “imperial” is used to refer to the British metropolis, Crown, and government (see, for instance, Morton, 1964: XI). My usage of the two terms (e.g., “colonial governments” to refer to the governments of the settler colonies”) sometimes reflects this distinction.
structurally distinct formations. "Colony" and, by extension, "colonisation" and "colonialism" derive from Latin to refer to a farming settlement, especially one that is at a distance from its “metropolis” or mother city. Like “plantation”, “colony” was increasingly used in 19th century English to designate out-of-metropole places a. that were fairly populous with British civilians, and b. to which the British migrated to farm (Howe, 2002, see also Kohn, 2012). Now, colonisation encompasses a variety of widely diverging processes. According to Arneil (2017), at least one form of colonisation (i.e. domestic colonisation) implies none of the distinguishing elements of imperialism: it does not consist in domination, it is not exercised by a foreign entity, and it is not racialised. Through a fourfold argument, Veracini differentiates settler colonisation from colonisation, in its most general form, with respect to a. the population economies they prompt, b. the conceptions of sovereignty they sustain, c. the forms of consciousness they instruct and d. the narratives they tell. Because settlers are founders of new political orders and carry their sovereignty with them (as opposed to migrants who join a political order already constituted), and because they found narratives that espouse an outward, linear movement (as opposed to a circular movement that closes upon a return), settler colonisation differs from other forms of colonisation.

In light of the distinctions made above and, most importantly, the definition provided of settler colonisation as distinctive on account of its motive, logic, grammar, actors, rhythm, and manifestations, it is clear that Canada has been, and remains, a settler colonial polity. I argue, in the case of Canada, that processes of settler colonisation intensified and became entirely irreversible as settler governments in British North America gained permanence and autonomy from the external British metropole.

3. Strategies of settler colonial elimination

This section is concerned with the various strategies of elimination employed by the Canadian settler authorities to arrogate Indigenous lands and eliminate Indigenous Peoples as occupants of their lands. Tully named them “strategies of extinguishment”, Harris “disciplinary technologies”. Yet
they all refer to the various means, more or less transparent, by which settler colonisation’s logic of elimination materialises – and, as such, they refer to the ways through which settler colonial violence operates.

Indeed, if this research project is to enquire into the life and effect of violence in relation to the coming about and consolidation of the Canadian state and constitution, it is crucial to first define what is meant and implied by my use of the term “violence”. If it is defined from an exclusively physical standpoint, the term may indeed be attached to a clearly bounded conceptual delineation. Indeed if by violence one refers to the use of physical force with the intent of harming another’s material being, we may arrive at a fairly consensual understanding of what count as “violent acts” from which we can extrapolate on the place and role of violence in the founding of liberal states (Keane, 1996 and 2004, cf. Arendt, 1965 and 1972).

However, it is my contention that a definitional orientation that takes violence as an exclusively physical phenomenon is ill-advised (cf. Rae and Ingala, 2019 and Wolff, 1969). Violence, as I shall argue, occurs at more than one level, including at the level of the discourse, through the establishment of dominant “epistemes” – systems of knowing and knowledge (Foucault, 1980). I will differentiate between three kinds of violence, which Canada engaged in as it found and developed itself: physical, material, and epistemic violence. Because it prioritises certain processes that are

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28 Wolff (1969) argues insightfully that it is only natural that one should consider physical violence as the only, or as the most important, type of violence, for most of us value our lives and physical well being above other goods. However, ruling out other forms of violence (material, epistemic) as less serious entails ideological consequences: it provides moral support to statist regimes that have the monopoly over the legitimate use of violence and disqualifies the only instrument of power that is available to certain marginalised groups.

29 This threefold approach is thus different from other approaches to the question of violence, for instance that of Žižek. In his Violence: Six Sideways Reflections, Žižek divides violence into two distinct categories: subjective and objective. Subjective violence is highly visible: it is “performed by a clearly identifiable agent”. In contrast, objective violence is the background and invisible violence that generates the “outbursts” of subjective violence (2008: 1). Žižek then divides objective violence into “symbolic violence” (i.e. the violence that is “embodied in language and its forms”) and “systemic violence” (i.e. that which pertains to economic and political systems) (2008: 2). The approach of this dissertation shares in Žižek’s approach in that it takes interest in what Žižek names objective violence – the violence that is inherent to the naturalised state of things however “invisible” it might be (see 2008: 12). Similarly, there are important similarities between Žižek’s understanding of systemic violence and what this thesis names material violence (and the same is true of Žižek’s symbolic violence and this thesis’s epistemic violence). However, the approach of this dissertation is different from Žižek’s approach
integral to the founding of settler state, this conceptual division of violence into three categories helps explain most clearly the violence inherent to the founding and development of Canada as a settler state. Similarly, it most clearly highlights the constitutive role of colonial liberalism as the discursive apparatus that has promoted, authorised and obscured that violence.

3.1. Investigating violence

Investigating violence in the context of this study can be challenging. Settler polities are not only founded on violence but most are also built on the fundamental disavowal of that foundational violence (Veracini, 2010). Again, if we are to extend the Gramscian concept of hegemony to the study of the structure of colonial rule in settler societies, then this dissertation undertakes to challenge the hegemonic understanding of Canada as a Peaceable Kingdom, a myth which has helped safeguard Canadian sovereignty by obscuring the violence that underwrites it.

My research turns the cultural and scholarly paradigm of the Canada Peaceable Kingdom on its head by surfacing the violence it perpetrated to secure its existence and expansion in the mid- and late-nineteenth century. While physical violence is present in the history of the birth and development of Canada, this research goes beyond a strictly physical understanding of violence. As I will show in the substantive chapters, physical violence erupts only exceptionally in Canadian political development. This is not to say that physical violence is not central to the territorial and political consolidation of Canada in the second half of the 19th century. On the contrary, I argue that physical violence is ultimately determinative in Canadian political development, for it is the only form of violence that underwrites Canadian sovereignty in the face of Indigenous resistance. In this sense, my understanding of physical violence in relation to the emergence and development of the Canadian state as a stabilised colonial settler state is compatible with Gramsci’s understanding of state violence in one important way. In its classification of violence, this dissertation foregrounds the driving force of settler colonisation: the appropriation of Indigenous lands and its inherent material violence for Indigenous Peoples. The names of this thesis’s categories, as well as the processes and strategies they span, are thus distinctively attuned to explaining the violence involved in the development of settler states and societies.
in stabilised capitalist societies: while being dominated by other, less visible and less spectacular forms of violence, Canadian colonial rule is ultimately determined by physical violence. In the present analysis, I argue that the two most dominant forms of violence for the emergence and development of Canada as a settler state and society are material and epistemic forms of violence, which in tandem ensure the production of Canadian sovereignty. The next sections detail the working definitions of the three forms of violence explored in this research.

3.2. Physical violence

My understanding of violence as a physical harm is relatively commonplace; it is used by scholars working within widely different traditions of enquiry such as contemporary democratic theory (e.g. Keane, 1996, 2004) and postcolonial theory (e.g. Fanon, 2004, Wolfe, 2006). In its physical form, I understand violence to refer to the use of force, with the intent of harming, whether individuals or groups of people, which can result in bodily damages or even death, either premature or tragic (Wildcat, 2015). Physical violence can take other, more indirect forms, including the failure to meet vital needs.

In the context of this study, I organise physical violence in four categories: a. execution and intimidation, b. sexual exploitation, c. starvation and d. failure to care for the ill. The first category encompasses all acts of killing and intimidation, initiated by state or civilian agents. Such acts of violence include the loss of Indigenous lives and the execution of Indigenous leaders in the aftermath of the 1885 North-Western Resistance, which I examine in chapter 7. In their attempts to control and “pacify” Indigenous Peoples, state bodies such as the North-West Mounted Police and the Department of Indian Affairs authorised their agents to intimidate them into submitting to Canadian authority

30 In Gramscian terms, the general (dominant) mode of bourgeois power in consolidated capitalist societies is hegemony, that is, the cultural ascendency of the ruling class who ensures the stability of the capitalist order through the production of consent of the working class (Gramsci, 1971: 169-70, cf. Anderson, 1976). Jointly, the coercive apparatus of the State (which is ultimately, or exceptionally, productive of repression) and the hegemonic institutions of civil society (which are routinely, or ordinarily, productive of consent) enable the rule of the bourgeoisie (cf. Jackson, 2019).
(Regan, 2011, Smith, 2009, Thobani, 2007). The threat of military force was also used to compel Indigenous communities to sign treaties that would allow the Canadian authorities to appropriate their land (Gordon, 2006).

Rape and sexual exploitation (and the toleration thereof) of Indigenous women is a second form of Canadian physical violence. In his authoritative exposition of the Canadian Dominion frontier practises, Daschuk (2013) explains that Indigenous women, at times driven to prostitution on account of the lack of food to feed their family, were particularly vulnerable to the predation of officials, who controlled the flow of food. Canadian officials and settlers were rarely prosecuted, or received minor sentences, for raping or sexually exploiting Indigenous women (Ellinghaus, 2009). There were a few avenues of redress for some scandalous transgressions; yet, the system generally silenced the voice and ignored the agency of Indigenous female victims (Heaman, 2015).

Thirdly, physical violence has taken the form of starvation, which resulted from government withholding, underfunding and mismanaging food. In no other time in modern Canadian history famine was as severe as it was on the Plains in the late 1870s and early 1880s. While negotiating the numbered treaties, Indigenous leaders expressed the need for their communities to be assisted with food supplies in times of hardship. Most foresaw that such times were coming, for the bison economy, upon which many Indigenous Peoples relied as a source of food, was rapidly declining. Neither the suddenness nor the magnitude of the famine that hit the prairies region starting in 1878 had been anticipated. Nonetheless, the signing of treaties had created a legal responsibility for the Canadian state to respond to it (Daschuk, 2013). On account of its deficient infrastructure, the Canadian Dominion failed to meet the demand for food and even used food as a means to control the Indigenous population. Withholding rations and distributing contaminated food to the hungry, despite not being an official policy, was a common practice used by government officials, North West Mounted Police agents and corporate suppliers of food to induce Indigenous Peoples into ratifying treaties. This politics of famine was effective: according to Daschuk, by 1883 only “a few hundred holdouts were still not on reserves and under the control of the Department of Indian Affairs” (2013: 184).
The last form of physical violence employed during the period examined is the infliction of illness and the failure to care for populations infected with disease. As with food, most Indigenous communities secured assistance by the Dominion for times of hardship in the form of protection from pestilence and medical assistance. As Daschuk demonstrates, microbes cannot be isolated from commerce, and, for that reason, some diseases and deaths amongst Indigenous Peoples came as an unintentional and yet inexorable part of the encounters between Indigenous and non-indigenous peoples (2013: XII). However, the tuberculosis outbreak of the 1870s and 1880s was rooted in human rather than simply biological factors. Daschuk finds that the most important variable under human control was, again, the failure of the Canadian government to manage immunisation and meet its treaty responsibilities. Significantly aggravated by the famine, tuberculosis was the primary cause of morbidity and mortality amongst Indigenous Peoples by the early 1880s. This crisis could have been significantly mitigated had the dominion not been indifferent and had acted in good faith towards its treaty partners, Daschuk writes (2013).

Not all four categories of physical violence are explored in the five following chapters. The last three (rape, starvation and infliction of disease) are discussed in detail in other scholarships (Daschuk 2013, Carter, 1999, Friesen, 1987, see also Regan, 2011). The focus of this research is the first category: execution and intimidation, especially by agents of the Canadian Dominion. Jointly, the five substantive chapters show that physical violence is ultimately determinative in Canadian political development, for it is the only form of violence that ultimately underwrites Canadian sovereignty in the face of Indigenous resistance.

3.3. Material violence

While the present study examines physical violence as determinative of Canadian sovereignty, its main focus will be the dominant processes of dispossession and assimilation, which I argue constitute material and epistemic forms of violence. As I define it, material violence refers to
the territorial and economic underpinnings of the processes of territorial appropriation in the expansion and development of the Canadian state and identity.

3.3.1. Dispossession

Territoriality is settler colonisation’s distinctive motivation. The creation and enlargement of the Canadian federation necessitated the dispossession of Indigenous Peoples of their ancestral lands. The very existence of Canada as the territorial and state-based entity it is known as today is premised on the appropriation of Indigenous lands. I will propose in the thesis that the complex and still continuing processes of territorial dispossession have operated in a particular sequence. First, Indigenous lands were represented as empty and in need of the colonisation of settlers. Settler powers then undertook to produce jurisdiction over them. Through constitutional design, most notably by creating new Canadian provinces and territories in the North-West, Canada sealed its claims to sovereignty over Indigenous lands in the North-West. Settler authorities additionally secured their appropriation of Indigenous lands by imposing distinct land survey and land holding schemes over these lands. These established a regime of individualised and private ownership, superimposed upon the creation of reservations for dispossessed and displaced Indigenous communities. I will analyse these steps, which accomplished the divestment of Indigenous Peoples of their ancestral lands, in turn.

31 I term territorial dispossession what Coulthard (2014) describes as “structured dispossession”, Alfred (1999), as “disconnections”, Veracini, as “displacements”, or “transfers”, and, finally, Simpson (2011), as “exiles”. All terms more or less refer to the same encompassing, structuring, disempowering, and continuing process tied to the hunting, taking, and exploitation of Indigenous land by settlers.

32 Together with homesteading laws and other settler land practices, the last linchpin in the project of settler colonisation was the creation of reserves, which started in the 1850s (Harris, 2004). The logic of creating reserves, from the point of view of settler colonial authorities, was to allocate small, isolated fractions of Indigenous traditional lands to their first occupants and to open the rest for settler development. This process of forced relocation and enforced sedentarisation furthered the other most important form of violence perpetrated through Canadian settler colonisation: assimilation. Ross-Tremblay (2015) writes that reserves are significant sites of epistemic dis-indigenisation, or cultural de-conditioning, in which missionaries and agents of the Canadian state could normalise behaviour with respect to economy, politics, and religion. On account of their isolation and finite frontiers, reserves held potential “unparalleled in the British empire” (Smith, 2009) for the surveillance of Indigenous adults and the apprehension of Indigenous children for residential schools.

33 Processes of territorial appropriation by various Canadian institutions are continuing to these days: contemporary processes of gentrification further Indigenous dispossession, Coulthard argues (2017).
The territorial component to the violence of settler colonisation starts with the “demonstration”, usually through science, that Indigenous lands are empty and in need of being improved. As I will show in chapter 3, the representation by Canadian statesmen of Rupert’s Land changed drastically around 1857: from arid territories hostile to settler exploration and occupation, they came to be viewed as abounding in resources and agrarian potential. Claims that the Northwest Territories were in need of being cleared of trees and cultivated provided justification for their annexation by the Province of Canada. For the lands beyond the Great Lakes to be appropriated by the Canadian Dominion, sovereignty over them had to be produced. As I argue in chapter 3, settler powers lobbied British officials and later annexed the Great Prairies through what was then portrayed as a mere financial transaction.

Following the representational changes relative to Indigenous lands and the production of jurisdiction over them, settler territory and frontiers were drawn and enforced. As I will propose in chapters 3 and 4, British North American colonies determined to unite under the Canadian federal arrangement of 1867 for the purpose of expanding territorially. Less than three years later, Ottawa created the first Canadian province in the North-West. Through such geo-constitutional design, Canada endeavoured to secure the appropriation by settlers of Indigenous ancestral lands. Canadian also furthered that objective in adopting specific land holding schemes in the region, thus establishing a regime of individualised and private ownership, notably through the *Dominion Lands Act* of 1872 analysed in chapter 4. Indeed, such regime was designed to shield settlers from expropriation, which they themselves forced upon Indigenous Peoples.\(^{34}\) The dispossession of Indigenous Peoples of their traditional lands furthermore worked through the promotion of foreign immigration via the design of immigration policies. As I propose in chapter 3, colonial statesmen, including parliamentarian and

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\(^{34}\) According to Weaver (2003), private property is defined as an absolute right to use and manage one’s territorial asset, to derive income of it, to transfer or sell it at liberty and to be safe from expropriation. The settler colonial mode of property that became hegemonic in Canada is based on the individualisation of land title: land is typically allocated as individual, and generally small, freeholds.
Globe founder George Brown, thought that there was hardly a problem afflicting the young settler colonies that would “not find its best solution in a large influx of immigration” (in The Legislature of Canada, 1865: 103), especially to the North-West. Chapters 5 and 6 examine the literature produced by the government to attract these immigrants, which will gain traction at the turn of the century.

Finally, I argue that if Canadian officials claimed to prefer to absorb Indigenous lands through the peaceable means listed above – science production, lobbying, geo-constitutional design, adoption of land-holding schemes and immigration policies, they resorted to the strong arm of the law to counter Indigenous resistance to the appropriation of their traditional lands. Through the military expedition to and occupation of Fort Garry (contemporary Winnipeg) examined in chapter 4, the creation of a special police (the North-West Mounted Police) scrutinised in chapter 5 and the dispatch of military troops to the North-West Territories (contemporary Saskatchewan) to quell the North-West Resistance, which I look at in chapter 7, the Canadian Dominion deployed extensive resources and physical violence to divest Indigenous Peoples of their lands. Indeed, dispossessing Indigenous Peoples of their lands is critical for Canada, as expropriated lands in the North-West would become the territorial foundation of new settler colonial societies that helped Canada stabilise as an expansive settler colonial force.

3.3.2. Economic marginalisation

Attached to the territorial element of the establishment of the Canadian state are its agro-economic underpinnings. Economic forms of violence primarily refer to the abolition of Indigenous modes of production and, as a counterpart, to the introduction of settler colonial – or agro-capitalist – ones (Coulthard, 2014). As I proposed earlier, settler colonisation does not rely on the exploitation of Indigenous labour. However, it did imply, in the British North American context of the 19th century, the establishment of market relations, as “there could be no autonomous agency or rationality and precious little sovereignty on any but market terms” (Heaman, 2015: 219). At the same time as the early settler colonial economic system extracted materials and exported them to metropolitan factories, they developed as markets for the purchase of metropolitan goods (Ince, 2013). This
profound and material transformation notably operated through the gradual replacement of a fur trade economy, based on the extraction and exchange of furs, to one based on cultivation, settlement and, eventually, extraction of natural resources. A number of Indigenous Peoples undertook, through the numbered treaties negotiated with the Crown between 1871 and 1877, to make the transition to a subsistence economy based on agriculture less difficult. The Dominion's short-term agenda for development, coupled with the failure of its agricultural policy, threatened the success of the transition and induced the dependence of Indigenous Peoples upon assistance. Ultimately, the shift in economic paradigms displaced the Indigenous Peoples from their once sustainable and thriving position onto the periphery of the global settler colonial economy (Daschuk, 2013). In sum, their alienation from a viable economic base represents an important component of the material violence performed against them.

The economic component to material violence is not as well covered by this research as the territorial component, for the former is less visible in the written documents it examines. Conversely, the appropriation of Indigenous traditional lands for the purpose of clearing, settling and exploiting it through cultivation is, with assimilation, the main focus of the following chapters. Although the techniques used to achieve Indigenous dispossession are varied, justifications for incorporating lands into the development of the Dominion all loosely belonged to the tradition of colonial liberalism with its focus on the imperative of improving lands by cultivating them.

3.4. Epistemic violence

The final form of violence central to my analysis is epistemic violence.35 Epistemic violence is violence that affects the ways of being and knowing of individuals and, most importantly, communities. In the context of this study, epistemic violence is defined as the displacement of

35 Simpson (2011: 14-15) prefers the phrase "cognitive". In my view, epistemic and cognitive could be used interchangeably to refer to that which relates to systems of being and knowing.
Indigenous cultural, spiritual and political ways of being and knowing in the pursuit of their absorption into non-Indigenous populations.

I argued previously that the primary focus of settler colonisation was land and the appropriation of that land. For that reason, the displacement of Indigenous ways of being and knowing, as epistemic violence, is secondary to the material violence of dispossession. Once settler authorities have incorporated Indigenous lands, only then do they undertake to make Indigenous Peoples disappear as foreign elements in future settler societies (Nichols, 2009). What is more, material and epistemic violence work in tandem. The ways in which confiscated lands were to be allotted, for example, depended on their capacity for making “the Indians by degrees an integral and useful portion of the population of the Country”.

At the most general level, the concept of epistemic violence develops from the insight articulated by Foucault that power produces not only subjects, but also discourses, regimes and politics of truth and, thus, forms of knowledge (1980, see Gros, 2012). As is well known, Foucault objects to the idea that knowledge and truth exist outside of power. For him, truth is very much a “thing of this world” (1980: 131). As a consequence, Foucault is mainly interested in the ways in which “men govern by the production of truth” (1987: 115). While power and knowledge are not the same, the strategic alignments and constellations that constitute each of them “contain many of the same elements and relations” (Rouse, 2005: 114). In “Nietzsche, Genealogy, History,” Foucault explains that dominant interpretations of rules and things to be known are an important locus of violence. Therefore, systems of knowing and knowledge are the products of political, and sometimes violent, struggles of interpretation that have forgotten themselves (Foucault, 1998, see also Oksala, 2012). If we put together Foucault’s definition of violence as that which is inflicted upon bodies and denies the freedom of subjects (1982) with his understanding of knowledge, we can infer that epistemic violence for Foucault is a series of violation operating through discursive practices, inflicted on and inscribed in bodies, and imposed in conditions of unfreedom.
Taking up Foucault’s underdeveloped concept of epistemic violence particularly in relation to imperial or colonial relations, Gayatri Chakravorti Spivak insightfully specifies the role and effect of epistemic violence in the context of British imperialism. In “Can the Subaltern Speak” (1988) and *A Critique of Postcolonial Reason* (1999), Spivak expands on the concept of epistemic violence to show that it operates through the acts of naming and the processes of schooling. Both of these can produce the misreading, re-identifying, and muting of Indigenous forms of knowledge or knowing. Most generally, Spivak argues that imperialism is epistemically potent to the extent that it is engaged in what she calls the “worlding of world” (1999: 234).

My investigation of epistemic violence in Canadian political development flows from the conceptualisation of the Canadian Dominion as “a general epistemic force”, capable of engaging in “a series of discontinuous [epistemic] interruptions”, to use Spivak’s terms (1999, see also Alfred and Comtassell, 2005). To investigate epistemic violence in the context of my dissertation, I build on Foucault’s idea that the imposition of epistemes can partake in violence (1998) and Spivak’s understanding of imperialism and colonialism as undertakings in the “worldling of worlds”. In addition to empires (Mehta, 1999), settler colonies are indeed involved in the construction of political orders that assign identities and recognition, which structure political possibilities through the production of knowledge. By a thorough study of the discursive and political practices of settler colonial authorities in British North America, I propose to chart the constellation of epistemic violence in the context of the Canadian Dominion and Dominion-to-be.

In this study, I take up the two processes Spivak identifies as operating violence (“naming” and “education”) and reorganise them into two distinct modes of epistemic violence relevant to the British North American context in the second half of the 19th century. They are representation and assimilation. I will briefly examine each in turn.

3.4.1. Representation

Representation as a mode of epistemic violence applies to both Indigenous Peoples and their lands. Indigenous Peoples have been represented in different ways throughout history. While
representation in political discourse and practice is inescapable, some forms of representation are more harmful than others, especially when they depart significantly from those with which the represented communities identify. Paraphrasing Fanon, Taylor argued “the major weapon of the colonizers was the imposition of their image of the colonized on the subjugated people” (1994: 65).

Some abusive forms of representation will be explored in this dissertation. Indigenous communities have many times been depicted as caught in an inevitable course of extinguishment (Lawson, 1995). Participating in the construction of Indigenous communities as disappearing were the techniques of partition and inscription inherent to census making. Significantly underestimating the size of Indigenous communities, the 1871 national census, for instance, participated in reinforcing the belief that they were destined for disappearance (Curtis, 2001). A corollary narrative, continuing to this day, is the discursive strategy of producing a paradigmatic “Indianness” locked in the moment of contact, hence foreclosing its futurity in liberal democratic modernity (Byrd, 2011, see also Gélinas, 2007).

Transposing Indigenous Peoples into racialised minorities is yet another version of such representative abuses (Byrd, 2011, Simpson, 2014).

The representation of Indigenous lands is also fundamental to the settler colonial project of accessing, acquiring and inhabiting more land. Harris (2004) rightly emphasises that the authority of settler states rest on their capacity to collate and distil geographical knowledge of local terrains through maps, drawings and codes in order to secure, regulate and ultimately rule future and extant settler spaces. Settler colonial authorities appropriated Indigenous lands by recording and renaming space, thus resituating it within a European culture of cultivation and management. In chapter 4, I explore the representative shift in the settler colonial narrative on the lands north and west of the Great Lakes. Emptying the Northwest of its prior, Indigenous significations, a number of Canadian

\[\text{\textsuperscript{36}}\text{Implicated into these forms of representative harm is the collapsing of Indigenous Peoples into one unspecified wider “native” or “Indian” category. While it can be conceptually useful to use such a category (as this dissertation does), it is not epistemically innocent to reduce the great cultural, linguistic, political and spiritual diversity amongst all Indigenous Peoples in North America (Alfred, 1999, see also Cannon and Sunseri, 2001).}\]
parliamentarians created a new imagery of its opening, cultivation and settlement by white Christian immigrants as peaceful and necessary.

3.4.2. Assimilation

Although representation is an important mode of epistemic violence, assimilation is the most important undertaking that has produced epistemic violence in Canadian political development. In short, assimilation, as a form of epistemic violence, fundamentally aims at the eradication of a culture, namely, of values and ways of being and knowing: it seeks the production of cultural amnesia (Ross-Tremblay, 2015). Through assimilation, all forms of cultural belonging and inheritance are to be suppressed: not only ceremonial practices (such as the potlatch, outlawed in Canada starting in 1885), but also self-knowledge, that is, one’s relation to one’s aspirations, beliefs, traditions, language and history. This effacement occurs through a group’s insertion into another group, in this case, into settler populations. In this sense, settler colonial assimilation policies served the transformation of Indigenous Peoples into individuals who, amongst other characteristics, spoke English or French, practised Christianity, and embraced European gender roles (Ellinghaus, 2009). Cultural absorption was additionally conceived as a means to creating cultural uniformity, uplifting “inferior” peoples and ridding them of their “harmful” heritage (Ducharme, 2003). Finally, assimilative policies emerged from a fear of the disruptive potential of non-British peoples. In that sense, they were to be an effective domesticating instrument (Regan, 2011).

As Belmessous (2003) finds was the case for British Australia and French Algeria, assimilation was primarily a legal project in British North America and Canada. The main strategy of assimilation investigated in this thesis is the adoption of legislative measures. I also find that colonial authorities undertook to assimilate Indigenous Peoples in the North-West by making two important distinctions. First, they attempted to assimilate Indigenous Peoples by distinguishing, on the one

37 The production and perpetuation of differentiations is a critical part of maintaining empires (Bhabha, 1984, Pitts, 2010) and the same is true of settler colonial states.
hand, between “North-Western Indians” and Indigenous Peoples who lived east of the Great Lakes and, on the other hand, between Indigenous adults and children. Building on these distinctions, Canadian settler authorities designed special laws for the schooling of Northwestern Indigenous children and the enfranchisement of Indigenous adults.\(^38\)

The most dramatic strategy of assimilation devised by colonial officials in British North American was the adoption of a series of “schooling” policies (chapter 4) that resulted in the formation of the Indian Residential School system (chapter 6) for Indigenous children.\(^39\) Operating like prisons—breaking up Indigenous families and isolating children from their own community’s supposedly corruptive influence—residential schools aimed at “severing the artery of culture that ran between the generations and [...] the profound connection between parent and child sustaining family and community” (RCAP, 1996, vol. 1: 365). The counterpart to “schooling” Indigenous children was the “enfranchisement” of Indigenous adults. Enfranchisement participated in the larger settler colonial endeavour of regulating, limiting and ultimately eradicating Indigenous identities and culture. Enfranchisement acts include the *Gradual Civilization Act* of 1857 (chapter 3), the *Indian Act* of 1876 and the *Enfranchisement Act* of 1885 (chapter 6). Although they failed because of the resistance of Indigenous Peoples, they all aimed at furthering the elimination of Indigenous ways of

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\(^38\) Other important settler initiatives furthered the assimilation of Indigenous Peoples, including attempts by settler governments to break down the collectivity of Indigenous Peoples by supplanting traditional leadership (Wildcat, 2015). This research covers these initiatives indirectly, through the Indian Act and other measures for enfranchising Indigenous adults.

\(^39\) Schooling policies that aimed at the assimilation of colonised peoples were drafted and adopted elsewhere in the British Empire around the same period. Of particular interest is the *Minute on Indian Education*. Authored in 1835 by Thomas Babington Macaulay, the *Minute* directly informed the *English Education Act of 1835*, which defined the educational policy of the British Raj thereafter. The *Minute* required of Indian students attending government-supported colleges and universities not only that they study English as a foreign language, but also that all of their courses be taught in English. Schooling policies adopted by the Canadian Dominion went one step further: it banned all languages other than English from the premises of Industrial schools. If Canadian schooling policies differed from the *English Education Act* in making English the only language of instruction for all schooling levels, they shared with it the assumption that English is inherently superior to all other languages, including because it was thought to give access to its speakers to higher forms of knowledge. In the words of Macaulay: “We ought to employ [funds] in teaching what is *best worth knowing* [and] English is better worth knowing than Sanskrit or Arabic [...] neither as the languages of law, nor as the languages of religion, have the Sanskrit and Arabic any peculiar claim to our engagement” (in Harlow and Carter, 2003: 237).
being and knowing through the internalisation of Euro-Canadian “ways, modes, and notions” to borrow the original words of John Locke (1877 [1689]: 48). Today, Canada is one of only two settler states that maintain a system of formal, legally encoded identity regulation for Indigenous Peoples (Lawrence, 2010), pursuing the legacy of violence inherited from 19th century British North America.40

In sum, my dissertation distinguishes between three forms of violence implicated in the process of the Canadian founding: physical, material, and epistemic. These three forms of violence encompass the most critical modes of denials of a subject and a polity’s freedom to act in and upon the world. Despite its importance for determining Canadian territorial aggrandisement, this dissertation does not restrict its survey of violence to physical manifestations of that violence. In contrast, it centres processes that have constituted material and epistemic violence for they dominate Canadian territorial and political development.

4. A discourse legitimising settler colonisation: colonial liberalism

Agents of settler colonial violence legitimised their actions through discourse. Historically, one of the first and most potent arguments vindicating empire and settler colonies in the “New World”, and in Spanish and Portuguese America in particular, was a religious one: the employment of force to establish a new colonial order primarily hinged on Papal direction (Howe, 2002, Kohn, 2012). Times had changed in the 19th century, and another belief system permitted the expansion of Anglo-Canada towards the northwest: one centred on particular conceptions of individualism, progress and independence. In this context, colonial liberalism was both the means of, and the justification for, settler colonial violence.41

40 As Wolfe emphasises such assimilative programmes, as modes of epistemic violence, can effect elimination more effectively than conventional forms of killing, since “it does not involve such a disruptive affront to the rule of law that is ideologically central to the cohesion of settler society” (2006: 402).
41 See Arneil (2012) and Smith (2009) for a similar argument.
In the next section, I review the recent scholarship on liberalism and empire to situate the specific contributions of my dissertation in this expanding literature. Exposing some of the roots of liberalism in imperial history, I will demonstrate how liberal ideals of improvement, universalism and inclusion simultaneously enabled and ennobled settler colonial dispossession and assimilation. In other words, I show how a particular tradition of liberalism, British North American colonial liberalism as practised in Canada, allowed British settler colonisers to have it both ways – an imperial settler colony founded on the dispossession and assimilation of Indigenous Peoples and an almost unsullied conscience.42

4.1. Interlocking liberalism with settler colonisation

An important strand of scholarship within political theory has undertaken to explore the roots of the liberal tradition in the history of colonialism and imperialism. There is a priori no necessary conceptual or theoretical connection between liberalism and settler colonisation, and liberalism did not maintain a fixed posture towards the various historical forms of imperialism and settler colonialism.43 Indeed, the principles and ideas promoted by liberal thinkers have even provided some of the most trenchant critiques of settler colonialism and imperialism. In different historical circumstances, liberal thinkers thus revealed themselves to be both prominent champions and detractors of imperialism and settler colonisation (Pitts, 2000).

To bring into view the different ways in which liberalism connected with settler colonisation, it is most important to account for the material and socio-political context as well as the distinct “pressures and anxieties” (Pitts, 2000: 297) of particular historical moments that in part determine the nature of that connection. Scholars have shown that liberal thought developed alongside and

42 See similar argument by Lester and Dussard (2014) on the nature of humanitarian governmentality.
43 Some scholars challenge this assumption. Mehta, for instance, argues that exclusion is internal to liberalism. While the very structure of liberal abstractionism and rationalism could be regarded as having built into it a “propensity for colonial domination” (Sartori, 2006, see also Pareck, 1994), I work from the argument that liberalism could be – and has been – both supportive of empire (and settler colonisation) and a critique of empire (and settler colonisation) (see Pitts, 2010, Bell, 2016).
deeply intersected with the rise and expansion of European empires and settler colonies (Armitage, 2000, Arneil, 1996, Bell, 2016, Kohn, 2008, Mehta, 1999, Pitts, 2005, Tully, 1980). As far as British liberals are concerned, Bell concludes that they have “overwhelmingly endorsed settler colonisation” (2016: 369). Building on this literature, I endeavour to expose the settler colonial institutions and practices that have been embedded in and woven into liberal arguments.

The one question that scholars of empire and liberalism have tackled with the most care is that of determining whether imperialism or (settler) colonisation has been central, or necessary, to liberalism. Setting the terms of the debate for most of the scholarly literature here reviewed, Mehta argues in “Liberal Strategies of Exclusion” (1990) that empire is central, or internal, to British liberalism. His position is the following: liberalism has historically thrived on ideals of rationalism and universalism, which are subject to a developmental reading of human history. Inasmuch as liberals believe that the human capacity for reason and self-government flourishes only in certain circumstances, determined by liberal conventions, their understanding of cognitive and political equality ultimately produces political exclusion for various groups and types of peoples. For Mehta, the exclusionary effects of liberalism then “derive from its theoretical core” (1999: 48). Very few authors offer the opposite argument, according to which empire never intersected liberalism – though Isaiah Berlin could be said to hold that position when he affirms that liberalism, with its commitments to equality and self-government, must be anti-imperial (1965). Most scholars have less definite answers to the question of whether empire or colonisation has historically been necessary to liberalism. In different ways, Pitts (2005), Sartori (2006), Muthu (2014), Mantena (2007), Bell (2016), and Tully (2008) argue that liberalism contains contradictory impulses that have come as a support

44 As I will explain in section 4.2, there was little discussion relative to liberalism as an ideological tradition until the early 20th century (Ducharme, 2014). For these reasons, the term “liberalism” to designate an ideological movement in the context of this study is employed anachronistically to designate the antecedent ideas which will become central to the tradition.
or as a critique of the various imperial and settler colonial ventures contemporary with its theoretical articulation and practice.

While most of this scholarship discusses the relationship between liberalism and empire, this thesis brings into focus the complicity of liberalism with settler colonisation. To determine whether and how liberalism, one the one hand, and empire or settler colonisation, on the other, constituted one another, scholars generally scrutinised liberal canon writers, the writings of whom are typically conceived of as representing the most important positions that define the liberal tradition. John Locke and John Stuart Mill, both central figures in classical liberal theory and engaged in the colonial activities contemporary to their writings, are the most important starting points of such enquiries.\textsuperscript{45}

While their writings neither form the entirety of the liberal tradition, nor do they boil down to an unqualified support for the various forms of British empire and settler colonisation, they have been the objects of the first and most influential studies of the liberal forms of the justification of empire and colonisation.


\textsuperscript{45} Not all scholars of liberalism agree Locke can accurately be characterised as a liberal thinker, for liberalism only emerged as a political tradition in the 19\textsuperscript{th} century. Defending her characterisation of Locke as a liberal thinker, Arneil (1996) writes that while liberalism does not emerge as the political and philosophical tradition that self-reports as “liberal” until the 19\textsuperscript{th} century, the antecedent ideas which will become central to the tradition date back to the early modern thinking of John Locke.
being, and his vocation consists in securing the fullest development of his many faculties. Building on that definition of individual development, Mill dichotomised nations into civilised and barbarian peoples in accordance with their civilisational potential and attainments. Providing for the utility of ruling over backward peoples to secure their own advancement, Mill’s political thought has thus been understood as offering justificatory arguments for the subjugation of colonised peoples by assimilating them to European ways of being and knowing around the world.46

Building on this scholarly literature, this dissertation encompasses the study of ideas in the second half of the 19th century. This period constitutes a promising temporal setting for the study of colonial liberalism: it attended to the birth of liberalism and constituted one of the high-water marks of British imperial and territorial ambition (Bell, 2016, Jackson, 2013). According to Pitts, not only liberals, but most Western thinkers in the 19th century settled in an increased sense of superiority, economic and political, but also intellectual, and moral. In addition to scrutinising colonial liberalism at one of its most critical moments, I also position some of its authors and advocates in an original site: the British North American colonies. From the point of view of the British metropolis in the 19th century, settler colonies represented ideal communities for the crystallisation of liberal ideals and institution – that is, for the combination of “imperium” with “libertas” (Bell, 2016). Privileging them over imperial territories in Africa, Asia and the Caribbean, British liberals imagined settler colonies as promising sites for the breeding of civilised – that is, free, prosperous, and lawful – polities (ibid., see also Smits, 2008). In sum, venturing outside of metropolitan thinking in the study of liberalism

46 Mill’s reflections on the possibility of progress and on the civilising effect of British rule changed over time, especially as he considered the situation of the colonial subjects in the West Indies (Pitts, 2005, Kohn and O’Neil, 2006) and in some British settler colonies (Smits, 2008, Bell, 2010). Towards the end of his life, Mill came to fear that settler colonial violence against Indigenous Peoples would annihilate the benefits of self-rule in the British dominions. The writings of other liberal thinkers shed light on the difficult reconciliation of empire and settler colonisation within nineteenth-century liberalism. Amongst others, Tocqueville’s endorsement of France’s colonial ventures in Algeria, by means of a specific conception of national glory and security (Pitts, 2000), combined with a contextual approach to the rule of law (Kohn, 2008), has been the object of sustained scholarly attention (see Richter, 1963, Pitts, 2005, Welch, 2003, Kohn, 2012). The writings of Lord Durham, a liberal thinker of assimilation who visited Canada, are relevant to this conversation, but their focus (French Canada as opposed to Indigenous Peoples) and time (early 19th century) do not exactly correspond to those of this dissertation.
and colonial liberalism holds the promise of uncovering unsuspected tensions within the liberal tradition and of exposing the tension between its seeming rejection of violence to solve political conflict and its undergirding of a settler colonial project in North America that was violent in physical, material and epistemic ways.

4.2. Colonial liberalism: its meaning and place in the British North America of the latter half of the 19th century

There are different methodological strategies to track the particular colours of the mid-19th century British North American colonial liberalism. Bell finds at least three: the stipulative strategy, which consists in identifying the necessary conditions for a position to count as a legitimate liberalism, the canonical strategy, which feeds on past intellectual authority, and the contextualist strategy, which provides a framework for grasping the diverse ways in which liberal languages emerge, evolve, and come into conflict with one another. In this dissertation, I discard the canonical strategy: very few canonical liberal thinkers put in writing their reflections on the settler colonial situation in 19th century British North America. Focusing on canonical thinking, moreover, runs the risk of overlooking the conceptual diversity and tensions internal to the liberal tradition. Duncan Bell (2014) has recently articulated this failure to address the multiple meanings of liberalism in the history of political thought. Borrowing from both the stipulative and the contextual strategies, I define colonial liberalism in this dissertation through its central commitment – crystallised in various documents under scrutiny – as the improvement of both peoples and lands, by tracking the various meanings of that commitment, and by reviewing the different procedures considered to honour it in different historical and special circumstances.

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47 More often than not, the stipulative strategy amounts to extracting the constitutive elements of the liberal tradition, that is, its ineliminable core values. In an attempt to identity such values, Pitts, for example, affirms that all liberal thinkers whose ideas she reviewed committed to the values of equal human dignity, freedom, the rule of law, and accountable, representative government (2005: 3). Alongside McKay (2000), Smith (2009) finds them to be individual liberty, protection of private property, and equality.
There was in the British North America of the mid-19th century a relatively broad consensus on the suitability or superiority of liberal practice. Liberal political and constitutional ideas had been reinforcing in the British settler colonies at least since the 1755 deportation of the Acadians, the French-speaking Catholic people east of Quebec, and the succeeding migration of the American Loyalists north of the border (Bumsted, 2008, McKay, 2009, Bannister, 2009). Ensuing from the defeat of republican (or radical liberal) ideals at the end of the 1837-38 rebellions was the “high point” of the liberal political project (McKay, 2000: 633). Michel Ducharme concludes from his study of the idea of liberty in Canada between 1776 and 1838 that “modern liberty as the foundation of the state became an unquestioned postulate of Canadian politics [by the end of the 1830s]. The vast majority of politicians and intellectuals rallied around it and around the institutional arrangements ensuing from it” (2014: 186, see also Ajzenstat, 2007, my emphasis). Republicanism was not completely eliminated from the ideological resources available to statesmen at the time of Confederation: a few French Canadian reformers continued to defend some radical liberal ideas at the time of the Confederation. Yet, Ducharme concludes, its partisans would “never again be influential enough to pose a threat to the state” (2014: 185, see also Dumont, 1969). In this sense, the Canadian Confederation can be described as a genuinely liberal moment, one that would constitutionally consolidate a “general liberal state program” (McKay, 2000). What is more, the 1867 founding of the Canadian Dominion inaugurates a series of other liberal moments that would allow for the deepening and enlarging of that liberal order (Constant and Ducharme, 2009, Heaman, 2015).

It is critical to indicate that “liberal”, as a political label, did not proliferate before the latter half of the 19th century. In the United Kingdom, the term “liberal”, used to designate the party that would unite the former Whigs, Radicals, and Tories who were in favour of free trade, was only officially used after 1868 (Bell, 2014). In fact, there was little sophisticated discussion relative to

48 In a broad sense, the liberal agenda was thus shared both by the Clear Grits and Liberal Conservatives (see the last note of this section for the distinct political commitments of these parties).
liberalism as an ideological tradition until the early 20th century (Ducharme, 2014). For these reasons, the term “liberalism” to designate an ideological movement in the context of this study can only really be employed anachronistically. Insofar as one accepts Bell’s definition of liberalism as “the sum of the arguments that have been classified as liberal, and recognised as such by other self-proclaimed liberals, across time and space” (2014: 690), it should not be an important methodological problem.

Liberalism, of course, was more than a simple party creed: it was a family of philosophical doctrines and of moral ideals, which were often matched with a comprehensive economic system (Bell, 2016). Insofar as this dissertation examines the discourse of governments and formal authorities, it primarily looks into the liberalism imbricated within partisan politics in British North America. In the historical period here examined, two parties monopolised the governing institutions and both are to be broadly understood as having defended and implemented liberal policies and institutions: the Liberal-Conservative Party, and the Liberal (or Reform) Party (Heaman, 2015, see also Underhill, 2013). If the former understood liberty as a good to be preserved through policy, the latter rather believes reforms to be necessary to attain it (Ducharme, 2003). As compiled by McKay (in Ducharme and Constant, 2009), the most important theorists of and activists for liberalism between 1857 and 1885 were Joseph Howe, George Brown, David Mills and Goldwin Smith.

5. The philosophy of colonial liberalism

Two premises underline the commitments of British North American colonial liberalism in the second half of the 19th century: the centrality of individuals and a teleological reading of time.

49 In 19th century British North America, “liberal” generally meant “generous”.
50 The Reform Party brought together three movements: Clear Grit radicalism (an agrarian democratic movement, whose roots were deep in the western peninsula of East-Canada), Brownite liberalism (focused on Toronto), and moderate reformism (in evidence eastward from Toronto, under the leadership of John Stanfield Macdonald) (Careless, 1963). Lower Canadian Rougeism, with its body of ideas borrowed from the revolutionary Paris of 1848, had withered under the onslaught of the Church by the early 1860s. Its most moderate elements joined forces with the Reform Party around the time of the Confederation.
Individual autonomy, or self-mastery, lies at the heart of colonial liberalism, whether it is defined (as it was in the early modern tradition) by the absence of a subjecting authority like an employer or a husband, or in more abstract terms (as it came to be defined later), in relation to the development of rationality, self-knowledge, or autonomy. What is most important to the following section is that colonial liberalism has been instituting individuals as autonomous, self-possessing entities developing in appropriate circumstances as the most important variable in the “liberty” equation (see McKay, 2009, Ducharme, 2014).

Underpinning this individualist ontology is a linear conception of historical time: a view of human history that is tied to open-ended notions of progress (Bell, 2016). As I will argue, this teleological reading of human history allows for the development of a theory of civilisational progress that provides for the superiority of the European civilisation in relation to backwards peoples that need to be improved. In particular, colonial liberalism stipulates that societies develop through stages. There are many versions of the liberal stadial view of human development, and not all of them were associated with liberal thinkers. Adam Smith and David Hume developed early versions of them. The Scottish Enlightenment versions postulate that human societies evolve through four stages: from hunting, herding, and farming, societies move to commerce as a central, organising economic activity (Kohn and O’Neil, 2006). Later thinkers abandoned this more complex view of development to adopt a conception of human development and improvement as cognitively based (Pitts, 2011). James and J. S. Mill, as prominent theorists of that simplified reading of human civilisation, built a division of the peoples of the world as either advanced – that is, modernised, developed, democratic, etc., or not – that is, backward, underdeveloped, and autocratic (Bell, 2016). Cognitive development

51 Some versions of that view were dynamic (they stipulate that particular stages are neither inevitable nor natural), and others were more static. Additionally, some versions rested on biological factors, while others were based on cultural explaining factors (Bell, 2016). Kohn notes that developmental theories of human history are common to Burke, Mill, and Marx: while it is closely intertwined with liberalism and its colonial strand, it is not distinctive of it (Kohn, 2012).
approaches assimilate all non-European peoples into a single class of social immaturity, and all Indigenous Peoples find themselves at the very bottom of that hierarchy.\(^{52}\)

5.1. Progress of land

The first of the two central commitments of colonial liberalism was the progress of land. In the particular enunciations of colonial liberalism this thesis excavates, lands are understood as in need of being improved, or brought under “civilisation”. The “great land rush”, as Weaver (2003) names the settler revolution that has occurred in five regions of British settlement including Canada, was rooted in a belief based on popular Christianity that human beings could dominate and improve the natural environment. Simply put, to improve the land meant to apply labour and capital to it in order to boost its carrying capacity as well as its market value. Lands needed to be cleared of trees, ploughed, and cultivated. Agriculture was believed to make survival more certain, and it implied a greater control over and independence from nature than other modes of subsistence like hunting and gathering (den Otten, 2012). Building upon the Lockean proposition that land considered vacant or uncultivated is unimproved or “waste” land, colonial liberalism upholds varying forms of agrarian labour, including cultivation, enclosure and husbandry (Arneil, 2012).\(^{53}\)

The imposition of a regime of private property codified, institutionalised, and consolidated the colonial liberal aspiration to improve the lands, for it committed a single person (the farmer) to

\(^{52}\) Some colonial liberal thinkers provided for the classification of Indigenous Peoples amongst themselves. Amongst non-Western peoples, Indigenous Peoples of the Australian subcontinent were often placed at the bottom of the human development scale. The more “warlike” Maoris of New Zealand were accorded a higher position (Bell, 2016).

\(^{53}\) Despite the emphasis of this dissertation on cultivation as the mode of labour championed by colonial liberalism, there is another important industry that flourished on the south-western Prairies during the years encompassed in this dissertation: the ranching industry. The “nascent Canadian cattle kingdom”, which covered the region that ran southward from Calgary along the foothills of the Rocky Mountains to the American boundary, emerged around the year 1873 and was firmly established by 1880 (Breen, 1983: 4, see also Elofson, 2015). In many ways, the prospect of beef production, as opposed to that of cereals, was more important to Ottawa’s plan for western development than this thesis admits. From the perspective of the Canadian government, however, ranching was believed to be an intermediate industry before northwestern lands were open to agrarian forms of settlement (Breen, 1983). The Canadian colonial liberal understanding that lands must be cultivated to boast their full potential permeates the documents considered in this research.
possess and improve a piece of land. Additionally, privately held land was believed to be a source of freedom and power, enabling improvement and defeating wilderness. In that sense, property ownership was thought to promote both the improvement of lands and of peoples, including Indigenous Peoples. To the extent that it dismantled communal ties and secured individualised, exclusive and formalised property rights, colonial liberalism argued private ownership benefitted all peoples (see McKay, 2009, Heaman, 2015). A related colonial liberal postulate is the colonial liberal championing of free market, commerce and, at times, free trade, as bases of the settler economy. An exploitative view of nature and of its resources by settler governments is visible throughout the chapters. If the justification of Indigenous territorial dispossession centres on the acquisition of private titles for settlers, it is also based on the economic benefits tied to the exploitation of resources extracted from these lands for both British and colonial commercial corporations.

What land improvement as a colonial liberal commitment meant for settler authorities in British North America is that the land use of Indigenous Peoples was entirely inadequate: it underutilised and wasted natural resources (Harris, 2004). Even where Indigenous Peoples had been tilting the soil, colonisers still conceived of them as obstacles in the way of improvement, for they appeared “less dedicated than Europeans to imposing a purposeful, regular pattern on the wilderness” (Weaver, 2003: 83). Colonial liberals believed that settlers knew how to and would use the land more productively. Converting the wilderness into an improved landscape equalled to suppressing disorderly natural surroundings to transform it into productive farms, timberlands, mines and towns.

5.2. Progress of individuals

As Tully writes, settler colonisation was rooted in “deep-seated epistemologies and ontological propositions about humanity, and diffused through an immensely powerful imperative to ‘improvement’” (1995: 73, my emphasis). Improvement applied not only to lands, but also to individuals and peoples. I will argue that British North American colonial liberalism, in the second
half of the 19th century, conceived of the progress of individuals as translating into rationality and industriousness.

As Pitts explains, progress for individuals and peoples is essentially conceived of in cognitive terms: it is defined as increasing rationality and cognitive capacity, especially for conceptual thinking (2011). Many documents investigated in this thesis testify to the colonial liberal understanding that rational individuals are intelligent, independent and have a keen knowledge of their self-interest. Conversely, lacking improvement amounts to being cognitively limited, to be “mired in error or enslaved to superstition, incapable of the abstract thought necessary for abiding by contracts or treaties” (Pitts, 2011: 42, see Ducharme, 2003). What is more, colonial liberalism theorises that rational individuals are Christian and have “strong religious feelings”. Finally, colonial liberalism defines civilised individuals as calm, that is, as neither excited nor excitable.

In addition to being rational, colonial liberalism postulates that civilised individuals and peoples are industrious. Industrious individuals, according to the documents examined in this dissertation, display fortitude and possess a spirit of enterprise in their labour, typically agrarian. Conversely, uncivilised individuals are idle and improvident, or “lazy” and “helpless”. Combining their vision of improved lands with improved individuals, colonial liberals view civilised individuals as exclusively sedentary. If they are industrious in that sense, colonial liberalism stipulates that their labour will translate materially: they will prosper. The personal enrichment that could ensue from tilling and improving land is not regarded as a vice: to the British North American liberal colonial liberals, it was usually evidence of a “constructive use of liberty” (Ducharme, 2014: 186, see also Harris, 2004).

If many colonial liberal thinkers stipulate that there are significant differences in the stages actually “attained” by particular peoples, most think that human beings and “races” are equal in their capacity to improve and achieve civilisation—the ultimate stage of societal development. In particular, it is understood that most individuals could improve to become freemen if they receive, forcibly if need be, the proper kind of education, which would instil both intellectual and physical
forms of discipline. As the report of the Pennefather Commission (1857) made clear (chapter 3), separation from home environment was believed to be amongst the most efficient ways for the young to relinquish their ways of being and knowing. Chapter 6 explains how the Canadian engaged with this colonial liberal commitment to make Indigenous children “progress” by establishing an industrial schooling system for the Indigenous children of the North-West. For Indigenous adults, progress in rationality and industriousness is to be attained through agrarian labour (the “most civilised mode” of earning one’s living) and awarded with “enfranchisement”.

If improvability primarily applied to the ways of being and knowing of individuals, societies (as groupings of individuals) are also subject to and capable of improvement. Colonial liberalism colonialism usually defines the progress of societies as the result of the improved rationality and industry of individual members that compose that society. When a society reaches the highest stages of development, namely “civilisation”, it manifests in various ways, for instance in the formation and development of certain institutions – amongst others, property, contracts, and treaties. Such societies are understood to have transcended the state of nature, marked with violence, by founding a civil society organised by “peaceable principles” like rationality and industry.

If the founding of a civil society is regarded by colonial liberalism as one of the most important civilisational achievements, self-government is another one. John Stuart Mill and other colonial liberal thinkers generally supported movements of national self-determination, for they were understood to constitute a necessary means to exercising liberty fully (Mehta, 2014). Indeed, not all societies were considered to be prepared for this form of political autonomy (Freeman-Maloy, 2016). Mill, for instance, believed that there are two classes of British dependencies: those composed of a “civilisation” similar to that of Great Britain, which were “capable of and ripe for representative government”, and those that remained a great “distance from that state” (Bell, 2016: 105). Settler

For the reason that they necessitate the employment of abstract thinking, colonial liberalism hypothesises that these institutions simply cannot exist in the midst of undeveloped, backward societies, capable of concerning themselves only with the concrete, the immediate and the particular (Pitts, 2011).
societies, like the united British North American colonies, are one of the keys to understanding the place of self-government for “advanced” and “civilised” societies within colonial liberalism, especially as it relates to the domination of settler government over racialised Indigenous Peoples (see Smits, 2008). Colonial liberal thinkers within and outside British North American settler colonies argued for and obtained forms of self-government for them and, in doing so, made this colonial liberal equation: empire leads to the spreading of civilisation around the world, which nourishes national self-consciousness and self-determination in settler colonies. Not only does self-determination for settler colonies provide for the end of empire, but it also defines the settler colonies as the new agents of civilisation. The violence internal to settler colonial processes of appropriation and assimilation accelerated as settler colonies gained autonomy from the metropolis.

If colonial liberalism requires of individuals that they become “rational” and “industrious”, it furthermore requires them to remain loyal to the established authorities – however they were established. As will become clear in chapter 7, settler colonial authorities used the colonial liberal argument of loyalty to justify the execution of many Indigenous leaders. If subjects rebel against authorities, colonial liberalism necessitates that they be subject to war and death.

In the same way that the colonial liberal commitment to punish disloyalty paves the way for the physical violence of execution, I argue that colonial liberalism supported the settler colonial objectives of dispossession and assimilation. By demanding the incorporation of new lands to improve them, colonial liberalism is expansionist and appropriative and is thus materially violent. Analogously, by demanding the improvement of Indigenous Peoples through enfranchisement and schooling, colonial liberalism is destructive of certain ways of being and knowing and is thus epistemically violent. 

55 Bell argues that the projected “telos” of the liberal project was a world of civilised nation-states “coexisting on a formally equal basis under the expanding regime of international law and commerce” (2016: 300).
56 There are some colonial liberal commitments this section did not cover. For example, the important consequences of its value system for relations across gender, capacities and sexual identities do not figure extensively in this study. That the colonial liberal political project has been predicated on many forms of
6. Conclusion

In this chapter, I defined settler colonisation as an eliminatory process motivated by the access for settlers to Indigenous lands. Detailing the different physical, material, and epistemic strategies of settler colonial elimination, I proposed that the two most dominant forms of settler colonial violence in mid-19th century British North America are territorial dispossession and assimilation. The second half of this chapter defined colonial liberalism as the most important ideological force that contributed to justifying these violent impositions. The two ideas that do the most work within colonial liberalism are the imperatives of the improvement of peoples and lands. In a word, this chapter provided the conceptual instruments that will be put to use in the following chapters to track some of the historical moments that defined the development of Canada as a settler government and polity, and to analyse the ideological justifications that allowed these processes to take place. Finally, this chapter contributed to showing how violence lies at the heart of settler colonisation, in addition to exposing the various ways in which liberal colonial commitments could be conceptually supportive of settler colonisation.

The contributions of this dissertation are many. Amongst them, it highlights the importance of studying settler colonisation and colonial liberalism from the perspective of settler colonies. As Bell has shown (2016), Australia, Canada, New Zealand played a critical role in the liberal imperial imagination. What I suggest is that it is also critical to look at the settler colonial processes of territorial appropriation and cultural uniformisation within the settler colonies themselves, for they make contributions to the liberal tradition that are distinct from those emerging out of the metropolitan core.

discrimination against women, disabled and queer persons is not in doubt, and some other works discuss these important issues in depth.
One of the distinctions of the Canadian colonial liberal tradition is the intimate relationship of liberal ideas with those of settler and agrarian expansion across the British North American continent. The settler colonies are also amongst the places in which colonial liberalism negotiated its existence alongside physical violence. The attitude of colonial liberal thinkers and institutions towards physical forms of violence are, as I shall propose, varied. A fair segment of the tradition has simply silenced the realities of settler colonial violence. That is true, for instance, of the early works of J. S. Mill: despite his interest in Australia and notwithstanding the perpetration of the Tasmanian genocide, Mill did not discuss the issue of settler violence during the 1830s and 1840s. In his later writings, however, Mill observed with anxiety that settlers looked down on Indigenous Peoples and resorted to violence towards them. Mill thus came to worry about settler “bullying and blows”, especially in Australia, India and the West Indies (in Bell, 2010: 53, see also Smits, 2008). While these issues may have genuinely moved him, he minimised settler violence and fell short of arguing that it was an integral part of settler colonisation. Neither did he suggest ways in which settler bodies and institutions could be reformed to make that violence stop (Pitts, 2005).

Millian thinking and writing exemplify the fissures – conceptual and practical – within the colonial liberal project itself (Mantena, 2007). By scrutinising various moments in Canadian political development, this dissertation surfaces not only the physical violence colonial liberal thinkers failed to report, but also the material and epistemic violence internal to the processes of territorial appropriation and cultural homogenisation they declared to be benevolent and peace-making. In so doing, this research exposes the tensions internal to the deployment of colonial liberalism within settler colonies. By tracking the materially and epistemically destructive effects of the colonial liberal impetus to ameliorate lands and peoples, I bring into view some of the most important perils of “progress”.
In a country like Canada the tendency to take possession of waste lands is irresistible, and the feelings of the country at large will always sympathize with the Squatter, who is earning his living by his labour.

*Richard T. Pennefather, Superintendent General of Indian Affairs*

*In the Pennefather Report (1858)*

CHAPTER 3: Foundational violence, 1857-1867

This chapter tracks the emergence of the Canadian expansionist settler state that, looked at from the perspective of its relationship with Indigenous Peoples, is violent rather than peaceable. I investigate the various forms of violence enacted in the course of the elaboration of the 1867 Canadian Confederal project in the decade that preceded its formalisation. Violence is paradoxically positioned in this formative period. Against uncertain prospects in the Old World, British North American settler communities hoped for a safe future within the young civilisation they were erecting and they projected peacefulness onto their own politics and institutions. Simultaneously, they enacted material and epistemic violence in the form of territorial dispossession and cultural assimilation for Indigenous Peoples.

Three separate campaigns supported the emergence of Canada as a settler colonial power during the period. The first campaign utilised science to justify the Canadian project of annexing the North-West. The second builds on past assimilative programmes to examine the particular means by which various Canadian statesmen promoted the erasure of Indigenous ways of being and knowing. The final act secured the first two by constitutionalising the Canadian project of territorial expansion and cultural uniformisation across that territory.

The first section scrutinises the 1857 Report of the British Select Committee on the Hudson’s Bay Company, the 1857 report by Canadian Professor Hind on his crew’s expedition in the Northwest Territories and the 1859-60 reports by British Captain Palliser on his own scientific expedition in the same region. These documents make visible for the very first time the nascent desire by Canadian authorities to settle and develop what settler authorities had known until then as Rupert’s Land. In
other words, they illustrate the perspective of colonial elites on the outside of what is soon to become the Canadian Dominion as future settler space. The scientific expeditions served to reinforce Canada’s confidence in pursuing settlerist and agrarian ambitions and in envisioning the dispossession of Indigenous Peoples on a wide scale, as the agrarian settler colonial state would supersede the fur trade economy. Canadian officials used the concept of improvement, as applied to Indigenous lands, to plan and justify that appropriation.

The second moment centres on the epistemically violent process of assimilation through the adoption of “civilisation” acts, in the colonial liberal name of the “enfranchisement” of peoples. Along with the future expansion of the borders of the province of Canada in the middle of the 19th century, colonial authorities also produced a set of new policies for “Indian tribes” within the province. The enactment in 1857 of the *Gradual Civilisation Act* and the tabling of the *Pennefather report* the following year identified the role colonial legislatures played and prepared to play in relation to the subjugation of Indigenous Peoples as “less civilised” than the settlers instead of as partners in trade, treaty negotiations and military alliances. The Act made explicit the new outlook of the province of Canada on the desirability and means of Indigenous assimilation. Together these two historical documents prepared the future Dominion for the 1860 devolution by the imperial government of power over “Indian affairs” to the colonial legislatures. This imperial granting of jurisdiction over Indigenous Peoples strengthened settler self-government and, concurrently, deepened internal colonialism understood as the twin processes of dispossession of territory and assimilation of Indigenous Peoples.

The Canadian Confederation, debated in the years preceding 1867, constitutionally secured the objectives of these two campaigns – territorial appropriation of Indigenous lands and cultural assimilation of Indigenous Peoples. During the official discussions on the bringing into being of the new country, the idea of uniting colonies for the purpose of expansion became clear. The *Constitutional Act, 1867* ultimately ensured the development of a settler state committed to the
incorporation of new territories, which it planned to “enrich” by installing Europeans farmers whose rights to own land it would uphold against Indigenous resistance.

The Canadian Confederation inaugurated a critical period in Canadian political development. Properly Canadian impulses to appropriate new lands and their peoples escalated in breadth and pace as political and legalistic resources shifted from an exterior British government to a local and permanent state. Distinguishing some of the recurring elements in its language and practices of government, this chapter finally draws the contours of the distinctively Canadian colonial liberal tradition, centred on the aspiration to improve lands and elevate peoples, which support its efforts to expand and cultivate uniformity within its advancing borders.

1. The birth of the British North American settler colonial project for the Northwest

1.1. The Select Committee on the HBC

The first campaign examined in this chapter brings into view the drastic shift in representation of the territories west and north of the Province of Canada—now the Canadian Prairies. For the first time, these images operated the territorial dispossession and displacement of Indigenous Peoples by imagining the European acquisition and peopling of these regions.

Before 1857, this North-West was essentially viewed as arid and inhospitable, unsuitable for the settlement of British emigrants.57 From a “fur trading empire and enduring wilderness” (Owran, 1992: 11), the Northwest came to be seen by the end of the 1850s as a potential place for British and Canadian emigrants to survey and inhabit. Several events may have participated directly in this critical representational shift. Recording for the first time the clear and great ambition of the province of Canada to annex territories west and north of its contemporary location, the report of the select committee on the Hudson’s Bay Company makes manifest the perspective change of colonial elites on the outside of what is soon to become the Canadian Dominion as future settler space.

57 Red River colony was one exception to this general portrait (Owran, 1992).
At the beginning of 1857 the Select Committee on the future of the Hudson’s Bay Company was set up by the British Parliament and chaired by Colonial Secretary Henry Labouchère. The “period when the licence of exclusive trade must expire” approached (Great Britain, 1857: III), but other circumstances also prompted its constitution. Critics of the Company were increasingly vocal in London and in the British colonies of North America, questioning the welfare of the Indigenous Peoples it employed and contesting the ways in which it administered Rupert’s Land (Owran, 1992). Witnesses called to testify before the committee included a wide range of professions – explorers, climatologists, geologists, cartographers, and statesmen. They also encompassed a range of characters from Edward Ellice, a long-time employee and supporter of the Company, to Alexander Kennedy Isbister, a fervent free trader and opponent to monopolistic enterprises like the HBC. The committee was tasked with the decision to either allow the status quo based on a trading economy to continue or to revoke the charter as a step towards the promotion of settlement.

The hearings of the commission are important to Canadian political development as they allow, for the very first time, Canadian officials to voice their opinion that Rupert’s Land and the North-West Territories should be Canada’s to develop. Their interventions before the Commission also testify to the kinds of arguments they make to support that claim. Although they stress different aspects of colonial liberalism, they concurred in the assertion that the North-West should eventually be incorporated into Canada, for it alone had the capabilities of improving these rich lands.

Two positions, articulated by different witnesses before the committee, advance colonial liberal arguments. Represented by Canadian delegates, the first group enunciated the opinion that the HBC monopoly should be lifted for British settlers to gradually people the territory then under its rule. The second group, led by Alexander Isbister, voiced its opinion that the HBC hurt the First

58 To be exact, the territory under the HBC rule comprised (a) the land held by Charter, or Rupert’s Land, (2) the land held by license, or what was then called the “Indian Territory”, as well as (3) the Vancouver Island (Great Britain, 1857: III).
Nations and Metis. Ultimately, the committee recommended that the HBC abandon its charter and open up the fertile regions for permanent settlement.

Four of the witnesses represented the Province of Canada in different capacities. John Ross, the first to testify, was a member of the Canadian Government since 1851 and acted during his career as Speaker of the Legislative Council, Solicitor and Attorney General. Noting that a discussion about the opening up of the HBC territory had not arisen until the course of the previous summer, Ross testified to his opinion that the extension of the colony of Canada could, by degree, take in “the whole of the habitable part of the Hudson’s Bay territory” (1857: 6). Backing Ross’s expansionist ambitions was the testimony of Alfred Robert Roche, a Canadian clerk attached to the provincial secretary’s department. He first stated his belief that Canada had a right and title to the territory that extends to the “shores of the Pacific” (1857: 250). According to Roche, not only was the continental interior first discovered by Sir Alexander MacKenzie, “a Canadian” (1857: 250), but Canadians also allegedly possess “the rights of the old French Canadians, who had the right to travel and trade through the country” (1857: 251). 59 Additionally, Roche specified his opinion that the immense region is “much more valuable than it has been represented, in minerals, for instance” (1857: 249). He also mentioned before the Committee that Canadians would prefer to settle Rupert’s Land than the Ottawa district, as settlers “can cultivate the prairies much more easily than they can the forest land” (1857: 251). Another Canadian representative, Colonel John Ffolliott Crofton, not only added that some regions of the North-West, such as the Red River and Saskatchewan Districts, were suitable for settlement and cultivation, but also stressed that these territories could “maintain millions” (1857: 171). 60

59 According to Roche, diverse arguments point to the Canadian title to HBC territory. For a rebuttal of these claims, see Gaudry (2016).
60 Testifying to the fertility of the prairie he explored, which he connected directly to the presence of limestone, Colonel Crofton noted that the Red River settlement is definitely fit for agriculture.
For all intents and purposes, William Henry Draper, Chief Justice of the Court of Common Pleas of Upper Canada, was the formal voice of the Province of Canada. Sent to London “with the view of pressing whenever [he] deemed it necessary for the interest of the province” (1857: 210), Draper first formulated a critique of the role of the Hudson’s Bay Company in the Northwest. Echoing what he perceived as a general feeling in the province of Canada, Draper noted that the Company may very well have deliberately hindered the development of northwestern resources and the collection of information about its territory in order to preserve the fur trade industry. Citing what he read as poor population growth in the Red River Colony (by which he meant settler population), Draper concluded: “there must be something in the government of [that] country which does not encourage settlement” (1857: 221). His criticism of the HBC stemmed to a great extent from his opinion that the Province of Canada was territorially too compact to contain all British North American subjects: “the government at this moment has very little land indeed [for] disposition”, Draper noted (Great Britain, 1857: 213). As a consequence, the settlement of lands exterior to the province should not only be allowed, but should be precipitated. Adding to the equation the need for British North Americans to settle British land before the Americans, Draper recommended to the Committee as a “true policy for [his] country” and as a “just policy to the colonists” that any part of the territory to the “eastward of the Rocky Mountains should be brought into settlement and cultivation, [and] ultimately added to the colony of Canada” (1857: 215). While Draper limited the territory Great Britain should grant to the Canadian government to the Rocky Mountains, he also argued that, with time, it should extend to the shores of the Pacific. In sum, important Canadian officeholders voiced to the HBC Commission the distinctively Canadian ambition of peopling the North-West and annexing these vast lands to the

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61 Draper was also appointed to the Executive Council of Upper Canada in 1836, acted as Solicitor-General of Upper Canada in 1837, as Attorney General of Upper Canada in 1840 and was reappointed in 1844.

62 Draper prophetically stated that he hopes “to see the time, or that my children may live to see the time when there is a railway going all across that country and ending at the Pacific; and so far as individual opinion goes, I entertain no doubt that the time will arrive when that will be accomplished. I should desire, for the sake of Canada, that permission should be reserved to her to that extent only, that if she makes a railway through her own portion of the territory, it shall go to the terminus” (Great Britain, 1857: 218, my emphasis).
future Dominion. In addition to pressing the benefits this policy would have for British North America, they argued that Canada was entitled to appropriating and developing the region. Chief Justice Draper even proposed that the Canadian annexation of the North-West was the only right policy for both Canada and its subjects.

In their testimonies, the representatives of the Province of Canada never centred on the lives of Indigenous Peoples. The only references to their wellbeing surfaced in the words of fur trader Alexander Isbister. Born to the fur trade industry in the colony of Red River, Isbister had been an employee of the HBC in his capacity as a clerk, postmaster, and junior officer. Although he also argues that the HBC pursued a policy that constituted an “obstruction to the colonising spirit of those settlers who are in the territory” (1857: 121), his critique of the company prioritise the fortune of the Indigenous Peoples over that of the settlers.

It is interesting to engage with his challenge to the rule of the HBC, for it supported Canada's position that it should be ended. While the Canadian delegates stressed Canada's capacity to promote the development of the “waste” lands of the Northwest, Isbister focussed his attacks against the HBC on its relationship with Indigenous Peoples. In his testimony, it is clear Isbister thought of the monopolistic enterprise of the HBC to be unfavourable to the Metis and First Nations, as it deprived Indigenous hunters of the fair value of their work, fostered their impoverishment, heightened their difficulties in securing food, and increased their alcohol consumption. Central to these difficulties, Isbister cited the Company's restriction of the traders’ hunting potential. Isbister added that the “opening” of the Northwest to settlement should not bring any particular hardship for First Nations and Metis. In fact, he voiced his opinion that the Company fenced the Indigenous Peoples from contact with civilised societies and, thereby, from the ameliorating encouragement required for

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63 Elsewhere, Isbister also targeted the Company for the "general character of the management" of its territories, which he read as "unfavourable to the development of the resources of the country" (1857: 121).
64 Isbister could be said to believe in fur trade colonisation as opposed to settler colonisation (see Canavagh for a useful analytically distinction between the two kinds of colonisation).
their evolution on the “scale of civilisation”. Isbister concluded that the system pursued by the HBC should be put to an end in order to foster the “enlightenment and progress in civilisation” (1857: 121) of Indigenous Peoples, but of settlers too.

The Select Committee finally determined in 1858 that the Charter of the Company would expire in 1859 to allow for the annexation by Canada of some of the land it needed for settlers to occupy. The commissioners never contemplated inviting Indigenous leaders to their hearings, even though the destiny of their lands and lives were being debated. Not only does this reflect the failure of the committee to represent the Indigenous Peoples nations as equal partners in trade, treaty negotiations and military alliances: it also prefigures their absence during the debates on the Canadian Confederation ten years later. The hearings of the Commission additionally represent an important landmark in Canadian political development, for it allowed agents of the Province of Canada to express for the very first time their ambition to incorporate the North-West. Thanks to the lobbying of Canadian expansionists, a private company’s fur trade colonisation, which required outposts and sojourners along with large pieces of land held for speculative purposes, would eventually yield to another kind of colonisation: settler colonisation. Both Isbister and representatives of the Province of Canada finally pressed the need for northwestern lands to be improved and for peoples to progress on the scale of civilisation, which are both fundamental commitments of colonial liberalism.

1.2. The Palliser expedition

When the hearings of the Select Committee opened, British Captain Palliser’s exploratory expedition was awaiting Treasury sanctions for the grant that the Committee Chair Henry Labouchère had recommended. Some weeks later, authority was given to the Captain to proceed to the Hudson’s

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65 The Committee registered in the Report its opinion that the HBC should conserve its monopoly over the regions incapable of settlement for the benefit of (a) the maintenance of law and order, (b) the wellbeing of fur-bearing animals, threatened by unrestrained hunt, and (c) the wellbeing of Indigenous Peoples, threatened by the interruption of the fur trade and the uninhibited introduction of spirits (Great Britain, 1857).
Bay territories to collect scientific observations.\textsuperscript{66} To Labouchère, it had become clear that there was a need for solid information relative to the qualities of Rupert’s Land and the possibility for settlers to eventually inhabit it. Aside from the testimonies heard before the Committee, there were only a handful of publications based on British experience in the southwestern plains and southern Rockies (Spry, 1968: XLIII). Taken up and developed by the prestigious Royal Geographical Society, the Palliser expedition sailed off from Liverpool to New York on May 16, 1857, and arrived at Sault-Sainte-Marie in early June. The instructions were to “examine the present route of travel with a view to ascertain whether [if a line of communication were built] between the Canadas and the country west of Lake Superior and north of the 49 parallel, there was any prospect of a result \textit{favourable to emigration or agriculture commensurate with the sacrifice}” (Palliser, 1968 [1859]: 40, my emphasis).\textsuperscript{67}

While the expedition’s scientific legacy exceeds its conclusions on the suitability of the plains region for British settlement and cultivation, I focus on these contributions. In addition to the revocation of the HBC Charter, the future Canadian Dominion required the validation that the Northwest was fit for cultivation in order to convince the British metropolitan government that the destiny of the region was most secure in the hands of Canada. This validation would come from various scientific authorities, including those embarked with Palliser.

In his report, Palliser noted that the richness of the natural pasture of the Northwestern plains can “hardly be exaggerated” (ibid.: 20). Abundantly watered and well wooded, Palliser mentioned that the fine quality of the land comprised “nutritious species of grasses and carices, along with natural

\textsuperscript{66} There are important parallels between the Palliser and Hind expeditions and the Lewis and Clark expedition. The latter, which has also been referred to as the “Voyage of Discovery”, took place between 1804 and 1806. Commissioned by President Thomas Jefferson, the Lewis and Clark expedition was the first American expedition to travel through the western portion of the present-day United States. Like the Palliser and Hind expeditions, the Lewis and Clark expedition was mandated to find a practicable route across the continent and to collect “scientific” information relative to “newly discovered” lands. For further analyses of the colonial legacy of the expedition, see Fenelon and Defender-Wilson, 2004, Miller, 2006 and Ostler, 2004.

\textsuperscript{67} The expedition went through three distinct phases: the examination of the route and country between (a) the head of the Lakes and Red River Settlement, (b) the southern prairies from the Assiniboine to the headwaters of the South Saskatchewan, and (c) the Rocky Mountains in order to find practicable passes south of the Athabasca Pass (Spry, 1968: LVIII).
vetches in great variety, which remain throughout the winter sound, juicy, and fit for the nourishment of stock" (ibid.: 916). Not only cattle but settlers would be well fed in the plains' regions: Palliser noted “immense quantities of nutritious fish”, critical during the “transition state that a country must endure between the periods when its inhabitants live on wild animals alone, and that period when bread becomes the staff of life and animal food is produced by the care and forethought of civilised man” (ibid.: 20). As far as agriculture and breeding are concerned, Palliser definitively concluded, concurring with the geologist and naturalist of the expedition James Hector, that the region was fully productive. In that sense, Palliser observed that the “whole of this land may be compared to lands of Switzerland and the Tyrol, known to be fertile” (idem.). According to the report, the plains region was valuable for the purposes of settlement, as its winters are short and its snow, less deep than in the province of Canada. Palliser also recorded that the absence of heavy timber in the plains served the purpose of the colonists as they would not “encounter the formidable labour of clearing the land from [it]” (ibid.: 22). His report nonetheless specified that there are trees in sufficient quantities to construct houses and furnish settlers with fuel “in the forest lands to the north” (ibid.: 9).

In the Report, there is virtually no discussion of the presence and wellbeing of Indigenous Peoples on the Plains, except to emphasise Palliser’s conviction that potential settlers would not have to fear attacks from them. While Palliser stated that there might be occasional conflicts between the Indigenous and non-Indigenous Peoples, he believed that no “organised system of aggression would be attempted against the settlers”. He added that many First Nations, “provided they could obtain their farming implements, would follow the examples they saw before them, and begin to till the soil themselves” (1968 [1859]: 33).

68 Hector’s judgement on the legacy of the Expedition was that it helped to establish beyond doubt the fact that there did exist within the British territories “extensive areas, with good and varied soil, adapted for agricultural colonisation” (Spry, 1968: CXIV).

69 According to Palliser, quarrels could occasionally arise from horse stealing, or “at other times out of [an Indian’s] aimless mischief” (1968 [1859]: 33).
Palliser’s evaluation of the plains region is unambiguously reflective of a colonial liberal ideology. First, it only makes sense in relation to the potential of the Northwest for the settling of European farmers. Second, it is suggestive of Palliser’s conviction that Indigenous Peoples living on the “waste” lands of the Northwest could progress and help their lands improve if they are provided with the appropriate training and implements.

In the end, the final report of the Palliser expedition concluded that the North-West should be settled and cultivated as a means to both ameliorate the lands and make its inhabitant progress on the scale of human development. Interestingly, Palliser also wrote it was too early for a young province like Canada to undertake that great settler colonial project alone. He recorded in a later confidential letter to the Secretary of State for the Colonies his certitude that “no Government which Canada is in the power of conferring could succeed in attaining [the desire object of affording progression in civilization to the People dwelling in the Indian territories]” (1968 [1859]: 514). According to the British captain such an expansive endeavour should be led by a greater power like Great Britain. Although Palliser was not convinced the plains’ region should be annexed by Canada in the near future, the report of his expedition is nonetheless highly significant for Canadian political development as it articulated the ends to be pursued by British and Canadian authorities: bringing about the cultivation of the northwestern lands and the “progression in civilisation” of the Indigenous Peoples. It also framed Rupert’s land as very suitable for the future settlement of British emigrants.

1.3. The Hind expedition

Two months after the departure of its British counterpart (the Palliser expedition), the Canadian government organised and dispatched its own expedition in July 1857 with the instruction “to ascertain the practicability of establishing an emigrant route between Lake Superior and Selkirk Settlement, and to acquire some knowledge of the natural capabilities and resources of the Valley of
Red River and the Saskatchewan” (Hind, 1860a: V, my emphasis). Accompanied with an extensive crew comprising Quebec-born engineer Simon James Dawson, the leading scientific figure of the expedition was Trinity College chemistry and geology Professor Henry Youle Hind. Hind was born in England and educated at Cambridge, emigrating some 10 years before the starting year of the expedition that will be remembered by his name. Assigned by the government of the Province of Canada to assess the agricultural and settling potential of the Northwest, the crew reported on their findings in two separate stages. At the most general level, these investigations of the North West defined anew the geographical and climatological structure of the region between Red River and the Rocky Mountains (Owran, 1992). More importantly for our purposes, the expedition directly participated in renovating the political image of the Rupert’s Land into an enticing space for Canadian subjects to clear, build on and inhabit.

Hind and his crew, tasked with the evaluation of the agrarian and settling qualities of the Northwest, first qualified their observations by quantifying them. They estimated that the “total quantity of arable land included between Red River and the Moose Woods on the South Branch of the Saskatchewan will be [of] 11,100,000 acres” (Hind, 1859: 32). The potential of the land for grazing purposes is likewise estimated. Accessible and exploitable resources appeared to abound in the Northwest: “crude elements of wealth [such as timber, lignite, coal, and iron-ore] lie within the limits or on the borders of a region of great fertility, and drained by a river of the first class” (ibid.: 1860b: 235), the report stated. The mixture of the wilderness they observed with the British labour to be

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70 The particular regions reported on differed in the two expeditions. The first surveyed the region “lying to the west of Lake Winnipeg and Red River, and embraced (or nearly so) between the rivers Saskatchewan and Assiniboine [...]” (Hind, 1859: 2). The second focused on the region “between Lake Superior and Selkirk Settlement” (ibid.: 1860: V). The Secretary’s Office instructed the expedition crew to show the region’s “fitness, or the contrary, for settlement” (idem.) and “for agricultural purposes ascertained as far as may be from observation and inquiry” (Hind, 1859: 2). The crew is to collect all the information “respecting the Geology, Natural History, Topography, and Meteorology of the region” (idem).

71 A preliminary report was published in 1859 and a two-volume narrative, supplemented with maps and artworks, was published in 1860 (Hind, 1859, 1860a, 1860b).

72 The report registered the observation that the area of land fit for grazing purposes is “much more considerable, and may with propriety be assumed as fully equal in extent to the above estimate of the area of arable land” (Hind, 1885: 32).
imported has, according to the surveyors, the potential to produce a great civilisation in the Northwest.\footnote{The author noted that a few years of “repose [from annual fires]”, which can be secured by British settler intervention, “would convert vast wastes, now treeless and barren, into beautiful and fertile areas” (Hind, 1859:31). Hind makes clear in his report that he believes plains’ fires “are caused by Indigenous Peoples, chiefly for the purpose of telegraphic communication, or to divert the buffalo from the course they may be taking” (ibid.: 53). He concluded that these fire-generating “operations will cease as the Indians and the buffalo diminish, events which are taking place with great rapidity” (\textit{idem}).}

While Palliser did not detail his perspective on Indigenous Peoples in his report, Hind dedicated long passages of his own account of the region to his personal conception of the First Nations he met. In a long description of what he witnessed as a routine scene of buffalo hunting, the professor concluded that such an event afforded “a terrible picture of degraded humanity” and allowed “the savage barbarity of the wild prairie Indian [to show] itself in its true colours” (1859:113). If Palliser offered his view that given the appropriate training and implements, Indigenous Peoples could become successful farmers, Hind painted a more negative picture. Indigenous Peoples were not only “backward” and in need of the kind of enlightenment British colonial authorities can give them; according to Hind, they were a “degraded” and “savage” people, only redeemable through a sustained and concerted effort by settler authorities. Convinced that First Nations suffer from their superstitious fears, Hind wrote that “the prospective condition of the Indian race in Rupert’s Land will be greatly dependent upon the steps which may be taken by the future government of the country, to provide for their instruction in the Christian religion, their assumption of a settled mode of life, and their consequent advancement in civilisation” (Hind, 1860b:178). According to Hind, the great duty of civilising Indigenous Peoples should be taken up by the priestly caste (1859:112). Despite some differences in their respective assessments, Palliser and Hind prescribed for the bountiful Northwest the emigration of British and Canadian settlers to cultivate the land and transplant their institutions, which would bring about the “enlightenment” of Indigenous Peoples.
Hind’s haste and enthusiasm for the Canadian appropriation of Northwestern lands are reflected in his report, including in the following passage.

Bounded on the west by British Columbia, whose gold-wealth will ensure her marvellously rapid progress, and on the east by the powerful, energetic, and loyal colony of Canada, which now, in conjunction with the sister provinces, contains a population exceeding by ONE MILLION that of the thirteen United States during the Revolutionary War, is it likely that the British enterprise and patriotism will permit the intervening country to remain a wilderness, or pass into the hands of a foreign government? (Hind, 1860b: 235)

His conclusion was clear: “no other part of the American Continent possesses an approach even to this singularly favourable disposition of soil and climate” (1860b: 235). Indeed, it is a consequence of the highest importance to the Hind expedition – capitalised in the Report – that there is a continuous belt that “CAN BE SETTLED AND CULTIVATED FROM A FEW MILES WEST OF THE LAKE OF THE WOODS TO THE PASSES OF THE ROCKY MOUNTAINS, AND ANY LINE OF COMMUNICATION, WHETHER BY WAGGON ROAD OR RAILROAD, PASSING THROUGH IT, WILL EVENTUALLY ENJOY THE GREAT ADVANTAGE OF BEING FED BY AN AGRICULTURAL POPULATION FROM ONE EXTREMITY TO ANOTHER” (Hind, 1860b: 234). Manifest in this passage, and absent from the Palliser report, is the assumption that lands west to the Maritime and the Canadian colonies would be annexed by the latter, if not by a union of the two groups of colonies. For that reason, the suitability for settlement of the plains region was not only contemplated for its own worth, but also for its quality as a bridge to the resources and lands of the British colonies of Vancouver and British Columbia. The destiny of the colony of Red River was thus connected to its capacity to link “the Atlantic and Pacific oceans together with a chain of British dependencies” (1860b: 234).

The legacies of the Hind report are numerous. Not unlike that of Palliser, the Hind expedition confirmed the carving of the Northwest into different sub-region including, most importantly, the fertile belt (1860a: VI). The fertile belt prolonged the ascertained fertility of the Red River colony
much further to the west. As opposed to Palliser’s more cautious findings, Hind argued that the area fit for settlement was very large. The theory of the fertile belt afforded the Canadian expansionists a very precious instrument: it allowed them to promote the planting of British institutions and civilisation to North American Continent as not only desirable but highly feasible. The concept of the fertile belt also made the qualifications of the Palliser report regarding potential settling adversity fade into irrelevance. The most critical consequence of the publication of the Palliser and Hind reports for the Canadian expansionists was a shift in the narrative about the Northwest: from an inhospitable wilderness, suited only to fur trade colonisation, the northwestern territories were turned into a paradise for the settler colonial dream of planting permanent homes, whose inhabitants would sustain themselves through agrarian cultivation.

The Hind report, as well as the hearings of the Committee on the Hudson Bay Company, are clearly reflective of the Canadian settler colonial project of uniting the British North American colonies for the purpose of extending their borders to the northwest. The redefinition of the geographical and climatological structure of the prairie region between Red River and the Rocky Mountains, henceforth regionally detached from the Arctic, played up its fertility and adaptability to agricultural pursuits. Ancillary to agrarian ambitions was the Rupert’s land potential for mining, trade, and communication.

Although it was regarded as producing factual knowledge validated by modern science, the Hind report was less a scientific account of the Northwest than a political description of its potential for a racialised form of Canadian national building. In this sense, the report of the Hind expedition reflected the settler colonial dream of planting British and Canadian institutions of governance in the Northwest. In addition to mirroring settler colonial ambitions, the findings of the Hind report were used by advocates of Canadian expansion to justify its appropriation. “The vast ocean of level prairie

74 The belt was depicted as a “vast band of yellow sweeping in a giant arc from the American border at Red River northwest to the forks of the Saskatchewan and from there along the North Saskatchewan to the Rocky Mountain” (Owran, 1992: 68).
which lies to the west of Red River must be seen in its extraordinary aspects, before it can be *rightly valued and understood in reference to its future occupation by an energetic and civilised race, able to improve its vast capacities and appreciate its marvellous beauties,*“ Hind wrote (1860a: 134, my emphasis). In that sense, the report both reflected and served the emergence of Canada as a settler colonial power that sought to appropriate new lands beyond the Great Lakes. It was also believed by expansionists that the annexation of the Northwest would elevate British North American colonies to the status of a great nation, equal in energy to its American counterpart.

The means by which Canada would undertake to expand as a settler colonial state were varied and this section exposes two: lobbying, as before the Select Committee, and knowledge production, as with the two scientific expeditions. Both political advocacy and science helped Canadian colonial authorities promote and realise the Canadian expansionist project. This section also makes visible British and Canadian colonial liberal arguments for appropriating northwestern lands and fostering cultural uniformity once these territories are annexed to the Canadian settler state. The first centres on the improvement of lands. Agents of the colonial government of the Province of Canada, but various other political actors too, made the case that northwestern territories abounded with resources that could successfully sustain the lives of numerous foreign emigrants. More importantly, they argued that this “energetic and civilized race” would save “waste” lands from underdevelopment by clearing and ploughing them, thus “improving the vast capacities” of Northwestern lands through agrarian labour. In addition to the improvement of land, the documents here reviewed testify to the other fundamental commitment of colonial liberalism: the progress of individuals and peoples. The Indigenous Peoples are thought of as participating in a culture lower on the scale of humanity, as the report of the Hind crew makes clear. As a consequence, Indigenous Peoples would profit from instruction into civilisation by means of the presence of the European and Canadian newcomers. Hind and Palliser disagreed as to how much effort will be required to “elevate” Indigenous Peoples into rational and industrious tillers of the soil. However, they agreed that Indigenous Peoples, to undergo “advancement in civilization” must be provided with “instruction in the Christian religion” and
assume “a settled mode of life” (Hind, 1860a: 134) until such time when “bread becomes the staff of life and animal food is produced by the care and forethought of civilized man” (Palliser, 1968[1859]: 20), as opposed to being hunted in prairies and forested lands.

2. Colonising, emancipating, and other “gentle means of coercion”,

2.1. The Act to Encourage the Gradual Civilization of Indian Tribes in this Province

The previous section tracked the emergence of Canada as an appropriative and assimilationist settler state, which operated through advocacy (vis-à-vis British metropolitan statesmen) and knowledge production. Along with a plan to expand its borders, Canada produced a specific set of policies for “Indian tribes” within the province. It is important to examine the philosophy and content of these policies: in addition to illustrating the means and language with which the Province undertook to produce cultural uniformity within its borders, it announced the instruments and justifications the Dominion used to assimilate Indigenous Peoples across the continent in less than fifteen years. As chapter 6 shows, the two documents here scrutinised – the 1857 Gradual Civilization Act and, in particular, the 1858 Pennefather Report – also are important precursors of the Indian Act of 1876 and the Indian Residential School system, for they assigned a critical role for the Canadian government in regulating Indigenous identity and pursuing the “enfranchisement” of Indigenous adults and the schooling of Indigenous children.

The Gradual Civilization Act constituted an important legislative instrument of assimilation as it sought the displacement of Indigenous cultural and linguistic ways of being and knowing. It also functioned as a powerful means of furthering dispossession by alienating traditional Indigenous lands into private properties. The Pennefather helped the Province of Canada play an increasingly important role in dispossessing and assimilating Indigenous Peoples and prepared its government for the devolution by Great Britain of the jurisdiction over “Indian Affairs” to its colonies in British North America.
The 1857 Gradual Civilisation Act was not the first policy pertaining to Indigenous Peoples to be adopted in the Province of Canada, as its long title suggests. Various programmes adopted for assimilative purposes had been in place for at least a quarter of a century. Most of them failed to produce the desire end, which, for Lord Elgin, then Governor General of the Province of Canada, was for Indigenous Peoples to “arrive at a sufficiently enlightened condition to be emancipated from [the] stage of pupillage in which they have been maintained” (cited in Miller, 2000: 139). In the last decade, various policies had been adopted to afford Indigenous Peoples some sort of protection, which nurtured that condition of forced tutelage. The failure of these policies led the authorities to change tactics: from a policy of protection, they would turn with the Gradual Civilisation Act to a policy of “enfranchisement”.

Introduced by the joint government of John A. Macdonald and Étienne-Paschal Taché, the Act followed from the preamble according to which “it is desirable to encourage the progress of Civilization amongst the Indian Tribes in this Province, and the gradual removal of all legal distinctions between them and Her Majesty’s other Canadian subjects and to facilitate the acquisition of property and of the rights accompanying it, by such Individual Members of the said Tribes as shall be found to desire such encouragement and to have deserved it” (S. Prov. C. 1857, c. XXVI). The Act operated in the following way: it allowed an Indigenous person who “satisfies” a number of criteria, adjudicated by a special board of examiners, to be enfranchised. The Act implied that, to become a citizen of the province, an Indigenous person must be “of the male sex, and not under twenty one years of age”. They must be “able to speak, read and write either the English or the French language...

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75 The complete title of the legislation is An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians (S. Prov. C. 1857, c. XXVI).
76 Amongst others, the province adopted An Act for the better protection of the Lands and Property of the Indians in Lower Canada (1850), and An Act for the protection of Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury (1850).
77 A commission had been entrusted with reporting on how policy goals were being realised, as the civilising programme of the previous years were charged with a lack of results. The two commissioners advised the Macdonald government to adopt the Gradual Civilisation Act (Dickason, 1997).
78 Compare with the contemporary American policy of enfranchisement (Keyssar, 2009).
readily and well”, and be “sufficiently advanced in the elementary branches of education”. Furthermore, Indians must be “of good moral character and free from debt”. The Act finally stipulated that the enfranchisement of an “Indian” extends to his “wife, widow, and lineal descendants”. When an Indigenous person satisfied all such conditions any distinction between his legal rights and liabilities and those of other British subjects “shall cease”, such that “any Indian so declared to be enfranchised [shall] no longer be deemed an Indian”.

The clauses of the Act are clearly reflective of a colonial liberal ideology in its fundamental commitment to “encourage the progress of Civilization” for Indigenous Peoples. The language of the Act translates a developmental view of human history, which postulates that in order to achieve their full potential individuals and societies must pursue some kinds of endeavours in particular ways. Specifically, the Act requires of an Indigenous person to acquire a second language: that of the settler colonial authorities (either French or English). Of course, the logic of developmentalism does not require of English and French speakers that they learn an Indigenous language: it is the English or French speakers themselves who are regarded as having achieved a higher form of humanity. The logic of the Act is also fundamentally gendered: Indigenous men – to the exclusion of Indigenous women – can be enfranchised. Additionally, the Act regarded formal schooling as essential to being enfranchised, for such “training” furthered the elimination of Indigenous ways of being and knowing through the internalisation of Euro-Canadian “ways, modes, and notions” to borrow the original words of John Locke (1877 [1689]: 48). In sum, the Act pursued an aggressive policy of assimilation by seeking to eliminate Indigenous Peoples as peoples in enfranchising them until they would “no longer be deemed [Indian]”.

In addition to pursuing assimilation, the Gradual Civilization Act also pursued dispossession. The Act provided that a person's enfranchisement would come with a sum of money and a piece of

79 Policies of enfranchisement, such as the Act, thus violently imposed a set of patriarchal rights and were especially threatening to Indigenous Peoples who had a matrilineal or matriarchal system of social organisation and kinship.
land of twenty hectares “out of the lands reserved or set apart for the use of his Tribe”. Together with the piece of land, the Act specified that this sum “shall become the absolute property of [an enfranchised] Indian”. In a word, the Act aspired to fractioning the lands reserved for Indigenous Peoples, usually held communally, by requiring them to be held by individuals as private property. Hectare by hectare, the Act sought to erode Indigenous ties of kinship, community, and solidarity by imposing a settler colonial understanding of land ownership as individualised property.

Enacting two forms of violence – the material violence of dispossession through land erosion and alienation and the epistemic violence of assimilation through the elimination of Indigenous ways of being and knowing – the Gradual Civilisation Act represented another critical landmark in the emergence of Canada as an expansive and digestive state. Indigenous Peoples rallied in contesting and rejecting the legislation and, twenty years after its enactment, only one candidate had sought enfranchisement under the provision of the Act (Dickason, 1997). In part as a response to that resistance, the Canadian legislature adopted another act, two years later, to consolidate the Gradual Civilization Act’s capacities and legacy. Together, these two pieces of legislation inaugurated a period marked with disruption and aggression for Indigenous Peoples by the Canadian Parliament and government. These violent impositions operated through the Act as a forced inculcation of settler habits of speech and gender discrimination as well as settler modes of labour and sustenance (Tully, 80).

The sum was to equal “the principal of his share of the annuities and other yearly revenues receivable by or for the use of such tribe”.

Through enfranchisement, Indigenous Peoples would “cease to have a voice in the proceedings” of the administration of the revenues and land reserved for the use of his Tribe.

Such an understanding of property was notably promoted by Sir Charles Bagot in the Report of his 1844 Commission. As it will later be exposed in the Pennefather Report, proprietorship was understood as prompting “industriousness in the breast of the properly educated and thereafter the increasingly self-reliant native farmer” (Milloy, 1983: 58).

Most First Nations rejected the legislation, campaigned for its appeal, and declined to co-operate with colonial authorities in its application (Carter, 2008, Milloy, 1983, Titley, 1986). For instance, the Council of the Six Nations refused to acquiesce to the removal of the tract from reserve status for Alias Hill, the only Indigenous person to have applied for citizenship under the Act before 1876 (Miller, 2000).

The Parliament sanctioned the Act respecting Civilization and Enfranchisement of certain Indians, which, very much like its predecessor, aimed for “the progress of civilization amongst the Indian Tribes in this Province, and the gradual removal of all legal distinctions between them and Her Majesty’s other Canadian Subjects, and to facilitate the acquisition of property and of the rights accompanying it” (S. Prov. C. 1859, c. IX).
As with the Pennefather Report, to be considered in the next section, the *Gradual Civilization Act* enacted the settler colonial aims of dispossession and assimilation in the colonial liberal language of “progress in Civilization”, which instead of promoting respect for Indigenous ways of being and knowing promoted their elimination.

2.2. The Report of the Special Commissioners to Investigate Indian Affairs in Canada

If the 1857 *Gradual Civilization Act* paved the way for the violence of assimilation and dispossession by means of legislation and colonial liberal narratives of “civilization”, the Pennefather Report further specified these strategies. Most importantly, the Report assigned to the government of the Province of Canada – as opposed to the government of Great Britain – a strong responsibility in the effort to dispossess and assimilate Indigenous Peoples. In this sense, the Report formulated important orientations and policies, which were later enforced in the *Indian Act* of 1876 and the founding of the Indian Residential School system. Despite its critical importance for the development of the Canadian settler state, the study of the Report has been neglected and warrants much more attention from scholars than it has received thus far. Following a brief account of the problems the commissioners identified, I analyse its main recommendations and their affinities with the foundational commitments of colonial liberalism.

In 1856 Governor General Edmund Head nominated three commissioners, including Superintendent General of Indian Affairs Richard T. Pennefather, to enquire into and report on the “best means of securing the future progress and civilization of the Indian Tribes in Canada, and [the] best mode of so managing the Indian property as to secure its full benefit to the Indians, without

85 The very few studies in political science that described the contribution of the Pennefather to the history of Canada note its remarkable and expansive use of statistics to portray the Department of Indian Affairs and the Indigenous Peoples in the province. They also underline the commissioners’ observations that efforts to civilise the Indians were unsatisfactory and still piecemeal and in hence in need of being assumed by a strong departmental leadership (Dickason, 2010, Lavoie and Vaugeois, 2010, Leighton, 1975).
impeding the Settlement of the Country” (Pennefather Report, 1858: 27). To start, the very mandate of the commission reflected the objectives of assimilation (“securing the future progress and civilization of the Indian Tribes in Canada”) and dispossession (“managing the Indian property […] without impeding the Settlement of the Country”) set by the government of Canada. The Commission was, furthermore, expected to support the efforts of the imperial government to reduce the costs attached to the programmes of its “Indian departments” in British North America.

The three commissioners identified a number of problems in the development of British North America. They described the land dynamics they witnessed between Indigenous and non-Indigenous peoples, and recorded their apprehension that they developed to the disadvantage on the former.

We cannot but fear that the day may be approaching when the pressure of the tide of immigration into the country may overpower all the barriers which now fence the Indian possessions, when the demands of the White population for land may become too strong to be successfully withstood, and that the Redman may be deprived of all that still remains to him of his once wide domain (1858: 123).

The urge of European settlers to take possession of Indigenous lands is primordial and ineluctable, the Commissioners wrote. “In a country like Canada the tendency to take possession of waste lands is irresistible, and the feelings of the country at large will always sympathize with the Squatter, who is earning his living by his labour” (1858: 123, my emphasis). In addition to exposing their view that under Indigenous guardianship the potential and resources of Indigenous lands were “wasted”, this critical passage reveals that according to the Commissioners the appropriation of Indigenous lands by non-Indigenous Peoples is justified for the reason that the settler earns “his living by his labour” off of that land. Reinforcing the perspective of many colonial authorities, the commissioners explained the colonial liberal view that land, to be appropriated and valorised, needs to be settled and owned by a person who will use a particular kind of labour – agrarian labour – to earn a living and exploit the full potential of the land. In explicitly racialised and gendered language (the settler who earns a living

86 Officially, the Report of the Special Commissioners Appointed on the 8th of September, 1858, to Investigate Indian Affairs in Canada. The three commissioners were Superintendent General of Indian Affairs Richard T. Pennefather, as well as Thomas Worthington and Western Superintendent Froome Talfourd.
off of land is invariably Euro-Canadian and male), the Report thus naturalised and justified the
dispossession of Indigenous Peoples of their traditional lands by means of a colonial liberal
understanding of land (in need of agriculture to be improved) and labour (as the means through
which land is improved and as the most civilised means of earning one’s living).

Given the inevitable collision of the European desire to settle lands with the Indigenous interest in not being deprived of their traditional territories, the Report states that “it will be for the Government to remove the risk of [confrontation] by adopting such measures as may secure the Indian rights at the same time that, so far as may be possible, they throw open for settlement the unoccupied land” (1858: 123). Building on the assumption that lands inhabited by Indigenous Peoples were “wasted” and “unoccupied”, the commissioners carved a critical role for the nascent Canadian state in adjudicating Indigenous and settlers’ claims to land. This understanding of the government of Canada as a mediator – a peace-making force – helped the Canadian state take full responsibility for regulating the relationship between Indigenous and non-Indigenous peoples despite its inherent interest in favouring the perspectives and claims of the latter group. The particular understanding of the settler state, which the Commissioners promoted in their Report, thereby contributed to naturalising and facilitating the settler appropriation of Indigenous lands.

Once it is regarded as legitimate that settlers appropriate Indigenous lands, there remained the question of how confiscated lands should be apportioned. The Commissioners identified two models of settlement, which they assessed in relation to their capacity for promoting “civilisation” amongst Indigenous Peoples. The first, which they discarded as impracticable, consisted in placing Indigenous Peoples in total seclusion from white settlers. On account of the failure they saw in the application of the American policies to keep Indigenous Peoples separate from Europeans by displacing them before the arrival of settlers, the commissioners evaluated that such seclusion had more drawbacks than benefits for the assimilation of Indigenous Peoples. Using the example of the Great Manitoulin Island, they also remarked that reserves established within the province of Canada failed in coercing Indigenous into “civilisation”. The experiment consisted in isolating the First
Nations from "improper influences, and at the same time giving them the advantages of religious and secular instruction and supervision". Much of these influences were "lost upon the Indians, who [were] allowed to relapse into their vagrant habits in pursuit of game and fish, instead of being actively encouraged, or incited by example to adopt a life of industry", the Report recorded (1858: 149).

In the face of the failure of the first model of land apportionment, Commissioners considered a second one, which consisted in allowing the Euro-Canadians to settle close to the Indigenous Peoples such that the former would "endeavour to make the Indians by degrees an integral and useful portion of the population of the Country" (1858: 150, my emphasis). This second model, they argued, was most likely to promote civilisation effectively, for "lawlessness and want of self-restraint are likely to be rife in proportion to the distance from regular and established authority" (1858: 150). The proximity of Indigenous and non-Indigenous settlements should have numerous other benefits for First Nations, most notably on their health. Drawing on examples of "compact Reservations surrounded by the Whites" in the United States, the commissioners finally recommended that similar patterns of settlement be implemented in British North American on account of their being conducive to the "progress of the Red Man" (1858: 151).

The discussion of the Commissioners relative to the strategies of land settlement highlights the fact that the settler colonial objectives of dispossessing and assimilating Indigenous Peoples operate in tandem. The ways in which Indigenous lands were to be appropriated and settled by Euro-Canadians depended to a large extent on their capacity for "[making] the Indians by degrees an integral and useful portion of the population of the Country". In addition to strategies of land allocation, other strategies of assimilation were identified and championed in the Pennefather Report. Commissioners first recorded the failure of the various programmes of assimilation implemented in the Province of Canada. They suggested that a number of things were to blame: the lack of resources allocated to the Indian Department, the neglect and maladministration of the imperial government, as well as the "helplessness" (1858: 125) of Indigenous Peoples. Nowhere is it acknowledged, of
course, that the failure may arise from the fact that Indigenous Peoples were actively resisting assimilation rather than being “helpless”.

A critical strategy to incite Indigenous Peoples “to adopt a life of industry” endorsed by the Commissioners was to “school” Indigenous children. The idea of sending Indigenous children to formal schools was far older than the Pennefather commission. If it can be dated back to John Locke in the 17th century, it first emerged within Canada as a recommendation of Major General H. C. Darling in 1828. The Bagot Commission in 1844 expounded on the proposal to build manual labour schools as the most suitable institution to “improve” the Indigenous Peoples (Lavoie and Vaugeois, 2010). In 1847, two such schools were erected, one at Alderville, Alnwick, in the County of Northumberland, and one named Mount Elgin at Muncey, in the County of Middlesex. The idea behind the erection of such institutions, as the commissioners understood it, was to isolate the Indigenous children at an early age from their parents’ guidance so as to expose them most directly to the “advantages of religious and secular instructions and supervision”. The debates on the founding of the Indian Residential School system in chapter 6 will further clarify the philosophical foundations of the particular institution. What was already present in the discussion of the commissioners on the erection of schools for Indigenous children was their belief that such supervision could “reform” the Indigenous children into “rational” citizens. It was furthermore believed that the focus of such institutions on manual and agrarian labour would instil “industriousness” in its pupils.

Some obstacles prevented the schools from fulfilling their purpose of conferring “habits of propriety and order” (1858: 115) on Indigenous children. The circumscription of these impediments points very clearly to the colonial liberal nature of the civilising projects of the three commissioners – and of British North American authorities more generally. First, the Report indicated that the children were too old when they are received into the three extant institutions. In an upsetting passage, the commissioners affirmed that the consequence of that belated admission was that children had “acquired idle, filthy, and in some cases vicious habits, and have arrived at an age when it is difficult to attain any control over them, or eradicate the evil practices to which they may be disposed” (1858:
Secondly, the Report added that children at Alnwick and Mount Elgin remained in schools too short a time for the “benefits” of the training to sink in. The Commissioners reported on the resistance of Indigenous parents to sending their children to these schools: the Report found that parents oft removed their children from the school, and pupils themselves kept away, such that attendance was poor and “civilisational” targets, missed. Upon their reckoning that the maintenance of these schools was costly, that resources were wanting and that benefits were hardly perceptible, commissioners reluctantly concluded that the “benevolent experiment” of the two West-Canadian manual labour schools failed and should be brought to an end (1858: 199).

The proposition to close the initial schools did not mean that commissioners gave up on the aspiration to “civilise”, Christianise and make Indigenous Peoples more “industrious” and “rational” through formal schooling. On the contrary, they stated that the Indigenous Peoples are entitled to the “special care and protection of the British Crown”, and that the time had come for the Canadian government to substitute the imperial government in pursuing the assimilation of Indigenous Peoples. For the Canadian government to become the predominant actor in the process of “civilizing” Indigenous Peoples, it needed the financial resources to build and maintain such schools. The commissioners first appealed to London to continue to make provision for the operation of the Indian office in the North American colonies. If the imperial government were to decline such a proposal, as it eventually did, the commissioners acknowledged they must fall back on the Province of Canada, upon which Indigenous Peoples had a strong claim “as it is the actual recipient at present of the advantages arising from the cessions of [their] territories” (1858: 141).

87 Other problems with the contemporary configuration of school training were identified, such as the lack of land rewards upon completion of study terms (Canada, 1858).
88 They added that “it is discouraging in the extreme to see how transient is the impression made upon the children by the training which they have gone through at these schools. They do not seem to carry back with them to their homes any desire to spread amongst their people the instruction which they have received” (1858: 119).
In addition to asking the Province of Canada to finance a schooling system, the commissioners also considered the option of requiring of Indigenous Peoples that they defrayed the expenses connected with the maintenance of the manual labour schools as well as the management of “Indian Affairs” out of their own revenues. “Viewing, as we do, the Indian territory in the light of a private estate, rather than of a public domain,” commissioners affirmed that its conversion into funds used to support their own schooling and “management” is “a just [principle].” In this critical passage, the commissioners first reiterated the colonial liberal conviction that land must be owned privately. Quite shockingly, they added that the dispossession of Indigenous Peoples – through the sale of their traditional lands to settler governments – should help further their assimilation by financing it. Again, this proposal illustrates the complementarity of the settler colonial objectives of dispossession and assimilation in promoting the elimination of Indigenous Peoples.

Like the Gradual Civilization Act, the Pennefather Report was clearly informed by the two foundational commitments of colonial liberalism: the improvement of land and individuals. As discussed previously, the Report first justified the settler appropriation of traditional Indigenous lands by arguing that, to develop its full potential, land needs to be owned and cultivated – usually by a family within a patrilineal society.

The Report also expounded on the second colonial liberal commitment of fostering the progress of individuals within societies. The Pennefather detailed the colonial liberal understanding of rationality, which, together with industriousness, constitutes the essential attribute of the “civilised” individual. A rational person has completed some years of formal schooling, which

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89 Pennefather and his co-commissioners additionally noted that Indigenous Peoples should not be allowed to cover all costs required to pay Indian officers. Otherwise, the commissioners suggested, while still so liable to be misled, and deluded by the artful and designing, they will be very likely to demand that they should have a voice in the nomination of the Officers; a risk would thus be run [...] of allowing the supervision of some bands to fall into incompetent or undesirable hands (1858: 142).

This passage highlights the belief of the commissioners that in addition to being in need of supervision, Indigenous Peoples are not rational enough to elect those who will provide that supervision.
conferred upon him (the civilised person is usually male) the “advantages of religious and secular instruction and supervision”. Additionally, rational individuals “have a keen knowledge of their own interest, [are] capable of managing their own affairs” (1858: 75) and exhibit self-restraint. Furthermore, a civilised person is industrious. According to colonial liberalism, to be industrious means to “earn” one’s life through labour, usually agrarian labour, as opposed to through the nomadic “pursuit of game and fish”. In addition to being rational and industrious, the Pennefather Report reflected the Eurocentric belief that individuals and societies of high civilization are “well clothed”, and “anxious to possess furniture” (1858: 104). Finally, the Report is reflective of the colonial liberal idea such “civilisation” develops in stages: phrases such as “scale of civilization” and “social scale” (1858: 88, 86) abounded to describe the “progress” of some First Nations in relation to that of other First Nations or to white populations.

Commissioners portrayed Indigenous Peoples as noticeably lacking in the traits of civilisation. As opposed to being rational, their behaviour betrayed “lawless and want of self-restraint”. As opposed to being industrious, the Report mentioned that they were “idle” and “helpless”. One of the most important legacies of the Report lies in its identification of strategies by which to “reclaim [Indigenous Peoples] from their savage state” (1858: 127). As discussed previously, Commissioners prescribed a particular pattern for the eventual settlement of Euro-Canadian newcomers, which would circle the “compact Reservations”. Additionally, they theorised the importance for Indigenous Peoples to be schooled in formal institutions designed and run by Euro-Canadian authorities, typically missionaries. The learning of English or French, as well as the renunciation of heathenism, was also expected to have “humanizing” effects on Indigenous children (1858: 173). Private property ownership was moreover understood by the Report – and the Gradual Civilization Act – to school Indians into civilisation: while the Act was designed to reward enfranchisement with land grants, the Report recommended apportionment of reserved lands as an agent of social improvement. Both

90 See additional remarks to that effect (1858: 173).
documents thus reflected the idea that, through the private allocation of land, communal solidarities and Indigenous ties of kinship would erode and dissolve.

Once more, the conviction that private ownership, and the agrarian cultivation of land privately owned, both indicated and deepened advancement in civilisation illustrates the entanglement of the settler colonial objectives of dispossession and assimilation. The colonial liberal language in which are coached the settler colonial strategies to achieve dispossession and assimilation furthermore reveals the paradox of violence intrinsic to Canadian political development during the period. The Pennefather Report stated that until Indigenous Peoples were raised “as a body to the social or political level of their white neighbours” (1858: 127), they were entitled to the “special care and protection of the British Crown” (1858: 125). To the commissioners, the setting up and maintenance of manual labour schools for Indigenous children was a “benevolent experiment” that fulfilled their duty to protect and care for Indigenous Peoples. They even considered that when Indian agents or other officials of colonial and imperial governments encountered resistance from Indigenous Peoples in the context of their employment, “gentle means of coercion might be applied without prejudice to the real interests” (1858: 155, my emphasis) of Indigenous Peoples. In a word, the commissioners not only failed to see—and report—the material and epistemic violence intrinsic to the processes of territorial dispossession and cultural effacement they promoted, but they also cloaked their recommendations in a deceiving language foregrounding generosity and peace.

Perhaps the most important legacy of the Report is the authority it bestowed upon the young Canadian government in dispossessing and assimilating Indigenous Peoples both in the Province of Canada and, in due course, across the British North American continent. In 1857, the Gradual Civilization Act also secured a critical role for the colonial government: it acknowledged it as the agent responsible for conferring enfranchisement to “deserving” candidates. Building on that responsibility,
the Report regarded the emerging Canadian settler state as the key actor in the grandiose colonial liberal venture of improving Indigenous lands and peoples. The Report accordingly advocated the creation of a strong and permanent leadership, responsible for overseeing such understandings, to be organised into a department of the Province.

By the time the Pennefather Report was tabled, it had only been a few years since London conferred self-government to colonies in British North America. The number and nature of the powers exercised by the colonies were still limited. An important power the imperial government had not yet devolved was that relative to “Indian affairs and lands reserved for Indians”. By passing the Gradual Civilization Act in 1857 and completing the Report the following year, however, the Canadian government prepared for taking over “Indian” policy: it engaged in the process of proving to the imperial government that it was autonomous and resourceful enough to legislate on and exercise sovereignty over all peoples inhabiting the territory of the Province – and beyond (Gohier, 2013). Two years following the tabling of the Pennefather Report, in 1860, London devolved its historical jurisdiction over “Indians affairs” to its North American colonies.

2.3. The 1860 Devolution over Indian Affairs to British North American Colonies

It would be an overstatement to assert that until 1860, Indigenous Peoples in the Province of Canada had been self-governing. It is true, nonetheless, that they enjoyed a degree of control over their ways of living, being and knowing, which would not survive the subsequent phase of colonial organisation within the expanding and appropriative Canadian settler state, empowered by the patriation of “Indian policy” in 1860 and the Confederation in 1867.

92 Wildcat argues that this would hold true at least for the Indigenous Peoples of the Plains, as they “retained a great deal of political and economic power in their interactions with fur trade companies” at least until Confederation (Wildcat, 2015: 398).
Various Indigenous leaders fiercely objected to the devolution of the jurisdiction, just as they had petitioned London to repeal initiatives of colonial legislation that threatened their rights and lands. London did hesitate to devolve its jurisdiction over “Indian affairs and lands reserved for Indians”. Such jurisdiction was thought to be best exercised by the (white) government most remote from local concerns attached to land occupation and exploitation – that is, by London, as opposed to the colonial capitals. Local government was assumed, in this matter, to be too closely associated with the interests of settlers and corporations engaged in extractive activities (Grammond, 2009). The self-conferred duty of the Crown to “protect” Indigenous Peoples, including from land-hungry settlers within settler colonies, however, conflicted with the Colonial Office’s willingness to promote self-governance amongst its settler colonies (Clarke, 1953, Freeman-Maloy, 2016, Russell, 2017).

Ignoring Indigenous opposition and dispensing with one of its last responsibilities vis-à-vis its settler colonies, Britain relinquished and transferred its jurisdiction over “Indian affairs” to the colonial governments of British North America in 1860 (Carter, 2008, Dickason, 2010, Grimshaw, Reynolds, and Swain, 2001). Anxious to expend their powers to encompass all jurisdictions colonial authorities perceived as “internal” to the colony, colonial governments had for some time been investing treaty powers devolved by the Colonial Office, building local bureaucracies, and acquiring new coercive capabilities (Bumsted, 2008, Greer and Radforth, 1992). The body of legislation pertaining to Indigenous Peoples and lands adopted since the 1850s by colonial parliaments indicated their increasing willingness to produce sovereignty over them (Beaulieu, 2013). Although decisions

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93 At a council of the Six Nations, which also comprised Indigenous chiefs from 15 other communities, Indigenous leaders enunciated their objection to having colonial governments as primary interlocutors. They agreed to cover the expenses relative to the maintenance of the Indian Department if the Crown ceased to do it, provided that the authority over the Department was not transferred from the Crown to the colonies (Miller, 2000).

94 In response to the *Gradual Civilization Act* and other similar initiatives, some First Nations met in council at Rama in 1859 where they discussed redress of grievances that emerged the Province. In the spring of 1860, Nahnebahwequay, an Ojibwa spokeswoman, met with the British Queen in London to discuss the colonial treatment of their rights and lands (Carter, 2008). It has been decided that the Duke of Newcastle, then colonial Secretary, would enquire into the condition of the Indigenous Peoples while accompanying the Prince of Wales during his 1860 North American royal tour. According to Radforth (2003), however, Indigenous Peoples in Canada benefited little from their appeal and the investigation of the Duke of Newcastle.
affecting Indigenous Peoples had increasingly been made in St John’s, Charlottetown, Halifax, Fredericton, Toronto and Quebec City in the years preceding 1860, the definitive devolution of the imperial jurisdiction constitutes a critical moment in the history of relations between Indigenous and non-Indigenous peoples in British North America. The 1860 devolution paved the way for settler colonial governments to wield all the more power over the lands and lives of Indigenous Peoples that they gained autonomy from the British government. When the jurisdiction was devolved, a statute in the Province of Canada annexed the new Indian department to the Crown Lands Department (Leighton, 1975), which furthermore signalled the complicity of the settler colonial endeavours of dispossessing Indigenous Peoples of their lands and of their identities as peoples.

3. The negotiation and founding of Canada as settler colonial State

This last section discusses the negotiation of the union of British North American colonies and the resulting foundation of Canada as a settler colonial state. Most accounts of the Confederation debates include discussions of internal political instability as a cause for colonies to unite, of the nomination of senators as a difficult issue in the negotiations, or of the place of republicanism as an important ideology in addition to liberalism in the orientation of the debates. I take a different approach to the negotiation and enactment of the British North America Act (BNAA) by working through an absence: that of Indigenous Peoples. First Nations and Metis are indeed virtually nowhere to be found in the debates on the purpose, parameters and future of the union. Instead of reifying the silence of the “Founding Fathers”, I concur with Gettler (2016) that is critical to centre Indigenous lands and settlers’ rights in the discussion of Confederation, for they are key to understanding how the emerging intercolonial union changed its understanding of its relationship with Indigenous Peoples.

I find that the negotiation and enactment of the Constitutional Act, 1867 is a critical moment in Canadian political development, for it empowered until then separate colonies in a project to expand their territorial sovereignty upon their union. The settler colonial objectives of eliminating Indigenous Peoples stayed the same, but colonial authorities determined in 1867 that the territorial breadth covered by that project of elimination would be much larger and its pace, accelerated. This section also contributes to illustrating the paradox of violence in Canadian political development. As theorised by Veracini, settler societies, upon founding, externalise violence and project peace onto internal colonial politics. In the Canadian context, I show that the Founding Fathers represented British North American colonies as threatened with aggression from outside and used that perception to justify the violence of Indigenous dispossession and assimilation – which, as Ladner and Tait argue (2017: 11), was the “only real concern” of John A. Macdonald, George Brown, George-Étienne Cartier and their peers at the Confederation conferences.

In the next section, debates and documents on the union of British North American colonies are examined to retrieve particular visions, or “mythscapes”, embedded in the project of union. I demonstrate that they embraced the necessity of expansion, of immigration and of establishing a regime of individual rights based on race. Discussions of the consultations leading to the enactment of the BNAA, as well as discussions of some its clauses, further reveal the ways in which the Constitutional Act reflects the colonial liberal commitments to improve lands and peoples. The focus of this section is the set of arguments in favour of the intercolonial union, for it was the driving force and raison d’être of Confederation. Such arguments were proposed either during the Charlottetown or Quebec Conferences, in the colonial legislatures, or in some documents that accompanied these discussions. It finally appears that some agents of Confederation were more dedicated than others

96 Waite (1968) notes that the driving force behind union originated from Canada West. Although some French-Canadians were avid supporters of Confederation I would add that it is mainly a West-Canadian Anglo-Protestant project.
97 Citations used in the following sections come from various sources, including (a) the integral parliamentary debates on Confederation in the Province of Canada (Legislature of Canada, 1865), (b) Waite’s selection of the
to the materialisation of an expansionist and assimilative union. Clarifying the complicity of the causes of liberalism and settler colonisation are the ideas championed by the leader of the liberal party and self-proclaimed “special advocate of opening up the Great West” (in The Legislature of Canada, 1865: 103): George Brown.

3.1. Foundational violence

Like other settler authorities, Canadian statesperson both endeavoured to escape from violence while enacting violence by founding a settler polity. Against uncertain prospects in the Old World and against threats of aggression from the outside, settler colonies projected a secured future within the colony they are building. At the same, they enacted violence against Indigenous Peoples by undertaking to dispossess and assimilate them (Veracini, 2010). That dual process of externalising violence and projecting peace onto colonial politics is visible in the debates on Confederation: first through the Fathers’ perception of the threat of American invasion, and secondly, through their reading of the peacefulness of the Confederation negotiations. I illustrate the other half of the equation – the performance of the settler colonial violence of Indigenous elimination – by showing in another section how policies of expansion, immigration and liberties furthered Indigenous dispossession and assimilation.
Different forms of union had been advocated anteriorly, but 1864 was the starting point of the negotiations that would formalise the Canadian Confederation of 1867. It was the outbreak of the American Civil War that prompted the talks to unite the British North American colonies (Bernard, 2005). The perception of their vulnerability heightened as the Canadian Parliament failed in 1862 to adopt a bill providing for the creation of a local armed force. Not only did the Civil War south of the border served to give prominence to the question of union amongst the colonies, but it also precipitated the British support for colonial self-government, as costs associated with their defence by Britain escalated (Browne, 2009, Waite, 1987). Finally, the Fenians exposed the perils of isolation and disunion in the years preceding 1867. The Fenians constituted an Irish Republican organisation based in the United States that pressured the British to withdraw from Ireland. Some Fenian raids aimed at targets in British North America. Such attacks were instrumental in serving the cause of the union of British colonies as they reinforced the sense of vulnerability amongst colonial authorities (Waite, 1962). The American Civil War, the withdrawal of British military commitment, and the Fenian raids combined to create an environment in which colonial elites endorsed the project of union for the military possibilities it would open.

“It would be in vain to attempt to conceal from ourselves that Canada is at this moment approaching the most critical period of her hitherto existence,” remarked Walter Shanly [South Greville]. He added: “Threatened with aggression from without, we are not in a gratifying condition of

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90 As early as 1754, some colonists imagined a union of British colonies as a system of defence against the French and Indigenous Peoples. In 1823 and 1840, John Beverly Robinson and Lord Durham respectively considered the possibility for colonies to unite in order to produce a British majority in a united assembly. In 1857, Joseph-Charles Taché published a series of comprehensive essays on the possibility for colonies to join in some form of federal union. A year later, Father of Confederation Alexander Galt drafted resolutions with a view to dividing the province of Canada into two or three regions to reunite them federally with the Maritime colonies. Until then, union was mostly contemplated as a solution to the “French problem” and formed as a reaction to a fear of an outside power, be it American, French, British, or Indigenous.

99 In 1864, the Maritime colonies of Nova Scotia, Prince Edward Island, and New Brunswick agreed to hold a conference in Charlottetown to discuss the idea of a Maritime union. Representatives of the province of Canada asked to join the discussion, and submitted for consideration their project of a larger union. The Canadians and Maritimers had found enough common purpose to meet in Quebec City in the following month of October to consider the principles that would underlie a potential constitution – the 72 Quebec resolutions. Debates occurred in all colonial legislatures around 1865, with a view to endorsing or rejecting these resolutions.
prosperity within [...]. Great and momentous events are transpiring just beyond our frontier” (in Waite, 1968: 153). George Brown echoed Shanly’s sentiments and favoured the colonial union for the protection it would afford British colonies against Americans. “The Americans are now a warlike people. They have large armies, a powerful navy, an unlimited supply of warlike munitions, and the carnage of war has to them been stripped of its horrors,” Brown expounded (in Waite, 1968: 73). As numerous other MPs, Sir John A. Macdonald concurred on the seriousness of the threat and on the necessity of securing a union as a means of shielding British settlers from extraneous violence.100

Contrasting starkly with the violence colonists portrayed as threatening them is the peacefulness they projected onto their negotiations across the various ethno-cultural groups cohabiting within the colonies (essentially, the “two distinct races, speaking different languages”). In this context, George Brown articulated what he perceived to be a Canadian exception.

Here we sit, patiently and temperately discussing how these great evils and hostilities may justly and amicably be swept away forever. We are endeavouring to adjust harmoniously greater difficulties than have plunged other countries into all the horrors of civil war. We are striving to do peacefully and satisfactorily what Holland and Belgium, after years of strife, were unable to accomplish. We are seeking by calm discussion to settle questions that Austria and Hungary, that Denmark and Germany, that Russia and Poland, could only crush by the iron heel of armed force. We are seeking to do without foreign intervention that which deluged in blood the sunny plains of Italy. We are striving to settle forever issues hardly less momentous than those that have rent the neighbouring republic and are now exposing it to all the horrors of civil war (in Waite, 1968: 58).

In this quotation and elsewhere (see, for instance, in Ajzenstat et al., 1999: 15), Brown expressed what he perceived to be the magnanimity and benevolence of British and Canadian rule on non-British communities, most importantly the French-Catholic communities. These comments on violence – the location of violence as external and the location of peace as internal – reveal the paradox of violence in the political development of Canadian as a settler state. At the same time as they undertook to

100 Amongst numerous other remarks, he noted: “One of the great advantages of Confederation is, that we shall have a united, a concerted, and uniform system of defence [...]. In the event of the Lower Provinces being threatened, we can send the large militia forces of Upper Canada to their rescue. Should we have to fight on our lakes against a foreign foe, we will have the hardy seamen of the Lower Provinces coming to our assistance and manning our vessels” (John A. Macdonald, in Waite, 1968: 46).
escape violence, colonial authorities performed violence against Indigenous Peoples by planning to dispossess and assimilate them. The violence they then planned to commit against Indigenous Peoples may not have been as glaring as the one Brown described as having “deluged in blood the sunny plains of Italy” – though the violence of Canadian territorial expansion and cultural uniformisation will by 1885 have cost the lives of many Indigenous leaders and families. The violence of Canadian political development, performed mostly in a material and epistemic form, has the distinctive particularity of having been historically authorised by the government established by Euro-Canadian settlers.\footnote{There were many other policies formulated at the Canadian Confederation that furthered Indigenous elimination. An important one was a policy of economic prosperity, which had the effect of marginalising Indigenous traditional economies. Proponents of the confederal union played the card of economic development, not only for the extant colonies, but also for the “British territories” to be annexed upon the union. Confederation was expected to bring railways, thus extending markets, removing fiscal obstacles and increasing trade (Waite, 1968, Heaman, 2015). Echoing a common view of Confederation as the best scheme to prompt rapid commercial and economic progress for all British colonies and territories in North America (including the “Northwest”), future premier of New Brunswick (1866-67) Peter Mitchell commented in 1865 on the contribution of the Maritime provinces to the intercolonial union: “Situated as we are as the great outpost sentinels towards Europe on the stormy Atlantic, we in these Maritime provinces would become from our favourable position the outlet and shipping post for the great trade of the far west” (in Ajzenstat \textit{et al.}, 1999: 132). Built into that policy of economic prosperity was the building of the Canadian Pacific Railway (CPR). Detailed studies of the elaboration, financing and construction of the CPR reveal its importance for Canadian nation-building. In the words of Harold Innis, the materialisation of the CPR consolidated settler Canada by uniting the “sparsely settled districts of British Columbia and Red River to Canada” (1971: 77). “With the addition [of the CPR] to technological equipment, the civilization of [British Columbia and Red River] changed in its character, and its extent, and became more closely a part of a civilization narrowly described as Canadian, and typically, western” (1971: 128). In other words, the trans-Canadian railroad served the building of an expansive Canadian civilisation. What the narrative of the CPR as a nation-making endeavour does not fully articulate, however, is the violence that its construction entailed. Some important works contribute to revealing the destructive impact of the CPR, most importantly for Indigenous Peoples (den Otter, 2013, Spry, 1976, Roy, 1984, see also Beal and Macleod, 1984, Friesen, 1984, Morton, 1956, Tobias, 1983a).}

3.2. Expansion, immigration, liberties

Undergirding the understanding of the Founding Fathers of the confederal union was a clear and monumental programme of territorial enlargement. As Coates put it, the birth of Canada was in part fuelled by a pressing aspiration to settle what Euro-Canadian authorities regarded as “hitherto untouched territories” (1999, see also Bumsted, 2008, Chevrier, 2006, Browne, 2009, Waite, 1962).
While some Canadian parliamentarians described the contemporary colonial situation as too territorially confined, they envisioned a future in which the new country contained the whole of the HBC territories. Citing the Hind report, which first envisioned the “northwest” as fertile land, Alexander Morris, then MP for South Lanark in Canada West, described the valley of the Red River and a large portion of the country near the Assiniboine as a “paradise of fertility” (in The Legislature of Canada, 1865: 445). Referring to “sources of wealth that are perfectly inexhaustible” on the northern shores of Lake Superior, Alexander Mackenzie, MP for Lambton in Canada West, corroborated Morris’s claims on the quantity and quality of riches present in the territory, territory which he demanded be annexed upon union (in The Legislature of Canada, 1865: 430). While some annexationists argued that the northwest should be opened to the “blessings of British civilisation” (see Brown in Waite, 1968: 60), others already regarded the plains as the great “grain-producing district” it could become (William McGiverin, in Ajzenstat et al., 1999: 139).

Some of the Canadian parliamentarians were more committed than others to the incorporation of the Northwest Territory and British Columbia into the Canadian union. “I object to the [Confederation] scheme for the reason that it makes the opening up of such a country a mere contingency,” Thomas Scatcherd, MP for West Middlesex, stated, voicing the aspirations of the most enthusiastic expansionists (in The Legislature of Canada, 1865: 751).

102 The power and breadth of the expansionist rhetoric can be measured from a longer excerpt of Morris’s arguments before the Canadian legislature in 1865 (see also arguments by William McGiverin, Canada, 1865 [Lincoln] in The Legislature of Canada, 1865: 466).

And when we look to the vast territory we have in the North-west; when we know that the great rivers which flow through that territory, flow through immense beds of coal, and that the whole country is rich in mineral deposits of all kinds – petroleum, cooper gold and iron; that the land is teeming with resources of wealth calculated to build up an extensive and valuable commerce, and support a powerful nation; that all this we can touch and seize upon the moment we are prepared to open up a way to reach them and allow the settler to enter; when we remember this, I say, I think we can look forward with hope to a prodigious increase in our population and an immense development of strength and power (in The Legislature of Canada, 1865: 433, my emphasis).

103 While representatives for Canada West were generally more committed to the idea of union as a means to expansion than those of Canada East or of the Atlantic provinces (Russell, 2017), there were important exceptions to this.
rule, including the position of John A. Macdonald. While he stated in 1865 that he wished he could forget about the West, he later expressed his fear that Americans invade and settle these British territorial possessions. As a consequence, he embraced the Canadian project of northwestern annexation. Opposition to Canadian expansion also included Joseph Howe, former Premier of the colony of Nova Scotia, who resisted the “new Dominion’s stepping into imperial shoes” (in Morton, 1964: 225). "We cannot jump all at once from the position of colonists to that of colonizers," recapitulated Walter Shanly, MP for South Grenville (in The Legislature of Canada, 1865: 905), thereby denying they had been in that position for some time. Despite the opposition of a small minority of colonial statesmen, it was established by the end of the Quebec Conference of 1864 that the development of trade and communication with the northwestern territories was of the “highest importance to the colonies”, and that provision would be made in the future constitution for the imminent admission of the colony of Red River into the union (in Browne, 1963).

Building on the idea of territorially enlarging the new intercolonial union was the idea of peopling the lands to be incorporated into the union. To George Brown, there is hardly a problem “suggested by this union that does not find its best solution in a large influx of immigration” (in The Legislature of Canada, 1865: 103), that is to be stimulated by Confederation.

The larger our population, the greater will be our productions, the more valuable our exports, and the greater our ability to develop the resources of our country. The greater the number of tax-payers, and the more densely they are settled, the more lightly will the burden of taxation fall upon us all. And in this question of immigration is found the only true solution of our problem of defence. Fill up our

104 See his official position in The Legislature of Canada, 1865: 762-3.
105 See also remarks by Arthur Rankin, [Essex] (in The Legislature of Canada, 1865: 918), and by Edward Palmer, member of the Legislative Council of Prince Edward Island (in Browne, 1963: 100).
106 Three principles relative to the projected place of the Indigenous Peoples and the Northwest Territory in the future union were established by October 1864. It was first decided that the general – or federal – parliament would be the one competent legislature to pass laws respecting the Indians. It was also determined that provision would be made in the constitutional act for the “admission into the Union on equitable terms of the North-West Territory, British Columbia and Vancouver” (in Browne, 1963). Delegates present also adopted the principle according to which the communications with the North-Western Territory and the improvement required for the development of the trade of the Great West with the Maritime Provinces are “subjects of the highest importance to the Conference, and shall be prosecuted at the earliest possible period that the state of the Finances will permit”. These three principles carried over to the British America Act with only minor revisions.
vacant lands, double our population, and we will at once be in a position to meet promptly and effectually any invader who may put his foot with hostile intent upon our soil (ibid., my emphasis).

This quotation by Brown brings forth a number of propositions. First, it reinforced the colonial liberal understanding that lands not settled by Euro-Canadians were “vacant” and in need of being apportioned, privately owned, permanently occupied and cultivated. Brown also pressed that the solution to the under-valorisation of “vacant” lands was to incentivise emigrants to elect Canada as their future home. Receiving more emigrants would also solve the problem of defence, Brown argued. This argument highlights the complicity of the British North American settler project of peopling “vacant” lands with Euro-Canadians and of building a Peaceable Kingdom by shielding this settler polity against extraneous violence through military forces.

Other parliamentarians, including future premier of New Brunswick Peter Mitchell, shared in Brown’s understanding that the intercolonial union will be made possible and even greater not only by the “national union of three or four millions of people”, but also by the arrival of foreign settlers (Mitchell, in Ajzenstat et al., 1999: 132). This new stream of immigration, which Brown regarded as “greater, and of a better class, than we ever had before” (in Ajzenstat et al., 1999: 136), will help the young country fulfil its ambition to “become a nation of eight or nine millions” (John Alexander Macdonald, Canada, 1865 in Ajzenstat et al., 1999: 205). Alexander Vidal, member of the Legislative Council of Canada (1863-67), expanded on Brown’s portrayal of the new immigrants who would populate the new country. Bringing out the colonial liberal premises, together with their racial, gendered and ableist overtones, upon which the Canadian state and identity developed, he stated:

As we are, in our presented isolated condition, we either fail to attract emigrants or do not manage to retain them; but if we were known as one great country, we should find homes for many of those able-bodied, enterprising and industrious men who constitute the great strength and wealth of a State (in The Legislature of Canada, 1865: 308, my emphasis).

When Canada is populated with large quantities of these immigrants, it will finally “be worth of being sought by the great nations of the earth” (ibid.). The policy of peopling that underlay the project for the new country thus comprised both the necessity for the new country to be settled by emigrants
and the incentives derived from the parameters of the union for these new settlers to join. Indeed, these plans for massive immigration and settlement, which were understood as securing the peace and prosperity of Euro-Canadians, simultaneously posed the threat of dispossession and assimilation for Indigenous Peoples.

Corollary to the idea of Confederation as an expansive and increasingly populated union was the idea of Confederation as a union for the protection of the individual rights and progress of settlers. According to Peter Mitchell, the isolation of British colonies was “dangerous to our liberty and destructive to our progress” (in Ajzenstat et al., 1999: 132). On the contrary, the future intercolonial union was regarded as securing constitutional liberties. Such liberties, according to John A. Macdonald, extended to some minorities. “We will enjoy [under the Confederation scheme] that which is the great test of constitutional freedom: we will have the rights of the minority respected. In all countries the rights of the majority take care of themselves, but it is only in countries like England enjoying constitutional liberty, and safe from the tyranny of a single despot or of an unbridled democracy, that the rights of the minorities are regarded” (in Ajzenstat et al., 1999: 206, my emphasis). Brown concurred with Macdonald: under the Canadian federal regime, “prejudices of race and language and religion” (in Ajzenstat et al., 1999: 115), that is, “sectional [antagonisms]”, will be suppressed. Even French-Catholic Premier of Canada (1864-5) Étienne-Paschal Taché agreed with Macdonald and Brown that an intercolonial union would secure equal rights for “all its inhabitants, without distinction of race or creed” (in Waite, 1968: 24).

It is clear from the preceding quotations that important statesperson understood the Canadian Confederation as affording constitution protection, in the form of rights, to some minorities. In another passage, Cartier specified what Macdonald, Brown and Taché had previously been referring to as racial, linguistic and religious minorities: the “Catholic and Protestant, English, French, Irish, and Scotch” minority communities settled at various locations across the existing British colonies (in Ajzenstat et al., 1999: 231). In addition to these groups, there was a general understanding during the debates that constitutional liberties would be secured for the “stranger the
moment he landed on our shores” (Thomas Heath Haviland, from Prince Edward Island in 1865, in Ajzenstat et al., 1999: 198).

In accordance with these visions, the debates on the securing of constitutional rights for minorities absolutely circumvented the question of rights for Indigenous Peoples. The expansive and populous union prepared in 1867 was at its core designed to exclude and eliminate Indigenous Peoples, including by failing to secure constitutional rights for them.

3.3. Erecting a great Britannic Empire of the North

I argued that the Confederation debates and scheme exposed an understanding of violence as threatening and extraneous and of peace as being built from within the colonies. Beyond these discernible dynamics, Confederation silently served the violence of eliminating Indigenous Peoples by drawing the contours of policies providing for immigration, territorial expansion and the protection of settlers’ rights.

To attain “national greatness”, in the words of George-Étienne Cartier, the British colonies in North America needed to combine their geographical and demographic attributes. Controlling two of the three necessary ingredients – territory and population – the province of Canada longed for the last element, in the exclusive possession of the lower provinces – the “maritime element” (in Ajzenstat et al., 1999: 184). There are a number of assumptions implicit in Cartier’s reasoning. Like many of his peers, Cartier first assumed the federal union would encompass shortly after Confederation a great territorial component, a “back country” – the Northwest Territories. Secondly, he assumed, like Brown, that Confederation would attract a “new stream of immigration”. Positioning himself as the champion of French Canada, Cartier thirdly assumed empire building rallied most, if not all, colonial officials. Most importantly, Cartier postulated that once united into the Canadian federation, 

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107 In an attempt to bring Lower Canadians on board with his expansionist aspirations, Brown appealed to the important role French fur traders historically played in the north-west. “Nothing perhaps has tended more to create the present national character [of my honourable friends from Lower Canada] than the vigorous habits, the power of endurance, the aptitude for out-door life, acquired in their prosecution of the northwest fur-trade.
former colonies would be elevated to a great nation, for it would possess a large territory, a large population and have an easy access to sea.

For most Founding Fathers, union meant independence, prestige, and elevation from localisms. Most importantly, union meant “empire” (Buckner, 2008c, Chevrier, 2006, LaSelva, 1996, Morton, 1979, Owran, 1992). References of parliamentarians to the “erection of a future empire”, a “great Britannic Empire of the North”, a “Russia, but yet an English Russia, with free institutions, with high civilization, and entire freedom of speech and thought” are too numerous to collect here. May it be noted, however, that parliamentarians of various origins and of various ideological affiliations sketched schemes of imperial grandeur. Brown formulated more than once his conception that Canada would become, through this union, the third maritime state of the world, behind Great Britain and the United States. "May we not even entertain the hope that, at some future day, a still higher position is not beyond our reach, when the days of puberty have been passed and the strength of manhood has been reached?” George Brown ventured (in The Legislature of Canada, 1865: 102).

Built into Brown’s gendered and ableist vision was an understanding that nations like the Canadian nation-to-be developed in stages, from childhood to maturity. While still in its puberty, Canada had the potential of attaining an enviable position amongst the other nations of the world. Such grandiose views of the future intercolonial union, captured by Morris’s phrase “great Britannic Empire of the North”, did not reflect imperialist aspirations within the meaning of imperialism as political theorists define it today. Rather than aspiring to building an empire of their own by

Well may they look forward with anxiety to the realisation of their part of our scheme, in confident hope that the great western traffic shall be once more opened up to the hardy French Canadians traders and voyageurs” (in Waite, 1968: 70).

108 Brown’s conviction that the project of union would lift colonial politicians “above petty politics of the past, and present to [every member of the House] high purposes and great interests […]” is echoed in numerous arguments proposed by other parliamentarians (see those of Whiteway, in Ajzenstat et al., 1999: 258, or those of McGiverin, in The Legislature of Canada, 1865: 470).

projecting to exercise racialised forms of domination overseas (Arneil, 2017), colonial parliamentarians were rather motivated by the settler colonial impulse to appropriate Indigenous lands by eliminating their original occupants in order to build a gendered and racialised nation upon that expropriated land base.

This last section argued that the negotiation and enactment of the *Constitutional Act, 1867* allowed for the emergence of Canada as a settler colonial state power. The very process through which the British North American Act was adopted, moreover, testifies to the settler colonial nature of the Canadian founding. The federal scheme, adopted by colonial representatives under the form of the Quebec resolutions, was thereafter submitted to the colonial parliaments. Nova Scotia and Canada were the only colonies not to consult their citizenry through a general election.\(^{110}\) To say that many communities lacked political representation in the Charlottetown and Québec conferences and in the subsequent negotiations within colonial legislative assemblies would be a characteristic understatement. There were no women and only a handful of Roman Catholics in the former conference. As Moore underlines (1997), French Canadians were drastically underrepresented, and no Acadian was present. Most remarkably, Indigenous Peoples were altogether excluded from the negotiations leading to the adoption of the BNAA in Charlottetown, in Québec and in London. No one ever raised the question of their partnership: First Nations and Métis, not to mention the Inuit, “simply did not figure in any political equation that Victorian politicians and bureaucrats attempted to solve” (Miller, 2000: 200, see also Dickason, 2010, Papillon, 2009, 2012).

It was not the first time – and it would not be the last – that Canadian authorities failed the Indigenous Peoples by not consulting, or even informing them, about changes that affected their lands

\(^{110}\) See contemporary debates on nature of public consultation in the context of the adoption of the BNAA by the Province of Canada (amongst other scholars, McKay, 2000, and Ajzenstat and Romney, for instance in Ajzenstat et al., 1999).
and lives within the meaning of Canadian constitutions and laws. Some authors proposed that the exclusion of Indigenous Peoples from the elaboration and adoption of the Act can be explained by the belief of British North American elites that Indigenous Peoples were in the process of being assimilated into the Euro-Canadian society and would thus soon be indistinguishable from the other non-Indigenous British subjects (Blake, 2011, Moore, 1997). Indeed, assimilation as a settler colonial aim had been vigorously pursued through legislation and programmes reviewed previously – for instance, the *Gradual Civilization Act* and the Pennefather Report. Accordingly, British colonial authorities may have hoped that particular provisions for Indigenous Peoples within the BNAA were unnecessary. The inclusion of a special clause in the BNAA, article 91 (24), to the effect that the newly established federal government could claim jurisdiction over “Indian and lands reserved for Indians”, however, contradicts this view. Other scholars suggested that colonial statesmen regarded Indigenous Peoples, especially those living outside of the colonies, as foreigners and thus considered that their relationship with them would be most effectively regulated through treaty negotiation rather than through inclusion in parliamentarian politics. There was indeed a history of treaty making in the years preceding Confederation. However, there is not a trace of this treaty relationship in the debate and final federal scheme of the Canadian founding. In fact, I find that the colonial parliamentarians viewed Indigenous Peoples neither as foreigners nor as a segment integral to the colonial population. Conversely, Canada, through Confederation, emerged as a settler colonial power that established itself by asserting its capacity to appropriate Indigenous lands and to assimilate its original occupants.

The *British North America Act* finally entered into force as Canada’s constitution on July 1, 1867. Article 91 (24) specified that the jurisdiction over “Indians and lands reserved for Indians” was

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111 The Act of Union (1840) made no provision for Indian affairs, and no one consulted the Inuit before the Privy Council issued a proclamation in 1880 that transferred Britain’s claimed rule over Arctic territories to the Dominion of Canada (Dickason, 1997, 2010).
112 The Robinson-Superior and Robinson-Huron Treaties (1850) and the Douglas treaties (1850-54) in the colony of British Columbia are prominent examples.
attributed to the federal government, as opposed to the government of the provinces. In replacement of Britain, it had been hoped that the federal government would act as the guardian of Indigenous Peoples’ interests against the aggressive territorial ambitions of the provinces (Grammond, 2009). Yet, as we have seen and will see in the next chapter, Canada had settler colonial impulses of its own. In particular, the Constitutional Act, 1867, in Article 146 of Section X (Admission of other colonies), itself provided for the admission within the Canadian federation not only of the colonies of British Columbia, Prince Edward Island, and Newfoundland, but also of the Red River settlement, the Northwestern Territory and Rupert’s Land. If admission of the former group required the assent of the parliament of the respective colonies, the admission of the latter group only depended on the consent of the Crown and of the Canadian Parliament. In other words, the Constitutional Act specified that the consent – not to mention the consultation – of the First Nations and Metis of the continental interior could be dispensed with as Canada installed a settler colonial regime, thus superseding fur trade colonisation. Finally, Article 91 (24), which lists "Indians, and Lands reserved for the Indians" as an exclusive jurisdiction of the federal government, registered the Canadian view that Indigenous Peoples were not treaty partners, but numbered objects of governmental jurisdiction (Papillon, 2000, Ross-Tremblay, 2015).

In sum, in addition to denying Indigenous Peoples a place at the table where British-Canadian elites determined the constitutional framework by which the Canadian political polity would live for at least the next century and a half, they also denied them rights and, through policies of expansion and immigration, provided for their dispossession and assimilation. As the various other strategies


\[113\] Article 146 of Section X (Admission of other colonies) of the Constitutional Law, 1867, thus reads:

It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of the Parliament of Canada to admit Rupert’s Land and the Northwestern Territory, or either of them, into the Union, on such Terms and Conditions in each Case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the Provisions of this Act; and the Provisions of any Order in Council in that Behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland (Constitutional Law, 1867, my emphasis).
examined in this chapter, colonial authorities justified territorial appropriation and the production of cultural uniformity with the colonial liberal language of progress for lands, individuals and, in the case of the debates on the Canadian Confederation, of the future Canadian nation. Using that language, George Brown defended the federal scheme of 1867 on its promise to “maintain liberty, and justice, and Christianity throughout the land” (in Ajzenstat et al., 1999: 133).

4. Conclusion

In many ways Canada was not born in 1867: most of the components of its civic and constitutional traditions – parliamentarism, monarchism, and constitutionalism – had been locked in place by the end of the American Revolution (Russell, 2017). Yet, there is a significant sense in which Canada emerged in 1867 as the Peaceable Kingdom it has since claimed to be.

This chapter investigated the various forms of violence enacted in the elaboration and implementation of the Canadian Confederal project in the decade that preceded its formalisation. I argued that violence is paradoxically positioned in this formative period. Against uncertain prospects in the Old World, British North American settler communities hoped for a safe future within the young civilisation they claimed to be erecting and they projected peacefulness onto their own politics and institutions. Simultaneously, they enacted material and epistemic violence in the form of territorial dispossession and cultural assimilation for Indigenous Peoples. This chapter, furthermore, showed that properly Canadian impulses to appropriate new lands and their peoples escalated in breadth and pace as political and legalistic resources shifted from an exterior British government to a local and permanent state.

This chapter presented three separate campaigns that supported the emergence of Canada as a settler colonial power during the period. The first occurred in 1857, when Canada undertook for the first time at the hearings of the Select Committee on the HBC to establish a narrative of its sovereignty over the Northwest. The simultaneous Hind and Palliser expeditions served to reinforce Canada’s confidence in pursuing its appropriative ambitions by both envisioning and beginning to implement
the dispossession of the Indigenous Peoples on a wide scale. The second campaign sought the
displacement of Indigenous cultural and linguistic ways of being and knowing by adopting a new
policy of enfranchisement for Indigenous adults in the *Gradual Civilization Act*. The *Act* also
functioned as a powerful means of furthering dispossession by undertaking to alienate traditional
Indigenous lands into private properties. The Penefather helped the Province of Canada play an
increasingly important role in dispossessing and assimilating Indigenous Peoples and prepared its
government for the devolution by Great Britain of the jurisdiction over “Indian Affairs” to its colonies
in British North America. The final campaign secured the first two by constitutionalising the Canadian
project of territorial expansion and cultural uniformisation across the continent. The *Constitutional
Act, 1867*, empowered until then separate colonies in the settler colonial project of eliminating
Indigenous Peoples. While the objectives of dispossession and assimilation stayed the same, colonial
authorities determined in 1867 that the territorial breadth covered by that project of elimination
would be much larger and its pace, accelerated.

The British Crown and its representatives in North America had nurtured relationships with
Indigenous Peoples in the half-century that preceded Canadian Confederation, in conjunction with
religious organisations in the early 1800s and military administration until the 1830s. Following
1860, civil powers in the colonies took over these responsibilities. In 1867 a relatively autonomous
state power, moved by its own appropriative and digestive aspirations, was born in British North
America. While proclaiming its programme of development to be peaceable and peace-making, I
argue that it was imagined and implemented at the cost of the lives, lands and identities of Indigenous
Peoples. This chapter delved into the very words, ideas, and projects of those who shaped the
parameters of the 1867 Canadian union – be they witnesses at the hearings of the Select Committee
on the HBC, explorers of the Northwest in 1857, drafters of the *Gradual Civilization Act*,
commissioners of Indian affairs in the Canadas, or “Founding Fathers”. The excavation of their words
and mythscapes discloses an untold narrative of the founding of the Canadian state and identity: the
emergence of an expansionist settler state that, looked at from the perspective of its relationship with Indigenous peoples, is violent rather than peaceable.
"With this Bill in one hand, and the flag of the country in the other, we can enter, not just as conquerors, but as pacificators, and we shall satisfy the people [of Red River] that we have no selfish object of our own to accomplish, that we go there for their good as well as for our good."

Adams George Archibald, Lieutenant Governor of Manitoba and the North-West Territories,
Debating the adoption of the Manitoba Act (1870)

CHAPTER 4: The Founding of Manitoba as a Gateway to the North-West, 1868-1870

This chapter tracks the first steps taken by the Canadian Dominion to concretise its project of expansion in uniformity, which it had constitutionalised in 1867. The Red River Settlement (present-day Winnipeg) was regarded by the nascent state as the entryway into the larger North-West. This chapter brings into focus the various tactics – the actors, instruments and ideology – through which Canada undertook to secure its rule and sovereignty in Red River and the region immediately surrounding it.

Processes and discourses examined here promoted and justified dispossession and assimilation as the two main kinds of violence investigated in this dissertation. Dispossession as material violence is more prevalent in the early Canadian attempts to annex Red River and the North-West Territories. Sequentially, Canadian authorities first pursued the acquisition of North-Western lands, generally ignoring its original occupants. As Canadian officials penetrated Indigenous lands, however, the elimination of Indigenous Peoples, mostly through assimilation, gained prominence as Dominion policy. Accordingly, this period is marked with the Canadian settler colonial drive to acquire lands with the violent consequence of territorial dispossession for Indigenous Peoples. This chapter brings into view that, in the face of Indigenous resistance, the Dominion pursued territorial acquisition through a number of shifting tactics, including administration, geo-constitutional design and the dispatch of a military expedition.
This chapter examines how violence was inflicted in the form of dispossession and assimilation of Indigenous Peoples in Manitoba in the years leading up to entering Confederation in 1870 by analysing both the words and actions of key actors who provided the liberal colonial context within which such violence on the ground could be justified. In addition to that of John A. Macdonald, Canada's first prime minister, I will examine the discourse of a number of authorities acting in the name of the Canadian government, including the engineer of the first thoroughly Canadian road that connected Ontario to Red River, the chief surveyor of the Northwest John S. Dennis, the first lieutenant of Manitoba and the North-West William McDougall, as well as the Lieutenant-Colonel Garnet J. Wolseley, who headed the military expedition that “captured Fort Garry” in 1870. I also study non-governmental documents, including editorials of the Toronto Globe and of the Red River Nor’Wester, which provide colonial liberal justifications for these actors and processes. Though sometimes of seemingly minor historical significance, these actors and texts are critical to creating the ideological context within which the larger colonial liberal tradition emerged and was advanced in the territorial and political development of the Dominion.

This chapter opens on the petition signed immediately after Confederation by both houses of the Canadian Parliament pleading for the swift annexation and development of the North-West. By analysing two editorials that supported the Canadian intention to proceed with Indigenous dispossession in the Red River Settlement, I expose the colonial liberal terms that authorised the violence of Canadian territorial appropriation. Next, I examine two documents that present the ways in which Canadian authorities approached the West in the post-Confederation decade. First, I look at the Report on The Line of Route between Lake Superior and the Red River Settlement, which designed the road that Canada built to connect Ontario to Red River. Second, I examine the 1869 Gradual Enfranchisement Act, which strengthened the provisions of the Gradual Civilization Act (examined in chapter 3). Together, these infrastructural and legislative initiatives launched the twin processes of dispossession and assimilation that define the period.
After having announced its intention to acquire the North-West and having approached it with a road and a law, the Canadian authorities make their first substantial incursions into Red River in 1869 and 1870. In the third section of this chapter, I analyse the administrative, political, constitutional and military take over of Indigenous powers by Canadian authorities in what is to become the province of Manitoba. I do so through the study of four critical moments, which contributed to ending Métis political independence in Red River. First, this chapter looks at the administrative mapping out of the Métis settlement by the surveying crew led by J. S. Dennis in 1869. Secondly, we examine the attempted political establishment of Canadian sovereignty over the territory to be organised as the Province of Manitoba in 1869 by William McDougall. Thirdly, we turn to the geo-constitutional design of the first North-Western province to join the Canadian Confederation as debated in 1870 by Canadian parliamentarians, including John A. Macdonald. Finally, we consider the military expedition led by G. J. Worseley into Winnipeg to ascertain and seal Canadian rule in the Northwest in 1870. Closing this section on the shifting tactics of the newborn Dominion, I study the declaration pronounced by the new Lieutenant Governor of Manitoba and of the North-West, Adams G. Archibald, who formalised the transition of Red River from a mixed government of the local Indigenous community and the Hudson’s Bay Company to a fractional province of the Dominion.

These four incursions provide a clear illustration of the pattern being analysed within this thesis. To justify its territorial and cultural displacement of Indigenous Peoples, the Canadian state framed itself as an agent of peace-building and projected violence onto Indigenous Peoples as opposed to onto itself. Acting through colonial liberalism as the ideology that foregrounded the imperative to improve both lands and peoples, Canadian authorities engaged in material and epistemic violence, promoting Indigenous dispossession and assimilation. Specifically, I show that the language employed to justify non-treaty processes of territorial acquisition is marked with the colonial liberal imperatives for prairie and forest lands to “develop" through agrarianism. Relatedly, colonial liberalism requires that these lands be settled with immigrants who will cultivate these lands.
Finally, colonial liberalism requires that Indigenous People be “elevated” from nomadic modes of sustenance such that they themselves become industrious tillers of individually owned land lots. These imperatives rest upon colonial liberal understandings of race and gender, all of which I analyse throughout the chapter to show how they aided the advancement of Indigenous dispossession and assimilation.

The defeating of Métis and First Nations claims to their lands by Canada, as well as the territorial and political remaking of the West in Canadian terms, was a rationalised plan detailed mostly in Ottawa, but also by some private agents of expansionism and assimilationism working in the Canadian orbit. The implementation of that plan, however, would have impacts away from the capital. Originally imagined by Charles II and the 5th Earl of Selkirk in the early 19th century as a colonisation project based on trade and small settlements of Scots fleeing the Highland Clearances, the transition of the western interior from Indigenous to European settler rule occurred speedily and violently in the period under study (1868-1870). As Friesen (1987) emphasised, the presence of the HBC in the region in the 18th and 19th centuries supposed the preservation of the material and human circumstances that made the fur trade possible, including a sustainable environment and strong indigenous communities. Canadian settler colonial intentions, by contrast, were highly transformative: the settlement of agrarian communities along with the development of extractive industries, radically altered the socio-economic landscape as well as the human and political equilibrium around the Red River Settlement, rechristened Winnipeg in 1873.

1. The new Dominion’s plan for the West

The ink of the new constitutional act, the British North America Act, was not yet dry in 1867 when the newly constituted Canadian government undertook to realise the union’s greatest “raison d’être”: territorial expansion to the west. This first section analyses three documents that echo the Dominion’s objective of incorporating the Indigenous lands of the North-West. The first spells out the colonial liberal principle through which the Dominion defended its project of adjoining Indigenous
lands, namely the promotion of the material "prosperity of the Canadian people". The second makes explicit the colonial liberal argument that authorised that territorial acquisition namely the improvement of North-Western lands. The third advances the view that in addition to benefitting Indigenous lands, the Canadianisation of the North-West would benefit and improve Indigenous Peoples by promoting their progress on the scale of humanity. These colonial liberal images of improvement and progress of "underdeveloped" Indigenous lands and "custom bound", less than civilised Indigenous Peoples who failed to labour that land appropriately, has embedded within them the material violence of dispossession and assimilation.

1.1 The imperative of territorial acquisition

In the wake of the Canadian founding of 1867, the two new Houses of Parliament petitioned the Crown. In its "Address to Her Majesty the Queen from the Senate and House of Commons of the Dominion of Canada" (Canada, 1867), the Parliament clearly articulated its project for the region north and west of its territorial confines. The Address presented the potential extension of the Dominion westward to the shores of the Pacific Ocean as promoting both "the prosperity of the Canadian people" and benefitting "the whole Empire" (Canada, 1867). Such advantages would ensue from the "colonization of the fertile plains" of the Saskatchewan, the Assiniboine and the Red River districts, as well as the "development of the mineral wealth which abounds" in these regions. Finally, territorial aggrandisement would allow for the expansion of "commercial intercourse through the British possessions in America" (ibid.).

The Address centred on the welfare of the "sparse and widely scattered population of British subjects of European origin", already inhabiting what the Canadian Parliament considered to be "remote and unorganized territories" (Canada, 1867, my emphasis) of the North-West. The well-being of the settler population "would be materially enhanced", according to the Address, "by the formation therein of political institutions bearing analogy, as far as circumstances will admit, those which exist in the several provinces of this Dominion". While the Address formulated a marked concern for the
population of European origins already settled in Rupert’s Land and the North-West Territories, it entirely ignored the numerous Métis communities long established in the vicinity of Red River. The Address made a single mention of the Indigenous Peoples inhabiting these territories. The fact that it concerned the compensation of their potential land claims suggests that the Dominion assumed their title would soon be extinguished and, thus, that the Métis would soon be dispossessed of their lands. In short, the Address expressed the priority of the Canadian Parliament following the union of its founding colonies, namely, the rights and material welfare of the European settler population and the pursuing what it understood to be the economic ends of both Canada and the British Empire. The Address used the colonial liberal principle that the material “prosperity” needs to be pursued for “the Canadian people” to defend its project of adjoining Indigenous lands and, as a consequence, of dispossessing the Métis of their traditional lands.

1.2 Improving North-Western lands

Support for the Canadian annexation of Rupert’s Land and the North-West Territories was found not only in Parliament, but also in some expansionist and national circles in Ontario and around Fort Garry. The Globe and Mail, founded by George Brown, presented in its editorial of December 11, 1867, a case in favour of its “purchase” by the Dominion. According to the editorial, Canadian politicians would be “a miserable set of blockheads” if they threw away the chance to acquire such an immense and resources-rich territory “now within the reach” of Canada. Reminiscent of the Palliser and Hind reports of 1857 (chapter 3), The Globe editorial supported its case for the annexation of the North-West by indicating that it could maintain a very large population. “At a moderate estimate […], thirty millions of people might almost be put into one corner of it” (1867: 2). The language here is very much the colonial liberal language of terra nullius of “empty” and “waste” lands. The reality that

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114 According to the Address, the Canadian government would consider and settle the claims of the “Indians tribes to compensation for lands required for purposes of settlement […] in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines” (Canada, 1867, my emphasis) upon the transfer of the northwestern regions.
it was often highly populated by Indigenous Peoples means nothing in the face of an ideology articulated in the major papers as well as by the government that this land needed more settlers.

The way in which the annexation of the North-West is presented in *The Globe* indicates how certain Canadian authorities conceived of it. In the editorial, the question of title acquisition is discussed only with regard to the assumed title of the Hudson’s Bay Company. There is not a single mention of Indigenous Peoples in the text. In contrast, the Canadians’ “fellow colonists” already settled near Red River are discussed in relation to their possible temptation to join the United States if Ottawa did not move quickly enough to promote their economic interests through annexation. What is more, the editorial ignored the presence of the Métis and of their well-established government in the North-West. *The Globe* went to great lengths to argue that it would be cheap to “organize” and “establish” a “Local”, *i.e.* a white, government in the North-Western Territories (1867: 2). Finally, Brown closed on the “duty [of Canadians] to make the best of [their] position, and to improve as much as [they] can.” This improvement would ensue from their annexation of the “half continent” they have “for heritage” – that is, from the dispossession of Indigenous Peoples of their ancestral lands. According to Brown, that dispossession would announce the “beginning of better days for the territory” (*The Globe*, 1867: 2). In sum, this particular *Globe* editorial clearly articulates the colonial liberal view that North-Western lands were in need of being improved. That colonial liberal argument would soon come to the support of Canada as it looked to appropriate the North-West and thus engaged in the violence of dispossession for Indigenous Peoples.

### 1.3 Improving North-Western peoples

Frequently printed in *The Globe* were editorials of *The Nor’Wester*, the only newspaper published in the North West. Controlled by the “Canadian party”, whose membership was defined in 1869 as encompassing those who favoured annexation of the settlement to Canada, the *Nor’Wester* mostly broadcasted European settler grievances and aspirations. In fact, the effective influence of *Nor’Wester* did not lie with its readership in Fort Garry, but rather with expansionists and nationalists.
in Upper Canada, who welcomed its coverage as providing what they viewed as reliable information on the North-West (Owram, 1992).

Two weeks after Confederation, the newspaper signed an editorial that provided an overview of the colonial liberal language that authorised the Canadian territorial appropriation of the North-West. In contrast to the *Globe* editorial, which insisted on the improvement of North-Western lands as a rationale for Canadian annexation, the *Nor’Wester* underlined the potential colonial liberal benefits of Canadian rule for Indigenous Peoples themselves in terms of their progress from “idle” or “barbaric” and “custom bound” Peoples to settled farmers.

The editorial of July 13, 1867, opened on its understanding of the historical role of the HBC as having retained the “Indian” in its “original condition of barbarism [...] as a hunter and a trapper”, discouraging him to “[settle] down to the steady pursuits of agriculture” (*Nor’Wester*, 1867, my emphasis). As such, the HBC rule represented an “impolicy and injustice” to Indigenous Peoples. According to the editorial, Indigenous welfare would be better looked after under the rule of the Canadian Dominion, which the *Nor’Wester* regarded as the rightful heir of the British Northwest. In the opinion of the editorial team, Canada had “hitherto been honourably distinguished, among the Governments of the New World, by the interests she has uniformly displayed in the welfare and improvement of the native race subject to her jurisdiction” (1867, my emphasis). The probable annexation of Rupert’s Land by Canada would thus greatly profit Indigenous Peoples, opening to them “a brighter future wanting everywhere” (*ibid.*).

In the editorial, Canada was explicitly distinguished from its American counterpart, which is presented by the *Nor’Wester* as having primarily sought to displace Indigenous Peoples through removal policies. In every other part of the American continent, the *Nor’Wester* wrote, “The Indian powerless before the irruption of the pale faces, has sunk down.” By contrast, Indigenous Peoples on British territory benefitted from Canada’s colonial liberal benevolence and the mediating presence of the Métis. Whereas the *Nor’Wester* did not hesitate to portray the Métis population in other editions as “backward”, this particular one lauded their enlightenment and influence upon the Indigenous
Peoples “from whom they partly spring”. “With his enterprise and intelligence, his property, his culture and his taste for civilisation,” the Métis was presented by the editorial as the “natural arbiter of the conflicting communities between whom he is placed – the protector and encourager by his example of the feeble, the mediator with the strong” (*Nor’Wester*, 1867).

From the proposition that the Indigenous Peoples, who “left to [themselves] would perhaps inevitably go down”, the *Nor’Wester* concluded its editorial on the advantage for Indigenous Peoples to live under Canadian rule. “The great and energetic colony of Canada [...] will not forget the claims upon her protection of that helpless race who [has] been taught to look to the extension of [Canada’s] rule over the Hudson’s Bay Territories as the era of a brighter destiny, not only for their native land, but for themselves and their descendants” (*Nor’Wester*, 1867).

The *Nor’Wester* editorial provides an illuminating example of the distinctive language and arguments that are advanced to authorise the expansion of Canadian rule over Rupert’s Lands and the North-West Territories. By mobilising colonial liberal understandings of “improvement”, not only for Indigenous lands, but also for Indigenous Peoples themselves, the *Nor’Wester* defended the anticipated role of the Canadian state in the North-West in contra distinction to the United States (which removes Indians) and the HBC (which leaves them in their “backward” state). According to the *Nor’Wester*, Canadian annexation of North-Western Indigenous lands would promote the “progress” of Indigenous Peoples by making them sedentary farmers as opposed to their nomadic – and thereby “barbarian” – ancestors. These arguments, built on the civilised/savage binary and on the colonial liberal distinction between idle and agriculturally industrious peoples, point to the complementarity of dispossession and assimilation as forms of violence entailed by the penetration of Canadian rule into Indigenous lands and communities. In the case of this particular editorial, assimilation of Indigenous Peoples was presented as a legitimising rationale for dispossessing them of their ancestral lands.

Thus in the wake of Confederation both the Canadian Parliament and the most influential editorials circulating at the time regarded the absorption of the North-West Territories as Canada’s
priority. They defended the materially and epistemically violent implications of their project, namely, the elimination of Indigenous Peoples as occupants of their lands, through the colonial liberal appeal to the “improvement” of both Indigenous Peoples and their lands.

2. Approaching the West

2.1 Connecting Red River: The Dawson Report and Route

This section examines the Dawson Report, first published in 1868 by engineer Simon Dawson, which proposed to the Dominion the path of a road that connected the Red River Settlement with the existing Ontarian road system. Until the building of the Dawson road, the only way to Red River was through the United States via Pembina, North Dakota. “Determined to “[open] the communication between Lake Superior and the Red River Settlement” through Canadian territory (Canada, 1870b), the Dawson Report is an important historical document that articulates the colonial liberal ideology as justification for Canadian territorial expansion through Ontario to Manitoba. This Report also provides evidence for the violence inherent in colonial liberalism, which uses the language of improvement and cultivation to engage in material and epistemic violence. Colonial liberalism and the violence inherent within it are present not only in the Report itself but also in the implementation of the Report by the Crown and Canadian politicians. In short, this section argues that the design of the Dawson road paved the way for Indigenous dispossession on the colonial liberal imperative to improvement for both Indigenous lands and peoples.

In chapter 3, we looked at the Report that Henry Youle Hind published following the scientific expedition he led with engineer Simon Dawson to “ascertain the feasibility of establishing an emigrant route between Lake Superior and Selkirk Settlement” (Hind, 1860a: V). This expedition, which is now known as the “Hind expedition”, was the product of a dispute amongst the two principal researchers, Henry Youle Hind (geologist) and Simon Dawson (engineer). In the end, the organisation split into

115 The following excerpts are from the Report on the Line of Route Between Lake Superior and the Red River Settlement (Canada, 1868 and 1870b).
two autonomous divisions, respectively headed by Hind and Dawson, and each published its own report. The Hind report, published in 1857, translated considerable optimism as regards the economic potential of the region that lay beyond the Great Lakes; and yet, Dawson had adopted an even more enthusiastic view of its potential for Canadian development than either Hind or Palliser (Arthur, 1994).

The Dawson Report opens on the opinion of the leading researcher on the riches and agrarian potential of the land his team was commissioned to survey. Dawson congratulates the Canadian parliamentarians on the success they achieved in planning the annexation of the North-West, which is a “beautiful and fertile land of vast proportions” (Canada, 1870b: 56). The region west and north of the Dominion is “probably unsurpassed in the variety and extent of its natural resources, by any other area of equal dimensions on the earth’s surface” (idem.: 55). That country, Dawson notes was “in a state of nature, wild and unsettled” (Canada, 1870b: 52). This reference to the standard Lockean liberal bifurcation of the world into a state of nature, which is “wild” or “empty”, and thus in need of the “industry” of civil society, allowed Dawson to create through his Report an irresistible ideological pressure for the Dominion to help the North-West transcend its state of nature by planting a civil society, that is, one that would clear, enclose and engage in the cultivation of the land. According to the Report, settlement on Indigenous lands would lead to cultivation of the land and also “improvement” for their original occupants who would become civilised.

Thanks to its sheer scale and fitness for cultivation, Dawson continued with his view that North-Western lands “[invite] the husbandman to its virgin soil” (Canada, 1870b: 56). Mobilising gendered images of North-Western lands as “wild” and necessitating the agrarian labour of husbandmen to be cared for and improve, Dawson authorised through colonial liberalism the appropriation of the prairie lands (as “virgin”) by the Dominion (as “husband”). While not explicitly violent (in the way, for example, pillaging the land or conquering people would clearly be violent), colonial liberalism is implicitly violent insofar as it articulates the imperative for both lands and peoples to improve, most importantly through agrarian labour. In turn, that colonial liberal
imperative justifies the fundamental transformation of Indigenous lands and the elimination of Indigenous Peoples as occupants of their lands, for they are regarded by the colonial liberal ideology as failing to care for their lands. As this excerpt illustrates, the violence inherent to colonial liberalism operates through not only racialised, but also gendered language. Because it is not explicit, the violence inherent to colonial liberalism appears in these colonial liberal arguments to be distinctively insidious and, as such, all the more penetrative and enduring.\textsuperscript{116}

Another important aspect of the Dawson Report for our study of colonial liberalism lies in its portrait of the Indigenous populations inhabiting the country about Rainy River and the Lake of the Woods. On several occasions, Dawson described Indigenous Peoples as lacking civilisation. The engineer makes his opinion plain that “these Indians, notwithstanding their many good qualities, are still but savages” (Canada, 1868: 29). He continued: “missionaries have made no impression upon them; and in many respects they have shown themselves to be less amenable to the influences of civilization than Indians usually are” (1870b: 52). This passage, which suggests that the Indigenous Peoples of the North-West were distinctively less “civilised” than those who lived in eastern Canada, resonates with the opinion of many Canadian officials who drafted pieces of legislation (like the Indian Act of 1876, examined in chapter 6) that were premised on the necessity to adopt specific measures to assimilate the former group, believed by Dawson to be “less amenable to the influences of civilization than Indians usually are”. In the Dawson Report, the lack of civilisation exhibited by Indigenous Peoples of the North-West translates into a number of undesirable traits: they are regarded as particularly resentful (“they, in common with all the untutored tribes of their race, are keen to resent an injury, real or supposed” – Canada, 1868: 29), and, again as is so central to colonial liberalism, are deemed to be \textit{idle} (they take advantage of every opportunity that “affords them an excuse for making a holiday” – 1868: 28). Revealing his understanding that humanity develops in

\textsuperscript{116} Parallels to such gendered and racialised language and processes exist throughout the British Empire, including in colonial India (see, for instance, Sinha, 1995).
stages, Dawson noted that the Indigenous Peoples he encountered are “inferior” to British-Canadians, and yet “never having come in contact with what they believe to be a superior race they are conscious of no inferiority” (Canada, 1870b: 53). In sum, Dawson believed that as long as Indigenous Peoples live in “a state of nature”, away from the influence of Anglo-Saxon civilisation, they would remain in a condition of inferiority which only assimilation can remedy. This is again a central principle of colonial liberalism, as articulated by Locke and Mill, which is that Indigenous peoples are not fundamentally different from British settlers but they are “backward” because of their customs and can be brought forward or civilized if changed from within – that is assimilated.

One important facet of the “uncivilized” ways of being and knowing of the Indigenous Peoples, Dawson writes, is their disposition to violence. Distinguishing them “from the timid and cringing creatures who are now the sole representatives of the Indian race in the back settlements of Canada”, he described the First Nations he encountered as “sufficiently organized, numerous and warlike, to be dangerous if disposed to hostility” (Canada, 1870b: 52). Dawson reported that this proneness to violence enabled them to “muster five hundred fighting men” in no time if circumstances called for it. Finally, he expresses the opinion that due to their “unceasing wars with the Sioux”, they are well practised to the use of that which is the “sole arbiters of a dispute with them”: the “scalping knife and tomahawk” (Canada, 1868: 29). In this excerpt as elsewhere, the violence of the settler state’s own project, which will bring about dispossession and assimilation, is displaced onto Indigenous Peoples themselves who take up the violent mantle.

While Dawson surveyed the route that was named after him in 1858, construction only began in 1868 after Canada assumed it would soon gain jurisdiction over Rupert’s Lands. Although the road that ran from Port Arthur (now Thunder Bay), Ontario, to Fort Garry (now Winnipeg, Manitoba), did not have a legal mandate – its pathway lay outside of Ontario’s jurisdiction – its construction proceeded anyway. The building of the Dawson road advanced with haste. Canada did not always clear Indigenous title, nor did it consider Indigenous claims to fees for the rights of way and the timber used (Dickason, 2010: 180). By building the road, the Dominion also implemented Dawson’s vision
for the road. In addition to engaging in the material violence of splitting the North-Western lands in two, the building of the road also accelerated the assimilation of Indigenous Peoples in the colonial liberal name of their “improvement”. Before it was completed, the road was also used by the Red River Expedition (see section 3.4), which fomented the physical violence of intimidation in quelling the Métis resistance to Dominion incursions onto their lands.

2.2 Eliminating Indigenous Peoples as Peoples: The 1869 Gradual Enfranchisement Act

Around the same time that the Dawson road was being built, the new Canadian state was introducing in Parliament the 1869 Gradual Enfranchisement Act. This Act, together with its objective of eliminating Indigenous Peoples as peoples, was the counterpart to the Canadian project of appropriating the Indigenous Lands. As Dawson phrased it, the Dominion cannot afford to simply ignore Indigenous Peoples, for they are standing “in the gateway to the territories of the North-West” (1870: 52). Assimilation, as a profoundly damaging violence committed with the view of eliminating Indigenous Peoples as peoples, for example by seeking to make them want to reject their own language and culture as backward, was mainly pursued by way of legislation in the history of Canadian political development. Given the perceived ineffectiveness of past civilisational acts, coupled with the Indigenous Peoples’ assumed lack – and even resistance to – civilisation, the Dominion introduced The Gradual Enfranchisement Act of 1869 in an effort to speed Indigenous assimilation.117 While it was designed in view of assimilating the Six Nations and other First Nations then inhabiting central Canada, its logic of guardianship and compulsion would be carried over to western Canada as soon as these regions were annexed (Miller, 2000).

Hector-Louis Langevin, who ensured the passage of the Act through the Parliament for the Macdonald government, remarked that the foundations of the developmental logic embedded into

117 An Act for the Gradual Enfranchisement of Indians, the Better Management of Indian Affairs, and to Extend the Provisions of the Act 31st Victoria, Chapter 42, Statues of Canada 1869, 20 Vic., c. 6.
the *Gradual Enfranchisement Act* of 1869 are to be found in the *Gradual Civilization Act* of 1857. As explained in chapter 3, the latter *Act* constituted an important legislative instrument of assimilation that, in addition to seeking the displacement of Indigenous cultural and linguistic ways of being and knowing, also functioned as a powerful means of furthering dispossession by alienating traditional Indigenous lands into private properties. As with the *Gradual Civilization Act* of 1857, the *Gradual Enfranchisement Act* of 1869 is clearly reflective of a colonial liberal ideology in its fundamental commitment to eliminating Indigenous Peoples as peoples by making certain that enfranchised “Indians” would “no longer be deemed Indians” (31 Vic. c. 32 s. 16).

While it shared the assimilative purpose of the *Act* of 1857, the *Gradual Enfranchisement Act* of 1869 constituted a “major escalation” of the coercion implied in the assimilative strategies adopted by Canada (Miller, 2000: 146). In short, the *Gradual Enfranchisement Act* of 1869 set out to strengthen the provisions of its 1857 predecessor that effected assimilation and dispossession to expand the scope and speed of Indigenous elimination across the territorially expanding Dominion.

The violence of assimilation is quite plain in the *Gradual Enfranchisement Act*. It even comprised a definition of assimilation, which bears resemblance to that of the *Gradual Civilization* adopted a little more than a decade earlier. According to the terms of the *Act*, assimilation as enfranchisement is granted by the Governor General in Council, on the report of the Superintendent General of Indian Affairs, to “any Indian who from the degree of civilization to which he has attained, and the character for integrity and sobriety which he bears, appears to be a safe and suitable person for becoming a proprietor of land” (31 Vic. c. 32 s. 13). We will analyse some assimilative tactics built into the mechanism of enfranchisement. Building upon the 1857 *Act*, the Canadian Parliament consolidated through this new piece of legislation its understanding that assimilation proceeds “by degrees” and translates in features such as “integrity” and “sobriety” – both used by Canadian authorities to dispose traditional leadership. Assimilation also includes features like the candidate’s ability to express himself, particularly in writing, in the language of either of the two predominant colonial populations. Inherent in these criteria for enfranchisement is the violence of suppressing
Indigenous languages in favour of the colonists’ language of French and English. The process of enfranchisement finally illustrates the complementarity of dispossession and assimilation as necessary forms of violence for the building of the Canadian state, nation and identity. But perhaps one of the most critically Lockean liberal colonial aspects of the Gradual Enfranchisement Act is that civilisation, enfranchisement and citizenship ultimately come down to the private ownership of land to be extracted from the “Reserve belonging to the tribe band or body of which he is a member” (ibid.). Through this move, this Act pursued both the dispossession and elimination of Indigenous Peoples as peoples, including their collective relationship to land by forcing them to adopt a colonial liberal understanding of themselves as individuals owning land in severalty which they must exploit in turn for each one’s own individual gain.

This new legislative initiative has embedded in it numerous other forms and vectors of exclusion and assimilation. Most importantly, it undertook to contain and eventually eliminate Indigeneity through gender and the insertion of a blood-quantum exigency. In section 4, the Act first stated that “no person of less than one fourth Indian blood […] shall be deemed entitled to share in any annuity, interest or rents” (31 Vic. c. 32 s. 4.). By adding for the first time a blood-quantum exigency into the calculus of the distribution of annuities and funds designated for the Indigenous Peoples, the Act legislated on the definition of Indigeneity in order to contain and, eventually, extinguish it (see Dickason, 1997, Miller, 2000, Tobias, 1983a). What is more, the Act stipulates that Indigenous women who married “non-Indians”, shall, together with their offspring, “cease to be Indian within the meaning of this Act”. In other words, the violence inherent in this Act intersects gender and Indigeneity with Indigenous women as Indigenous persons subject to elimination in a way that men

118 Amongst others, one should note that the Act empowered the Governor to depose Chiefs – and thus bypass and undermine traditional leadership – under the general charges of “dishonesty, intemperance, or immorality” to replace them with elected officials (31 Vic. c. 32 s. 10).
119 The Act also stipulates that “any Indian woman marrying an Indian of any other tribe, band or body shall cease to be a member of the tribe, band or body to which she formerly belonged, and become a member of the tribe, band or body of which her husband is a member, and the children, issue of this marriage, shall belong to their father’s tribe only” (1869, section 6).
were not. As Bonita Lawrence insightfully writes, one of the most devastating effects of identity legislation incorporated into the *Gradual Enfranchisement Act* is that it “utilized gender discrimination to eliminate Indianness” (2010: 10).

In a comment on subsequent assimilative strategies adopted by the Dominion, John A. Macdonald declared that the “great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the inhabitants of the Dominion as steadily as they are fit to change” (Canada, 1887: 37). The violence underpinning the erasure of Indigenous lives and their relationship as peoples to the territory they inhabit could not be clearer in the Dominion legislation and in the words of its main architect.

3. Penetrating the West: The founding of Manitoba (1869-70)

Having looked at the justification for the building of the Dawson road that paved the way for Indigenous dispossession and the adoption of the *Gradual Enfranchisement Act* that attempted to eliminate Indigenous Peoples as peoples, this section examines the process of colonisation justified by the colonial liberal ideology, namely the specific and concrete incursions into Red River, which by 1870 became the political centre of the first Canadian province in the North-West.

To grasp the significance of Red River for the Dominion of Canada, let us step back to consider its prior status as a privately funded colonisation project. In 1811, the fifth Earl of Selkirk was granted land by the Hudson’s Bay Company to establish a Scottish colony in North America centred on present-day Winnipeg as a place to absorb tenant farmers removed from the Highlands in a series of Clearances in the early 19th century. In 1817, the Peguis Selkirk Treaty was signed between Selkirk and three chiefs as a land share agreement.\(^{120}\) That project, however, largely failed as an attempt to

\(^{120}\)There was no reference in the treaty to land surrenders, as there would be in later numbered treaties. Selkirk died three years later never having paid any of the promised rent on the land as stipulated in the treaty.
build an agricultural non-Indigenous settlement when it became more Metis than Scottish in the middle of the 19th century (Ishiguro, 2017).

As mentioned in the previous chapter, starting in 1857 the British colony known as the Province of Canada designed its own plan for displacing Indigenous Peoples and planting Euro-Canadian populations in the region. To enable the colonial settlement of the Western plains by Europeans, the British and Canadian parliaments adopted over the 19th century a set of distinct pieces of legislation allowing the Hudson Bay territories to be unilaterally “transferred” between British entities. On the part of the Indigenous Peoples, there had never been any acknowledgement that either the Hudson’s Bay Company or the British government had any jurisdiction over Rupert’s Land. The legal and political preparation for the transfer proceeded with neither the approval nor the knowledge of the people residing in Red River. However, the claims made by the Canadian state to the territory of what will become Manitoba increased the violence of assimilation and dispossession for the Metis and First Nations of Red River to new levels.

The Metis and First Nations of Red River fiercely resisted the Canadian incursions into their lands and lives. What the historiography names the Red River Resistance unfolded over many months and involved a number of different actors. The purpose of this section is not to describe a sequence of events, but rather to enquire into the shifting tactics and the colonial liberal language deployed by the Canadian authorities as they entered Fort Garry, negotiated the entry of Manitoba into the Canadian federal fold and rationalised their role in the process of incorporating the immense territories of the Northwest. A number of texts authored by Canadian authorities disclose the various strategies the Dominion employed to advance Indigenous dispossession.

121 In “Fantasies of Sovereignty”, Gaudry (2016) lists the relevant legislative documents. In addition to the British North America Act (see conclusion of preceding chapter), they include an imperial statute, the Rupert’s Land Act, 1868, and one Canadian bill, the Act for the Temporary Government of Rupert’s Land (1869). Under British law, these legislative steps were assumed to be sufficient for the HBC territories to be “transferred” to the Canadian Dominion.
122 Most notably, Riel contributed to the formation of the National Committee of the Metis, assembled in October of 1869 to determine how to best protect Indigenous interests and lands.
3.1 The Surveying Expedition: John Stoughton Dennis

Anticipating that the annexation of Rupert’s Land would cause a land rush out of Ontario, the Canadian government sent a group of surveyors in 1869 to organise and divide the vast North-West Territories into clearly defined lots that the Dominion could easily manage. In August of 1869, five months before the expected date of the land transfer, a Canadian survey party led by John Stoughton Dennis arrived in St Vital, near Red River. The Metis had developed near Red River a landholding system distinct from and threatened by the Canadian square survey to prepare the way for homesteading and settler immigration fundamentally rooted in the inviolable colonial liberal principle of private property. In October of the same year, a party of Metis led by Louis Riel stepped on the chain and halted Canadian surveyors running a base line, thus denying Canadian jurisdiction over their land.

In a retrospective account of the surveying practice on Dominion Lands, John Dennis’s son exposes the fundamental premises of the surveyors' work at that time. He wrote:

As it was thought that a large portion of the newly acquired territory was good agricultural land, well adapted for successful farming operations, and it being expected that a large influx of immigrants would follow the transfer of the country to the Dominion, it was realized that one of the first duties of the Government was to devise and adopt a comprehensive scheme or system upon which to conduct the surveys of the country, and to proceed with the survey of each portions as were likely to be required for immediate settlement (Dennis, 1892: 1).

In this excerpt, the younger Dennis enumerated the various imperatives orienting his father’s work. To the extent that the North-West contained extensive agrarian potential, it had to be acquired by the Dominion, which had the capacity to improve the land by means of immigrant labour. The acquisition

123 The division of land in the Settlement approximated that of New France: it divided lots along the river, affording everyone an equal access to waterways, the main means of transportation.

124 Dennis did not author an official report on his activities but excerpts presented here have various sources: a letter he published in the *Globe* in January 1870 on the conduct of surveys (Dennis, 1870), a memorandum on the “facts and circumstances” of the resistance later published in the Sessional Papers of 1870 (Canada, 1870a), and his testimony before the Select Committee on the Causes of the Difficulties in the North-West Territories in 1869-70 (Canada, 1874). I also present a short passage of a manuscript published in 1892 prepared by his son J. S. Dennis younger on the history of the surveys performed under the Dominion Lands system.
and agrarian cultivation of the North-West was first believed to be made possible by the swift adoption of a comprehensive land organising system. Stemming from these imperatives, John Dennis was instructed by William McDougall, then Minister of Public Works, to “proceed, without delay to Fort Garry, Red River, for the purpose [...] of selecting the most suitable localities for the survey of Townships for immediate settlement” (in Canada, 1870b: 2). It is also asked of Dennis to carve lots of different sizes and enlarge those most likely to be appropriated by “the first emigrants, and the most desirable”, which shall come from Ontario, as they are “accustomed” to these dimensions (ibid.). The words of both Dennis and McDougall squarely translate the impatience and eagerness of the Dominion’s government in acquiring the North-West.

The creation of the province of Manitoba would have severe dispossessory effects on the Metis of Red River: following the passage of the Manitoba Act, in 1870, three years after Confederation, the Dominion Land system would effectively obliterate existing Metis river-lot holdings (Ishguro, 2017). Notwithstanding this material violence, Dennis arrived in Red River “[assuring] people in the Territory, [...], and particularly those who were natives of the country, that they need be under no apprehension whatever of being disturbed in the possession of their property” (Dennis, 1870 see also Canada, 1874: 186). The object of the surveys is strictly, according to his words, “to obtain plans and descriptions, so as to enable the Government to issue deeds to the occupants, and not in any ways with the view of disturbing those in possession” (ibid.). As Metis land titles were “mere [entries], in many cases in pencil” in a book kept by the HBC, Lieutenant-Colonel Dennis wrote that it was a “great boon to have their titles put in such a satisfactory shape” as that offered by the surveying team (ibid.). In other words, the fundamentally colonial liberal principle of recording collectively shared Indigenous lands into privately owned individual lots, though described by HBC official as strengthening Metis relationships to their lands, again does fundamental violence to the Indigenous understandings of their relationship to lands.

Dennis conceived of the Canadian government’s intentions as “just and even liberal”. Accordingly, he noted that “Indian title to the lands,” was to be extinguished but “upon equitable
terms” (Canada, 1874: 186, my emphasis). On the Canadian scheme for the North, Dennis reported they would have minimal consequences on the ways of living for the Metis. In his own words, the purpose of the surveying work is only to “[locate] meridian and base lines so as to place the Government in a position to prepare, by the laying out of a couple of townships, for the emigration which might be expected next season” (Dennis, 1870).

As a consequence of his colonial liberal understanding that settlement represents progress, Dennis entirely failed to grasp the legitimate apprehension and grievances of the Metis about the implications of Canadian state-building for them, their sovereignty and their land in the future province of Manitoba. Moreover, Dennis did not associate violence with surveyors such as himself but projected it wholly on to the Metis. Thus, he portrayed the Canadian team as acting “quietly”, and depicted Riel as failing to have a “rational excuse” for his behaviour, as being “guilty” of an “offence” of a “serious character”, as “[exciting]” the people by making “inflammatory [speeches]” and as using “threats of violence” (in Canada, 1870a and Dennis, 1870).

Dennis was fully immersed in the colonial liberal of progress, private property, and agrarian labour—all of which he imagined to be universal and peaceable—but inherent within them is the violence of dispossession and assimilation. The Canadian Government’s incursions into the North-West, centred initially on the mapping out and the reorganisation of land, may have been described by its proponents as peaceable and benevolent, but these processes of colonisation were rooted in the twin colonial liberal principles of appropriation and civilization, which in the end facilitated the elimination of Indigenous lands as Indigenous and the elimination of Indigenous peoples as peoples into the Canadian Dominion under the explicit terms of a colonial liberal settler state.

### 3.2 The Political Entry of Manitoba into the Canadian Dominion

As the surveying team led by Dennis was withheld outside of Red River due to the Metis resistance to the Canadian administrative incursion, Canadian government next appointed William McDougall as first Lieutenant Governor of the North-West Territories. The second Canadian incursion
would also be unilateral: the Dominion determined to ensure its sovereignty over the North-West by means of declarations, mainly issued by McDougall. William McDougall had long been associated with both the cause of westward expansion. Following George Brown’s resignation from the cabinet, he became the official advocate for the annexation of the North-Western Territories (Morton, 1964, 1979). As former Clear Grit, McDougall was committed to the erection of a Canada in the North-West that was Protestant, white and English; he also came to be identified as an enemy of Catholicism, of French-speaking Canadians and Indigenous Peoples.

On September 28, 1869, the Secretary of State for the Provinces appointed McDougall as Lieutenant Governor of the North-West Territories on the premise that “no time should be lost in making the necessary preliminary arrangements for the organization of the Government of the Territories” (Canada, 1870b: 2). His letter of appointment reveals the haste with which the Canadian government planned to secure the acquisition of the North-West. It also ordered Lieutenant Governor McDougall to report on a number of subjects: the “state of the laws now existing in the Territories”, the system of education, of taxation and, even, the “nature and amounts of the currency or circulating medium now employed in the Territories” (1870b: 3). These instructions expose at once the incognisance of the Canadian government as concerns the fundamental economic, cultural and political organisation of Metis life in the Settlement. They also signal the Dominion’s intention to rearrange Red River into an extension of the existing Canadian provinces.

The colonial liberal nature of the Canadian impulse to extend itself in the Settlement is nowhere made clearer than in the instruction letter as it told McDougall to report upon the state of the “Indian tribes now in the Territories, their numbers, wants, and claims; [...] accompanied by any

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125 The Clear Grits was a political movement that originated in 1849 within the Reform (later Liberal) party of Canada in opposition to the moderate Reform administration of Robert Baldwin (1848-1851). George Brown assumed the leadership of the movement in the 1850s and early 1860s.

126 Explaining his view that the Indigenous inhabitants of Red River needed not be consulted in relation to the jurisdictional status of Rupert’s Land, McDougall stated that he considered them to be “semi-savages and serfs of yesterday” (Macdonald Papers, vol. 102, McDougall to Macdonald, 13 Nov. 1869).
suggestions you may desire to offer, with reference to *their protection, and the improvement of their condition* (*ibid.*, my emphasis). Once again this document mobilises the colonial liberal argument that the Indigenous Peoples of the North-West were in need of being “improved” and that the Dominion was in a privileged position to bring that “improvement” about. In order to attain these objectives, the Secretary of State granted McDougall extra-legal authority “to make provision for the administration of Justice therein, and generally to make, ordain, and establish, all such laws, institutions and ordinance, as may be necessary for the peace, order, and good government of Our Subjects and others therein” (*ibid.*). The exercise of these exceptional powers was justified on the colonial liberal imperative to “improve” the Indigenous Peoples of the North-West, which necessitated the epistemic violence that they be eliminated as peoples.

Acting upon his understanding of the governmental commission, Lieutenant Governor McDougall proceeded to enter Red River on November 2, 1869. As a response to this second incursion onto their territory, Riel and other Metis prevented McDougall from crossing the border from Pembina, in the United States. Denied entrance into the Settlement, McDougall stayed in Pembina until December 1st, 1869, the date on which the government had anticipated the “transfer” would proceed. Unbeknownst to McDougall, Ottawa determined that the transfer would not take place as scheduled, for it claimed that it was entitled to the “quiet possession” of the territory and that this condition was not met (Miller, 2000). Having received no contrary instruction, McDougall took upon himself to inaugurate Canadian political authority in the North-West Territories. On the night of November 30, 1869, he crossed the border, drove to an abandoned HBC post, and announced, “to the wind and stars”, that the transfer that defined, in his view, the commencement of his rule was now effected (Friesen, 1987: 121). The Royal Proclamation he had written by himself – illegally – declared: “Rupert’s Land and the North-Western Territory have been admitted into Union with, and have now become part of the Dominion of Canada, and are henceforth to be styled and known as ‘The North-West Territories’” (McDougall, 1869a). Through his proclamation, McDougall required and commanded that “all [...] do continue in the execution of their several and respective offices, duties,
places and employments until otherwise ordered by me” (ibid.).

Through this Proclamation, McDougall appear to have undertook to declare Canadian sovereignty over Indigenous lands through sheer force.

By the end of the year 1869, McDougall returned to Canada and collected his thoughts on the political situation in Red River a letter he styled “Manifesto”. Embittered by his understanding that “progress” in the North-West had been detained by adverse forces, McDougall positioned himself as an agent of peace-building. “Having for years devoted much attention to the North West, its people and their wants,” he declared to have been “more anxious, if possible, than any other man in the Dominion to preserve the peace, allay all reasonable fears, secure every one in the full and free enjoyment of every right, civil and religious, which he now has or ought to have” (McDougall, 1869b). He added that as Lieutenant Governor he endeavoured to “aid by every means in [his] power to establish in this great country, as rapidly as possible, an intelligent, rich, powerful, free and happy member of the Canadian Confederation” (ibid.). In this passage as in all documents reviewed in this section, a sense of urgency animate decisions taken by the Canadian government. Again, McDougall used in this excerpt the colonial liberal rationales of economic prosperity, freedom and general welfare to rationalise the precipitous nature of the reordering of the Red River Settlement by the Dominion.

To his self-proclaimed “peaceable” and “liberal” intentions, McDougall like so many other colonial liberal settlers before him, projected violence onto the Metis he met on his way to Fort Garry. He wrote that during his time as Lieutenant Governor, the Metis party enunciated “threats of personal

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127 McDougall had determined to send J. S. Dennis to the Red River settlement with a Proclamation to be promulgated on the 1st of December, “announcing the transfer of the Territory, and the taking effect of his commission as the Lieutenant Governor” (in Canada, 1870b: 101). For this occasion, McDougall declared Colonel Dennis “conservator of the peace”, authorising him, paradoxically, to “attack, arrest, disarm, or disperse” the Metis (cited in Russell, 2017: 173). “Finding the people in favor of forcible measures, I took action under the commission issued to me by Mr. McDougall,” Dennis wrote. During his stay, Dennis “was occupied in a zealous and faithful discharge of what [he] conceived to be the highest duty [he] could render to the Government, – that of endeavouring from day to day, by such means as at the time seemed most likely to effect it, to bring about peace and order in the Colony” (in Canada, 1870: 101).
violence” and held “arms in their hands”, compelling him to stay in the United States (McDougall, 1869b). According to this account, the Metis made him wait in vain, “at much personal risk, and to the great discomfort of [his] family”, in the hope that “some [...] discussion would take place”. To him, Metis resistance was not only violent but also irrational, as he did not receive an “authoritative statement of the meaning of this armed resistance to the political changes in the North West Territories”. Denying the possibility that the Metis acknowledged authorities other than the British Crown or Canadian parliament as legitimate sovereign authorities, McDougall projected a world bifurcated those who were peaceable and rational (like Dominion authorities) versus those who were violent and irrational (like the Metis people), when the reality of Canadian territorial and political development was much more intricate.

In the end, Lieutenant Governor McDougall declared that the failure of the Metis to engage with him opened the option for Canada to escalate and “hand over the powers of Government to a Military Rule”. At this point McDougall moves beyond the liberal colonial language of improvement and progress to lay bare the explicit violence that underpinned settler colonisation all along. Threatening armed violence against Metis resistance, he concluded with vigour that “neither the Imperial nor the Canadian Government would think for a moment of giving up this fine country, to any other power, without a war, in which, if necessary, the whole strength of the Empire would be put forth” (McDougall, 1869b, my emphasis). This last remark demonstrates the paradox of violence in the Canadian discourse of nation building both past and present: at the same time as it declares itself to have peaceable intentions (thus obscuring its own violence), the Dominion explicitly enacts violence of a physical nature if colonial liberalism is resisted in two different ways: first by depicting their resistance to incursions into their own territory as evidence of their violent nature and secondly by claiming the right to use military force against Indigenous Peoples. Because the Metis people were in the way of Canadian state building, McDougall concluded that they had to be subject to war if necessary.
On December 6, 1869, Governor General of Canada, Sir John Young, released an important proclamation initiated by both the British Crown and the Dominion governments that wished to assure the residents of the Red River Settlement that “on the union with Canada all your civil and religious rights and privileges will be respected, [and] your properties secured to you” (in Morton, 1956: 447, see also Larocque, 2009). The paragraphs of the Proclamation that are most relevant to this chapter vocalised familiar themes and arguments. It assigned the initiative of violence to “misguided persons in [the Queen’s] Settlements on the Red River”, who “have banded together to oppose by force the entry into Her North-Western Territories of [officers]” and have also “forcibly, and with violence, prevented others of Her loyal subjects from ingress into the country” (ibid., my emphasis). This recourse to violence on the part of the Metis is contrasted with the declaration that the Crown annexation of the Settlement to the Dominion “[promotes] the best interests of the residents, and at the same time [strengthens] and [consolidates] her North American possessions as part of the British Empire” (ibid.). Again, and most paradoxically, the Proclamation asserted that the restoration of peace is best secured through “the exercise [of] all the powers and authority with which She has entrusted [the Governor General] in the support of order, and the suppression of unlawful disturbances” (ibid.). In other words, the Proclamation authorised the recourse to extraordinary force to restore peace in Red River, even if that peace had been disturbed by the violent incursions of the Dominion itself.

The United Kingdom and Canada shared an understanding that the incorporation of Red River into the Canadian federation would promote the “protection and improvement of Indian tribes”, secure Indigenous and non-Indigenous inhabitants of Red River in the full enjoyment of their civil and religious rights and privileges at the same time as it helped build a free, prosperous and happy Canadian community. The colonial liberal rudiments of rights, commerce and improvement are

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128 The Proclamation finally provided absolute pardon in case of the residents’ “immediate and peaceable obedience and dispersion” (in Morton, 1956: 447).
celebrated as peace-building forces when they actually produced the material violence of dispossession for the original inhabitants of Red River. Indigenous Peoples resisted Dominion administrative and political incursions into their lives and lands. Despite the illegality and unilateralism of his own acts, McDougall discredited that resistance as unreasonable, unlawful and violent.

This second incursion of the Dominion into Indigenous lands and lives finally demonstrate a deep-rooted trend in Canadian political development. Canadian historiography explains the supposed peacefulness of Canadian territorial expansion in the following way. Because the Canadian state “opened” the West in advance of settlers, the settlement of the Great Plains was more orderly in Canada than in the United States, where settlers moved westwards ahead of the state and, as a result, prompted more personal violence between Indigenous and non-Indigenous Peoples. This section provides a different perspective on Canadian political development. There may have been less personal violence in Canada as the settler frontier advanced westward, but only because dispossession and assimilation had been authorised by the Dominion as lawful and necessary. The Dominion unilaterally undertook to establish itself as the lawful heir of Rupert’s Land, for example by means of the Proclamations read by McDougall and Young. In so doing, the Dominion sought to legitimise Indigenous dispossession in advance of the actual settlement of Canadian and European immigrants.

The two steps taken by the Canadian government to establish its rule in Red River failed, for both Dennis and McDougall were withheld outside of the Metis Settlement and failed to negotiate with the Red River community. The Macdonald government then determined to send two additional commissioners, Thibault and de Salaberry, to engage with the Metis over the Canadian scheme. In the meantime, Ottawa claimed to have reinstated HBC rule in the colony through the leadership of Donald A. Smith, chief officer of the HBC in the Montréal District, asking him to “buy off the insurgents or otherwise break Riel’s hold over the colony” (Friesen, 1987: 123). Smith ultimately secured the
agreement by Riel and other Metis leaders to send delegates to Ottawa to negotiate the terms of the province’s entry into the federal union.

3.3 Geo- Constitutional Design of Manitoba

By 1870, Canadian sovereignty in Red River was to be secured through the creation of a new province that would be institutionally similar to those already united in Confederation. Accordingly, this section turns to analysing the legislative debates of the House of Commons of May 1870 on the *Manitoba Act*. Metis leadership and claims came to the forefront during the negotiations towards the creation of Manitoba.\(^{129}\) The next section, however, brings into focus the geo-constitutional response of the Dominion to these claims. Through the *Manitoba Act*, the Dominion drew the borders of what will become the first Canadian western province such that it was very small and, as a result, would quickly become a bastion of white “civilisation” that would attract massive emigration from Ontario and Northern Europe.

Parliamentarians opened the debates on the founding of Manitoba with clear claims to sovereignty over the country. “The [Canadian government] has always looked upon the Territory as [its] own,” declared *de facto* leader of the Official Opposition Alexander Mackenzie, echoing George-Etienne Cartier’s statement that the Constitution was not to be submitted to the people of Red River before being passed in Parliament (Canada, 1870d: 1305). While Ottawa recognised that the Indigenous Peoples have claims to portions of Rupert’s Land and the North-West Territory, John A. Macdonald stated forcefully that “settlement had to be made with the Indians so that the land could not be handed over to them, as *it is of the greatest importance to the Dominion to have possession of it*” (Canada, 1870d: 1319). In these two statements, the Canadian government claimed that it either possessed or must possess the northwest: either way, it acted as the sole legitimate ruling entity in

\(^{129}\) The Metis list of rights included title to ancestral land, provincehood for the region (to be called Assiniboia), representation in both houses of Parliament, enfranchisement for all males, including “Indians”, bilingualism in institutions and the constitution of a denominational schooling system.
and for the region. Ottawa understood its self-assigned role in the Northwest as that of obtaining “a quiet and peaceable acceptance of the new state of things by the mass of people there” (Canada, 1870d: 1303). To do so, the Manitoba Act promised settlers in Red River security of title to the river lots already occupied.\textsuperscript{130} Very importantly, it also reserved for the Metis a total of 566 580 hectares to be allotted to the next generation, but only so long as they chose to hold the lands as private holdings and to live by the land alone. Inscribed in that disposition of the Act is the violence inherent in the colonial liberal principle that indigenous peoples must hold land as individuals and labour on their property as such or be dispossessed of it.

The Canadian government determined that the size of the province would be exceptionally small—it would cover approximately one hundred miles square. At its core, Manitoba would be explicitly white and British—not Metis, not French, not Indigenous. Macdonald declared: “The province must be confined to the more settled country that now exists [such that] the settlement would form the nucleus of [a] new Province altogether British,” (Canada, 1870d: 1319, my emphasis). According to Macdonald, “The Dominion government […] must retain, for Dominion purposes, the vast section of that country, which is altogether or nearly without inhabitants”, that is, the region henceforth to be known as the North-West Territories (Canada, 1870d: 1298, my emphasis). Of course, the North-West was not empty of human lives as Macdonald said it was. Macdonald used the language of colonial liberalism to argue that North-Western lands were empty and in need of improvement to authorise its settlement by the Dominion.

To the Canadian government, it “would be injudicious to have a large province, which would have control over lands, [for it] might interfere with the general policy of the government” (Canada, 1870d: 1328). The general policy of the government, or what the Act terms “the Dominion purposes” was clear: it consisted of creating a British nucleus in charge of the province which was then to be

\textsuperscript{130} Macdonald declared that “it would be most unwise policy for a new government to create any difficulties as to the rights of property [of Canadian settlers]” in Red River (Canada, 1870d: 1303).
settled by people from other countries as long as they were “industrious”, that is, able to cultivate the land. Accordingly, Macdonald speaks of the “speedy settlement of the country by hearty immigrants from all parts of the civilized world” (Macdonald in Canada, 1870d: 1303). According to Cartier, “The grand scheme of Confederation would be carried out [once] emigration would go westward [and] fill up [the portion] of the territory” (Canada, 1870d: 1309) that lay outside of the future province. While debating the wording of the Act, future Lieutenant Governor of Manitoba and the North-West Territories Adams George Archibald added:

> One of the first results which will follow the organization of the country, will be a large influx of immigration. Québec will contribute its share, Ontario will do the same, many will come from beyond the water, and in two years we shall find there a population of double the number; and in five years it will amount to a very considerable population let them come from where they may; let them be of any origin, or race or creed, let them go in and possess the country (Canada, 1870d: 1430).

This last passage clearly reflects Archibald’s understanding that it is the duty of Canada and of the Canadian provinces to densely populate the West. This excerpt also suggests the increasingly large effect that immigration will have on the relationships of Indigenous Peoples with their ancestral lands when the North-West is compactly and permanently peopled in accordance with the colonial liberal principle of private property.

A final provision secured in the Act allowed the Dominion to fulfil its settler colonial objective of settling the North-West: it assigned jurisdiction over public lands – or “Crown lands” – to the Dominion, in both the new province of Manitoba and North-West Territories. Manitoba was to be the only province in Canada to be divested of this responsibility, a responsibility that was, according to historian David Hall, “essential for creating conditions conducive to the survival of Metis culture and for drawing revenue from its land” (2015: 24). Macdonald conceived of the Dominion’s jurisdiction over Crown lands and natural resources as too important to Canada to be surrendered to the new North-Western province. He argued that provincial legislation, for instance on language, could be “obstructive to emigration” (Canada, 1870d: 1328) and thus run counter to the Dominion settler colonial purposes of appropriating and settling the North-West.
The new province of Manitoba was created with the adoption of the *Manitoba Act*, which received royal assent in May 1870 and came into effect on July 15, 1870. The provisional government of Assiniboia agreed to the adoption of the *Act* as a basis for joining Confederation. More than the adoption itself, the legislative debates on the bill expose the geo-constitutional tactic adopted by the Dominion to acquire the North-West and thus eliminate Indigenous Peoples as occupants of their lands. While Ottawa did provide for some of the Metis claims in the *Act*, it so acted in view of clearing up the rest of the territory for the twin purposes of emigration and settlement. What is more, the promises made to the Metis with respect to reserved lands were broken, as the process of distributing grants proved to be unclear and flawed (Ishiguro, 2017).

The legacy of the *Manitoba Act* for Indigenous Peoples sheds new light on Archibald’s remark during the parliamentary debates. On this occasion, he stated:

> With this Bill in one hand, and the flag of the country in the other, we can enter [Manitoba], not just conquerors, but as pacificators, and we shall satisfy the people there that we have no selfish object of our own to accomplish, that we go there for their good as well as for our good (Canada, 1870d: 1430).

The *Manitoba Act* allowed the Dominion to claim that, insofar as it sought to advance the colonial liberal ideals of industry, settlement and “improvement” for both Indigenous and non-Indigenous Peoples, it engaged in the building of peace for the North-West. However, these ideals and the very constitutional design of the new province led directly to the material violence of dispossession and assimilation for Indigenous Peoples.

### 3.4 The Military Sealing of Dominion’s Plan for Manitoba

Despite the fact that, by many accounts, the Red River community succeeded in negotiating its way into the Canadian federation, it had been decided by John A. Macdonald ahead of the adoption

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131 When the Parliament adopted the *Manitoba Act*, it was not clear it held the constitutional prerogative to add new provinces to the Dominion. London modified the *British North America Act* the following year, clarifying the Dominion jurisdiction over the creation of new provinces and territories (Dupuis, 1991).
of the *Manitoba Act* that a military expedition would be sent to Fort Garry to reinforce Canadian sovereignty with the explicit threat of violence (Friesen, 1987). The last moment in the Canadian appropriation of the territory now called Manitoba was the visceral face of violence backing up the peaceable claims government officials made as they approached Red River. In this final incursion, Canadian sovereignty over Manitoba is enforced through coercive measures, including the military forces.

While debating the *Manitoba Act* of 1870, MacDonald suggested that a properly Canadian display of force would be most welcome by the European settlers in Red River. With reference to the presence of the military in Manitoba to quell Metis and Indigenous resistance to the rule of the Dominion, Macdonald declared that “a force sent in [the spirit of establishing law, and peace and order] will be received [in Red River] not only with kindness, but with gladness, and the people will be glad to retain them much longer than as a force there will be any necessity for their staying” (Canada, 1870d: 1304). In that excerpt, Macdonald authorised the military occupation of Red River as a peace-making endeavour that would be received with “kindness” and “gladness” by the local residents.

A *Royal Commission* convened in 1870 and chaired by Acting Governor of Assiniboia Donald A. Smith provided important support for a Canadian military presence in Red River. The Commission was charged with a particular mandate disclosed in its title – a *Royal Commission to Inquire into the Causes and Nature of the Obstruction offered in the North-West Territories to the Peaceable Ingress of the Honourable William McDougall* – which once again configured the violent Canadian incursions into Red River as promoting peace. As other pieces of Canadian communication, the very name of the Commission projected the initiative of peace onto Canadian authorities (McDougall’s “Peaceable ingress” in the North-West Territories) and the initiative of violence onto the Red River community

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132 According to Morton, the dispatch of a military expedition was deemed indispensable by the Macdonald government as resentment grew in Ontario in relation to the death of Thomas Scott, convicted of treason by a military trial set up by Riel and sentenced to death on March 4, 1870 (see Morton, 1965).
(in their “obstruction” to that ingress) when the opposite was true. In this report, Smith specified that he has acted “only in the cause of peace and order, and with the desire of making the people, both French and English, fully acquainted with liberal views of the Canadian government, so that the peaceful transfer of the Territory might be affected” (Smith, 1870: 29). In conclusion to his account of the events of Red River, Smith “respectfully [submits], that it is of the utmost importance, there should be a strong military force in the North-west as early as practicable”. He identified a number of factors that make this proposition particularly advisable. He considered that the political situation in the region was “unsettled” and that it would be “very unsafe to trust to [the] forbearance” of the “Indians, especially the tribes in the Saskatchewan country,” for they have been “perplex and confused by the occurrence of the past six months”. In conclusion, Smith stated that it would not “come up prudent to leave the country unprotected by military forces” (Smith, 1870: 45, my emphasis). Mobilising his colonial liberal understanding of Indigenous Peoples as not fully rational, and thus easily misled, he legitimised the Canadian recourse to sheer force in the form of a military incursion to help the Dominion produce sovereignty over the North-West.

Following the founding of Manitoba in May 1870, the military expedition was dispatched to Red River. This was the very last of Britain’s military undertakings in the Canadian Dominion. British officer Colonel Garnet J. Wolseley, a celebrated commander who had served in Burma, India, China, Egypt and South Africa, led the expedition. In addition to an Ontarian and Québec battalion, the expedition consisted of the 60th Rifles – a symbol of “British concern for the farthest marches of the empire” (Friesen, 1987: 127). While the whole of the expedition, including its commander, appeared

133 The British government, in letters assembled by Morton (1965), authorised the use of Canadian extra-legal force to effect the “surrender” of the North-West by the HBC and its subsequent “admission” into the Dominion. Estimating that “it may become necessary that the civil authority should be strengthened by the presence of the military force” in the Red River settlement, and fearful “that the steps taken for the restoration of order may be liable to be paralyzed by some legal difficulty”, the permanent Under-Secretary of State for the Colonies in London enabled the Governor General of Canada to appoint a person to “Administer the Government of the Settlement under all the various powers concentrated in him, so that the acts of the person so appointed would under any combination of circumstances be unimpeachable at law” (Frederic Rogers, in Morton, 1965: 223, my emphasis).
to have thought it had been sent to “fight and capture Riel” (Morton, 1965: XXIX), it was dispatched to quiet Ontarian nationalist resentment as well as to warn the Indigenous Peoples of the Great Plains, as well as the Americans, that sovereignty in the North-West henceforth lay with the Canadian government.\textsuperscript{134} The following section studies the manuscript written by Colonel Wolseley, published the year of the expedition under the title \textit{Narrative of the Red River Expedition} (Wolseley, 1870). This document shows the ways in which colonial liberal arguments championed the securing of a Canadian order in newly formed Manitoba by means of armed forces.

It is worth first exposing portions of the discursive background to the military account that the \textit{Narrative} offers. By recounting the advance of the expedition, Wolseley presents his conception of the Indigenous and French “half-breed” population his troops encountered. Colonial liberal images of Indigenous Peoples as uncivilised, improvident and prone to violence are the same as those mobilised by Dawson, Dennis and McDougall, but they authorised a more physical form of violence.\textsuperscript{135} In his \textit{Narrative}, he describes the Ojibwe he met near the Lakes Huron and Superior as “very improvident” and particularly idle. “The men are very lazy, and cannot be depended upon to continue at any work they may be employed upon” (1870: 231). In this excerpt, Wolseley articulates the recurrent colonial liberal perspective that Indigenous Peoples were in need of being improved in order to become more “industrious”.\textsuperscript{136}

The French-speaking Catholic population of Red River, like that of Quebec, was also presented in Wolseley’s \textit{Narrative} as lacking civilisational pursuits and traits. “Quebec was always lethargic, progress being neither known nor desired there,” Wolseley recounts. For that reason, and because of

\textsuperscript{134} Friesen goes so far as to qualify the Wolseley expedition as “punitive” vis-à-vis the Red River community. In his private correspondence with his wife, Wolseley wrote: “Riel will have bolted, for although I should like to hang him to the highest tree in the place, I have such a horror of rebels and vermin of his kidney, that my treatment of him might not be approved by the civil powers” (1922: 5).

\textsuperscript{135} In his \textit{Narrative}, Wolseley described the Ojibwe he met near the Lakes Huron and Superior as “an extremely dirty race”, “so very dirty that their presence gives one a sort of creeping sensation” (Wolseley, 1870: 231, 278). “The costumes of these people were very grotesque,” he continued (1870: 288).

\textsuperscript{136} Wolseley also accounted for the existence of the Metis population by the fact that the “European women were scarce, and communication with England was both difficult and tedious, so [European] men were obliged to content themselves with Indian wives” (1870: 199).
their lack of commitment towards the various imperialistic endeavours of the British, “it was found impossible to obtain more than 80 French-Canadian recruits” when it was determined by Ottawa to dispatch the military expedition “to put down the rebellion” (1870: 327). To Wolseley, the French-speaking Catholic traits of improvidence and backwardness translates into their having built “miserably squalid cabins” in Red River – “houses generally [...] vastly inferior in every respect to those of British origin” (1870: 327). Again inherent in this colonial liberal language is the notion of “backwardness” – embodied both in Indigenous and French Catholic cultures – which contrasts with the advancement of British civilisation promoted by the peopling of “new” lands with British settlers.

By comparing the French-speaking Catholic, Metis and First Nations communities with the superior, that is, more “advanced” and “industrious” populations of English and Scottish descent, Wolseley divulges his racialised conception of the defining features of civilisation. The settlers of Ontario, “descended from British ancestors”, “retained a love for adventure and a spirit of enterprise” – their farmhouses, as a result, “give an air of prosperity to the land-scape” of the Red River region (1870: 327). British settlers exhibited the “natural cheery energy of the British character”, which “shone out brilliantly when displayed side by side with the apathy and listlessness of the half-breed voyageur” (1870: 306). According to Wolseley, the built environment in Red River reflected the difference between the French-speaking and English-speaking population with respect to their relationship to land. He notes: “the left bank [of the Red River] was neatly cultivated and well settled, the population being entirely of English and Scottish descent. The other bank was a tangled mass of poor timber, and underbrush consisting of hazel and rose bushes, intertwined with Virginia creeper” (ibid.). In this passage, Wolseley recounts that the English and Scots improve the lands they settle by cultivating them. He contrasts that relationship to land with that settled by the French-speaking population of Red River, who fail to care for it by laying it waste or neglecting it. In other passages of his Narrative, he notes that civilisation also consisted in personal attributes, like possessing “intelligence” and “[enlarged] ideas” (1870: 303, see also 274). To Wolseley, civilisation
thus amounted to a certain form of rationality and industriousness, which translated into the accumulated material wealth of a community.

The *Narrative* thus suggests that the Colonel Wolseley understood his assignment to have both civilisational/colonial/racial and military dimensions. Another critical component of his report highlights his understanding of the expedition’s direct purpose. According to Morton (1964, 1965) and Friesen (1987), the situation in Red River was calm when the military troops arrived, as Riel intended no resistance. The Metis had thus made no preparation towards that end. However, Wolseley maintained in his *Narrative* that Riel “had distributed ammunition amongst his men”, for he “intended to fight” and “to resist”. As the expedition arrived near Fort Garry, Wolseley could therefore “see the guns in the embrasures bearing in [their] directions” (1870: 324, 325).137 “Certain of having [a fight]”, Wolseley explains that the troops were “in the highest spirits” (1870: 324). In fact, it came as a “disappointment to the soldiers” to learn that Riel and his supporters had deserted the Fort, for the expedition “had looked forward to advancing upon the Fort in all the pride, pomp and circumstance of war”, Wolseley continues (1870: 322, my emphasis). This language is no longer the language of the colonial liberalism and instead articulates a kind of glorification of the racial and colonial war that these soldier settlers had hoped to engage in with the Metis.

The flight of Riel “was annoying” to the troops, “who, having gone through so much toil in order to put down a rebellion, longed to be avenged upon its authors” (1870: 325, my emphasis). In a number of passages, Wolseley exposes his assessment of the first military expedition undertaken by the government of Canada. According to the Colonel, it was a “victory” – “bloodless”, “although complete”. Wolseley concludes:

> As we pulled in to shore in front of the Stone Fort, we were welcomed by cheers from all the people, who, from below, had proceeded there on horseback as soon as they saw us row past their farms. The union-jack was hoisted by the servants of the Company – an

137 The entire passage reads: “As we passed the village we could see the guns in the embrasures bearing in our directions [...]. We expected every moment to see a puff of smoke from an embrasure, to be followed by the whizz of a round-shot past our heads. Every moment increased the excitement” (1870: 325).
emblem of nationality that none had dared to display for many months. Joy was written on every one’s countenance (Wolseley, 1870: 319)

Replete with terms like “deliverers” (328) and “triumph” (321), Wolseley’s Narrative recounts the Colonel’s vision that his expedition militarily defeated Indigenous Peoples by crushing their resistance to Canadian rule. In the words of the Colonel, the successful “crushing of the rebellion” (335) proved “perpetrators of [crimes]” that “no distance [from civilization] or intervening obstacles can afford protection to those who outrage our laws” (1870: 336, my emphasis). In this passage Wolseley configures the Canadian acquisition of Indigenous lands as lawful and Metis resistance as criminal and thus liable to the most severe forms of punishment. However, Canadian incursions into First Nations and Metis lands were both unlawful (various authorities acted outside of clear Canadian jurisdiction) and violent (they engaged in physical, material and epistemic forms of violence). The design and building of the Dawson road, the arrival of the survey team headed by Dennis as well as the McDougall Proclamation of Canadian sovereignty over Assiniboia all transgressed Canadian official powers – to say nothing of their violation of Indigenous sovereignty.

According to historian Sarah Carter, it would be a gross mischaracterisation to consider the expedition’s accomplishment as having “crushed” the Red River Resistance, as there was no organised Metis resistance when the troops reached Fort Garry. Nevertheless, the expeditionary troops were stationed in Fort Garry for some days, waiting for the civil authorities, including the new Lieutenant Governor Adams G. Archibald, to arrive. It had been planned for the civil and military authorities to arrive at the same time in Red River. As the latter reached Fort Garry first, the settlement was turned into an “armed camp” (Friesen, 1987: 128). According to Carter (1999), their presence did amount to a military occupation of Metis and Indigenous lands, now enclosed into the new Canadian province of Manitoba. In a word, the Canadian settler state finally claimed full sovereignty over the North-West through force, that is, with the arrival of the Wolseley military expedition to Fort Garry.
From the moment Wolseley’s troops reached Fort Garry, the Metis were “made to feel strangers in their own land”, writes historian Gerald Friesen (1987: 195). On September 2, 1870, a few days following the arrival of Wolseley and his troops, Lieutenant Governor Archibald entered Fort Garry, thus formalising the transition of Red River from a mixed government of the local community and of the HBC to a fractional province of the Dominion. In his Declaration of December 6, 1869, which he made shortly after having assumed title, Archibald stressed the role the Canadian government conceived of as its own in the North-West. Having found the “people of the settlement in a state of much excitement” upon his arrival, Archibald declared that he had “taken much pain in endeavouring to tranquilize them” (in Morton, 1965: 238). According to his declaration, his next task consisted in planting institutions susceptible to promote the welfare of the Red River residents. In his opinion, these consisted in supporting the “prosperity of the country”, which is possible if “all the leading men, irrespective of party, should come forwards and give me their aid in establishing a government that can secure that piece of the country on the solid foundation” (1965: 238). Lieutenant Governor Archibald thus worded the priorities of the Canadian government in the North-West: the founding of a new Canadian community committed to the colonial liberal principle of prosperity. Implicit in this Proclamation is the fact that this community was founded on a triple violence: the physical violence of armed forces, the material violence of land appropriation and the epistemic violence of assimilation.

138 First, the local community suffered intimidation and other kinds of physical violence at the hands of the forces of the British and Canadian forces (Miller, 2000). At least one innocent Metis died under the military administration in the short period between the arrival of the Wolseley expedition and the formation of a civil government by Lieutenant Governor Archibald. Second, the Canadian government ignored the land-granting provision of the Manitoba Act – the political issue at the heart of Metis resistance – and thus betrayed its promise to protect Métis title to their lands. Friesen (1987: 198) notes that the implementation of these provisions, now known as the Metis script fraud, “was plagued by delays, speculation, and downright theft”. At the end, the Metis community secured title to a fraction of the land they were promised. Third, the amnesty that was negotiated for the main actors of the Metis resistance in 1879 was very long in coming. In 1870 Red River delegates negotiated amnesty for those who participated in the resistance, but the agreement had never been formalised in writing. Instead, Macdonald secured 1000$ to be paid as a bribe to Riel and Ambroise-Dydime Lépine, another Metis leader, in order to keep them out of the country. A combination of these factors, added to the street violence in Winnipeg and the severe difficulties in buffalo hunt around these years, convinced many Metis families to move westward to the adjoining Northwest Territories (Ishiguro, 2017). While it entered Confederation as a Metis province, Manitoba had by 1885 been deeply transformed; in that year, the Metis comprised only seven per cent of the total Manitoban population (Carter, 1999, Friesen, 1987).
through a policy of enfranchisement. That threefold violence was embedded into the colonial liberal ideology that authorised the appropriation by Canada of the Indigenous lands of the North-West as lawful and benevolent.

4. Conclusion

This chapter brought into focus the actors, instruments and ideology through which Canada undertook to obtain jurisdiction over Red River as the entryway into the larger lands of the North-West. The few years that followed Canadian Confederation were defined by the aspiration of the newly formed federal state to acquire Indigenous lands of the “North-West” and eliminate Indigenous Peoples as occupants of their lands. This settler colonial project was justified on the colonial liberal imperative to improve both Indigenous lands and peoples. In turn, that imperative supported the material violence of territorial dispossession and the epistemic violence of assimilation for Indigenous Peoples.

In response to Indigenous resistance, the Dominion pursued territorial incorporation through a number of shifting tactics. Acting on the Confederation project of appropriating the North-West and having approached Red River by means of the Dawson Road and the 1869 *Gradual Enfranchisement Act*, Canadian power entered Red River with surveyors as they undertook to map out and reorganise land tenure in the region. The second Canadian incursion was enunciated through the Dominion policy of migration to and settlement in the West by “civilised”, that is, non-Indigenous populations. McDougall and the Macdonald government defended this political and constitutional move as they committed to depriving Indigenous Peoples of their lands. Finally, a military expedition, led by Colonel Wolseley, sealed these objectives through a show of force, sponsored both by the imperial and Dominion governments. Once again, this chapter showed that authorities working within the ambit of the Dominion justified the physical, material and epistemic violence attendant to the building of the Canadian nation on the colonial liberal principle of improving lands and peoples, usually through agrarian labour.
Violence occupied a paradoxical place within Canadian discourse and political development in Manitoba following Confederation. On the one hand, the Dominion proclaimed in countless occasions that it championed peace and acted only in the interest of calm and tranquillity, as opposed to Metis leaders, portrayed as criminal initiators of physical violence. On the other hand, it committed multiple aggressions – from the unannounced arrival of survey parties on Metis land, the illegal proclamation of sovereignty upon Red River to the taking of Fort Garry by the Wolseley expedition. All these, in addition to the other texts and actions presented in this section, promoted Indigenous (including Metis) dispossession that was necessary for the Dominion to penetrate Red River as an entryway to the rest of the vast North-West – to which we now turn.
“The war to which we invite you as recruits and comrades is a war waged against the brute forces of nature; but those forces will welcome our domination, and reward our attack by placing their treasures at our disposal. It is a war of ambition – for we intend to annex territory after territory – [...] our battalions will march across the illimitable plains which stretch before us [...] the rolling prairie will blossom in our wake, and corn and peace and plenty will spring where we have trod”.

Lord Dufferin, Governor General of Canada, Addressing the Mennonite community recently arrived in the North West Territories (1878)

CHAPTER 5: The Ordering, Settling and Policing of the North-West Territories, 1871-76

This chapter tracks the strategies – the actors, tactics and ideology – of the Canadian Dominion to concretise its project of territorial expansion in uniformity beyond the then constitutionalised province of Manitoba and into the whole of the North-West Territories. Once Canadian authorities claimed to have sealed Canadian sovereignty over the small Manitoban province, they turned to the rest of the North-West. This chapter looks at the colonial liberal discourse of the Dominion on the Indigenous lands and peoples of the North-West Territories beyond Manitoba in the five years that followed the founding of Manitoba of 1870.

The Dominion justified the appropriation of the Indigenous lands of the North-West with colonial liberal arguments that foreground the cultivation of North-Western lands and the improvement of its peoples and yet had contained in them the material and epistemic violence of dispossession and assimilation for Indigenous Peoples. Dispossession and assimilation of Indigenous Peoples accelerated and occurred on an unprecedented scale in the North-West Territories in the years that followed the creation of Manitoba.

In the face of Indigenous resistance to colonial liberal violence, the Dominion pursued territorial acquisition and the assimilation of Indigenous Peoples through a number of shifting tactics. First, it looked to appropriate prairie lands so that they could quickly be peopled with immigrants who would “improve” those lands. To expose the colonial liberal language through which Dominion officials defended the appropriation and re-peopling of the North-West, I first review the language
and clauses of the *Dominion Lands Act* (1872). This important Act sought the reorganisation of the northwestern lands in view of their agrarian development. Secondly, I present the immigration schemes proposed by three groups of interlocutors, all invested in the project of replacing Indigenous Peoples, believed to be unable to “improve” the lands of the North-West on their own, with European immigrants. The first group of interlocutors include officials of the Canadian Department of Agriculture who published annually edited *Hand-Books for Intending Emigrants*. The second group comprises various non-governmental actors who believed it was urgent to people the Plains with non-Indigenous communities. Such actors include Thomas Spence, clerk (1871-1876) of the newly constituted Legislative Council of Manitoba, and George Monro Grant, Presbyterian minister and Principal of Queen’s University from 1877 to 1902. The last group encompasses private organisations, for instance the Lovell Gazetteer of British North America, that were likewise committed to the emigration of Europeans to the North-West. By examining these documents, I outline the various projects advocating the swift re-peopling the northwestern plains with European emigrants, which was to proceed from the material violence of dispossession and displacement of Indigenous Peoples authorised under the *Dominion Lands Act*.

The underpinning violence of colonial liberalism is exposed when the Dominion turned to secure its sovereignty over the North-West through the installation of a police force. The creation of the North-West Mounted Police (NWMP) is the third and last moment reviewed in this chapter. The mandate of the NWMP was to buttress the new Canadian regime, premised on the violence of dispossession and assimilation, with a coercive force that could and did enforce these principles through violence as necessary. Through the police force, Ottawa ensured that the dispossession and assimilation of Indigenous Peoples had the backing of coercive violence.

These three moments (the appropriation, peopling and policing of North-Western lands) provide a clear illustration of a larger dynamic within Canadian political development. However peaceable the processes of Canadian territorial expansion may *appear* to have been in contrast to their American counterparts, the Canadian project of refashioning the Plains was founded on a
colonial liberal violence that promoted the dispossession of Indigenous Peoples on an unprecedentedly large geographical region and at a dramatically fast pace. The relatively important role of the Canadian state in territorial expansion did not contribute to making the processes of incorporating new lands less violent: conversely, it shifted the locus and means of the foundational violence and allowed Canadian authorities to authorise that material violence as lawful. Canadian territorial expansion, which rests on the appropriation of Indigenous lands and was authorised as legitimate and lawful both by Canadian historical authorities and contemporary historiography, continues to constitute violence for Indigenous Peoples today, including by shortening their lives (Razack, 2015).

1. Appropriating Prairie Lands

In his first report to the government in 1870, Chief surveyor of the North-West John Stoughton Dennis anticipated that once Manitoba joined Confederation, the next step for the Dominion would be to adopt land policies that would facilitate the immigration from Europe. In his words:

Doubtless, with order and good government established in the Territory, an immense tide of emigration will set in, and I am sanguine that with a liberal land policy and efficient emigration arrangements, that country will have irresistible claims to a very large share of the classes of Europe, who have, for years, been seeking to make a home in the Western states (in Canada, 1870b: 20).

As he expected, the Dominion had by the end of 1870 invested legislative, political and military resources to extend itself in the North-West through the constitutionalisation of Manitoba. What had to come next, in Dennis’s words, was the adoption of a “liberal land policy and efficient emigration arrangements” for the whole of the North-West Territories. The next two sections examine the two governmental structures created for the purpose of appropriating northwestern land and accelerating emigration onto these lands: the Dominion Lands Act and the appeal made through various publications to induce emigrants to settle the Canadian Northwestern plains.

Once Manitoba joined Confederation, the Canadian government assumed it was free to remake the larger West in its own image by founding a northwestern “peaceable” society, committed
to “progress” and the spreading of a “civilisation” that was going to be mostly British, that is, a white and populous settler society centred on agricultural development. The first step towards the crafting of that society in the continental inlands was to reorganise the ways in which its inhabitants would relate to that territory.

The extension of Canada into North-West was achieved by the Dominion through a number of different policies, including the building of a transcontinental railway and the adoption of land policies. Because of the significance of the Canadian Pacific Railway for the making of the Canadian nation, state and identity, it is well covered by Canadian politics scholarship (see, for instance, the varied contributions in Dempsey, 1984b). This section focuses on the second measure: land policies.

1.1 The Dominion Lands Act

As we have seen previously, the Manitoba Act (s. 30) conferred upon the federal government jurisdiction on public lands both in Manitoba and in the North-West Territories. That the Act refers to these lands as “ungranted or waste lands” indeed points to the colonial liberal understanding of the Dominion that the Indigenous lands of the North-West were in need of being improved and thus had to be appropriated by the Dominion and peopled with farmers. That the Dominion exercised power over “public” lands in the West did not only affect the lands and peoples of the North-West, but it also impacted the inner working of the Canadian federation: from a federation comprised of four equal provinces, the Dominion had metamorphosed with the 1870 “incorporation” of the Hudson’s Bay Territory and the North-West Territories into a continental “empire”, endowed with a domain of public lands five times as large as the original Dominion (Martin, 1973). No Canadian province beyond

139 A number of policies derived from the particular land-holding scheme adopted through the Dominion Lands Act, most importantly land reservation and group settlement (see, amongst other works on these distinct policies, Eyford, 2016).

140 Let us note that to the extent that the Canadian government endowed the CPR with a territorial region twice as large as Nova Scotia, the railway company also turned into a colonising agency of the first importance (Martin, 1973).
Manitoba was deprived of such jurisdiction over public lands within its borders. In 1883, Canadian Prime Minister John A. Macdonald explained the Manitoban and North-Western exception. According to his government, federal jurisdiction over public lands in the West afforded British subjects of the whole Dominion

with the advantage of having one great country before us to do as we like, and we have one vast system of survey uniform over the whole of it. I do not think the ingenuity of man could invent a more perfect system than the present one by which, from the Red River all the way to the boundary of British Columbia, we have a system that is so plain that a child can understand it (Macdonald, in 1883: 874).

Underpinning that quotation is the view of the Dominion government that the land-holding system it was to adopt and enforce in 1872 with the passage of Dominion Lands Act was beneficial to the vast lands it covered, to the peoples who traditionally occupied it and to those who would settle on them. Dominion rule over the North-West was believed by the government to be advantageous for the reason that it was based on the colonial liberal principles of private property and agrarian labour. The Dominion Lands Act is one of the most important policies of the Dominion for the territorial reworlding of the North-West. Underpinning the Dominion Lands Act is a colonial liberal understanding that the North-West had to be reorganised according to the principles of private property and agrarian labour, for they were the basis of civilisation and could support the improvement of both lands and peoples living off those lands. I also argue that inherent in those colonial liberal understandings were the violence of dispossession and displacement that proceeded from the enactment of the Dominion Lands Act.

The timing of the enactment of the 1872 Act Respecting the Public Lands of the Dominion (or the Dominion Lands Act) first signals the understanding of the Dominion government that it was entitled to rule over northwestern lands, regardless of whether Indigenous Peoples would extinguish their title to them. In effect, the Act was adopted in advance of the ratification of the first numbered treaties in the region (Richtik, 1983, Hall, 2015). As discussed in chapter 4, the grid system employed to survey and map out Indigenous lands had already been established by Surveyor General Colonel John S. Dennis in 1869. The free-homestead system, built into the Dominion Lands Act, was promptly
adopted for Manitoba and the North-West Territories in early 1872. The Act assumed its final form by 1882 (Norrie, 1979).

Coupled with the grid system, the Dominion homestead grants expedited the mapping, absorption and appropriation of the continental interior by the Dominion. It facilitated the drawing of clear frontiers, the granting of individual titles and, in sum, the crafting of an agrarian society based, as it shall become clear, on gendered and racial premises. There were important exceptions to the application of the township grid system, including on the long and narrow river lots along the Red, the Assiniboine and several other rivers where the settlement of Metis, former HBC officials and Selkirk pioneers preceded the surveyors (Friesen, 1987). Outside of these riverbanks, however, thousands of individual lots were established in western Canada by one sweeping piece of legislation, based on a grand design of evenly spaced meridians and baselines and on the thirty-six-square-mile “townships”.

It would have been instructive to examine the parliamentary debates on the adoption of one of the most important instruments of Indigenous divestment – the Dominion Lands Act, but there are virtually none on record. No discussion of, and virtually no opposition to, the Act took place in Parliament (Martin, 1973, Carter, 2016). In the Order in Council and Memorandum of March 1, 1871, however, we find the “various rules for the governance of the system of survey, and the mode of dealing with the public lands” in the province of Manitoba and the North-West Territories, which were ratified by the Parliament in the Dominion Lands Act shortly thereafter (Canada, 1871). The basic working principle of the Dominion Lands Act was that it provided to “any person being the head of a family, or a single man above the age of twenty-one years”, 64 hectares of surveyed land if that person paid a $10 registration fee, resided and built a permanent dwelling on that land in addition to

\[\text{141 The Order in Council and Memorandum establishing, under the provisions of the Act 33 Vic. cap 3, Regulations respecting the Public Lands in the Province of Manitoba – later to be published in the Sessional Papers (Canada, 1871).}\]
cultivating it at least in part (Canada, 1871: 4). In addition to featuring racist and settler colonial foundations, the language of this founding principle also subsumes gendered and heteronormative premises, to which we will return. Let us note for now that all non-reserved lands were to be opened to homestead entry. In its first Annual Report, the Department of the Interior (created by the Dominion government through the *Dominion Lands Act* in 1874) reiterated that it was specially charged with the mandate of “surveying and allotting to settlers the rich and boundless prairies of the west” (Canada, 1875, my emphasis) by granting these settlers the right to privately own individual holdings throughout the North-West.

The influence of the United States in the drafting of the *Dominion Lands Act* is undisputable. As he reviewed the surveying system early in 1871, Adams G. Archibald, the new Lieutenant Governor of Manitoba and the North-West Territories (1870-72), argued that the definition of townships and sections in Canada must match that of the United States, for “half a continent has been laid out and peopled” under the American system. According to Archibald, that system is thus “known all over the world to the emigrant classes” (Canada, 1871: 8). As a result of the Canadian decision to model the *Dominion Lands Act* on the *Homestead Act*, both the American and Canadian systems had in common various features of administration and settlement. They share the section as the basis of administration and the square surveys of 36 sections, the free homestead, the use of scripts for a variety of purposes and numerous other similarities in nomenclature and technique. William McDougall, former Lieutenant Governor of Rupert’s Land and the North-Western Territory who also

142 William McDougall, the former Lieutenant Governor of Rupert’s Land and the North-Western Territory (1869-70), proposed that the quarter section be larger (200 acres instead of 160), that the fee be smaller ($5 instead of $10) and that the residence requirement be shorter (3 years instead of 5). While never adopted, these changes were intended to offset the attraction of the United States and accelerate the settlement of immigrants according to the liberal Member of Parliament. As Martin notes (1973), the Clear Grits (who formed the basis of the liberal party shortly after Confederation) truly were the party of the frontier in the history of the Dominion.
served on the Ontario-Manitoba boundary commission, admitted in 1870 that Canada had adopted “with modifications, the American Homestead law” (Canada, 1870d: 1454).143

Both the American and Canadian homesteading laws, which then governed large swaths of territory traditionally occupied by Indigenous Peoples, share a core colonial liberal commitment to private property and agrarian labour as the basis of civilisation. In the very definition of the “homestead” is the violence of imposing not only sovereignty, but also a specific understanding of land as something that must be owned and “improved” as private holdings. Stemming from that understanding was the conviction that privately owned lots had to be peopled with suitable farmers. As many documents examined previously illustrate, Indigenous Peoples were regarded as incapable of cultivating their lands. As a result, the Dominion government sought to attract Canadian and European immigration to the North-West. In an effort to offer potential immigrants additional incentives to prefer Canada to the United States, the 1872 Act was amended in the years following its adoption to lower the age limit to 18 (instead of 21) for homestead entrants. It was believed that such change would entice young adults and farmers with older boys in the family to immigrate to western Canada (Richtik, 1975). To encourage Canadians to move to the newly “adjoined” North-West, the Act entitled Canadian homesteaders to an additional ten or twenty-acre wood lot. Upon the issue of patent for the original homestead, the Act also granted pre-emption rights to adjoining quarter sections to Canadian settlers. These mechanisms, provided for in the Dominion Lands Act, allowed the North-West to be privately owned by non-Indigenous immigrants. Committed to the colonial liberal principles of private property and agrarian labour, both believed to be peaceable, the Act precipitously and irreversibly produced the material violence of dispossession and displacement for Indigenous Peoples.

143 The two systems nevertheless differed in important ways, especially as concerns the circumstances of their respective adoption. As Martin observes (1973), the Canadian land-holding system inherited no sectional antipathies such as those that convulsed the American union through civil war. The Canadian system implied no revolutionary departure from historic traditions in the administration of public land and its adoption encountered no opposition from railway interests.
The implementation of the survey and homestead systems in the prairies contained some remarkable ironies within a colonial liberal settlement. Land speculation was an important one. Even though Canada adopted a land policy that promoted the hurried and massive settlement of immigrants on the plains, it was not proof against manipulation by those, including the Hudson Bay Company and other large corporate entities, who sought to hold land strictly for speculative purposes and not labour on it at all. Unlike Indigenous Peoples, large corporations were exempt from the relentless pressure to “cultivate” the land. The HBC was able to own land in large swaths and do nothing with it without it being described as “wasteful”. Despite the considerable popular resistance to the HBC holding land in this way, whole districts alongside frontier towns and villages in the North-West Territories fell into the hands of speculators waiting for the price of land to increase (Martin, 1973). What is extraordinary about the fact that the Dominion government allowed it to happen is that there is no clearer example of land lying “waste” than companies who steadfastly refuse to develop land at all – holding it simply to see if they could sell it at a higher price later.

Most importantly, the Dominion Lands policies secured exclusive rights of property to non-Indigenous populations at the exclusion of First Nations and Metis peoples. Within non-Indigenous populations, land policies also reserved the right to own land to men at the exclusion of women. Integral to this large-scale territorial divestment were gendered and racialised worldviews. Attendant ideas about who constituted capable farmers and landowners, on account of their supposed capabilities or will to improve these lands, were also significant to the appropriation of North-Western lands by the Dominion (Carter, 2016).

The grid survey and homestead system first constituted material and epistemic violence towards Indigenous Peoples who were not only barred from owning land, but also dispossessed and displaced under the *Dominion Lands Act*. As we discuss in chapter 6, the 1876 *Indian Act* specifically excluded “Indians” from the right to homestead. The homesteading privileges of non-Indigenous populations, in turn, stemmed from that original material violence of territorial dispossession. When they signed Treaties 1 and 2 in 1871, First Nations were offered 160 acres per family of five – the same
amount it offered homesteaders. Unlike homesteaders, however, there were no mechanisms to expand reserve lands. Sons of Indigenous fathers could not acquire neighbouring land as sons of settlers could under the homestead system. In addition, Indigenous Peoples were prevented from obtaining land off a reserve, for instance, on their traditional territory. Specific provisions under the Indian Act further incentivised First Nations to surrender portions or all of their reserved land (Carter, 2016). It was absurdly assumed by Dominion authorities that the lands reserved for Indigenous Peoples, which were minuscule, non-expandable and typically unsuitable for agriculture, could constitute a sustainable base for supporting their lives and cultures (see Hall, 2015). In addition to having embedded into it the material violence of dispossession, the Act also implied the epistemic violence of eradicating the traditional understanding and ways of Indigenous Peoples relative to land.

As we have seen, the Manitoba Act provided for the distribution of 1,400,000 acres to Metis families. The Order in Council and Memorandum of March 1, 1871, reiterated the Canadian Dominion’s understanding that “every half-breed resident in the Province of Manitoba at the time of the transfer thereof to Canada, and every child of every such half-breed resident, shall be entitled to participate” in these acres (Canada, 1871: 2). As Carter shows, however, the Metis scrip system was designed to secure Metis dispossession. Adams George Archibald, one of the main engineers of the system of land distribution in Manitoba, believed that the Metis would quickly “forfeit their lot, [rather] than settle on them”. While the general plan of the Dominion for the Indigenous Peoples of the Prairies was to settle them down and confine them within small and off-centre reserves, it appeared that Adams G. Archibald, the Lieutenant Governor of Manitoba, expected that Metis land

144 Signing parties included Ojibwe and Swampy Cree Nations of southern Manitoba and southeastern Saskatchewan.
145 The Memorandum specified that “the most liberal construction shall be put on the word resident” (Canada, 1871: 2).
146 Archibald described the Metis as “hunters by profession, not farmers. Where the Buffalo go, they go. They could not bear the restraints which cultivation of a farm implies. They would rather forfeit their lots, than settle on them, if by settlement was meant, some degree of cultivation and improvement on the Lots” (c. 15, Vol. 299, Archibald to Secretary of State, 27 December 1870, Public Archives of Canada, Ottawa; in Carter, 2016: 54).
would quickly be sold and the Metis dispersed. Historian Lyle Dick found that once the *Dominion Lands Act* presided over the allocation of land in Western Canada, not only were the Metis dispossessed of their lands, but they were also divested of that land by fraudulent means (Dick, 2013). In the process, banks made substantial financial gains by dealing in Metis script, reselling lands to both settlers and speculators.\(^\text{147}\)

Women – both Indigenous and non-Indigenous women (although of course the two categories have very different statuses in relation to the territory) – were also marginalised and dispossessed from land owning under the homestead regime. While it is not clear whether it was deliberate, the original wording of the *Dominion Lands Act* allowed single settler women to file for and obtain homesteads in the prairies. Once it was amended in 1876, there remained only one category of women who could homestead, namely widows with children (Carter, 2016). The Dominion institutionalised through this legislation its understanding of the place of settler women in the erection of white societies as that of domestic servants, potential wives and mothers. In the minds of the architects of land policies, women were central to the foundation of the “imperial enterprise” in the West, but only as agents of familial reproduction (Perry, 2009).

Paradoxically, at the same time as homesteading policies encoded a patriarchal contract for Euro-Canadian women, it made them complicit in the dispossession of Indigenous Peoples. The *Dominion Lands Act* of 1872 did not discuss the place of Indigenous women in land attribution – not more than it discussed the place of First Nations in general. Indigenous women were assumed to belong to reserves, and immigrant women, alongside immigrant men, profited in the realisation of the colonial project of dispossessing them (see also Stark, 2016). As Anne McClintock sums it up, the “rationed privileges of race all too often put white women in positions of decided – if borrowed –

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\(^{147}\) In *Manitoba Metis Federation Inc. v. Canada*, the Supreme Court found that the federal Crown failed to implement the land grant provision set out in the *Manitoba Act*, 1870.
power, not only over colonized women but also over colonized men,” at the same time as they were “bound in gendered patterns of disadvantage and frustration” (2013: 6).

That the government of Canada planned to survey and apportion the lands of the North-West ahead of the settlement of immigrants is regarded by many works in Canadian historiography as an indication of its foresight and benevolence towards Indigenous Peoples (e.g., Belich, 2008, Weaver, 2003). Authoritative accounts of the settlement of the Great Plains have underlined the apparent exceptionalism of the Canadian case, as compared to its American, but also Australian counterpart. “Unique conditions bestowed on the Canadian prairies a relatively peaceful colonization history, punctuated by exceptional clashes,” writes Weaver (2003), echoing the consensus in British colonial historiography (see Belich, 2008).148

The preceding section and previous chapters, however, have turned this scholarly paradigm on its head by showing that land policy itself was one of the most important instruments of Canadian territorial appropriation and violence. I have argued that the Dominion homestead system, fundamentally informed by the colonial liberal principles of private property and agrarian labour as bases of civilisation, helped produce the dispossession of Indigenous Peoples and the displacement of traditional ways of relating to land. By means of the Act, which standardised measurement technologies and fixed agrarian improvement as a foundation for “civilisation” in the North-West, thousands of immigrants settled on expropriated lands. Frank Oliver, future Superintendent-General of Indian affairs, astutely observed in 1905 that the Dominion benefitted immensely from the Indigenous dispossession that ensued from the Act: the free homestead system allowed the Dominion government to “make millions out of the lands of the Northwest and never sell an acre” (Canada, 1905: 3158). By 1928, approximately 62 million acres were permanently appropriated from Indigenous Peoples through the homestead policy (Eyford, 2016). Despite the emphasis of colonial liberalism on

148 According to the different authors, the peaceable character of Canadian settlement in the Northwest owed to geographical factors (e.g., geographical isolation) as well as economic and political ones (e.g. collapse of the buffalo) (see Weaver, 2003 and Belich, 2008).
the benevolence of the landholding scheme entrenched into the *Dominion Lands Act* – which in the words of John A. Macdonald was to be “uniform over the whole of [North-West]” – it engaged in both material and epistemic violence. In short, the design and adoption of land policies operated the material divestment of First Nation, Metis and women in the name of improving “waste lands”.

2. **Peopling Prairie Lands**

   Subsequent to reform in land tenure, the making of a large Canadian nation and the “spreading of civilisation” to the North-West required the design and adoption of policies to people that land with “civilised” immigration who could improve that land with their labour. In the year that preceded the 1872 adoption of the *Dominion Lands Act*, two important events unfolded that reinforced the Canadian impetus to populate the West with European settlers: the setting up of the first scientific census by the Canadian state and the admission of British Columbia into the Dominion. In *The Politics of Population* (2001), Curtis shows the importance of immigration and population as policies for the making of a Canadian state and nation in the 1870s.\(^{149}\) Officials at the Dominion Department of Agriculture and Statistics expected the 1871 census to announce that the population of the Canadian Dominion had surpassed 4 million, from the 3.1 million the last census reported in 1861. Authorities were distressed when the census indicated a Canadian population of less than 3.5 million.\(^{150}\) Arthur Harvey, a fellow of the Royal Statistical Society and former statistical clerk in the Department of Finance who had been involved in compiling census returns for 1861, declared that such numbers expressed that Canada was “a comparatively stationary instead of a rapidly progressive country” (in

\(^{149}\) In this important book, Curtis explains that census-making was instrumental to the formation of the Canadian state, as it shifted the impetus of knowledge production from imperial to Canadian officials. According to Curtis, this oft-neglected episode of Canadian history not only marked the origins of modern, centralised government in Canada, but also signalled the assertion of Canadian sovereign authority upon the making of a national population (2001).

\(^{150}\) Curtis (2001: 278) remarks that the results were so humiliating and politically embarrassing to the Minister of Agriculture that he offered his resignation the day before the results were presented to the government. As Berger (2013: 67) explains “many a hopeful anticipation as to [Canadian] national progress moderated” as such a slow rate of growth defined the young Dominion.
Curtis, 2001: 290). To the extent that Canada was committed to the making of a large and populous settler nation, the results of the 1871 census prompted a new sense of urgency in populating the “newly adjoined lands” of the North-West with European immigrants.\footnote{Curtis (2001: 304) additionally shows that the making of the 1871 census strengthened the general assumption that the Indigenous population was inexorably declining. In his report on the census, Joseph-Charles Taché, then Deputy minister of Agriculture and Statistics, argued that Indigenous Peoples who did not adopt Christian civilisation would soon become extinct as their hunting and gathering mode of production severely constrained population size. The conclusion, according to Taché, was that Indigenous populations had to assimilate as white expansion actualised.}

Similarly, the joining of British Columbia to the Canadian federation in 1871, the year that followed the annexation of the North-West, allowed the Dominion to rebrand itself as a young, attractive country that now spanned a continent (Friesen, 1987 and Morton, 1964). This new identity produced a shift in national discourse on the priority of attracting emigrants to North-Western British America.

Following Confederation, the federal government was the main protagonist in campaigning for immigration. Immigration, together with agriculture in the British North American Act of 1867 are subjects of concurrent jurisdiction between the federal and provincial governments.\footnote{Ottawa, however, retains paramountcy in case of conflict. Let it be noted that the 1867 British North America Act purposefully connected immigration and agriculture as jurisdictions, for it was assumed by its drafters that immigration would promote the agrarian labour of “waste” lands (Whitaker, 1991).} In practice, however, the federal government initiated most policies that concerned immigration, especially as Ottawa centred its attention on the “opening up” of the Great West. The first federal Immigration Act, adopted in 1869, conferred authority upon the Dominion government to deny entry to the “pauper or destitute Immigrants” as well as to the individuals who were physically and mentally disabled (Whitaker, 1991).\footnote{The 1869 Act Respecting Immigrants and Immigration was deeply rooted in ableist and classist dynamics: it barred from entry “any Lunatic, Idiotic, Deaf and Dumb, Blind or Infirm person, not belonging to any Immigrant family [who] is, in the opinion of the Medical Superintendent, likely to become permanently a public charge” (Section 11.2) or “[any] pauper or destitute Immigrants [...] until such sums of money as may be found necessary are provided and paid into the hands of one of the Canadian Immigration Agents ... for their temporary support and transport to their place of destination” (Section 16, see Anderson 2013).} This Act reflects the desire of the Dominion to close the border to these two groups of people (Anderson, 2013). Indeed, it also mirrors the two roles of colonisation policy in
Europe – the external or foreign policy role of expanding the borders of empire and the domestic or social policy role of ridding European states, particularly city streets of unwanted populations of poor, disabled, mentally ill unemployed and homeless populations (Arneil, 2017). In return, the 1869 Immigration Act does not make visible the Dominion’s project of crafting settler societies in the Prairies. Conversely, the immigration pamphlets examined in this section clearly do.

Ottawa needed immigrant agrarian labour to actualise the expansionist project built into Canadian Confederation (Eyford, 2016). If the lands of the North-West were to be settled and its resources extracted, Ottawa concluded, immigration had to be encouraged as never before. Following the adoption of the Dominion Lands Act in 1872, the Department of Agriculture thus launched a large image-making and recruiting campaign aimed at attracting overseas populations to the Dominion generally, and to Manitoba and the North-West Territories more particularly (Dunea, 1984). If some of the pamphlets painted the Canadian West as an unqualified Garden of Eden, all translated their authors’ belief that the North-West had to be populated on the basis of agrarian settlerism (Dunea, 1984, Owram, 1992).

This section reviews the colonial liberal defence of attracting European immigration to the North-West as it was published in immigration boosting literature, from government and non-governmental sources. The first three documents were widely circulated official immigration pamphlets (Dominion of Canada, 1873 and 1877, Department of Agriculture, 1878). The first two are two editions of the same pamphlet, though they have slightly different titles (Information for Intending Emigrants, 1873 and Canada: A Hand-Book of Information for Intending Emigrants, 1878). The third is a special publication of the Department of Agriculture on the specific region of Manitoba and the North-West Territories (Province of Manitoba and North-West Territories of the Dominion of Canada. Information for Emigrant, 1878).

154 There are some examples of plain falsities contained in booster literature. In one such document, the author, railway promoter Alfred Waddington, stated that only one Indigenous nation inhabited Canada (the Blackfoot) and that all of its members resided within the confines of Palliser’s triangle, considered to be unsuitable for farming purposes (Owram, 1992: 105). Dunea (1984) explains that in a similar document published in the early 1870s was included a lithograph of the city of Victoria, BC, in which its harbour was significantly widened and the adjacent Indigenous village, suppressed. Dunea specifies that while some pamphleteers did employ some degree of literary licence in marketing Canadian regions, such instances of gross misinformation are rare, for most authorities were aware of the negative consequences they could have on both immigrants and the Canadian Dominion’s plan to settle the plains.

155 The first two are two editions of the same pamphlet, though they have slightly different titles (Information for Intending Emigrants, 1873 and Canada: A Hand-Book of Information for Intending Emigrants, 1878). The third is a special publication of the Department of Agriculture on the specific region of Manitoba and the North-West Territories (Province of Manitoba and North-West Territories of the Dominion of Canada. Information for Emigrant, 1878).
early 1870s, more than a million copies of these documents, in their various forms and editions, were published each year (Friesen, 1987, Owram, 1992). The other three documents have non-governmental sources. The first, *A Graphic Description of the Dominion of Canada, and its Provinces* (1875) was produced by the Lovell Gazetteer of British North America, which specified it presented “information obtained from the most reliable sources” (1875: 3). The second was authored by Thomas Spence, then clerk of the Legislative Assembly of Manitoba (1871-76). Former editor of the *Nor’Wester* (a newspaper based in Winnipeg and published by settlers of Ontarian origins), Spence published numerous manuscripts, which may have helped convince thousands of European and Canadian settlers to elect Manitoba as their new home (Peel, 1990). *Manitoba and the North-West of the Dominion* is the first of Spence’s six similar pamphlets.156 The last is a best-seller manuscript by George Monroe Grant, an intellectually influential Presbyterian minister of Nova Scotian origin and Principal of Queen’s University from 1877 to 1902. Grant travelled across the Canadian territory in 1872 as secretary to Chief Engineer Sandford Fleming’s transcontinental railway survey. Upon his return within the same year, Grant wrote a widely circulated narrative of the expedition, which he published 5 years later with the title *Ocean to Ocean* (1877). This work adds its voice to other booster literature works by affirming the author’s faith in the “new land” and in encouraging immigrants to settle and cultivate it.

All documents examined in this section bring into view the colonial liberal terms in which Canada articulated its plan of peopling the North-West. Populating policies, anchored in the colonial liberal imperative to improving lands and peoples, furthered material violence against Indigenous Peoples by actualising and consolidating their territorial dispossession. Embedded into the colonial

156 It is revealing to quote the entire title of the document, for it exposes some of most significant colonial liberal themes of booster literature: *Manitoba and the North-West of the Dominion, its Resources and Advantages to the Emigrant and Capitalist, as Compared with the Western States of America; its Climate, Soil, Agricultural and Manufacturing Facilities; its Unparalleled Salubrity, Growth and Productiveness, in Comparison with the Older Provinces; and the Elements of its Future Greatness and Prosperity, and Containing Land Policy, Latest Information, Cheapest and Best Way to get to Red River, and What is Required* (Spence, 1871).
liberal imperative to settle and cultivate North-Western lands through immigrant/settler agrarian labour was a material and epistemic violence that sought to irrevocably transform Indigenous lands and to fundamentally penetrate Indigenous Peoples so that they could be assimilated to the settler communities that were expected to take root throughout the large region. The colonial liberalism of the boosting literature reveal that the Canadian territorial and "civilisational" project entailed a racial order in which the "hardy northern races" would predominate in the newly "acquired" lands of the North-West. The following section shows how gendered and colonial dynamics, most importantly the privatisation of women and the relegation of Indigenous Peoples to invisibility or various forms of diminished humanity, participated in that material and epistemic violence.

2.1 Selling the Canadian North-West to European Immigrants

The purpose for which these documents were published is clearly stated within them. “These pages are intended to show reasons why a large portion of [the] emigrating movement should be directed to Canada; to indicate the classes of persons who may advantageously emigrate; and to furnish them with useful practical directions”, as the Dominion summed it up in its Hand-Book (1877: 3). In this sense, the Hand-book is directed particularly at the “people in the overcrowded countries of the old world” (Lovell’s Gazetteer of British North America, 1876: 61) to “ensure the commencement of a stream of immigration” and “offer a home of future independence to millions of our fellow creatures” (Spence, 1871: 5). By using the image of the “old world” as overcrowded and of the “new world” as empty, boosting literature justified the peopling of the North-West Territories with white settlers and arrivants who would improve lands and found “independent” settler communities.

The first theme thoroughly discussed in all six documents is the northwestern climate and its effect on the health of local inhabitants. Canadian officials attributed the difficulties Canada faced in recruiting migrants to a supposedly misplaced fear of cold winters and short summers amongst potential European settlers. As a consequence, a substantial component of the Canadian image-
making efforts consisted in renovating the representation of northwestern climate and soil. In this context, the meteorological evidence produced through the British North American exploring expeditions led in 1857 by John Palliser and Henry Youle Hind were reclaimed and edited in the immigration literature to meet the mounting excitement and expectations of the 1870s (Owram, 1992). According to Grant, “the severity of the intervening [winter] months is lessened by the bright sun, the cloudless skies, the stillness and dryness of the air” (1877: 94), such that “seasons follow each other in pleasing succession”, Spence emphasise (1871: 19). The climatic situation of the North-West is discussed at length mainly to emphasise its consequences on the health of the local population. With strong ableist undertones, the Dominion proclaim that Manitoba, endowed with a climate of “unrivalled salubrity”, constitutes “the future home of a healthy, prosperous people, strong in physical, intellectual and moral capacities”. Denying the fact then known to various Dominion authorities that the Cree of the North Saskatchewan and other Indigenous communities were infected with smallpox and tuberculosis, the Dominion states in 1873 that “there are no endemic diseases” (1873: 16) in North-Western Canada. “Fevers and consumptions are almost unknown, and diseases of an epidemical character have never been known to prevail,” the Hand-Book reiterated four years later (1877: 79).

With soil, as with climate. In the 1873 edition of the handbook, the Dominion attach a copy of a report on Manitoban soil by a German chemist according to whom it is “most productive” and

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157 Grant (1877: 94) specified in gendered and heteronormative language that “on account of the steady cold the snow is dry as meal, and the farmers’ wives said that ‘it was such an advantage that the children could run about all winter, without getting their feet wet’”.
158 “What are bountiful harvests of golden grains, rich and mellow fruits, and all the wealth the earth can yield, if disease must annually visit [a settler’s] dwelling and death take away, one by one, the loved and the young?” Spence asked rhetorically, connecting the circumstances of climate and its impact on human wellness (1871: 20).
159 This emphasis on “capacities” reflects the aspiration of Dominion authorities to attract immigrants who were “industrious” and to avoid those who were “poor” or “idle”.
160 Commissioned by Lieutenant-Governor Archibald to report on the wellbeing of the Indigenous Peoples of the plains, William Butler provided in The Great Lone Land (1868) a detailed account of the effects of the smallpox epidemic, especially amongst the Cree along the North Saskatchewan. A few years later, Grant also reported on the same situation (Daschuk, Hackett and MacNeil, 2006).
"promises the richest harvests" (in Dominion of Canada, 1873: 37). Claiming that "the proportion of cultivable land suited to the productions of the temperate zone is greater in the Dominion than in the United States", Canada insists: "so rich and inexhaustible is the soil [in Manitoba], that wheat has been cropped off the same place for forty years without manure, and without showing signs of exhaustion" (1873: 9). To Grant, this "vast fertile beautiful expanse suggests inexhaustible national wealth" (1877: 72).161 These passages reflect the colonial liberal understanding that in addition to being the most peaceable and rational mode of production, agriculture best supports the ideal inherent to colonial liberalism: prosperity.

Grant and Ottawa concurred: the Canadian North-West was well adapted for the cultivation of wheat. In fact, it was believed to “contain the most favourable conditions for the growth of this grain on the continent” (Dominion of Canada, 1873: 37, see also Grant, 1877: 187). The Dominion self-fulfilling prophecy that it “is destined to become the granary of the continent” (1877: 79) was not innocent. According to Spence, wheat is “pre-eminently the food of civilized nations; and perhaps there can be no surer measure of their civilization, than the culture and consumption of that cereal” (1871: 24). He continues: “the nice adjustment of its vital properties supports brain, and blood and muscle, in just the proportions requisite for the highest type of manhood. Refinement, fortitude and enterprise, most distinguish those nations which most consume wheat” (Spence, 1871: 25, my emphasis). To the extent that the North-Western soil and climate were best suited to wheat growing, the Dominion assumes that in addition to improving the lands themselves through the labour of farmers, the land would also help its owners and tillers improve as individuals. Cultivating these lands would support the rationality, industriousness and, in a word, the high civilisational attainment of those living off of them.

161 He adds: "Our uppermost thought might be expressed in the words, 'thank God, the great North-west is a reality'" (1872: 72).
As discussions of grain production illustrate, settler powers argue in a very Lockean way that “while the soil is the great source of wealth, untilled soil is valueless” (Grant, 1877: 97). This passage translates powerfully the colonial liberal understanding that to boast its full value, land must be cultivated and exploited. It was thus indispensable for immigration authorities not only to promote the qualities of the climate and land of the sparsely populated regions of the Dominion, but also to attract immigrants most likely to be successful in farming ventures. In an address to the Icelandic community recently settled near Winnipeg, Lord Dufferin, then Governor General of Canada, declared in 1878 that: “the three arts most necessary to a Canadian colonist are the felling of timber, the ploughing of land, and the construction of highways” (reproduced in Department of Agriculture, 1878: 10). To master these arts, there is one secret: “hard work”. “Canada is no place for the idler or the dissipated [...] and what the country wants above all things, are resolute workers” (Dominion of Canada, 1873: 8). Clearly visible in this excerpt is the colonial liberal understanding that the particular kind of labour that the Dominion needs is agrarian labour, understood as the clearing of land and cultivation/husbandry. Quoting the memorandum of the minister of Agriculture to the Secretary of State for the Colonies, the 1873 handbook states that “the classes of labourers whose labour is most in demand, are the agricultural; agriculture being, at present, the chief interest of the Dominion” (1873: 8). Indeed, within colonial liberalism, agrarian labour, as the most “civilised” mode of earning one’s living, is central to the improvement of both lands and individuals. Engaging that colonial liberal worldview, the Dominion was thus committed to attracting and settling European immigrants, assumed to be the most likely to be successful in the felling of timber, the ploughing of land and the building of highways in the North-West.

162 In that vein, Grant added that, unlike “old Canada”, the great North West was “not suited for lotus-eaters to live in, but fitted to rear a healthy and hardy race” (1877: 355).
163 Echoing that statement, Spence wrote that agrarian labour does not only benefit the Dominion, but the immigrants themselves. “Agriculturists, or small capitalists, as pioneers, are the more eligible, who seek to improve their condition by their experience, and desire larger and quicker returns for labour bestowed, and capital invested,” he affirmed (1871: 15).
Still according to Dufferin in his address to the Icelandic community recently settled along the west shore of Lake Winnipeg, the most important qualities for male settlers to “prosper” in the North-West were reported to be “self-reliance, energy, and a determination to conquer an independent living for himself, his wife, and children, by the unassisted strength of his own right arm” (Dufferin in Department of Agriculture, 1878: 12). Colonial liberal themes of hardiness, industriousness, and energy abound in the literature and are closely associated with male settlers and manliness. Such attributes are looked at as “a safe passport to early independence, growing in wealth with the development of the country” (Spence, 1871: 16), all of which are fundamental colonial liberal themes. In sum, the Northwestern climate and soil being “favourable to the highest development of human energy” (Dominion of Canada, 1873: 10) will set immigrants on the path to material prosperity if it is mixed with assiduous agrarian labour. “Fortunate, therefore, will be the descendants of those who may now obtain a foothold within its gigantic borders,” Spence concludes (1871: 5).

As these comments show, the extensive discussions of the climate and land qualities of the Northwest in the immigration literature along with the industriousness of the would-be immigrant/settler expose the fundamentally agrarian character of the settler expansionist scheme for the North-West Territories. I argue that despite the explicit emphasis of this literature on the rational and peaceable character of agrarian settlerism as a mode of land occupation, it had built into it, by definition, a process through which to fundamentally alienate Indigenous lands and impose onto Indigenous Peoples the colonial liberal understanding of land as something that must be held privately and cultivated.

Very importantly, the expansionist project of the Dominion further use gender to realise territorial appropriation. In another address at Selkirk, on the Red River, Governor General Lord Dufferin makes visible his belief that the duty of clearing and opening the land rested with those who were not only “hardy” and “industrious”, but also “manly” (in Department of Agriculture, 1878: 6). According to the memorandum of the Department of Agriculture, only a few women – “female domestic servants of good character” – are of interest to the Dominion (in Dominion of Canada, 1873: 12).
The publication adds that “females above the grade of domestic servants, should not emigrate to Canada, [...] as the country is fully supplied and in fact overstocked with persons of this class” (1873: 48). In this context, Lord Dufferin expresses his understanding of female responsibilities in the crafting of new settler communities in the North-West: non-Indigenous women belong to the realm of “domestic economy and housewifely neat-handedness”, duties which are according to him “necessary to the well-being, health and cheerfulness of our homes” (in Department of Agriculture, 1878: 11). This statement reflects the divide typically stipulated within liberalism according to which the private and public spheres must be separated such that women fulfil private responsibilities as wives and servants in the private sphere and are denied access to the public sphere.

Grant entertains an analogous understanding of the appropriate place of Indigenous and non-Indigenous women in the development of the Northwest. He explains in Ocean to Ocean that numerous European male settlers married First Nation and Métis wives by the fact that “there are very few white women” on the Great Plains (1877: 292). According to him, “little agricultural progress or advance of any kind can be expected until immigration brings in women accustomed to dairy and regular farm-work, to be wives for white men” (ibid.). Of course, by “women” Grant means non-Indigenous, settler women. This last passage exposes the close association Grant made between race, gender and agrarian labour in relation to the erection of new settler societies on expropriated Indigenous lands. For North-Western lands and peoples to improve, he believes the Dominion had to bring in European immigrants who, on the basis of a gendered and heteronormative understanding of families, would come to Canada to help the country appropriate and cultivate North-Western lands.

Interestingly, despite – and indeed because of – the fact that the Dominion’s settler colonial project for the Northwest was built on Indigenous territorial dispossession, the presence of Indigenous Peoples on these lands is noticeably absent from all official immigration documents produced by Ottawa. For instance, the 1877 Hand-Book describes the North-West Territory of 1870 by accounting only for the white population, which numbered “a few hundreds”, and for white societies, whose “chief place” was Fort Garry (Dominion of Canada, 1877: 79). Supporting the erasure
of Indigenous presence in the Northwest, Canadian authorities brought the region into patterns of European order in official immigration literature by only considering facts of Euro-Canadian demography, politics and economy. If Lord Dufferin references Indigenous Peoples only once in his Winnipeg address, it is to congratulate the Dominion government for having established fair relations with them.\textsuperscript{164} Thanks to the “honourable and generous policy which has been pursued by successive Governments towards the Indians of Canada”, “in no part of Her Majesty’s dominions, are the relations existing between the white settlers and the original natives and masters of the land so well understood or so generously and humanely interpreted as in Canada” (Dufferin in Department of Agriculture, 1878: 20, 21). This passage again mirrors the understanding of the Dominion that its authorities are more “generous” and “humane” towards Indigenous Peoples than in the United States, where Indigenous Peoples were forcibly removed from their traditional lands.

In the same address, Lord Dufferin states his assumption that the improvement of North-Western lands necessitated not only that Indigenous Peoples are dispossessed of their ancestral lands, but also that they are eliminated as Indigenous Peoples as they assimilate into the settler communities. While he believes “the exigencies of civilization may clash injuriously with the prejudices and traditional habits of our Indian fellow-subjects”, the solution to this situation was to “[enable] the red-man, [... by precept, example, and suasion, by gifts of cattle and other encouragements, to exchange the precarious life of a hunter for that of a pastoral, and eventually that of an agricultural people” (Dufferin in Department of Agriculture, 1878: 19). Grant shares the same views. He writes: “the buffalo disappears before civilization, and Chippewa, Cree, and Blackfeet must be civilized, or they too will disappear” (1877: 388). He understood assimilation to be slow and difficult: “little can be done with the old, and it may be two, three or more generations before the old habits of a people are changed”, he affirms. In a chilling sentence, given what was to come in the form of residential schools, Grant speaks to the epistemic violence of the coerced schooling of Indigenous Peoples.

\textsuperscript{164} The address was reprinted in the 1878 information booklet (in Department of Agriculture, 1878).
children, when he comments: “but, by always taking hold of the young, the work can be done” (1877: 175). The role of “education” in the epistemic violence of colonial liberalism is taken up in the following chapter.

These passages exemplify the common colonial liberal Lockean assumption that human communities all have to transition from a natural state to civil societies through a particular form of “education” and improvement, creating profoundly internalised forms of colonialism for Indigenous peoples. Dufferin believes that Europeans had a special duty to help Indigenous Peoples achieve higher forms of humanity by encouraging them to improve themselves and their lands through agrarian forms of labour. While some documents examined in this section reinforce the complete erasure of Indigenous Peoples from their own lands (by not including any reference to Indigenous Peoples in the narration of the North-West), Lord Dufferin here speaks to the colonial liberal idea that Indigenous Peoples, if they are to survive, will need to assimilate. that is, they are to be eliminated as Indigenous Peoples. Both kinds of liberal colonial claims (erasure and elimination through assimilation) are manifestations of the material and epistemic violence of settlement within the language of improvement of lands and peoples, respectively.

Along with narrating the history of Canadian development in the North-West as that of an exceptionally peaceable force, official handbooks discussed the form of the Canadian political regime as the “freest in the world”. Thanks to the absence of a hereditary aristocracy in Canada, the “tempered” guidance of the British Monarch, as well as the fact that the “source of all power is the people”, the Canadian government ironically proclaimed itself as “one of the freest and best ordered in the world” (Dominion of Canada, 1873: 24, see also 1877). The description of the Canadian Dominion government was entirely partial as it focused on its relationship to a fraction of the Canadian society, which was white, male and propertied. It ignored the most fundamental physical, material and epistemic forms of violence it imposed on Indigenous Peoples and the relationship of tutelage it was fashioning in the North-West through dispossesssion and assimilation.
Immigration pamphlets completed their representation of the lands and peoples of the Great Plains by suggesting that when the North-West is fully improved, it would rank amongst the most “civilised” regions of the world. In the 1878 version of its *Hand-Book*, the Department of Agriculture depicted the city of Winnipeg as the new “Chicago of the North-West” (1878: 6). In the words of Lord Dufferin, Ontario, Quebec and the Maritimes provinces are but “vestibules and anti-chambers to that till then undreamt of Dominion [the Canadian North-West], whose illimitable dimensions alike confound the arithmetic of the surveyor and the verification of the explorer” (Department of Agriculture, 1878: 16). Both the 1873 and 1877 editions of the governmental handbooks additionally discuss the many ways in which European immigration to the North-West is of importance not only to the Dominion but also to Great Britain in terms of surplus labour. At the same time as it “[peoples] half a continent with her own children”, European immigration rid Britain of a large portion of its “surplus population”, thus settling some of its most “important labour difficulties”, and securing “conditions of prosperity” for her emigrant population (Dominion of Canada, 1877: 5). From the perspective of the Dominion, British emigration to the Canadian North-West resolves poverty and overcrowding in British labour markets and simultaneously “builds up powerful and prosperous and happy communities in *hitherto waste places of the world*” (Dominion of Canada, 1873: 7, my emphasis). In these passages, Canadian once more rationalises its appropriation of the North-West by mobilising the colonial liberal argument that the reordering and peopling of the North-West with European immigrants would bring improvements for its lands – in the form of cultivation – and peoples – in the form of happiness and prosperity.

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165 He added that, as the “umbilicus” of the Dominion, “Manitoba may be regarded as the keystone of that mighty arch of sister provinces which spans the continent from the Atlantic to the Pacific” (in Department of Agriculture, 1878: 16).

166 Spence and Grant likewise insisted that the settlement of the North-West was critical to the political and economic interests of “Greater Britain”, that is, of Britain in all parts of the world, including North America (Spence, 1871: 10, Grant, 1877: 17).

167 There certainly is a tension between what Dominion officials aspired to (settling “industrious” and “sturdy” labourers onto North-Western lands) and what Britain looked to (being rid of the “vagrant”, “beggar”, “petty criminal” and “idle”). This tension evolved into an important issue between Canada and the United Kingdom at the turn of the 20th century.
In the statement that British emigration to the Canadian North-West promoted the building of “powerful and prosperous and happy communities in hitherto waste places of the world,” the Dominion manages the material violence of Indigenous dispossession by depicting Indigenous presence on the territory as “wasteful” and by planning the rapid, massive and definitive settlement of Euro-Canadians on those same lands as a righteous and peaceable process. That material violence was to become irremediable as waves of immigration took advantage of the clauses entrenched into the *Dominion Lands Act* to settle private lots.

In addition to being articulated in official speeches and documents, such as those here examined, and pursued by immigration and homesteading policies and practices, Canadian material and epistemic violence is also disavowed in the same benevolent language. “There is no more peaceful country under the sun; no more law-abiding, steady, industrious people than the agricultural population of Canada,” the Dominion proclaims (1877: 11). “The battles we have to fight are those of peace,” Grant continues (1877: 356), announcing the vision Lord Dufferin offered in his Winnipeg speech in 1878. In that particular speech, Lord Dufferin fully articulates the material and epistemic violence operated by the Dominion through the projected and actual processes of settler colonisation in the northwestern plains. He also clearly expresses the colonial liberal imperative that drives this violence. Addressing the recently settled Mennonite population, he states:

> You have come to a land where you will find the people with whom you are to associate engaged indeed in a great struggle, and contending with foes whom it requires their best energies to encounter. But those foes are not your fellow-men, nor will you be called upon in the struggle to stain your hands with human blood – a task which is so abhorrent to your religious feelings. *The war to which we invite you as recruits and comrades is a war waged against the brute forces of nature; but those forces will welcome our domination, and reward our attack by placing their treasures at our disposal. It is a war of ambition – for we intend to annex territory after territory – but neither blazing villages nor devastated fields will mark our ruthless track; our battalions will march across the illimitable plains which stretch before us, as sunshine steals athwart the ocean; the rolling prairie will blossom in

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168 The Dominion indeed anticipated that the immigration to the North-West would be massive: the “opening up and settlement of the newly acquired North West Territories will involve the absorption of a population as large or larger than that of any nation on the globe”. In another self-deluded statement, the Dominion foresaw that “in the not distant future, [it will be] the home of one of the most populous and powerful peoples of the earth” (*Dominion of Canada*, 1873: 9, 10).
our wake, and corn and peace and plenty will spring where we have trod (Dufferin in Department of Agriculture, 1878: 7).

This passage exemplifies the escalating material violence of dispossession and the epistemic violence of assimilation of Canadian territorial development. Lord Dufferin articulates it well: the main violence of the annexation by Canada of “territory after territory” is not strictly physical: it does not “stain hands with human blood”. Rather, it operates more silently and more fundamentally, including through the alienation of Indigenous lands into private lots to be owned and cultivated by European farmers and through the imposition of the colonial liberal understanding of land as requiring individual possession. In other words, the main violence of Canadian territorial appropriation is the dispossession and displacement of First Nation and Métis communities and the epistemic violence of elimination of Indigenous Peoples as Peoples. Markers of that “new civilisation” were to include the felling of trees, the labouring of lands and the cultivation of wheat and corn. In this address as elsewhere in the immigration literature, that violence is disavowed: it is muted, minimised or presented as legitimate – as either necessary or righteous.

Echoing the larger Dominion discursive strategies, Lord Dufferin affirms that the settling project of the Dominion consisted in a noble war “waged against the brute force of nature”, that will eventually give in to, welcome and be thankful for the dominion of settler powers. It is not clear whether Lord Dufferin assimilated the Indigenous Peoples to the forces of nature he discusses – settler literature has a long history of assimilating Indigenous Peoples to the national environment (Gélinas, 2007). At any rate, Lord Dufferin thinks that the rewards awaiting the settler “battalions” combatting wilderness and planting Euro-Canadian civilisation were great. The most important of these rewards is perhaps the reaping of “peace and plenty”. In sum, Lord Dufferin narrates in this allocution the larger settler colonial project of the Canadian Dominion in the North-West as participating in the making of a colonial liberal “Peaceable Kingdom”, that is, a racially homogenous and materially prosperous settler population that is built upon colonial, racial and gender exclusions.
As “recruits and comrades” in the process of peopling and settling continental inlands, immigrant communities, like the Mennonite community Lord Dufferin addresses through this speech, would need to take up arms alongside European settlers to construct Canada as a Peaceable Kingdom. Many of the communities who were to settle in Manitoba were “arrivants” – they were forced out of Europe, including because their beliefs were incompatible with central precepts of colonial liberalism like private property or the use of force to achieve political ends. The Mennonites, who arrived in Manitoba in the thousands during the 1870s, were committed to pacifism and collectivism, which both challenged the colonial liberal terms of that settlement. To the extent that they come to Manitoba, however, they associated with settlers who were “engaged indeed in a great struggle”: that of appropriating the North-West. As “recruits and comrades” in the settlement of Manitoba, immigrant communities would thus become complicit in the territorial and cultural displacement of Indigenous Peoples.

If Lord Dufferin’s address speaks to the violence of settler colonisation and to the disciplining by the Dominion of settlers and arrivants within that process, it muted the actual “cacophony” of settler colonisation. In the words Byrd (2011: 53), “histories of settlers and arrivants map themselves into and on top of indigenous peoples” in the Americas. It is thus important to understand colonialism as a “cacophony of contradictorily hegemonic and horizontal struggles”. The peopling of Manitoba involved such cacophonous and horizontal settlement processes. Despite the manifold efforts of the Canadian government, the western frontier initially failed to attract a large number of immigrants. From 1867 to the mid-1890s, Canada lost more inhabitants through emigration to the United States

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169 The vast majority of the entries of free homesteads from 1872 to 1930 were made after 1900. By 1885, only 8.8% of the eventual total net homestead entries had been recorded. By 1900, it was still only 20% (Norrie, 1979). A number of factors combined to redirect immigration flows away from the United States and into the Canadian North-West around the turn of the century: rise in wheat prices on international markets, technical improvements in the production, transportation and processing of wheat and the selling of lands best suited to agriculture in the United States (Marr and Percy, 1979, Norrie, 1979 and Belich, 2008).
than it gained through immigration.\textsuperscript{170} If the main source of settlers for western Canada almost to the end of the century was Ontario (Richtik, 1983), the federal government started in the 1870s to encourage block settlement to induce specific communities to emigrate \textit{en masse}. This strategy led to the settlement of various groups of settlers and arrivants, most importantly the Mennonites (1874 and following), French Canadians from New England (1874 and following) and Icelanders (1875-81) (Eyford, 2016, Ishiguro, 2017, Friesen, 1987). If Dominion land policies allowed for the creation of colonies so that these communities could live as separated communities, the cohabitation of these distinct groups in Manitoba throughout the 19\textsuperscript{th} and 20\textsuperscript{th} centuries was not without its own tensions. As a result, the language and practices of colonial liberalism coexisted alongside languages and practices that challenged the colonial liberal hegemony of private property, as the case of the Mennonite communities illustrates. Notwithstanding the internal variability in the processes and ideologies of colonisation, the settlement of arrivants and settlers all actualised the material violence of dispossession for Indigenous Peoples, which laid implicit in the language and policies designed for Canada to appropriate the lands of the North-West and eliminate Indigenous Peoples as occupants of those lands.

3. Policing Prairie Lands

At the same time as it adopted a land-holding scheme and embarked in an image-making campaign to attract overseas immigration, the Dominion drafted a proposal finally passed into law in 1874 that created a regional police force, the North-West Mounted Police, mandated to enforce the Canadian appropriation of North-Western lands.

\textsuperscript{170} Between 1867 and 1899, 1.5 million immigrants arrived in Canada (Friesen, 1987). By comparison, 5.5 million entered the United States in the 1880s alone and 2.5 million opted for Australia between 1879 and 1890 (see also Whitaker, 1991). Of the 2.5 million people who emigrated from Europe between 1853 and 1870, 61 per cent set sail to the United States, 18 per cent to the Australian colonies, some others to Brazil and Argentina. Only a very few settled in Canada (Friesen, 1987: 185).
The Royal Canadian Mounted Police, which succeeded to the North-West Mounted Police, is a symbolic rarity: indeed, few countries uphold myths of nationhood that celebrate a police force like Canada does. In addition to having become an important component of Canadian national self-definition, the Royal Canadian Mounted Police (RCMP) is often referred to in scholarship on Canadian political history as an enlightened and humanitarian police force (Horrall, 1972, Francis, 1992, Ishiguro, 2017). As vanguards of British North American force and law, the Mounties are often said to have managed the expansion of the settler nation with less bloodshed and more tolerance than their counterparts to the South (Morton, 1964, Creighton, 1970, Richtik, 1983, Torrance, 1986). Encapsulating the vision that the police acted as an exceptionally benevolent and peacemaking force in the North-West, an RCMP Commissioner wrote that the Mounted Police made it possible for a pioneer settler to bring his women and his children into this great lone land in safety. It was the presence of the police that permitted him to dip his plough into the prairie’s beneficent earth and garner its rich rewards. Seldom in the history of man has such a fantastic empire of new land been opened to peaceful settlement with so little turmoil, so little corruption and, except for 1885, so little of the violence and bloodshed that followed the passage of other great historic migrations (cited in Hildebrandt, 2008: 34).

In narrating the history of the Canadian annexation of the North-West (the “opening” of that “lone land”) as an exceptionally peaceable process, this quotation employs colonial liberal images of gender and race, which this last section delves into.

This section focuses on the establishment of the North-West Mounted Police in 1873 to turn on its head the nationalising myth of the police force as a peace-making and peace-keeping force. The police force, while invested with a threefold mandate of pacifying the great plains, was equipped with

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171 In November 1910, the North-West Mounted Police (by then the Royal North-West Mounted Police) absorbed the Dominion Police (a federal police force that guarded government buildings and enforced federal statutes) to become the new pan-Canadian Royal Canadian Mounted Police. Its headquarters were then moved from Regina to Ottawa.

172 For an apt review of the scholarly literature on the North-West Mounted Police, especially that which honours the police force as being responsible for the pacification of the western Canadian frontier, see Ennad (2010).
exceptionally great repressive powers. These powers helped the racialised police realise the territorial dispossession and cultural assimilation of Indigenous Peoples in the North-West.

The Macdonald government probably intended the police force to serve as an exceptional and temporary measure once the “frontier” yielded to settled towns. Designed to pacify the Great Plains by combatting the physical violence of individual confrontations, the NWMP however engaged in more permanent and penetrative forms of violence.

3.1 The creation of the North-West Mounted Police

The idea of creating a police force for the North-West was virtually as old as the idea of settling the region. John A. Macdonald first alluded to the establishment of the Mounted Police while debating the *Manitoba Act*, as part of the Dominion’s efforts to produce sovereignty over Rupert’s Lands. Policing as a jurisdiction fell under provincial jurisdiction in *the British North American Act*. As the North-West Territories remained under the control of the Dominion government, Ottawa took upon itself to design a police force to patrol the vast region. Despite the insistent demands to expedite the dispatch of police officers west of the Great Lake made by the new lieutenant governor of Manitoba and the North-West Territories, Alexander Morris (1872-1876), Macdonald made it a matter of Dominion policy not to constitute the Mounted Police force until the military forces stationed in Winnipeg could be reduced (Macleod, 1976, Hall, 2015). Years would pass before a police force was established in the North-West. Macdonald finally determined to dispatch a new constabulary upon hearing of the Cypress Hills Massacre, which resulted in the killings on June 1, 1873, of more than twenty Assiniboines in the Cypress Hills region of Battle Creek (now in Saskatchewan) by a party of white whisky traders and bison and wolf hunters operating from Fort Benton, Montana. By then, an

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173 Between 1870 and 1873, Macdonald occasionally reinforced the military forces stationed in Winnipeg as a response to various threats, including those of the Fenians. Because he fell ill and was committed to repatriating the military forces stationed in Manitoba before setting up a northwestern constabulary, the gestation of the mounted police force by the Macdonald government was prolonged considerably (Horrall, 1972).
Act of Parliament had already enabled the government to establish a police force in the territories.\textsuperscript{174} Rapidly assembled, 150 men were sent in the autumn of 1873 to train in Fort Garry. They were ready to take action by the following spring.

That the establishment of the NWMP should first serve the inauguration of the Canadian rule over Manitoba and the Northwest was clear even from the timing of the first enunciation by Macdonald of his government’s intention to constitute it. At the same time as he discussed the terms of the admission of Manitoba into the Confederation, Macdonald stressed the importance of installing Canadian law and order in the lands to be adjoined by establishing a special police force. Ottawa even considered dispatching the police force alongside the military expedition headed by Wolseley to seal and pronounce the jurisdictional transfer the government then meant to occur (Horrall, 1872). While this plan would be abandoned, it signalled the importance of the Mounted Police for the inauguration of Canadian political and legal authority over the North-West.

The installation of Euro-Canadian law required the elimination of potentially violent encounters between settlers and Indigenous Peoples, or what Macdonald called “Indian wars” (and thereby projecting the violence of such “wars” onto Indigenous Peoples). “With immigrants of all nations flowing into the country, we are in constant danger of an Indian war, and that commenced God knows where it may end. This may be prevented by the early organization of the mounted police,” reasoned Macdonald.\textsuperscript{175} He believed that agitation caused by Métis resistance threatened the peace that should prevail in the North-West. The police force was thus to be sent in the vanguard of a new order marked with safety and peace because of that force. Using the threat of Indigenous violence, Macdonald authorised the constitution of a police force. Despite its role in protecting individual lives, the dispatch of the NWMP promoted other, more pervasive and long-lasting forms of violence.

\textsuperscript{174} An Act respecting the Administration of Justice and for the establishment of a Police Force in the North-West Territories (Statutes of Canada, 1873, 36 Vic., chapter 35) was adopted unopposed in the Parliament on 23 May 1873.

\textsuperscript{175} Macdonald Papers, vol. 518, Macdonald to Cartier, June 16, 1871, National Archives of Canada, Ottawa; in Macleod, 1976: 11.
“Indian wars,” Macdonald argued, did not only strain the financial resources of the Dominion and retard the economic development of the North-West, but they also endangered the lives of both “Indians” and “new settlers”. The Mounted Police could protect them both, according to Macdonald.

As the expectation [is] that there would be a large influx of emigrants from Europe or from Canada, and as there was a fear that *emigrants from the American States, accustomed to deal with the Indians as enemies, would be shooting them down* and causing great disturbances, the necessity arose to have a small but active force of cavalry to act as mounted police, so that they could move rapidly along the frontier to repress disturbances (Canada, 1870c: 1300).

This excerpt reflects the contrast the government developed to distinguish the American policy towards Indigenous Peoples from its own. If Americans (or “emigrants from the American States”) are used to “shooting [Indigenous Peoples] down”, the Canadian government emphasised throughout its development its benevolent approach towards Indigenous Peoples, which was based on the imperative to improvement.

Macdonald’s remark also illustrates that the mounted police force, enabled to cover great distances on account of its cavalry, was designed to afford protection to vulnerable Indigenous nations. In return, the NWMP would also defend settlers. According to Colonel P. Robertson Ross, Adjutant General of the Canadian Militia who participated in the elaboration of constabulary’s mandate, mounted riflemen would also protect survey parties and railroad construction crews in a territory of “mixed races”, including Metis communities, believed to be “unaccustomed to the restraint of government [and] requiring to be controlled nearly as much as the Indians” (Robertson-Ross, 1873). In sum, the constitution of a Mounted Police was regarded as necessary to allow for the legitimate and peaceable making of the Canadian nation and state by protecting the lives of both Indigenous and non-Indigenous individuals. Though combatting bodily damages or even death that could result from individual attacks, the NWMP, once established, engaged in other forms of violence, namely the material violence of dispossession and the epistemic violence of assimilation that are long-lasting and penetrative.
Finally, the police force was designed to serve the consolidation of Canadian sovereignty against American incursions. Considering the “fears of an Indian war”, but also of “foreign aggression”, Macdonald regarded as “fitting and proper that a force should be [in the North-West] to cause law and order to be respected” (Canada, 1870c: 1294). Antoine-Aimé Dorion, Justice Minister (1873-74) in the liberal government of Alexander Mackenzie, affirmed that the role of the Mounted Police was to preserve British-Canadian law and sovereignty by stopping “lawless American traders” from crossing the international boundary. In sum, the government was anxious to get the police into the West such that it would contribute to expelling American traders and hunters and, thus, strengthen Canadian claims to sovereignty beyond the Great Lakes. While the third aspect of its mission aimed at protecting Canadian territorial sovereignty from American aggression, I argue that the deployment of the NWMP exposed the various forms of violence that underpinned the colonial liberal ideology that Canada used to promote the improvement of Indigenous lands and the North-West throughout the period examined in the dissertation.

The Great March of 1874, during which the police force proceeded to Fort Edmonton before dispersing to various posts across the great plains, symbolically expressed all three components of the NWMP mandate: it was expected to inaugurate the new settler rule of Canadian law, to command the respect of the Indigenous and non-Indigenous Peoples of the plains, which it came to protect, and to perform the Canadianisation of the west. While all three aspects of its mandate were thought of as peace-making, they engaged in material and epistemic violence, which fundamentally sought to transform Indigenous lands and change Indigenous Peoples from within.

For Canada to pacify the North-West – or “stable her elephant”, in the words of lieutenant governor Alexander Morris – the Mounted Police would need to exercise great powers. As soon as

176 Morris Papers, Lieutenant-Governor’s Collection, A. A. Dorion to Morris, May 20, 1874, Public Archives of Manitoba, Winnipeg; cited in Hall, 2015: 34.
1869, Macdonald considered that, although they would “act as a constabulary,” the North-West police officers would have to be “drilled as cavalry, or rather as mounted riflemen, and be disciplined as a military body” (in Canada, 1870c: 1300). He added: “I have no doubt, come what will, there must be a military body, or at all events a body with military discipline at Fort Garry. This body should not be expressly military but should be styled Police and have the military bearing of the Irish Constabulary.” The organisation of the NWMP was indeed inspired by that the Royal Irish Constabulary (RIC). While the London Metropolitan police enrolled unarmed officers, was non-military in character and was controlled locally, the RIC was organised as a military force. Its members were armed, were subject to a military type of discipline and served under the central control of the Irish authorities in Dublin (Horrall, 1972). There were even tangible and personal connections between the RIC and the NWMP. The first commissioner of the North-West police force was George Arthur French (1873-76), an Anglo-Irishman who had served briefly in the RIC (Marquis, 1997). From its inception, the Mounted Police of the North-West has also been said to derive its authority from an intangible connection with the British Empire (Owram, 1992). Even more important for our purposes are the exceptionally wide-ranging powers with which the police force was first endowed. In function and organisation, it was unlike any system of law enforcement in Eastern Canada and even within the British Empire, with the exception of the Royal Irish Constabulary. The NWMP officers acted as soldiers, constabularies and magistrates at the same time, thus enforcing both a military and legal order (Harring, 1998). Some constables apprehended criminals; other officers tried them. NWMP officers could be made investigators, prosecutors and judges. As Waite insists (1987), such

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179 According to Marquis (1997), Macdonald enquired as soon as 1869 about the RIC to his official representative in London. William Butler, a British army captain commissioned by the lieutenant governor of the new province of Manitoba also recommended in his report that an Irish or Indian-style police be established in the North-West.
180 According to Owram (1992), the scarlet coat had been selected for police officers, as it denoted the British legal tradition.
formidable powers were highly dangerous in combination. Macdonald justified such a radical
departure from British legal principles by the necessities of a distant frontier and believed that the
North-West police would be a transient body. It remains that the NWMP, at least up to 1885, occupied
a position of power rarely, if ever, occupied in a free society (Macleod, 1976).

Interestingly, prior to the 1869-70 Métis resistance, the Macdonald government had planned
for the mounted police agents to be recruited amongst Red River Métis – yet another parallel with the
Irish Constabulary and other police forces in the British Empire.\(^1\) The Prime Minister stated that he
“intended to raise 50 men in Canada altogether, and 150 more in the Territory, commingling the
different races, as had been done in India so successfully. It [is] the best force that could be raised,
and by the commingling no predominance would be given to either” (Canada, 1870c: 1301). Ottawa
expected to meet the challenge of establishing the rule of Canadian law in Indigenous territories by
raising a police force based on the recruitment of “a mixed [population] of pure white, and British and
French half-breeds.”\(^2\) No special provision was finally made in the aftermath of the Red River
resistance to ensure the recruitment of Métis. The day of its dispatch, the mounted police enrolled
English- and French-Canadians, as well as some British immigrants and a small number of Americans.
A few Métis and members of First Nations were occasionally employed, as guides and interpreters,
but the Mounted Police ultimately remained a police force that was overwhelmingly constituted by
men racialised as white.

The Indigenous Peoples of the Great Plains may indeed have benefitted from the presence of
the NWMP on their territory. In an oft-quoted passage, Siksiká (Blackfoot) chief Isapo-Muxika
(Crowfoot) is remembered stating in 1877:

\[^1\] As Marquis (1997) indicates, no fixed procedure concerned the enrolment of the constabulary personnel
within the British Empire. In British India, authorities exercising repressive functions were recruited from local
populations and commanded by Europeans. Colonial policing in Africa and the West Indies followed similar
patterns. In the Royal Irish Constabulary, police officers were usually posted outside their home counties.
\[^2\] Macdonald Papers, vol. 516, Macdonald to William McDougall, 12 December 1869, National Archives of
If the police had not come to the country, where would we all be now? Bad men and whisky were killing us so fast that very few, indeed, of us, would have been left today. The police have protected us as the feathers of the bird protect it from the frosts of the winter (cited in Miller, 2000: 109).

While acknowledging the positive influence of the activities of the Mounted Police for both Indigenous and non-Indigenous Peoples residing on the Plains in the last quarter of the 19th century (Dickason, 2010), it is important to expose its critical participation in the actualisation of Canadian sovereignty. Not unlike the Royal Irish Constabulary, the North-West Mounted Police significantly promoted the appropriation by settler authorities of the most agriculturally rich land base in the region as well as the fragmentation of the First Nations political structures.

In particular, the Mounted Police expedited the signing of the numbered treaties (Titley, 1986, Marquis, 1997, Carter, 1999, Buckner, 2008c). In 1874, the constabulary arrived unannounced in present-day Saskatchewan and Alberta and started to build posts. Weakened by the rapid disappearance of the buffalo, Indigenous leadership – often reluctantly – agreed to sign treaties, thus surrendering land titles in exchange of the Canadian promise to assist them in times of need. The North-West Mounted Police agents did not only attend a number of these treaty assemblies: they participated in their negotiations and coerced the most unwilling First Nations peoples into quickly ratifying a treaty with the Crown. Dispatched in October 1870 by Lieutenant Governor Adams Archibald to enquire into the lives of the First Nations, William Butler anticipated in his report published in 1872, under the title *The Great Lone Land: A Narrative of Travel and Adventure in the North-West of America*, that the North-West police could at the expiration of their assignment “become military settlers” (Butler, 1872: 381). In brief, the Mounted Police of the North-West did, from its origin, help secure the dispossession of Indigenous Peoples of the Great Plains by removing Indigenous leadership, extinguishing their title to their ancestral lands and increasing the density of British-Canadian settlements in the region.

In addition to advancing dispossession, the Mounted Police facilitated the epistemic violence of assimilation for Indigenous Peoples (Macleod, 1976, Marquis, 1997, Carter, 1999, Daschuk, 2013,
Stark, 2015). As emphasised previously, the constabulary was charged with introducing and enforcing Canadian law upon the Plains. As Nettelbeck and Smandych (2010) show through a compared analysis of the presence of the NWMP in the Canadian North-West and of its counterpart in south-central Australia, the protection of Indigenous rights under Canadian law is a double-edged sword. While the granting of the status of British subjects to Indigenous Peoples was intended to protect them from private and unauthorised violence, authorised violence – in the form of dispossession and assimilation – was in practice unceasingly imposed upon them, including by the Mounted Police. Additionally, the protection against private aggression afforded to Indigenous Peoples as British subjects was fully conditional upon their promise of subjugation to the authority of the police and of other colonial institutions (Nettelbeck and Smandych, 2010: 370, see also Stark, 2015). Important instances of the epistemic violence of assimilation facilitated by the NWMP in the North-West include the enforcement of the Indian Act, which will be examined in the following chapter. As agents of the Dominion government, the Mounted Police was mandated to enforce the Indian Act and related policies of the Department of the Interior and Indian Affairs. Starting in 1879, the Mounted Police was responsible for the daily administration of Indian affairs and, as such, was ultimately responsible for implementing assimilationist measures and policies.

In their early existence, the NWMP were critical agents of material and epistemic violence. As Stark writes, the police force was "hybrid of military and law" (2015). In addition to aiding the establishment of agricultural and early capitalist economies through the appropriation and settlement of northwestern lands, they enforced the assimilation embedded in the laws like the Indian Act. While the police force may very well have prevented the reoccurrence of physically violent episodes similar to the highly traumatic massacre of Cypress Hills, it is important to recognise the ambiguity of their action from the point of view of violence: though diminishing the violence of individual aggression in the North-West, the police facilitated and consolidated the Dominion’s purpose and policies of territorial dispossession and cultural assimilation by virtue of their extensive and exceptional powers. The Macdonald government expected of the police force that through
authorised violence, they inaugurate the Euro-Canadian settler colonial order and establish the Dominion’s sovereignty between the Great Lakes and the Rocky Mountains. The North-West Mounted Police appear to have succeeded in these missions: by means of coercive force, they formidably helped legitimising the Dominion’s racially differentiated rule over the western regions and, as such, they helped Canadianise them.

4. Conclusion

The decade that followed Confederation was decisive for Canadian political development. Ottawa, as soon as it was empowered as a colonial force by the four founding provinces, turned to the North-West as the “concrete place of their dream” of expansion, to use Bell’s formulation (2016: 33). By 1873, the Canadian Dominion claimed to have territorially incorporated not only British Columbia, but also Manitoba and the whole of the North-Western Territories. This chapter focused on the five years that followed the founding of the province of Manitoba and focused on the vast territories of the North-West beyond the then established province.

The instruments the Dominion used to secure sovereignty over the North-West Territories closely mirrored those used to establish Manitoba as the first Northwestern Canadian province. Canada founded Manitoba in the following sequence: firstly, through administration (mapping out of Indigenous lands); secondly, through politics (political declaration and constitutional design); and, finally, through military force (dispatch of military expedition). The securing of Canadian sovereignty over the North-West would follow the same pattern. It was promoted firstly through administration (adoption of land-holding scheme), secondly through politics (promotion of a particular kind of peopling) and finally through police force (constitution of a regional police). What is more, each of the settler institutions established during this period – the Dominion Lands Act, immigration policies and the North-West Mounted Police – were established almost without opposition or debate. While initiated by liberal and conservative forces in Ontario, the securing of an administrative, political and
military settler order in the Prairies reflected the consensus of a majority of Canadian parliamentarians and elites.

The seeding of the North-West with settler societies hinged on historically and ethnoculturally particular understandings of progress, race, gender, and class. Progress, according to the British-Canadian standard, was first material. Progress was thought to manifest through the clearing of forestlands, the extraction of natural resources and the growth in absolute numbers of the settler population in the North-West Territories. Such progress was measured in miles covered by railways, in dollar value of imports and exports and in the speed reached by new vessels. Expansionists and settlers looked at the Dominion and hoped that, thanks to its vast territory then more than thirty times the size of Great Britain, it would soon sustain a population that exceeded in number that of the British Motherland. Building on the assumption that history, viewed as advancing in stages, was the ultimate record of improvement in material conditions, most Canadian statesmen believed that material progress ultimately translated into moral elevation and cultivation of higher forms of liberty.

Simultaneously, the enunciation of a liberal order for the North-West was predicated on the demotion of non-Western peoples to various states of containment and diminished humanity (Perry, 2006, 2009). Insofar as Anglo-Canadian officials claimed to observe no sign of “progress” in Indigenous Peoples and societies, they assumed it was evidence of their inherent and inextricable “inferiority” and “backwardness”. Such condition necessitated either assimilation or, as the 1871 census forecast, disappearance. “Though brave and proud, [Indians] are willing to admit our superiority. [...] their most intelligent men see that it is necessary for them to abandon their nomad for a settled life, if they are to exist alongside of white men,” Grant concludes (1877: 388). The only role of Indigenous Peoples was, as Carter writes (2016: 6), to “serve as relics of a primitive past”, useful when calibrating strides in the march of Euro-Canadian progress.

As this chapter illustrated, Canadian authorities believed the ways in which Indigenous Peoples related to their lands were entirely inadequate: the “waste lands” of the North-West had to be appropriated by Canada for it alone could facilitate their improvement. Through administrative
and political strategies—all believed to be peaceable as they stemmed from the colonial liberal principle of private property and improvement—the Dominion furthered the material violence of Indigenous dispossession in alienating North-West lands and designing the peopling of these lands with European immigrants who would put their agrarian labour to them. The installation of farming and agriculture also worked as powerful agents of settler colonisation in the Great Plains. Represented as the vocation best suited to the ennobled, industrious and civilised person, farming forced Indigenous Peoples to take up a fixed residence within reserved lands and assigned the lands beyond these reserves to European immigrants. Framing Indigenous Peoples as needing protection, the Dominion finally installed the North-West Mounted Police, mandated to bring Canadian law into the North-West through sheer force.

The Dominion Lands Act and immigration pamphlets reveal that the consolidation of a liberal order in the Canadian Dominion also proceeded through the assignation of gendered roles to men and women—Indigenous and non-Indigenous. Not only would the Dominion use gender to eliminate Indigeneity, it would also erect settler institutions in its stead through the relegation of European women to the realm of “domestic economy and housewifely neat-handedness”, to use the words of Lord Dufferin.

In the Canadian colonial liberal conception of history and development, the second half of the 19th century was full of promises, especially in the North-West. British and French North America were believed to have undergone stagnation, and only by slow evolution had the succeeding Canadian Dominion attained the pace and breadth of improvement its officials then championed. Progress sometimes needed to be forced upon lands and peoples, as it was not believed to come about unaided. Defeating all opposing forces, the Canadian Dominion displayed the material and epistemic violence it assumed was justified by its technical and moral superiority over Indigenous ways, most importantly by proclaiming its jurisdiction over the whole of the North-West and dispatching a new police force for the North-West March in 1873. The disposessory and assimilative effects of the Dominion’s settler colonisation of the North-West continued to accelerate—at the same time as the
colonial liberal order that legitimised and obscured the violence of that settler colonisation consolidated – including with the adoption of further civilisational acts to which we now turn.
Whenever there is an Indian settlement the whites in the vicinity are very naturally anxious – when they see the slovenly, unfarmerlike way in which the Indian lands are cultivated especially if the lands be very good – to get rid of the red men, believing, and perhaps truly, that the progress of the locality is retarded by them, and that the sooner they are enfranchised, or deprived of their lands, and allowed to shift for themselves, the better. I dare say it would be better. If the Indians were to disappear from the continent, the Indian question would cease to exist

_Sources_:

*John A. Macdonald, Prime Minister and Superintendent-General of Indian Affairs*

Addressing the Parliament of Canada (1880)

CHAPTER 6: Canadianising the North-West, 1876-1885

The two previous chapters, which examined the years that immediately followed Canadian Confederation, found dispossession as the most prevalent form of violence committed by the Dominion. As Canadian officials penetrated Indigenous lands to produce sovereignty over the North-West Territories, however, the assimilation of Indigenous Peoples, that is, their elimination as Peoples, materialised as a priority of the young Dominion. As I argued, assimilation can be defined by its fundamental objective of eradicating a culture, including the ways of knowing and relating to land, by eliminating some peoples as peoples. Assimilation, as an epistemic violence, is mainly pursued by means of legislation (Belmessous, 2003). This chapter investigates two cornerstone pieces of legislation that pursued the assimilation of Indigenous Peoples to Euro-Canadian ways of being and knowing in the settlement of the Prairies: the _Indian Act_ of 1876 and the setting up in 1883 of a system of Indian residential schools.

Dominion authorities pursued assimilation by making a number of critical distinctions. While debating assimilative measures, Canadian politicians distinguished between the Indigenous Peoples of the North-West from those then inhabiting the provinces of Quebec and Ontario to justify exceptional measures for the former group. Amongst the Indigenous Peoples of the North-West, they

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183 Throughout Canadian political development, assimilation has also been pursued by various church organisations. Though overlapping in significant ways with the activities of the state, Church-led processes of assimilation do not figure as prominently in the following chapter, for their initiative did not lie with Dominion.
also distinguished between Indigenous adults and children to have distinct assimilative measures apply to each group. The Canadian Dominion devised through the *Indian Act* of 1876 to eliminate Indigenous Peoples as peoples by adopting a series of measures that regulated their identity and thus aimed to legislate Indigenous adults out of existence. Additionally, through a close reading of the *Davin Report on Industrial Schools for Indians and Half-Breeds* (1879), which provided the philosophical and institutional basis for the establishment of a national system of Indigenous Residential Schools, Ottawa planned to eliminate Indigeneity by “schooling” Indigenous children.

I make these arguments by studying four of the most important legislative efforts to absorb the First Nations into Euro-Canadian societies. I open this chapter with the parliamentary debates on the proposed *Indian Act* (1876). Subsequently, I examine the National Policy on which the Conservative government of John A. Macdonald campaigned to win the federal election of 1878. Although rarely acknowledged, an important component of the National Policy is the constitution of a residential system of Indigenous “schooling”, which led shortly after 1883 to the establishment of the first three schools, two of which were in present-day Saskatchewan (Battleford and Lebret) and one in present-day Alberta (Dunbow).184 Governmental discussions of the “civilisational” differentials between Indigenous and non-Indigenous populations across the Canadian territory, but also between the Indigenous Peoples of eastern and western Canada, finally led to the adoption of the *Indian Advancement Bill* of 1884. I conclude with an analysis of the 1885 *Enfranchisement Act*, which links the principles of colonial liberalism, “civilization”, “education” and citizenship together in the violent process of state building.

184 While I use the terms of “schools” and “education”, which were used at the time, what was done in residential schools to Indigenous children is as far away from what ought to be involved in “educating” children. Because it would be cumbersome to do so, I will not use scare quotes throughout the chapter to underline this tension between the terms and the lived experience of Indigenous children. However, the very designation of these assimilative prisons as “schooling” or “educative” institutions runs the risk diluting the epistemic, material and physical violence inherent to these institutions.
Parallel to the efforts of Canadian officialdom to assimilate the Indigenous nations of the North-West are the continued efforts by different actors to produce sovereignty over Indigenous lands. In this context, this chapter presents the 1880 transfer of Britain’s Arctic Territories to the Dominion, which officialised Canada’s claim to sovereignty over the Arctic Archipelago. In the same year, liberal MP Peter Mitchell published a manuscript entitled *Notes of a Holiday Trip* (1880). I examine it together with *The Canadian North West* (1881), a publication by then Governor General Lord Lorne following his tour in the Canadian North-West, and with explorer Newton H. Chittenden’s *Settlers, Miners and Tourists Guide from Ocean to Ocean* (1885). Together these three manuscripts highlight themes of leisure, beauty, and enjoyment that negate and eclipse the Indigenous suffering rooted in government neglect and malevolence that was at its most severe during these years. At the same time, they pursued the Canadian agenda of arrogating the North-West by boosting the North-West as a great land not only for settlement and cultivation, but also for the tourist enjoyment and leisure of men of Anglo-Saxon ethnocultural heritage.

This last section exemplifies the shifts that took place within liberalism as an authorising ideology. From the decade that preceded Canadian Confederation, colonial liberalism had foregrounded improvement and progress to justify the Dominion’s appropriation of Indigenous lands and the assimilation of Indigenous Peoples within Canadian settler communities in the North-West. By the time Canada claimed to exercise sovereignty over the vast region, in the early 1880s, the boosting literature proposes that in addition to cultivation, European tourism also justifies Canadian rule over the North-West, for only Canada can appropriately show the North-Western wonders to the rest of the world. Within that new paradigm, Indigenous Peoples are to be eliminated as Peoples and instead become Canadian tourist attractions for the rest of the world to enjoy.

1. Assimilation through political and epistemic subjugation
   1.1 Canadian State as Father: Protecting Indigenous Adults of the North-West
This chapter opens on the drafting and adoption of the *Indian Act* in 1876. In contrast to the other episodes documented in this work, the *Indian Act* was introduced not by a conservative, but by a liberal government: that of Alexander Mackenzie (1873-1878). Nevertheless, the debates on the Act of Parliament usually reflected bipartisan assent. To expose the ideational substance of the original *Indian Act*, I study the parliamentary debates on the original Act and on some of its early amendments. The following debates took place after the introduction of the bill, as well as in the context of its amendment in 1880 (Canada, 1880) and 1881 (Canada, 1881a). David Laird, then Liberal Superintendent-General of Indian Affairs and Minister of the Interior introduced the *Indian Act* to the Canadian Parliament in March and April 1876.

The *Indian Act* was central to the Canadian government’s plan to assimilate Indigenous Peoples and, as such, was and is the most comprehensive effort of any settler state to regulate Indigenous Peoples’ lives (Russell, 2005, TRC, 2015). According to Gordon (2006, see also Cannon and Sunseri, 2001), it had a decisive influence on the formation of colonial and racist laws in other parts of the British Empire. In the four years that followed its adoption, the Act underwent both minor and major revisions, including the creation of the Department of Indian Affairs in 1880. While incremental changes were made, no significant change in substance or approach occurred in the 70 years that followed its adoption. Successive acts continued to reflect the 1876 model (RCAP, 1996).

The assimilative violence inscribed in the *Indian Act* is rooted in previous legislative acts, including the *Gradual Civilization Act* of 1857 (chapter 3) and the *Gradual Enfranchisement Act* of 1869 (chapter 4). As these assimilative acts failed to reach the projected aim of absorbing Indigenous Peoples into Euro-Canadian communities, the Dominion government altered its approach to Indigenous subjection: it enacted a policy that was simultaneously more comprehensive and centralising. First, the *Indian Act* is comprehensive in that it legislates on virtually all facets of

186 In response to particular problems in the West, separate boards were established in 1873 to deal with Indigenous affairs in Manitoba, the North-West Territories and British Columbia. Two years later the boards
Indigenous life, from the registering of their birth to the disposing of their property once deceased (Lawrence, 2010). For example, it regulates the constitution and removal of Indigenous leadership as well as the consumption of what the Act names “intoxicants”\(^{187}\). Secondly, the *Indian Act* is *centralising* in that it empowers Ottawa to act as the ultimate reference for the elaboration and application of policies to all provinces and territories comprised in the Canadian federation. Furthermore, it makes no reference at all to treaties already in existence or to those being negotiated at the time it was passed (RCAP, 1996). This absence reflects the understanding of the Dominion that it could unilaterally decide on the fate of Indigenous Peoples across the now Canadian territory and do away with the treaty relationship it had been negotiating for the last five years.\(^{188}\)

Closely related to the Dominion’s willingness to centralise and extend the reach of assimilative policies was its ambition to consolidate all previous legislation and to have the *Indian Act* apply to all the regions of the recently expanded Dominion. As he introduced the *Indian Act* to the Parliament, Superintendent-General of Indian Affairs David Laird states:

> The principal object of this bill is to consolidate the several laws relating to Indians now on the statute books of the Dominion and the old Provinces of Upper and Lower Canada [...]. It is advisable to have these consolidated in the interests of the Indian population throughout the Dominion, and have it applied to all the Provinces (in Canada, 1876: 342).

Laird’s statement enunciates a few Dominion presuppositions. First, it emphasises that the adoption of the *Indian Act* reinforce and thus consolidate all laws relating to the Indigenous Peoples, including the policies promoting their “gradual civilization” and “enfranchisement” entrenched in 1857 and 1869. Secondly, Laird voices the fundamental objective of the federal government and of the were abolished in favour of the superintendency system developed in central Canada over the previous century. As Dickason (1997) explains, this in turn called for even more centralisation and standardisation, which the *Indian Act* would provide (see also Hall, 2015, Leighton, 1975, Leslie and Maguire, 1978).

\(^{187}\) I will not cover all clauses of the *Act* and will thus sidestep important discussions such as the removal by the Dominion of Indigenous leadership. For an examination of the ways in which the *Indian Act* undertook to eliminate Indigenous traditional political organisation through the constitution, direction and surveillance of elected band councils by the Dominion, see Smith (2009) and Tobias (1983).

\(^{188}\) It must also be noted that there was virtually no Indigenous participation in the formulation and ratification of the *Indian Act*. Indigenous Peoples resisted fierce and hard the adoption of the *Act*, but the Dominion mostly ignored the objections they raised (Carter, 1999: 115; see the contrasting view of Hall on the influence of Indigenous Peoples in the drafting of the *Indian Act*, 2015: 36).
department of the Interior to extend their jurisdiction beyond "the old Provinces of Upper and Lower
Canada", first to the Maritimes and later to the West (Leslie and Maguire, 1978). Thirdly, and most
importantly, the Dominion assumes that such consolidation and expansion would benefit all
Indigenous Peoples regardless of their location and relation to the Canadian state. In this sense, the
Indian Act is rooted in the colonial liberal assumption that Indigenous Peoples are in need of being
improved and that such improvement will benefit them. The Indian Act, at the time of its inception,
was thus understood to participate in the making of a Canadian nation that was to be large and
homogenous insofar as it undertook to inject consistency into the policies that related to Indigenous
Peoples and to allow for their uniform application across the country (Titley, 1986). Finally, it
anchors these policies to the young Canadian state, through the work of federal officials in Ottawa
and their agents across the country.

Even though – and indeed perhaps because – it strove for national standardisation, the Indian
Act produced a certain understanding of “Indianness” by producing differentiation between
Indigenous Peoples of the North-West and the others. First, the Act aimed at racialising Indigenous
Peoples. The Dominion government and its parliamentarians then produced an "Indian" identity by
differentiating Indigenous from non-Indigenous Peoples. Finally, the Dominion produced
"Indianness" by differentiating between the First Nations of "Old Canada" and those of the West. At
the same time as the Dominion makes “Indians” as a distinctly racialised identity, it specifies what it
understood to be progress. There is no clearer indication of what the Dominion defined as "progress"
and “civilisation” than the moment it differentiated between First Nations across the newly extended
country. The next section thus enquires into the making of the racialised category of the “Indian” to
expose the colonial liberal definition of progress upon which the Dominion justified the violence of
dispossession and assimilation for Indigenous Peoples.

As numerous scholars have argued, the Indian Act produced the racialised category of the
“Indian”. In this sense, it legally “made” and “unmade” Indigenous Peoples as Indians and thus help
eliminate Indigenous Peoples as Peoples (Simpson, 2014: 10, see also Thobani, 2007). To render
Indigenous Peoples legible to the Canadian state, the Dominion government worked to “fix and stabilize race as an idea and apply it to some bodies and not others” (Perry, 2009: 280, see also Manzano-Munguía, 2011). Concretely, the Indian Act defined the Indian as “a. any male person of Indian blood reputed to belong to a particular band; as b. any child of any such person, and as c. any woman who is or was lawfully married to any such person” (Indian Act, 1876: s. 3.3). I will shortly return to the issues that relate to gender in this definition. Let us note for now that the legal definition of “Indians” entrenched in the Act disrupts and distorts traditional “Indigenous ways of identifying the self in relation not only to collective identity, but to the land” (Lawrence, 2004: 1). The definition of “Indianness” built into the Act also does away with linguistic and cultural differences or the multiplicity of Indigenous nations (Cannon and Sunseri, 2001).

The effects of the arrogation by the Dominion of the power to regulate identity are both important and devastating for those whose lives are thus legalised. Regulating the identity of Indigenous Peoples implies the granting or the denial of status as well as (upon the conferral of status) the classification into “Indian” or “half-breed” (Thobani, 2007). In addition to committing the epistemic violence of imposing a Dominion-made identity, the Indian Act also furthers the material violence of dispossession in restricting the occupation of reserved lands to “status Indians” alone (Lawrence, 2010). In addition to being barred from taking part in the life of their community, “non-status Indians” were also denied the right to live on land defined as “Indian land” (Lawrence, 2010). The regulation of Indigeneity and the assignation of reserved land to “status Indians” only illustrate once more that the settler colonial objectives of dispospossessing and assimilating Indigenous Peoples have operated in tandem.

To consolidate itself as a settler state rooted in the principle of “white” citizenship, the Canadian government distinguished between Indigenous and non-Indigenous Peoples. In the words of Superintendent-General of Indian Affairs David Laird, the former group, the “Indians”, “must either be treated as minors or as white men. If they should be found intelligent enough to exercise the rights of white men they could become enfranchised” (in Canada, 1876: 933, my emphasis). This declaration
exposes the widespread assumption empowered by the government that all Indigenous Peoples are like children (not yet fully “intelligent” or “rational”) or fully “rational” (and thus “white men”). The statement by Laird also relegates the political relationship of non-enfranchised Indigenous Peoples to the Canadian state as that of minors and therefore wards who have to be looked after in the same way that children do. Lawrence Vankoughnet, Deputy Superintendent General of Indian Affairs (1874-93), echoed that opinion in a memorandum published in August 1876. In it he writes that “the legal status of the Indians of Canada is that of minors, with the Government as their guardian”. By installing a hierarchy between the Indigenous and non-Indigenous peoples, Laird finally states that Indigenous Peoples could only attain the privileged political and epistemic position of non-Indigenous Peoples by seeking enfranchisement, that is, by assimilating to settler communities and renouncing their identity as Indigenous. As a consequence, the Dominion should, in the words of Liberal Member of Parliament (1872-1914) William Paterson, make “every inducement [to] the Indians to leave their reserves and mix with the whites” (1876: 870).

One of the most important elements of political differentiation entrenched into the Indian Act (beyond the distinction drawn between “Indians” and full citizens) is between the Indigenous Peoples of the eastern Canadian provinces and those of the “North-West”. Multiple statements offered by parliamentarians and government members establish this distinction. “You cannot judge the wild nomad of the North-West by the standard of the Indian of Ontario,” declared John A. Macdonald, summing up a widespread opinion of the period (Canada, 1881a: 1427). “Some distinction should be made between the Indians in the North-West and the civilized Indians of Ontario,” reiterated Mackenzie Bowell, who later served as Canada’s fifth Prime Minister (1894-1896) (in Canada, 1876:

189 Rollo (2018) argues that authorisations of settler colonial endeavours rest on the depiction of Indigenous Peoples as children and that this particular representation of Indigenous Peoples continues to serve the exclusion and domination of Indigenous Peoples.

If Indians are regarded as minors, there are differences between them. One “must admit that there were big and little children, and [one] could not treat them all alike. The law which would apply to the Crees and Siouxs of Manitoba ought not to be made applicable to the civilized and educated Indians,” declared Louis-Rodrigue Masson, later to become Minister of Militia and Defence in the Macdonald government (1878-1880) (in Canada, 1867: 933).

Parliamentarians would thus differentiate Indigenous Peoples of the North-West and those of Ontario, Quebec and the eastern provinces on the basis of the supposed “advancement” of the latter, which supposedly resulted from their longer exposure to various teachings, including those of the missionaries. Not unlike the other assimilative acts adopted by the Canadian Dominion, the Indian Act had been drafted for the Indigenous Peoples living east of Lake Superior. As a result, David Laird expected that a number of provisions embedded into the Act would not be “be applicable to the Indians living in [the North-West Territories, Manitoba, and British Columbia] for some years to come” (in Canada, 1876: 1037). Such provisions concerned vastly different subjects, including the admission of evidence in courts by “non-Christian Indians” (s. 74-78) and the acquisition of homestead or pre-emption rights to quarter sections (s. 70). The most important exclusion for the Indigenous Peoples of the North-West concerned their enfranchisement, to which I return shortly.191

While the Indian Act provided for the enfranchisement of the Indigenous Peoples inhabiting the provinces of Canada and Ontario, later amendments would provide for the acceleration of the assimilation of the First Nations of the North-West through, amongst other institutions, the establishment of industrial schools (Leslie and Maguire, 1978, Tobias, 1983a).

The distinction amongst Indigenous Peoples is informative insofar as it exposes the various stages of progress entertained by the government and parliamentarians. Most references to progress hinted to the idea of linear progression and elevation. For Paterson, “[r]aising [Indians] in the social

191 Section 94 invalidated the preceding 8 clauses on enfranchisement for the Indigenous Peoples of the Province of British Columbia, the Province of Manitoba, the North-West Territories or the Territory of Keewatin, unless otherwise proclaimed by the Governor General.
scale” (in Canada, 1876: 750), or “raising [them] to the place of manhood” (1876: 751), means “lifting [them] out of [their] condition of tutelage and dependence” (1876: 1048). Let us note that this particular statement – that Dominion policies of assimilation would lift Indigenous Peoples out of tutelage – is most paradoxical as these policies were specifically designed to facilitate the domination of the Canadian government over Indigenous lives by making them “wards” of the Dominion government. Supposed indicators of “progress” for Indigenous Peoples included marks of “intelligence” (Laird, in Canada, 1876: 933), which presumably reflects “a certain amount of civilization, and consequently a certain amount of manhood”, to use the gendered terms of Paterson (in Canada, 1876: 1881b). Hector-Louis Langevin, former Superintendent-General of Indian Affairs (1868-69) who later played an important role in the establishment of the Canadian Indian Residential school system, added that the “most educated” Indigenous Peoples “lived in villages and were settled on lands” (in Canada, 1876: 1039). In sum, parliamentary debates on the Indian Act reflect the colonial liberal understanding that Indigenous Peoples in the “newly acquired lands” of the North-West needed to transition in stages from a childlike existence in the state of nature to civilised societies. It was assumed that such a transition would sharpen rationality and entail a particular relationship between human communities and land, which results in the formation of towns. Indeed, what that colonial liberal understanding of such transition implied is assimilation as a form of epistemic violence that has attacked Indigenous ways of knowing and being on their lands.

For the “most advanced Indians” the Canadian government designed a particular policy of enfranchisement. Considering that a very small number of Indigenous Peoples ever pursued it, Minister of the Interior David Laird intended through the Indian Act to give them an additional “motive” or “inducement” to enfranchise (in Canada, 1876: 750, 342). In that spirit, the Act provided for parcels of land that belonged to an Indigenous man to be controlled by his children upon his death (s. 9). To the “privilege” of voluntary enfranchisement, the Act furthermore provided for the compulsory enfranchisement of those who obtained a university degree that qualified them either as ministers, lawyers, teachers or doctors (s. 86.1). The Dominion’s renewed “emancipation” policy does
not only reflect its epistemically violent compulsion to make Indigenous Peoples into imitation Euro-
Canadians, but it has also had the materially violent effect of eroding lands reserved for them: as they
enfranchised, Indigenous persons were to appropriate a share of their own bands’ reserve for
themselves.

It is crucial to appreciate how dispossession as a material violence was embedded into the
colonial language and dispositions of the Indian Act. For the “less advanced Indians,”, the “minors” in
the words of David Laird, the Canadian government devised a policy of protection, while setting the
stage for their eventual “emancipation”. Acknowledging that “the Indians have been great sufferers
by the discovery of America and the transfer to it of a large white population”, John A. Macdonald
states as a consequence that the Indigenous Peoples “must be fairly protected [...]. The US, British and
Canadian Governments have all agreed as to the necessity of defending and protecting the Indians”
(1868-69), concurrs, though for different reasons. He declares: “It must be considered that Indians
were not in the same position as the white men. As a rule they had no education, and they were like
children to a very great extent. They, therefore, required a great deal more protection than white
men” (in Canada, 1876: 753). On the justification that the Indigenous peoples of the North-West are
“like children”, the Indian Act establishes stringent requirements for non-Indigenous occupation and
alienation of lands reserved for Indigenous bands. Despite the opinion of some parliamentarians that
everyone would benefit from the presence of non-Indigenous Peoples on the reserves,192 the Indian
Act also prevents Indigenous Peoples from selling or leasing sections of their lands.193 Both David
Laird and John A. Macdonald were categorical.

The policy [of giving Indians patents for their lands] would be a failure in the country, as
it has proved a failure in the US. The experience in regard to the granting of lands to the
Indians [...] means simply this: The Indian get his deed, and by some injurious or

192 Paterson declared that “whites entering the Reserves” would enable “the Indians to benefit from the
examples which could be thus afforded them” (in Canada, 1876: 927).
193 The Act states that “no reserve or portion of a reserve shall be sold, alienated or leased until it has been
released or surrendered to the Crown for the purposes of this Act” (s. 25).
unfortunate process, sells or leases his land, and becomes a vagrant without property (John A. Macdonald in Canada, 1880: 1991).

“If [the government] admitted the right of giving titles to the Indians, they would probably find the whole North-West in the hands of other persons,” echoes David Laird (Canada, 1876: 872).\(^{194}\)

Of course, these two quotations translate the colonial liberal understanding of Macdonald and Laird that land must be owned privately. To “protect” the Indigenous Peoples from falling prey to white swindlers and to assimilate them into the practice of individual property and agrarian cultivation, the government established through the *Indian Act* an ownership system based on the issuance of location tickets—certificates for individual plots of land on reserves (s. 4-10). By this system, individual lots, which could not be sold except to the Crown, would be owned by individual band members. As a result of that system, reserve lands held in common would disintegrate as Indigenous Peoples became enfranchised.

Most importantly, John A. Macdonald understands that this process of subdivision of reserves into individual plots also allowed the government to locate “surplus” lands that could be made available for white settlers (in Miller, 2000: 256). In short, in the colonial liberal name of protecting the “less advanced Indians” of the North-West until they assimilate to the settler majority, the Dominion designed a new landholding system, the location tickets system, which has in effect furthered the material violence of dispossession for Indigenous Peoples.

It is nowhere clearer in the *Act* that it pursued Indigenous dispossession in the “North-West” than in section 70, which states that “no Indian [...] resident in the province of Manitoba, the North-West Territories or the territory of Keewatin, shall be held capable of having acquired or acquiring a homestead or pre-emption right to a quarter section”.\(^{195}\) This section thus prevented Indigenous Peoples from owning and occupying parcels of land outside of reserves. Together with the location tickets system, the Dominion’s dispossession of Indigenous Peoples was complete.

\(^{194}\) See similar remarks by Langevin (Canada, 1876: 927) and Alexander Mackenzie (1876: 927), then serving as Prime Minister of Canada.

\(^{195}\) The Keewatin District was established as a separate political district in 1876 and included much of what is now northern Manitoba, northwestern Ontario and Nunavut.
ticket system, the identification of surplus land and the policy of compulsory enfranchisement, section 70 aggressively provided for the appropriation and settlement of non-reserve territory by Canadians and immigrants (see Cannon and Sunseri, 2001, Lawrence, 2010, Simpson, 2014, Smith, 2009). It is worthy of note, moreover, that in 1876, the Indian Branch belonged to the Department of the Interior. Administratively, this meant that David Laird, as the minister responsible for introducing the Indian Act, was simultaneously responsible for recruiting settlers and seizing lands on which they could settle (TRC, 2015). In 1878, freshly re-elected John A. Macdonald himself assumed the portfolio of the Department of the Interior and served as Superintendent-General of Indian Affairs.

At that time, the Department of the Interior had as its primary assignment the settlement and colonisation of non-densely populated lands across the Dominion (Belich, 2008). The responsibilities Macdonald assumed as Superintendent-General of Indian Affairs were subsidiary to those of the Department – that is, the settlement and agrarian development of lands claimed as Canadian. In the words of John C. Schulz, a renowned expansionist and future Lieutenant Governor of Manitoba, it is indeed “well known, or at least generally supposed that these rules [the Indian Act] were adopted in the first instance, with a view of breaking up the tribal system and enabling the white man to get possession of the lands of the Indians” (in Canada, 1876: 1038, my emphasis). One can conclude not only from the colonial liberal terms through in the Indian Act was designed, but also from the organisation of the departments responsible for administering the Act, that it was designed to further the appropriation of Indigenous Lands by the Dominion and the elimination of Indigenous Peoples as occupants of those lands. In short, section 70 further exemplifies the complicity of the twin objectives of settler colonisation that are dispossession and assimilation.

Finally, the Indian Act used gender to appropriate Indigenous lands and eliminate Indigenous Peoples as occupants of their lands. As I discussed in chapter 4, the Indian Act specified that a woman can only be “Indian” if she is or was lawfully married to a male person of Indian blood who belongs to a particular band (s. 3.3). That Indigenous women had to acquire status through their fathers or
husbands made them directly dependent upon their relationships with men (Lawrence, 2004). Entrenching a model of patrilineal descent, the Act moreover empowered a model of patriarchal rule (Simpson, 2014, see also Perry, 2009). The 1876 Act barred the participation of women in reserve land surrender decisions, ensuring that men would control resources available to communities by (Thobani, 2007). Finally, even if the location ticket system devised by the Act provided that they could be issued to both male and female members of the band, in practice they were granted to males only. According to Carter, women would generally come into possession of location tickets only as widows and, even then, issuance of certificates depended upon their being regarded as “being of good moral character” (2016: 49). These mechanisms show that Canadian assimilation – as the elimination of Indigenous Peoples as Peoples – has also proceeded through gender.

The preceding analysis of the racialised and gendered language and mechanisms entrenched in the Indian Act reveal the epistemic and material violence it still contains. The Act has pursued both Indigenous assimilation – under the guise of “progress” and dispossession – through the threefold process of imposing the understanding of land as something that must be owned privately, of eroding reserved lands and of barring Indigenous Peoples from taking homestead.

Ultimately, John A. Macdonald declared in 1880, when he served as Superintendent-General of Indian Affairs that the absolute elimination of Indigenous Peoples ought to be the goal:

Whenever there is an Indian settlement the whites in the vicinity are very naturally anxious – when they see the slovenly, unfarmerlike way in which the Indian lands are cultivated especially if the lands be very good – to get rid of the red men, believing, and perhaps truly, that the progress of the locality is retarded by them, and that the sooner they are enfranchised, or deprived of their lands, and allowed to shift for themselves, the better. I dare say it would be better. If the Indians were to disappear from the continent, the Indian question would cease to exist (in Canada, 1880: 1991).

This comment clearly embodies both the ultimate violence of elimination as well as the key principles of a colonial liberal ideology that thrives on the twofold settler colonial imperative for the Dominion

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196 That provision also worked towards reducing the numbers of Indigenous populations. The Indigenous women who lost their status, and their children, were also lost to their communities, further eroding these communities’ capacity to pass on their socio-cultural heritage (Lawrence, 2004).
to acquire Indigenous lands and eliminate Indigenous Peoples altogether ("to get rid of the red men"). As this quotation clarifies, the appropriation of Indigenous lands is authorised by the colonial liberal imperative to improve lands – and thus, to eliminate Indigenous Peoples who, in their “slovenly, unfarmerlike way”, are believed to “retard” the progress of those lands by not cultivating them. According to Macdonald, the elimination of Indigenous Peoples is to proceed both through assimilation (becoming “enfranchised”) and dispossession (being “deprived of their lands”). But ultimately MacDonald dreams about the possibility of Indigenous Peoples being eliminated (“disappear from the continent”), so that Canada would no longer have to design policies that facilitated their assimilation or dispossession. Only then would the “Indian question [cease] to exist”.

To summarise, the Indian Act, as an unprecedented legislative measure that is both comprehensive and centralising, has allowed the government to act as a “father” to the Indigenous Peoples, the identity and behaviour of whom it would regulate by virtue of the colonial liberal principle of protecting them until they assimilate to the settler majority (see Simpson, 2008). If the initial Act distinguishes between Indigenous Peoples of eastern and western Canada in order to design exceptional measures for the latter group, North-Western “Indians” were further separated into adults and children. The Indian Act has promoted both the dispossession and assimilation of Indigenous adults by regulating their identities and behaviour, forcing their enfranchisement, eroding reserved lands held in common and preventing Indigenous adults from obtaining lands beyond reserves. These policies were authorised by the colonial liberal construal that Indigenous lands were in need of being improved and that Indigenous Peoples were in need of becoming more “rational” and of adopting agrarianism as a mode of labour. Constitutive of settler colonialism also is the impulse to eliminate indigenous peoples altogether from the continent as a whole not simply the lands needed by the state.

1.2 Canadian State as Mother: “Schooling” Indigenous Children
A crucial counterpart to the legalistic enterprise of the Dominion to assimilate Indigenous adults was the schooling policy designed for Indigenous children. While the Indian Act did not provide for the education of Indigenous children, the Dominion looked to eliminate Indigenous Peoples as peoples by schooling “Indian children”. As early as 1881, John A. Macdonald articulated his government’s aspiration to establish such schools, that is, “institutions whereat Indian children, besides being instructed in the usual branches of education, will be lodged, fed, clothed, kept separate from home influences, taught trades and instructed in agriculture” (Canada, 1881b: 12).

An important component of the national policy, on which the Macdonald government campaigned to be returned to power in the national election of 1878 is the constitution of a residential system of schooling for Indigenous children. At that time, the National Policy referred only to the explicitly protectionist tariff policy of the Dominion (Smiley, 1975, McKay, 2000). In 1913, however, Canadian scholar and civil servant Oscar D. Skelton introduced the lower-case phrase “national policy” to designate the whole of the Macdonald government’s nation-building programme. As such, the national policy was designed to stimulate the development of Canadian capital within the borders of the expanding country (Green, 1995, see also Smiley, 1975 and Friesen, 1987). Two of the three components of the National Policy are directly relevant to the Canadian political development in the North-West. First, through the subsidisation of the transnational Canadian Pacific Railway, the National Policy was implemented to facilitate the transportation of resources and goods to and from western Canada. Secondly, through the settlement of an immigrant population in the North-West, the National Policy was expected to provide a market for goods produced in the eastern provinces and to provide labour for the cultivation of and the extraction of raw materials from North-Western lands.¹⁹⁷ Together, these components of the National Policy were assumed to impart economic solidity and substance to a yet unconsolidated Canadian presence beyond the Great Lakes (Berger, 2013).

¹⁹⁷ The third component of the National Policy was the institution of tariffs on imports, which were expected to protect markets and the manufacturing industry from foreign competition.
As I demonstrated in the two previous chapters, the Dominion had been promoting the settlement of European immigrants to Manitoba and the North-West Territories—the second component of the National Policy—since Confederation. In the early 1880s, however, the adoption of land policies designed to facilitate small-scale agriculture multiplied. In 1881, Ottawa introduced a measure as an amendment to the *Dominion Lands Act* to encourage corporate colonisation, which provided for the sale of certain sections of land in the West to any corporation engaged in promoting settlement. Twenty-six colonisation companies developed as a result of the governmental initiative (Belich, 2016, see also Whitaker, 1991). Indeed, the elaboration and implementation of the National Policy required title to and control over Indigenous lands. As we have seen, Dominion strategies deployed to secure rule over these territories included negotiating treaties, creating reserves administered under the *Indian Act*, impeding the issuance of Métis scrip, granting homestead to immigrant populations and suppressing Metis and First Nation resistance through military and police forces (Green, 1995). A rarely mentioned and yet critical component of the national-building programme of the Macdonald government, which was premised upon Indigenous land dispossession, consisted in the “education” of Indigenous children in designated schools (TRC, 2015). The schooling of Indigenous children, which was justified through the colonial liberal argument that it would promote their progress on the “scale of humanity”, furthered the epistemic violence of assimilation by eliminating Indigenous children in literal terms (many deaths in these schools were often unaccounted for) as members of their communities, that is, as Indigenous children (as they are taught to reject their own languages and cultures) and as dwellers on their own lands.

One notable feature is the kind of language used to authorise the establishment in 1883 of the Indian Industrial School system as manifested in the major Dominion policies drafted in the late 1870s and early 1880s. Thus, I examine the *Report on Industrial Schools for Indians and Half-Breeds* by Nicholas Flood Davin (1879), the debates of the House of Commons on the establishment of an industrial schooling system for the Indigenous children of the North-West (Canada, 1883a) and two Annual Reports of the newly founded Department of Indian Affairs (Canada, 1881b and 1883b). These
documents readily expose the epistemically violent foundations and the assimilative nature of the Dominion’s nation-making programme.

To provide some context to the establishment of the first Indian Residential Schools, let us note that schooling institutions designed for Indigenous children have occupied a critical place in North American settler assimilation policy, starting in New France (Dickason, 2010). Even though the jurisdiction on “Indians, and Lands reserved for Indians” was assigned to the federal government in 1867, there was no national policy specific to the schooling of Indigenous children before the 1880s. By the late 1870s, there were a few day schools in eastern Canada, in Ontario and in the West run by representatives of missionary organisations (Miller, 2000). It was the churches, as opposed to the government, that secured the establishment and running of these schools. Denominational organisations typically constructed the buildings, hired the teachers and recruited the children. If involved at all, the Dominion government provided grants for the schools of usually no more than $300 annually (TRC, 2015). Starting in the late 1870s, however, the government developed an interest in “education” for Indigenous children. That interest stemmed for the assumption expressed by Deputy Superintendent General of Indian Affairs (1874-93) Lawrence Vankoughnet in the following words: “education is the primary principle in the civilization and advancement of the Indian Race – without it but little progress in that direction may be expected” (Canada, 1877: 6). Most of the numbered treaties moreover committed Ottawa to maintaining day schools.198 During treaty negotiations, numerous First Nations asked for the maintenance of day schools on reserves. According to Dickason (2010), many leaders regarded such schools as a means to prepare their children for the new economic and political circumstances in the Prairies. As a consequence, virtually all of the first numbered treaties contained educational guarantees (Pettit, 1997).

198 Treaty 1, for instance, included one such clause, which represented the first education-related promise made by the government to be included in a treaty. The clause thus reads: “Her Majesty agrees to maintain a school on each reserve hereby made whenever the Indians of the reserve should desire it” (in Pettit, 1997: 91).
As a result of its treaty commitment to erect schools on northwestern reserves and of its new interest in schooling Indigenous children, the Dominion government commissioned Nicholas Flood Davin to enquire into the American boarding school system to determine whether a similar comparable program could be implemented in the Canadian Northwest. The fruits of his investigation are found in his *Report on the Industrial Schools for Indians and Half-Breeds, and on the advisability of establishing similar institutions in the North-West Territories of the Dominion* (Davin, 1879: 1). To complete his assignment, Davin sojourned in Washington and visited one community in the Canadian Northwest, in Winnipeg. There, he “met most of the leading men, clerical and lay, who could speak with authority on the subject of the inquiry” (Davin, 1879: 9). He concluded his brief and sweeping analysis with his opinion that Industrial Schools yield “happy results”, especially as regards Indigenous “civilized nations”, for they are all making “undoubted progress in agriculture and in education” (in 1879: 5). Championed by the churches and the Department of Indian Affairs, the thirteen recommendations formulated in the Report were implemented by the Dominion within four years of its tabling.

In 1881, the Annual Report of the Department of Indian Affairs, signed by Prime Minister and Superintendent-General of Indian Affairs John A. Macdonald, reaffirmed the Dominion’s ambition to bring about the “the inauguration of an improved system”. That system would establish a number of new Industrial Schools, which, according to the report, have satisfactorily proved their “superiority” over “ordinary day schools” (Canada, 1881b: 12). While developing the Dominion policy regarding

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199 At the time he was commissioned, Davin was a defeated Conservative party candidate. Lawyer and journalist, Davin would also become the founding editor of the *Regina Leader* in 1883 and the first member of Parliament for Assiniboia West in 1887.
200 Critical to his analysis and conclusions are Davin’s understanding of the “Indian character”. Even though the “Indian is sometimes spoken of as a child”, Davin wrote that he was not one. It was his “race” which is in “its childhood”, in “a very early stage of development”. For that reason, “[the Indian] requires firm, bold, kindly handling and boundless patience” (1879: 10-11), which he will want institutionalised into the system of Industrial Schools.
the erection of such schools, the Lieutenant Governor and Indian commissioner for the North-West Territories Edgar Dewdney was advised to follow the recommendations inscribed in Davin’s report.

The inherent epistemic violence that lay behind the schooling system becomes clear once we examine the guiding colonial liberal understanding of the Dominion government and parliamentarians. Like the Indian Act, the establishment of a schooling system for Indigenous Peoples rested on a distinction made by the federal government between the Indigenous Peoples of the “older provinces” of Quebec and Ontario and those of the North-West. In his report, Davin stressed the imperative of establishing schools in the Northwest on account of the presence of “warlike and excited refugees” on that territory (1879: 10). As in the previous chapters, we encounter in this section different strands within colonial liberalism. One of them, exemplified by this particular thought of Davin, characterises the Indigenous Peoples of the North-West as “uncivilised” and “barbarous”, that is, as prone to violence and thus lacking full rationality. Another strand of colonial liberalism depicted Indigenous Peoples, especially those then inhabiting the provinces of Quebec and Ontario (believed to “have advanced on the social scale”), as “uncivilised” too, but this time emphasising a “backwardness” that would stem from their being “idle” or lacking industriousness. The schooling of North-Western Indigenous Peoples regarded as more “warlike” was understood by the Dominion to be more urgent. The idea that the schooling of Indigenous children regarded as more “violent” – as opposed to those regarded as “idle” – should be prioritised might in part explain why industrial schools were first established in the North-West and not elsewhere in the Dominion. In 1888, five years after the establishment of the first Industrial Schools in the North-West, Lieutenant Governor and Indian commissioner for the North-West Territories Edgar Dewdney expressed his opinion that the Dominion should continue to prioritise the founding of new industrial schools in the North-West and not in Manitoba, for he believed the Indigenous Peoples of Manitoba more closely resembled those of Ontario. Dewdney writes: “the acquisition [by the Indigenous Peoples] of a knowledge of agriculture and of other civilized modes of obtaining a livelihood was not so imperatively necessary [in Manitoba] as it was in the case of the Indians of the North West” (Canada, 1889: 46). Whether they
were conceived of as more violent or idle, the Dominion concluded that Indigenous Peoples were to be subject to the epistemic violence of the Indian Residential Schools, in the colonial liberal name of their advancement on the “scale of civilization”.

While conceiving of schools for the Indigenous Peoples of the Northwest, Davin wrote that it had been a mistake to include educational guarantees in the numbered treaties, for these guarantees would “make the Chiefs believe they had some right to a voice regarding the character and management of the schools, as well as regarding the initiatory steps of their establishment” when Davin believed Indigenous “Chiefs” ought to have no such rights (1879: 11). Not only did Davin think Indigenous Peoples should not participate in the conception and maintenance of the schools, he also regarded the Dominion as the only authority that should regularise the attendance of Indigenous children. “As Bands become more amenable to the restraints of civilization,” Davin argues that the Dominion should use its jurisdiction to make schooling compulsory (1879: 15). In other words, Davin thought that as Indigenous children assimilate, the Dominion should intensify the epistemic violence of assimilation until Indigenous Peoples, as peoples, have entirely been eliminated.

At the heart of the establishment of that schooling system was a particular conception of childhood and youth as critical periods during which the Indigenous Peoples are most “improvable” and, as such, are most “amenable to the restraints of civilization”. In his report, Davin was clear: “the experience of the US is the same as our own as far as the adult Indian is concerned. Little can be done with him” (1879: 2). Given the supposed impossibility of “improving” Indigenous adults through schooling, the Dominion determined that in order to be assimilated, Indigenous adults had to have their identity regulated through the Indian Act, as the previous section argued. “If anything is to be done with the Indian, we must catch him very young,” Davin continues. Echoing that thought, Dewdney wrote in the annual report of the Department of Indian Affairs for the year 1882 that “Experience has taught that little can be done which will have a permanent effect with the adult Indian, consequently, to create a lasting impression and elevate him above his brethren, we must take charge of the youth and keep him constantly within the circle of civilization” (Canada, 1883b: 213).
During the parliamentary debates, Louis-Hector Langevin, an important architect of the Industrial School system and by then the official Quebec lieutenant for the Macdonald government, proposed that the minimum age for entering the schools should be around ten. “They will remain until they are sixteen or eighteen, or perhaps twenty,” Langevin concluded (in Canada, 1883a: 1377). The epistemic violence of assimilation through schooling was thus intended to target Indigenous Peoples in their formative years.

Perhaps the very first form of violence in a “boarding” or “residential” school system (as opposed to a day school system) was the separation of child from their parents and community. “The chief thing to attend to in dealing with the less civilized or wholly barbarous tribes, [is] to separate the children from the parents,” according to Davin (1879: 7). Accordingly, “the plan is to take young children, give them the care of a mother, and have them constantly in hand”, Davin adds (1879: 12, my emphasis). This remark exposes many of the premises from which Davin and the main architects of the Indigenous Residential School system designed such schools. Firstly, as mentioned previously, they assumed that childhood represents a critical period for children to assimilate. Secondly, they assumed that the Canadian state can and should substitute Indigenous parents by separating their children from them and by forcing the children to attend schools that are maintained by the State. Thirdly, they assumed that upon graduation, Indigenous teenagers would assimilate into settler society. 201

Separation of children from Indigenous parents is necessary, in the words of Dewdney, for the “influence of home association is stronger than that of the school, and so long as such a state of things exists I fear that the inherited aversion of labour can never be successfully met” (Canada, 1883b: 213). If you leave the Indigenous children with their family, John A. Macdonald adds, “the child lives with

201 My analysis conforms to that made in the Report of the RCAP, which describes the legacy of residential education into a threelfold vision: first, a justification for removing children from their communities and disrupting Indigenous families; second, a precise pedagogy for re-socialising children in the schools; and third, schemes for integrating graduates into the non-Indigenous world (RCAP, 1996: 313).
its parents, who are savages; he is surrounded by savages, and though he may learn to read and write his habits, and training and mode of thought are Indian. He is simply a savage who can read and write” (Canada, 1883a: 1108). In these two quotes, Dewdney and Macdonald undertake to justify the physical violence of separation of Indigenous children from their parents – a radical attack on the integrity of Indigenous families and communities – by appealing to the colonial liberal ideology. In other words, Dewdney and Macdonald articulate their belief that Industrial Schools would instil in Indigenous children the two most important colonial liberal values: rationality (as a “mode of thought”) and industriousness (by combatting “inherited aversion of labour”).

Macdonald anticipated that both children and parents would resist such epistemic and physical violence. “Doubtless, time will overcome this obstacle, and by commencing with orphans and children who have no natural protectors, a beginning can be made,” he proposed (Canada, 1883b: 14). In this shocking proposal, Macdonald made explicit his idea that towards Indigenous children, especially those without parents, the Canadian state must act as a “mother” who would “take care” of and “protect” her children by eliminating them as Indigenous children.

To do away with the resistance of parents to having their children placed under the charge of school authorities, Davin suggested in his report that it could be sufficient to reward the parents who regularly sent their children to school by granting them an additional ration of tea and sugar (Davin, 1879: 15). To attain the objective of pulling Indigenous children away from the education provided by their parents, the Dominion also set out to found industrial schools at a distance from reserves and favoured residential schools over day schools (Miller, 1990, Dickason, 2010). Once again, the Dominion designed these physically and epistemically violent strategies to advance its larger objective of eliminating Indigenous Peoples as peoples. To the extent that Indigenous peoples as peoples were considered to be obstructions in the way of the legitimate and peaceable making of the Canadian nation and state, they had to be eliminated.

Subsequent to the assimilation of Indigenous children, the architects of northwestern industrial schools willed for these children to be reintroduced into a new culture, defined by a colonial
liberal ethic. “One of the earliest things an attempt to civilize [Indigenous children] does, is to take away their simple Indian mythology […]. The Indians have their own ideas of right and wrong […], and to disturb this faith, without supplying a better, would be a curious process to enlist the sanction of civilized races,” Davin writes (1879: 14). Again, this excerpt translates the colonial liberal belief of the Dominion that Indigenous children lacked rationality and had to be schooled into what it thought were “more advanced” “ideas of right and wrong”. The re-socialisation of Indigenous children additionally required that “besides being instructed in the usual branches of education, [they] will be lodged, fed, clothed, kept separate from home influences, taught trades and instructed in agriculture”, Macdonald specifies (1881b: 12). By being taught “to read and write, and arithmetic, as well as a trade of some kind, generally the cultivation of the soil” (Langevin, in 1883a: 1377), Indigenous children would be separated from their identity by being isolated from their families’ ways of knowing and being, including their families’ ways of being on land (TRC, 2015). Through schooling, the Dominion intended Indigenous children to be introduced to agriculture as the mode of production that best promoted both the improvement of the peoples who cultivated it, for it increased both their rationality and industriousness.

Schooling was intended to have a permanent effect on the relationship of Indigenous children with their ways of being and knowing. “After keeping them a number of years away from parental influence until their education is finished, they will be able to go back to their band with the habits of mind, the education, and the industry which they have learnt at these schools,” Macdonald believes (Canada, 1883a: 1108). To prevent graduates from “backsliding” into their parental culture, Dewdney adds that it is important that pupils are “instructed not only in the rudiments of the English language, but also in trades and agriculture” (Canada, 1883b: 21). Here again John A. Macdonald and Edgar Dewdney articulate the colonial liberal understanding that civilisation requires of “warlike” or “backward” peoples alike that they move up the “social scale” by developing colonial liberal “rationality” and “industriousness”, both understood to derive mainly from agrarian labour.
The epistemic violence of assimilation, justified on the colonial liberal imperative to improvement, worked through the Industrial School system in tandem with the material violence of dispossession for Indigenous children and communities. Upon graduation, the Dominion planned to give pupils “a small sum of money to enable them to buy implements and to engage in agriculture on their own account. I have no doubt that we shall find it proper, when these boys come out of school, to give them a homestead, and try to settle them and make them good citizens,” Langevin states (Canada, 1883a: 1377). In short, assimilation of Indigenous boys through schools would culminate with the definitive renunciation of their Indigenous identity and membership through enfranchisement. The epistemic violence of assimilation would then promote the material violence of dispossession by further eroding the land base of larger Indigenous communities.

As with the Indian Act, the establishment of the Indian Residential School system engaged in physical, material and epistemic violence by imposing gendered and heterosexist language and structures. For Langevin, the Dominion had to prioritise the schooling of Indigenous boys, for they would become heads of their families (understood as composed of a husband and a wife). For that reason, Langevin affirmed that Industrial schools “will be for male children” (Canada, 1883a: 1377). Edward Blake, then leader of the Liberal opposition in the Dominion Parliament, considered:

that the Indian, as the white man, is likely to have a better half when he becomes an adult. If the hon. gentleman [Langevin] is going to leave the young Indian girl who is to mature into a squaw to have the uncivilized habits of the tribe, the Indian, when he marries such a squaw, will likely be pulled into Indian savagery by her. If this scheme is going to succeed at all, you will, unless these Indian bucks are to be veritable bachelors all their lives, have to civilize the intended wives as well as husbands (Canada, 1883a: 1377).

In accordance with this particular view, the Macdonald government planned to, in time “provide for the schooling of Indigenous girls in addition to the schooling of boys”. According to Langevin:

No doubt that the government will have to provide for the education of the girls as well as the boys. The experiment of Bishop Grandin’s industrial school202 is complete, because

202 Vital-Justin Grandin was a Roman Catholic bishop who established new denominational industrial schools for Indigenous children from existing missionary schools and orphanages within the St Albert diocese (in present-day Alberta) during the 1870s and 1880s. The establishment of the first three industrial schools
he has also here a large school or convent where girls are educated, so that when the young men come out of the industrial school, say at twenty or so, they marry the girls from the convent and settle on lands in that neighborhood (Canada, 1883a: 1377).

The exchange between Langevin and Blake uncovers some of the gendered and heteronormative premises guiding the Dominion’s schooling policy for Northwestern Indigenous Peoples. As Stark (2016) argues, the domestication of Indigenous Peoples did operate both through racialised and gendered language and structures. This particular excerpt reveals the assumption of the Dominion that it should prioritise the schooling of Indigenous boys, but that girls and women should be schooled as well, for the reason that they would eventually marry these boys. The epistemic violence of assimilation intrinsic to the mandate of Industrial Schools thus worked through race, gender and heterosexism.

The subjects taught in schools would greatly vary in accordance with the role the Dominion assigned to the Indigenous children such that “schooling” was fundamentally gendered as well as racialised. Following Davin’s recommendation, girls were to receive instruction in cooking, clothing making, and “in other employments suitable for a farmer’s wife” (1879: 2). This vision reflects the colonial liberal view that Indigenous families must be based on an agrarian mode of labour and that women must, within that system, be privatised. Concordantly, boys were to receive instruction primarily in agrarian labour, but also in other trades such as carpentry, shoemaking and blacksmithing (RCAP, 1996). In the words of Davin, it was critical for the government to have the industrial schools teach pupils manual labour. “It [is] impossible to show the Indian the utility of advanced studies,” he claims while defending the schools’ curriculum (1879: 6). It was believed that the fruits of the manual labour of Indigenous children would contribute both to supporting the schools financially and to promoting the settlement of pupils on reserves upon their graduation. From the point of view of the Dominion, the schooling of Indigenous children thus served its national policy financed by the Dominion government stemmed in part from Grandin’s lobbying in favour of the founding of new industrial schools.
of eliminating Indigenous Peoples as occupants of their lands by confining Indigenous communities within reserves and settling immigrants on the remaining lands. The industrial schools thus constituted a critical means of Canadian nation-building, which authorised material and epistemic forms of violence against Indigenous Peoples on the colonial liberal imperative to improving Indigenous lands and peoples through agrarian labour.

In April 1883, Dewdney stated to Macdonald that “the time has arrived” when industrial schooling can “be carried on with great advantage to the Indians” (cited in TRC, 2015). “The intention is to have three of these schools,” declares Hector-Louis Langevin, former Superintendent-General of Indian Affairs and Macdonald’s Quebec Lieutenant. “We think [three schools] is a good beginning, and if we succeed in educating [the children who will attend these], there will be an inducement for others to go to the schools,” he continues (in Canada, 1883a: 1377). An Order in Council adopted on July 19, 1883, finally established these first three schools in the North-West Territories. The Battleford (Protestant) and Qu’Appelle (Roman Catholic) Industrial Schools were to be located on the territory of the future province of Saskatchewan and the High River School (also Roman Catholic), in the future province of Alberta. The founding of these schools marked the beginning of a new era in the history of the Dominion and of Indigenous-settler relations in Canada: the government was now committed to the creation and maintenance of a system of residential schools for Indigenous children in the North-West. These schools were intended to meet the assimilative standards set by the state. While they were to be managed by missionary organisations, the new schools would be mostly subsidised by Ottawa. Dewdney specifies that “during the first two years of these schools the expenses must naturally be somewhat high, but I can see no reason why after that time they cannot be self-supporting, or nearly so [...] by the profits to result from the farming, stock-raising and trades taught”, he declared in the House of Commons (Canada, 1883b: 213). This quotation makes evident that the

\[203\] It is worthy of note that the decision to fund the erection and running of Industrial Schools was made at the same time as the federal government cut down its spending on relief for First Nations in the West (Miller, 2000, TRC, 2015).
Dominion did not only intend to commit the epistemic violence of assimilation, but also envisioned a future in which that violence would be financed with the labour of Indigenous children.

In the early twentieth century, the distinction between “industrial” and “boarding” schools was abandoned in favour of the single designation of “residential schools” (TRC, 2015). Residential schools were not evenly distributed throughout the Canadian territory: the Prairie Provinces, together with British Columbia and the North, were the most densely covered regions (Armitage, 1995, Miller, 1990). Shortly after the establishment of the first three, the number of schools in operation multiplied exponentially. By 1900, a little more than fifteen years after the opening of the first western industrial schools, there were twenty-two industrial schools and thirty-nine boarding schools in operation (TRC, 2015). In 1895, attendance became compulsory. The Indigenous residential school system remained in operation until the mid-1990s. There is probably no other institution in Canadian history that produced a more physically and epistemically violent effect on Indigenous families and communities than the residential school system (Smith, 2014, Lawrence, 2010, TRC, 2015). The deep-rooting and wide-ranging assimilative venture undertaken by the Dominion government in 1883 consolidated the Canadian state and nation by attacking Indigenous children, families, languages and cultures in order to suppress Indigenous identity and resistance (Murray, 2017). The Dominion authorised that violence by means of the colonial liberal understanding that schooling would greatly benefit Indigenous lands and communities.

1.3 Promoting “Advancement”: the 1884 Indian Advancement Act and the 1885 Electoral Franchise Act

This section closes on the consideration of two of the last legislative initiatives launched by the Dominion government to assimilate the Indigenous Peoples before the North-West Resistance of

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204 In the Dominion terms of the 19th century, industrial schools were usually larger than boarding schools. They were typically erected by the federal government and trained pupils in agrarian labour and some other trades. In contrast, the construction of boarding schools was usually initiated by missionary organisations and the institutions were typically smaller (TRC, 2015).
1885. Like the Indian Act, the 1884 Indian Advancement Act and the 1885 Electoral Franchise Act officially aimed at consolidating laws throughout the Dominion to assimilate Indigenous Peoples more expeditiously. I argue, again, that this consolidation rested on a strict differentiation between the First Nations of eastern and western Canada. By uncovering the governmental efforts applied towards establishing that distinction, I expose the understanding of progress that justified the adoption of still more stringent policies of assimilation and thus authorised the epistemic violence that these policies contained.

In the annual report of the Department of Indian Affairs for the year 1880, Prime Minister and Superintendent-General of Indian Affairs John A. Macdonald first signalled the intention of the government to change the structure of Indigenous government. The government considered it desirable to introduce, “as soon as Indian bands are prepared for it, a better system for managing their local affairs” (Canada, 1881b: 13). As in the Indian Act, that “system” was to be based on the development of elected band councils and chiefs. At that time, however, the report concluded that the Indian bands “are not sufficiently advanced in intelligence for [the] inauguration of [that] simple form of municipal government” (ibid.). Three years later, in 1884, the Dominion introduced the Indian Advancement Act, officially “An Act for conferring certain privileges on the more advanced bands of Indians of Canada with the view of training them for exercise of Municipal Affairs”. While it slightly extended the powers of the band councils, it greatly enlarged the powers of the Superintendent General of Indian Affairs and local Indian agents with regard to Indigenous affairs. The Act, then, added to the Indian Act of 1876 in suppressing the institutions that traditionally organised the political life of Indigenous communities to replace them with a system of elected band councils (Tobias, 1983a).

205 The 1884 Indian Advancement Act provided the Superintendent General with the prerogative to interfere, through the local Indian agents, in Indigenous government, including by participating in band council meetings.
This section sidesteps important discussions about the structure of Indigenous government entrenched into the Act to take note of the distinction between First Nations of eastern and western Canada that proceeded through the application of the Act. Officially, the Act provided for its application “to any band or bands of Indians in any of the [Canadian] Provinces or the North-West Territories, including the District of Keewatin” (S. C. 1884, section 1). In practice, however, bands not considered “advanced enough” to be conferred its “privileges” were those of the North-West (Dickason, 2010). Despite Indigenous resistance to the Advancement Act, it was retained and eventually incorporated into the Indian Act. What the implementation of the 1884 Indian Advancement Act illustrates is that the differentiation between Indigenous Peoples of eastern and western Canada was not only articulated in discourse but also applied in practice. As the previous sections of this chapter demonstrated, that differentiation, which was based on the colonial liberal idea of “advancement”, intensified the material violence of dispossession and epistemic violence of assimilation for the Indigenous Peoples of the North-West. In the case of Advancement Act, that distinction prevented the Indigenous Peoples of the North-West from engaging in some (very limited) form of self-government.

The differentiation between Indigenous Peoples of eastern and western Canada was furthered with the debates on and the adoption of the Electoral Franchise Act of 1885. It was not the first time that the Macdonald government tried to provide the federal government with control over a uniform franchise and a coherent electoral system across the country: although his government failed to have them ratified, Macdonald introduced similar legislative measures in 1870, 1883 and 1884 (Hall, 2015). In fact, when the Canadian colonies united into a Dominion in 1867, they did not standardise the franchise across the provinces. Until 1885, the citizens who were eligible to vote in provincial elections in each of the provinces were allowed to participate in national elections. The Dominion government considered that that state of affairs was “altogether anomalous”. In the words of John A. Macdonald, when he introduced the bill into Parliament in March 1885, “I do not think that that anomaly, in a country like this, owing British institutions, and drawing its inspiration from those
institutions, should any longer be continued”. Specifying the nation-building role of the new act, Macdonald added that “the principle of this Bill is simply to introduce as far as possible a system of representation which will be applicable to the different Provinces” (in Canada, 1885a: 1134).

The bill first presented by the Macdonald government proposed to extend the franchise to propertied women, especially single women and widows. By the time this measure was presented to the House of Commons in 1885, however, another proposition was to generate far greater debate: to include the Indigenous Peoples, whether or not they had previously been enfranchised (Evans et al, 2003). On 19 March 1885, seven days prior to the battle of Duck Lake – which many understand as having announced the beginning of the North-West Rebellion (examined in chapter 7) – the Macdonald government introduced into Parliament the Electoral Franchise Act, which proposed the franchise for all males who were British subjects and who met certain minimum property qualifications. The co-occurrence of the debate on the franchise for Indigenous Peoples with the North-West resistance provided a rare opportunity for parliamentarians to voice their understanding of the role of Indigenous Peoples in the making of Canada as a “Peaceable Kingdom”.

Building upon the differentiation that had emerged in the debates on the Indian Act of 1876, on the Indigenous Residential School system established in 1883 and on the Indian Advancement Act of 1884, members of Parliament on both sides of the House consolidated during the debates on the franchise bill a distinction between the First Nations of the North-West and to those of central Canada. In the early discussions of the Electoral Franchise Act, John A. Macdonald explains that all “Indians” who met the property qualifications would qualify – even “Poundmaker and Big Bear”, he specifies in his response to David Mills. David Mills, former minister of the Interior under the Liberal Mackenzie government, expressed his fear that, under that arrangement, North-Western Indigenous persons would be able to “go from a scalping party to the polls” (Canada, 1885a: 1484). Macdonald eventually revised the position of its government and advocated the exclusion of the Indigenous Peoples “in the newer Provinces, the North-West and in Manitoba, perhaps in British Columbia”, who are not “yet ready for the franchise” (Canada, 1885a: 1575). Defending this qualification, Macdonald exposed his
view that Indigenous assimilation had thus far been generally successful in central and eastern Canada. “If you go to any of the reserves in the older Provinces you will find that the Indians have good houses, that they and their families are well clad, the education of their children is well attended, their morals are good, their strong religious feeling is evident” (1885a: 1575). Insofar as it is “only designed to give a vote to those Indians who have the ostensible evidences of property which the white man can show – have houses, furniture, and civilised appliances of a certain value,” Macdonald finally determined that “the Bill can in no way apply to the savage nomads of the North-West” (1885a: 1487, my emphasis).

These comments exemplify the colonial liberal ideology, which postulates that as peoples improve, their enlarged rationality and industriousness will manifest materially, through “houses, furniture, and civilised appliances of a certain value”. The words of Macdonald also translate the understanding of the government that only those Indigenous Peoples who can provide evidence that they have assimilated (most importantly, by showing that they own property “of a certain value”) will be able to participate in Canadian citizenship through the electoral system. In other words, embedded into this colonial liberal language of improvement is the epistemically violent idea that Indigenous Peoples can only be involved in Canadian political development if they have been eliminated as Peoples. In contrast, the Indigenous Peoples of the North-West, who had not yet attained that stage on the “scale of civilisation”, therefore had to be denied the franchise.

The Electoral Franchise Act, adopted on 20 July 1885, finally granted the right to vote to all men, including Indigenous men, who were British subjects and met some property qualifications. However, the 11th clause enfranchised “Indians” to the exclusion of “Indians in Manitoba, British Columbia, Keewatin and the Northwest Territories” and of “any Indian on any reserve elsewhere in Canada” who did not possess, occupy and cultivate a tract of land within a reserve.206 Once more, this

206 The clause officially specified that the following persons “shall be disqualified and incompetent to vote”: “Indians in Manitoba, British Columbia, Keewatin and the Northwest Territories, and any Indian on any reserve elsewhere in Canada who is not in possession and occupation of a separate and distinct tract of land in such
specification brings into view the colonial liberal understanding that the principles of private property and agrarian labour formed the basis of civil societies and that until communities transitioned to such understandings, actually own land privately and cultivate that land, they could not participate in the large Canadian nation then in the making. Few First Nations recognised the Electoral Franchise Act as legitimate. In 1896 the franchise was withdrawn from all Indigenous Peoples and was partially reintroduced only in 1920.

The parliamentary debates about who could participate in local government and vote in national elections are worthy of consideration, for they provide a unique insight into the colonial liberal anxieties and constructs – both gendered and racialised – on which Canadian nationality and citizenship have been built (Evans et al., 2003, Perry, 2009). In particular, they reveal that the Canadian territorial and political order emerged and consolidated to the exclusion of Indigenous Peoples, represented as either prone to violence or idle. The Macdonald government denied the franchise and institutions of local government – however discriminatory these institutions proved to be in their working – to Indigenous Peoples of the North-West on the colonial liberal justification that they had not progressed enough on the social scale. In other words, Indigenous Peoples of the North-West were not considered rational or industrious enough to participate in these two key Canadian political institutions. Until they fully assimilated to Canadian settler understandings and communities, the Canadian government devised to intensify the twofold policy examined in this chapter: the regulation of the identity of Indigenous adults and the schooling Indigenous children in the North-West. Both sought the elimination of Indigenous Peoples of the North-West as Peoples. Only once they disappeared as peoples would Indigenous Peoples be able to participate in the government of Canada.

reserve, and whose improvements on such separate tract are not of the value of at least one hundred and fifty dollars” (S.C. 1885).
2. Negating Indigenous Hunger: Selling the North-West to Health-Seekers

The last three subsections presented various attempts of the Dominion government to assimilate Indigenous Peoples. All attempts used legislation as an instrument to achieve the settler colonial objective of eliminating Indigenous Peoples as peoples. As I have argued throughout the dissertation, assimilation worked in tandem with dispossession as the two most prevalent forms of violence that stemmed from the colonial liberal defence of processes of Canadian settler colonisation. While between 1876 and 1885 assimilation of Indigenous Peoples materialised as a priority of the young Dominion, the Canadian government also made some materially violent attempts to consolidate the production of Canadian sovereignty over the Indigenous lands of the North-West. In the last section of this chapter, I focus on one such attempt.

Let us first note that 1880 is marked with the formal transfer of the British Arctic Territories to the Dominion. As early as 1874, the British foreign office had secretly offered the Canadian Governor General Lord Dufferin to hand over the Arctic islands to the Dominion. Canadian officials were surprised by the offer, for most of them had assumed until then that the High Arctic was part of Rupert’s Land, which had been annexed in 1870 (Russell, 2017). Estimating that the Canadian government would be in a stronger position to defend Arctic territories against American territorial covetousness than the British government, the British Privy Council issued in 1880 a proclamation – though somewhat vague in regard to the boundaries of these territories – that ordered the transfer to the Dominion of what is now known as the Arctic Archipelago. As was the case with the union of British colonies in 1867 and the annexation of the Hudson’s Bay territories in 1870, neither British nor Canadian officials consulted or even informed the Inuit that British claims over the territory had been replaced with Canadian claims (Dickason, 2010). Even though the Dominion would not occupy and exercise jurisdiction over the High Arctic before the turn of the 20th century, this proclamation participated in the long-lasting, deeply transformative and materially violent process of Dominion expansion, which challenged and threatened Indigenous territorial and political self-government.
This new phase of Dominion territorial expansion coincided with the further heightening of expectations as to the capacity of the North-West to sustain Euro-Canadian immigration and settlement. The publication of increasingly enthusiastic pamphlets on Manitoba and the North-West Territories reflected the mounting expectations of various actors, including Dominion officials, with regard to the desirability and opportunities of settlement in these regions. This boosting literature, a fraction of which I study next, flourishes on the small but classic boom that took place in and around Winnipeg between 1878 and 1883 (Belich, 2008). These political, economic and territorial factors combined to turn the North West into a “fictitious Garden of Eden” in the eyes of the Canadian Dominion in the later 1870s and early 1880s (Owram, 1992: 164).

In what follows I examine three documents that prophesy great futures for visitors who wish to come to North-West. What is new with the boosting literature in the early 1880s is that in addition to advertising the promises of North-Western lands for those who wished to settle and cultivate it, it also extolled its qualities for travellers, sportsmen and tourists amongst Euro-Canadians. Together, the manuscripts here examined highlight themes of leisure, health and enjoyment to be experienced by potential Euro-Canadian sojourners.

First, the promotion of touristic types of experience in the North-West had the violent effect of negating and eclipsing Indigenous hunger, disease and suffering, which were rooted in government neglect and malevolence and were at its most severe during these years. As remarkably exposed by Daschuk (2013), the Indigenous Peoples of the North-Western plains severely suffered from malnutrition, if not outright starvation, at various moments during the second half of the 19th century.

207 According to the numbers of Belich (2008: 407), the population in Manitoba multiplied from 25,000 in 1871 to 153,000 in 1891, with much of the growth concentrated in 1878–83.

208 The negation of Indigenous hardships and distress was performed in numerous other documents as well. For instance, Macdonald remarked in 1883 through the annual report of the Department of Indian Affairs that he heard nothing from the Blackfoot Nation in the south-western part of the District of Alberta but “expressions of good will towards the Government and of entire satisfaction with the manner in which they have been treated” (1883b: 13). He added that the circumstances in which these Indigenous Peoples found themselves were so satisfactory that “the Department has been able to reduce considerably the rations of flour issued to them on several of the Reserves” (in Canada, 1883b: 14).
and especially in the 1880s. The extermination of bison herds in the late 1870s, combined to the inability of Canadian authorities to fulfil their treaty commitment to adequate food relief to the Indigenous Peoples of the Great Plains, brought about a region-wide famine, which in turn sparked the widespread emergence of tuberculosis amongst immune-suppressed communities. By the early 1880s, tuberculosis was the primary cause of morbidity and mortality within the Indigenous Peoples of the plains.

At the same time as this literature negated Indigenous hunger produced by the failure of the Canadian government to meet its treaty obligations, its promotion of European tourism to the North-West also pursued the appropriation by the Dominion of Indigenous lands by promoting the definitive presence Euro-Canadians in the region. In particular, the boosting literature examined in this section exemplifies one of the shifts that took place within liberalism as an ideology that authorised the settler colonial violence of land appropriation and cultural elimination for Indigenous Peoples. If, starting in the 1850s, colonial liberalism in Canada had foregrounded improvement of both lands and peoples as a justification for its adjoining of the North-West and the elimination of the Indigenous Peoples of the North-West as occupants of their lands, these documents testify to the appearance of tourism as an authorising idea for the material and epistemic violence of settler colonisation. In other words, the boosting literature examined in this section proposes that in addition to cultivation, European tourism also justifies Canadian rule over the North-West, for it believes that only Canada can justly show the North-Western wonders to the rest of the world. Within that new paradigm, Indigenous Peoples are to be eliminated as peoples by becoming folkloric attractions for tourists to see and enjoy.

209 Some treaties, including Treaty 6 negotiated with and by Cree, Assiniboine and Ojibwa leaders in 1876 included governmental food relief in the case of famine. While these treaties thereby acknowledged a property governmental responsibility to provide assistance in times of crisis by way of distributing food, government officials betrayed that commitment when they withheld food that was available from famine-stricken populations and used it as a means to coerce resisting First Nations into negotiating a treaty with the Dominion (Dasckuk, 2013).
The first document I examine is entitled *Notes of a Holiday Trip* (1880), which was authored by Peter Mitchell, a Liberal MP and former minister of the Marine and Fisheries. Having “availed himself of the opportunity of joining some friends in a holiday visit to that land of Canadian promise, viz. Manitoba and the great North-West of Canada,” Mitchell undertook through this publication to provide the Canadian public with “the observations of one who will speak of matters and things as he finds them, free from party bias” (Mitchell, 1880: 5). The second is the published transcription of a speech made by John Campbell, then Governor General of Canada, before the Winnipeg Club upon his return from a viceregal tour of the Northwest Territories (Campbell, 1881). The last manuscript was written by explorer Newton H. Chittenden and is entitled *Guide from Ocean to Ocean by the C. P. R., the Great Transcontinental Short Line Through a Region of Unsurpassed Attractions for Settlers, Miners and Tourists* (1885). Originally issued in the series named “World’s guide for home, health and pleasure seekers”, this manuscript, like the other two, advertised the great potential of the North-West as a tourist attraction, a “land of Canadian promise” not only for settlers, but also for sightseers, health seekers and sportsmen.

Like the booster literature I analysed in the last chapter, these three documents chronicled on the fortunes of the North-West that concerned its soil and climate. As early booster literature, these documents discuss the aptness of the North-Western environment for agrarian endeavours, including by discarding the concept of the “Palliser Triangle”, a semi-arid steppe regarded until then as utterly unsuitable for crops (Owram, 1992). “The newer maps […] have corrected [the] wholly erroneous

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210 The previous year Chittenden published the *Health seekers’, tourists’ and sportsmen’s guide to the sea-side, lake-side, foothill, mountain and mineral spring health and pleasure resorts of the Pacific Coast* (1884).

211 This section could have included publications by the Canadian Pacific Railway Companies. Upon the completion of the transcontinental line in 1885, the Company continued to encourage and facilitate the coming and settlement of Euro-Canadian immigrants (Whitaker, 1991). As steady immigration flows did not materialise for another decade, the CPR undertook to find new ways of generating income. Determined to attract travellers, the Company published pamphlets in which it used Indigenous Peoples as sources of entertainment for Euro-Canadian tourists. It was believed that the sight of “wild Indians in their natural setting from the safety and convenience of a railway car … was every bit as exotic as visiting the depths of Africa” (cited in Francis, 1992: 177-81). Because they were published after 1885, however, I have not included these documents in the present section.
idea” that there are arid plains in the south-western Plains, proclaims Governor General Campbell (1881: 10). To this embellishment, Chittenden added that the North-West actually “embraces the greatest extent of fertile prairie lands in one body, adapted to both agriculture and grazing, on the face of the globe” (1885: 30). The 1880s booster literature also pressed the positive effect of that North-Western environment on human health.212 “The climate is the most healthful in the Dominion,” Chittenden writes (1885: 30). Governor General Campbell poetically adds that Manitoba is “a green sea over which the summer winds pass in waves of rich grasses and flowers” (1881: 7). The small North-Western province possesses “all the fertility of the Valley with the salubrity of the Mountain country”, concludes Mitchell (1880: 45).

Because they “[possess] the healthiest and the most enjoyable climates the year round”, the Province of Manitoba and the North-West Territories are “destined to be inhabited by millions of the strongest people of the Anglo Saxon race”, Chittenden writes (1885: 4). Together with Governor General Campbell’s statement that such a blessed region was believed to be “favourable for the maintenance of a numerous and homogenous white population”, this quotation reflects the strongly racialised language in which was couched the settler colonial project of erecting a Canadian civilisation in the North-West. If the North-West did not yet sustain such a “vast population”, Chittenden and Mitchell concur that “speedy construction of railways from Winnipeg west to the foot of the Rocky Mountains” would bring that reality about (Mitchell, 1880: 59). In a sentence that exemplifies the colonial liberal imperative to improve lands by cultivating them, Mitchell presses the imperative to complete the Canadian Pacific Railway for the prosperity of the Dominion. “Fertile lands are all very well, but without a population they are really valueless, and without railways population will not settle, as without railroads the crops, be they ever so abundant, are not susceptible of being utilized,” he writes (1880: 33). The pamphlets examined thus reflect the idea that it was urgent for the Dominion to complete the Canadian Pacific Railway so that a large population, racialised as white,
can finally settle and cultivate North-Western lands. Implicit in those understandings is that when immigrant labour at last till North-Western lands, the Canadian Dominion will, in the name of agrarian labour, have defended its appropriation of North-Western lands and its manifold effort to eliminate Indigenous Peoples as (undeserving) occupants of their lands.

This 1880s booster literature adds to those published in the 1870s by placing a new emphasis on tourism as a justification for Canada to exercise rule over the vast region. In addition to cultivation, the publications examined in this section promote the suitability of the region for tourist ventures. In his 1885 publication, Chittenden writes that “the sublime grandeur, unsurpassed beauty, and great variety of scenery presented, the incomparably rich fields for the hunter and sportsman, rendered accessible, make [the North-West] the Royal Tourist’s Route of the continent” (1885: 4). In his book, Chittenden lists the health and pleasure resorts in Manitoba and in the North-West. Amongst others, he details the region of the Lake of the Woods and Rat Portage, which affords, according to his guide, “the most delightful resort for tourists, health seekers, and sportsmen in this whole region. All through the summer months, when the heat of the interior towns and cities frequently becomes oppressively hot, here it is deliciously cool and invigorating, and free from dust or other annoyance,” Chittenden stated (1885: 32). In his speech Governor General Campbell likewise advises his audience to “get up a branch house [as soon as possible] situated amongst our Rocky Mountains, where, during summer, your members may form themselves into an Alpine club, and thoroughly enjoy the beautiful peaks and passes of our Alps” (Campbell, 1881: 12). In these passages, the booster literature promotes the Canadian North-West as a destination that is most appropriate for world tourism and thus defends Canadian sovereignty over these lands by implying that only the Dominion can showcase its unique wonders.

All three authors agreed that tourists visiting the North-West would be interested to see Winnipeg, as it was quickly becoming the centre of the attractive region. “Winnipeg now with a population unanimously joining in happy concord, and rapidly lifting it to the front rank amongst the commercial centres of the continent; We may look in vain elsewhere for a situation so favourable and
so commanding,” Campbell states.213 For Mitchell, the importance and attractiveness of the North-West was so great within the Dominion itself that “it would be no great stretch of the imagination to suppose that in less than twenty-five years the inhabitants of the North-West country may consider themselves entitled to put forward their pretensions to have the seat of the Government transferred from Ottawa to the Red River”, concludes Mitchell (1880: 31). 214 In short, these quotations championed the sojourning of Euro-Canadian tourists in a region that they represented as properly Canada, for only Canada could as a developing power adequately offer the North-West as a tourist region to the rest of the world.

In their representation of the North-West as an exceptional destination for international tourism, the three authors entirely rid the region of the original presence of Indigenous Peoples. Campbell specifies that sojourners to the North-West could enjoy their holidays in peace. Because of the “policy of kindness and justice”, of “wisdom and righteousness” inaugurated by the Hudson’s Bay Company and honoured by the Dominion, travelers to the North-West did not have to fear attacks or intrusions from Indigenous Peoples (Campbell, 1881: 11). For that reason, settlers – like travellers – were also able to “enjoy in such peace the fruits of their industry” in the North-West (1881: 11). Obscuring the physical, material and epistemic violence the Dominion deployed to secure its sovereignty over the region, these passages use representation as a mode of epistemic violence to consolidate the claim that the Dominion possessed these lands and secured that possession peacefully. Emptying the North-West of its significance for Indigenous Peoples, the booster literature produced new images of Indigenous lands that did not only facilitate its appropriation by settlers and travellers, but also reinforced Canadian sovereignty over the North-West as peaceable and necessary.

213 This remark is echoed by Chittenden when he wrote: “There is no doubt in my mind that Winnipeg is only in the infancy of her growth, and that she will become one of the largest cities of the New World” (1885: 37).
214 Mitchell detailed his thinking: “the bulk of power, as of population, of this Canada of ours will, in all probability, be then transferred from Ontario to the North-West, and as in the Western States, so in our West, the influx of population and natural wealth will make itself felt” (1880: 31).
In short, the Dominion’s incursions into the North-West occasioned some of most severe hardships to be experienced by the Indigenous Peoples of the North-West. What is more, Dominion officials actively denied the violence inherent to these excursions. These officials (i.e. Governor General Lorne and Liberal MP Peter Mitchell), in addition to private authors, obscured Indigenous famine and disease by advertising the North-West as a great land not only for settlers and cultivators, but for tourists and visitors – and health seekers in particular. Boosting environmental benefits of the region for human health, the documents here reviewed assign race to the figure of the health seekers by reserving tourist enjoyment and leisure to men of English ethnocultural heritage. Finally, this section exemplified the shifts that took place within liberalism as an ideology that authorise the Canadian appropriation of the North-West. In addition to foregrounding improvement of both lands and Peoples of the North-West, later booster literature also highlights tourism to defend the Canadian rule over the North-West. Within this newly formulated liberal mythscape, Indigenous lands are to be appropriated by Canada, for it only can showcase the North-Western wonders to the rest of the world. As a consequence, Indigenous Peoples are to be eliminated as Peoples by becoming Canadian attractions for the rest of the world to enjoy. Even though liberalism varies in its expressions on account of changing circumstances, including the consolidation of Canadian sovereignty over the North-West, it continued to contain within it the material violence of dispossession and the epistemic violence of assimilation.

3. Conclusion

This chapter uncovered many strategies pursued by the Dominion government to build itself, that is, to consolidate both its identity and state. As in other periods of Canadian political development, the making of the Canadian nation in the decade that followed the adoption of the Indian Act necessitated building cultural homogeneity (Belmessous, 2013). In this context, the assimilation of Indigenous Peoples – or their elimination as occupants of their traditional lands – was an essentially legalistic endeavour. Yet, the Dominion undertook to build cultural homogeneity not only
by differentiating between Indigenous and non-Indigenous Peoples, but also by distinguishing “North-Western Indians” from those who lived east of the Great Lakes. As the Dominion developed its strategy to assimilate the former group, conceived of as more “warlike” and in urgent need of “improvement”, it further divided the group into adults and children. To the extent that the Dominion believed that Indigenous adults could not be fully assimilated, it promoted their elimination by regulating their identities, most importantly through the Indian Act. To the extent that Indigenous children were believed to be more “amenable to the restraints of civilization”, Ottawa designed a schooling system that immersed these children into colonial liberal ways of knowing and being on the land, to be rooted in the principles of private property and agrarian labour.

As the discussion of the 1884 Indian Advancement Act and the 1885 Electoral Franchise Act showed, the Dominion determined that until Indigenous Peoples fully assimilate in settler communities, they could not participate in the settler government of the country either by voting or “managing their own affairs”. In other words, the Dominion justified the exclusion of Indigenous Peoples from Canadian political institutions like the electoral system on the colonial liberal principle that they had not yet “improved” enough.

The last section of the chapter illustrated the shifting emphasis within liberalism on the justification for settler colonial appropriation of Indigenous lands. In addition to then defending it on the imperative to improve lands and peoples of the North-West, the Dominion articulated its responsibility in making the North-Western wonders available to European sojourners. The consolidation of the Canadian presence in the North-West on the basis of that newly articulated mandate furthered the material violence of dispossession as well as the epistemic violence of elimination of Indigenous Peoples as peoples either by making them invisible or by presenting them as tourist attractions. That indigenous were to be eliminated did not mean they were authorised to resist Canadian authority, as the episode of the North-Western Resistance – to which we turn next – illustrate.
"Poundmaker – I have utterly defeated the half-breeds and Indians at Batoche, and have made prisoners of Riel and most of his council. I have made no terms with them, neither will I make terms with you. I have men enough to destroy you and your people, or, at least, to drive you away to starve, and will do so unless you bring in the teams you took and yourself and councillors."

Fred Middleton, General Officer Commanding the Militia of Canada
Sent to defeat the North-West Rebellion (1885)

“It is not safe that these men [the First Nation defendants] should be allowed to go entirely free, because if these men are to escape punishment, then the country will not be safe at any time; [...] we will have these outrages in all parts of the country, and there will be no safety for the settlers."

David Lynch Scott, Crown Counsel
Queen vs. Big Bear’s Band, Nan-e-sue et al. (1885)

CHAPTER 7: Eliminating Indigeneity: Crushing Resistance and Convicting Indigenous Leadership, 1885

Most previous chapters looked at the various ways in which the Dominion undertook to secure the appropriation of – and the production of sovereignty over – Indigenous lands of the North-West. As I argued, the most prevalent forms of violence in the development of Canada as a settler colonial nation and state were the material violence of dispossession and the epistemic violence of assimilation. As Indigenous Peoples continued to resist that violence, the Dominion determined in 1885 that they had to be subject to a more direct form of elimination: the physical violence of military and judicial execution. As obstructive forces in the way of “legitimate” and “peaceable” nation-making, Indigenous Peoples of the North-West were subject in 1885 to a war waged by the Dominion through military, judicial, administrative and legislative means. In particular, this chapter examines the military suppression of the North-West Resistance and the trials of First Nations leaders determined by the Crown to have rebelled against the Dominion government. These episodes constitute two of the most devastating assaults on Indigenous lives in the history of the country. As a result of that
military campaign and the 1885 mass judicial executions, more than 33 members of First Nations lost their lives to the force of the Dominion.

This chapter reviews the four different instruments (military, judicial, administrative and legislative) through which the Dominion secured its objective of eliminating Indigenous Peoples. First, I examine the legislative and administrative attempts of the Department of Indian Affairs to criminalise Indigenous resistance and thus neutralising Indigenous Peoples as potential obstacles in the way of development of Canada as a settler colonial state and nation. In this context, I review the Notice issued by Lieutenant-Governor of the North-West Territories and Indian Commissioner Edgar Dewdney, which restricted the circulation of ammunition and criminalised the movement of First Nations outside of and across reserves.

Second, I turn to the narratives of the main commanders of the military campaign dispatched to the North-West to crush what the Dominion framed as an “Indian rebellion”. Amongst such published narratives, the most important is Major General Frederick Middleton's *Report Upon the Suppression of the Rebellion in the North-West Territory*. Complementing the narrative of Middleton on the imperative to eliminate “disloyal” Indigenous leaders in the North-West are the report of Sir William Dillon Otter (Lieutenant Colonel serving under Middleton), of Charles-Eugène Panet (Deputy Minister of the Militia and Defence) and of A. G. Irvine and L. N. F. Crozier (respectively Commander and Assistant Commissioner of the North-West Mounted Police). This section examines the language through which the leaders of the armed forces explained their role in the Dominion expedition and exposes the violence that underpinned the colonial liberal defence of the appropriation by the Dominion of North-Western lands.

Third, I examine the judicial continuation of the war waged by the Dominion against Indigenous Peoples as obstructive forces in the way of its territorial and political development by studying the 1885 trials of 8 Indigenous leaders. The accused were found guilty of treason against the newly established Canadian authorities and sentenced to death by hanging. In this section, I present documents produced by the Crown against Indigenous leadership which, in addition to criminalising
their contestation of the failure of the Canadian government to meet its treaty obligations, built a case of Indigenous disloyalty to the Queen and Dominion. An examination of documents such as the charges, verdicts, sentences and addresses to the jury of the judge, counsel for Crown and counsel for defence (including the opening and concluding statements) reveal how the Dominion built a narrative of Indigenous violation of treaties, Crown sovereignty and, in particular, the principle of peace to authorise the execution of eight First Nation leaders. In the last section, I examine the memorandum relative to the future management of Indians signed and adopted by the Department of Indian Affairs to see how the Department continued to mobilise through administration the now familiar theme of loyalty in order to eliminate Indigenous Peoples.

These events again illustrate the larger pattern I have analysed throughout this thesis. To defend its effort to eliminate Indigenous Peoples, the Canadian state framed itself as an agent of peace-building and projected violence onto Indigenous Peoples as opposed to onto itself. In particular, the Dominion framed Indigenous Peoples as violent and disloyal subjects that must be eliminated for having levied war against the constituted authority of the Crown. In this context, I also examine the theme of “loyalty” as a supposedly unfulfilled duty of Indigenous Peoples towards the British Crown. In particular, I argue that colonial liberalism, despite its emphasis on peace and progress, is actually more committed to the punishment of subjects found to be “disloyal”. In turn, the charge of disloyalty justifies the execution of Indigenous leaders determined to have “rebelled” against the constituted authorities. The very designation of resisting Indigenous leaders as “rebels” testify to the fact that the Canadian settler colonial state engaged in the violence of elimination while simultaneously projecting violence on Indigenous Peoples as “rebels”. By documenting the various ways in which the Dominion used the charge of disloyalty to eliminate Indigenous Peoples, I reveal colonial liberalism to be as violent as imperialism, which endorses “conquest” as a legitimate means to appropriate lands and people. In other words, insofar as that it demands the execution of “disloyal” subjects, colonial liberalism is destructive of Indigenous lives and is thus physically violent.
The military, judicial and administrative involvement of the Dominion in the 1885 North-West Resistance constituted a defining moment for Canadian identity and nation-making. In the aftermath of the 1885 resistance, the Dominion claimed to have become the massive and sovereign territorial entity it is still taken to be today. This chapter surfaces the violence by means of which Canada could declare to have achieved territorial sovereignty. It also unveils the colonial liberal discourse that allowed the Dominion to claim not only to have achieved that sovereignty, but also to have achieved that sovereignty peacefully. Exposing the violence that the Dominion perpetrated to secure its existence and expansion in the mid- and late-nineteenth century undercuts the cultural and scholarly paradigm of Canada as a Peaceable Kingdom by undoing the historical and contemporary disavowal of the violence of Canadian political development and the enduring understanding of Canada as “peaceable”.

1. Pacifying the North-West

To adequately understand the forcible governmental attempts at “pacifying” the North-West, which included concerted efforts by the Dominion to use and exploit Indigenous resistance, it will be helpful to consider briefly the circumstances in which this resistance emerged.

If the term “resistance” has come to be widely accepted in relation to the events of 1869-70 in the future Province of Manitoba, the term “rebellion” is conventionally preferred in relation to the events of 1885 (Carter, 1999). In 1869-70 there indeed was a vacuum of formalised authority in the North-West. In other words, there was no Western-style government against which to “rebel”. The Métis thus “resisted”– as opposed to having “rebelled against”– the Dominion’s legislative, administrative, political and military incursions into their lands and lives. In 1885, when the Métis provisional government formed, there was no such vacuum: the Dominion had been claiming and attempting to settle and produce sovereignty over the North-West Territories for some time. Notwithstanding the conventional differentiation between the events of 1869-70 as “resistance” and of 1885 as “rebellion”, I use the term “resistance” to designate the armed conflict of 1885 so as to not
semantically undercut the legitimacy of the Indigenous claims that undergirded the outbreak of hostilities in 1885, which the term “rebellion” could do.

The circumstances of the 1885 resistance were different from those of 1869-70 in some other ways. In 1885, the Dominion had the military capacity to crush insurgents if it so desired – and indeed it did. Although Batoche was geographically more distant from Ottawa than was Winnipeg, the lines of communication and transport made the targeted site more penetrable in 1885 than in 1869-70 (Miller, 2000). The military campaign of 1869-70 was indeed demonstrative of the Dominion’s lethal power, but the campaign of 1885 acted on that power: in addition to the victims of judicial executions, the 1885 resistance’s toll includes the death of 53 government soldiers and 25 Indigenous persons as well as serious injuries to 118 persons (Dickason, 1997). For reasons that will become clear, the 1885 resistance finally represents Canada’s “first national war” (Buckner, 2008c: 75). In addition to constituting the first entirely Canadian military campaign, it has also become an important landmark in the making of Canadian history as that of a benevolent peace-making force.215

Although Indigenous resistance to Canadian domination never ceased, the North-West resistance has been one of the most important attempts by groups of Métis to oppose Canadian ways of reordering the North-West economically, politically and socially. Causes of the armed uprising are many and this chapter does not undertake to record all of them in detail. To contextualise the chapter, however, let us note that disappointment and frustration with the federal government on the plains were widespread in the early 1880s and affected even the Euro-Canadian settlers of Saskatchewan.216 The situation of the Métis of Saskatchewan was even more critical, especially following the disappearance of the buffalo. As discussed in chapter 4, many of the Métis who were displaced in the

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215 The 1885 campaign was the first British North American military undertaking in which Canadians were virtually on their own (Murray, in his introduction to Morton, 1972). The fighting force was constituted in its entirety with the Canadian militia and thus included no British regular except for its commander-in-chief, British Major-General Frederick Middleton.

216 According to Miller (2000), the white farmers on the Plains deplored the ineffectiveness of the land registry system, the incompletion of the Canadian Pacific Railway and the failure of crops following successive episodes of climatic hardships.
wake of the Red River Resistance settled on the banks of the North and South Saskatchewan. As Canadian authorities continued to survey the lands of present-day Saskatchewan, the Métis feared that their customary title to their river-lot farms would yet again be extinguished. In the 1800s, Canadian officialdom had once more caught up to the Métis and, through the implantation of a land-registration system, threatened to withhold the lands they occupied or price them out of reach. Métis anxiety over land rights combined with hardship, famine and disease amongst many Indigenous Peoples. As the previous section specified, the Indigenous treaty populations were undergoing a severe crisis by the summer of 1884: successive episodes of climatic disruptions, the depletion of fish and small game and departmental indifference to the miserable conditions on reserves forced Indigenous leaders, and Cree leaders in particular, to combat the erosion of their land and sovereignty by seeking the renegotiation of the treaties.

In response to Indigenous hardships and claims, the Lieutenant Governor of the North-West Territories and Indian Commissioner Edgar Dewdney adopted a twofold policy. Dewdney first undertook to meet the demands of the Plains Cree by manipulating the distribution of rations, farming equipment and ammunition. When that failed, Dewdney used force against reluctant Indigenous leadership. By monitoring the behaviour and movement of Indigenous Peoples in key regions, Indian agents identified and arrested Indigenous leaders who challenged the rule of the Department and Dominion (Tobias, 1983b).

217 One of the most important legislative initiative adopted before the outbreak of hostilities to address what the government feared was potential for armed unrest in the North-West was the Act further to amend The Indian Act, 1885. In the Act, it was enacted that "Whoever induces, incites or stirs up any three or more Indians [...] (a) To make any request or demand of any agent or servant of the Government on a riotous, routous, disorderly or threatening manner, or in a manner calculated to cause a breach of the peace; or – (b) To do an act calculated to cause a breach of the peace, is guilty of a misdemeanor, and shall be liable to be imprisoned [...]" (Act further to amend The Indian Act, 1885, s. 1, my emphasis). In an effort to neutralise Indigenous resistance, the same Act further prohibited the sale or gift to members of the First Nations in Manitoba or in the North-West Territories of any “fixed ammunition or ball cartridge”. This legislative initiative adopted before the outbreak of hostilities symbolised one of the first important governmental attempts to criminalise Indigenous “requests or demands” to alter the untenable economic and ecological status quo, for the reason that they could disrupt the rule and order established by the Dominion.
The manipulative policy of resource distribution and the coercive policy of arresting recalcitrant leaders contributed to the outbreak of hostilities, including the March 1885 Battle of Duck Lake, which cost the lives of twelve members of the NWMP and seriously injured twenty others in present-day Saskatchewan (Titley, 1993). The Dominion then changed its strategy: it determined to secure Canadian order in the North-West through the immediate mobilisation and dispatch of a large military battalion. Volunteers from Nova Scotia, Québec, Ontario, but also Manitoba and the North-West Territories, set out for the Saskatchewan Valley. At the height of the conflict, over eight thousand young Canadians had enrolled at a time when the overall population in this area was around 11,000.

In addition to suppressing Indigenous resistance, the Dominion exploited the conflict to oppress the First Nations of the North-West in general, and the Plains Cree in particular (Tobias, 1983b, Stonechild, 1991, see also Miller, 2000, and Stonechild and Waiser, 2010). To undermine the First Nation movement that asked for the numbered treaties to be revised, agents of the Department of Indian Affairs portrayed the general uprising as substantially “Indian”, on the one hand, and as requiring a decisive and definitive military rather than political response, on the other. Historians argue that the first claim is false: the resistance was mostly organised and fought by the Métis as opposed to First Nations. In the words of Stonechild and Waiser, Cree involvement in the resistance was “spontaneous, isolated and defensive” (2010: vii). According to their calculations, less than 5% of the First Nations population of the North-West participated in the resistance in one way

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218 According to Morton (1972), Minister of Militia and Defence Adolphe-Philippe Caron deliberately constituted a predominantly English-speaking force: being likely to have “long memories of Thomas Scott” (executed in Red River in 1870 and since made a martyr), Caron believed Anglo-Protestant recruits would be most efficient in the North-West.

219 According to the census of Canada, there were 10,973 individuals living in the Northwest Territories in 1881. Official contemporary interpretation of these numbers proposes that “in 1881, it would have been almost impossible to conduct an enumeration of Aboriginal people over a great extent of the unorganized territory of Canada”, especially in the Northwest Territories. For this reason, the “names of Aboriginals may not have been recorded” in that region (Canada, 2019). However, the size of the population may reflect the historical reality.

220 Reid (2008) also argues that the insurrection came to the aid of the completion of the Canadian Pacific Railway in the farthest reaches of the Dominion, for anxiety over a potential “Indian war” facilitated and expedited government investment in the project (see also Waite, 1971).
or another.\textsuperscript{221} I contend, however, that Ottawa and military authorities used resistance by the Metis to portray First Nations as rebels which in turn allowed them to justify the dispatch of a military campaign against both Metis and First Nations populations. As this chapter shows, the Crown prosecuted, convicted and executed, without due process, several First Nations leaders for having “levied war” against the constituted authorities of the Dominion. In short, the Canadian government exploited the North-Western crisis to suppress Indigenous agitation and resistance by portraying acts of resistance as acts of violence and rebellion. The crushing of the resistance then served to reinforce the material violence of dispossession and the epistemic violence of assimilation in the making of the Canadian state and nation.

2. Crushing Indigenous Resistance

A few documents written by various actors implicated in the military suppression of the North-West Resistance of 1885 shed important light on this repressive process. I first look at the Notice published by Lieutenant Governor of the North-West Territories and Indian Commissioner Edgar Dewdney, which participated in neutralising Indigenous resistance by criminalising some expressions of it. I then analyse reports published by Major-General Frederick Middleton.\textsuperscript{222} On March 23, 1885, Middleton received orders from Adolphe-Philippe Caron, then federal Minister of Militia

\textsuperscript{221} Metis leadership, enterprising to spark a territory-wide insurrection, did wish for the First Nations to join the ranks of resistance. Most First Nations did not respond to the invitation. Owing to the commitment of First Nations leaders to honour treaty obligations or to a general state of weakness due to famine and disease, most Indigenous nations reaffirmed their loyalty to the British Crown throughout the resistance (Stonechild, 1991, Miller, 2000). One distinct event, however, served particularly well the demonstration of the involvement of First Nations in the rebellion: the Frog Lake murders. Stonechild and Waiser, however, maintain that the Frog Lake Massacre was the “isolated” and “spontaneous” initiative of desperate, starving and intoxicated men (2010: 170).

\textsuperscript{222} Middleton authored three distinct reports in relation to his command of the military campaign to the Canadian North-West. The first is the \textit{Report upon the Suppression of the Rebellion in the North-West Territories and Matters in Connection Therewith, in 1885}, the official record presented to the Parliament by the Department of Militia and Defence in May 1886 (Canada, 1886a). If this first document contains the official dispatches of Middleton regarding the military operations in the North-West, the second is an unofficial, “more leisurely survey” of the same events, which appeared in four successive issues of the London \textit{United Service Magazine} (Middleton, 1885a, see introduction to the volume by G. H. Needler). The last document is the official \textit{Copy of official reports from Major General Middleton}, published in the Sessional Papers of the Dominion (Middleton, 1885b).
and Defence, to depart for Winnipeg. Middleton, a Belfast-born veteran of the British regular army, had participated in the crushing of Indigenous insurrections elsewhere in the British Empire, most notably India and New Zealand. Complementing the Middleton narrative is the report of Sir William Dillon Otter, Lieutenant Colonel who served under Middleton as well as of Charles-Eugène Panet, Deputy Minister of the Militia and Defence. Because the North-West Mounted Police served during the North-West Resistance under the Major-General Middleton, it is also instructive to examine the “Report of the Commissioner of the North-West Mounted Police Force, 1885”. Finally, I turn to annual reports of the Department of Indian Affairs (Department of Indian Affairs, 1886). Taken together, these documents clarify the governmental aspiration to forcibly suppress Indigenous resistance to the consolidation of its rule by outlawing the contestation of its authority, framing it as an act of disloyalty that necessitates a military response.

Once the troops arrived into the North-West, the government undertook to suppress Indigenous resistance by criminalising expressions of it. According to Stonechild and Waiser (2010), Middleton’s strategy consisted of confining Indigenous nations and individuals considered loyal to their reserves to allow the Canadian militia to face the “disloyal” and “rebellious” elements more readily. Indian Commissioner Dewdney welcomed the approach and issued a notice that facilitated Middleton’s desired course of action on May 6, 1885. The Notice pronounced: “the troubles in the North have necessitated the bringing of large bodies of troops into the country to suppress the troubles, and punish those causing them” (Dewdney, 1885). To quell the rebellion, the notice informed the residents of the North-West that “it is necessary for the [troops] to arrest all Indians, or any suspicious persons whom they may see” to ascertain whether they are “hostile or friendly”. The

223 In the second half of the 19th century, the commander-in-chief of the Canadian militia was chosen amongst officers of the British regular army.
224 This Report was published in the Sessional Papers of the Dominion (Canada, 1886b).
225 According to Miller (2000), the Notice eventually evolved into the Pass system, the unlawful, informal and yet long-lasting administrative system set in place in the late 1880s and kept in use until the 1930s to confine First Nations to their assigned reserve unless they were issued a government issued pass.
notice continued: “when these troops meet any Indians off their Reserves they may be unable to tell whether they are hostile or friendly, and may attack them” (Dewdney, 1885, my emphasis). “Whereas, it is expedient that all good and loyal Indians should know how to act under the present circumstances,” the notice instructed, “all good and loyal Indians should remain quietly on their Reserves”. In return, “any Indian being off his Reserve without special permission [...] is liable to be arrested on suspicion of being a rebel, and punished as such” (Dewdney, 1885).

The Notice clearly exposes several of the strategies espoused by military and political officials to suppress Indigenous resistance. It is extraordinarily sweeping in its approach and started from the premise that Indigenous Peoples may be hostile or friendly to the government, with a default assumption that Indigenous persons “off reserve” can be treated as hostile, in which case they must be punished. Very importantly, the Notice also authorised the arrest, questioning, and outright attack of all First Nations and legitimised these acts of physical violence as “necessary”. Simultaneously, the Notice criminalised movement to and from reserves, thus furthering the violence of territorial dispossession by confining First Nation to the reserves constituted for them by the state in the first place. Finally, it facilitated the representation of Indigenous acts of resistance (even if spontaneous, defensive and isolated) as acts of “rebellion” against the legitimate authority of the sovereign, which was an important rhetorical tactic that authorised their further subjugation once the resistance was eradicated.

The nature and extent of the violence committed by the military and police agents of the Dominion in the course of the resistance is further revealed in the analysis of the reports authored by Major-General Middleton, Lieutenant-Colonel Otter, North-West Mounted Police Commander Irvine and Assistant Commissioner Crozier, Superintendent-General of Indian Affairs Macdonald and Deputy Minister of the Militia and Defence Charles-Eugène Panet, who collectively perpetrated physical violence, all the while blaming the First Nations for it.

All reports here studied represented the circumstances of the North-West Resistance as “most trying” for the Canadian forces (Otter, Canada, 1886a: 25). In the words of Irvine (in Canada, 1886b:
26), the Canadian troops received “a preconceived and determined opposition [...] at the hands of men who had set the laws of the country at defiance”. Mobilising the idea that Indigenous leaders had violated Canadian laws (to which we will return shortly), both Middleton and Otter reinforced the representation of insurgents as both ferocious and capable. According to Otter, “without sleep or breakfast, [the raw troops] found themselves opposed to a cunning and determined enemy, thoroughly acquainted with the ground, adopting a new style of warfare and in numbers nearly double” (in Canada, 1886a: 25). This “far distant enemy [bore] the character of being wily and brave, perfect bush fighters, and good shots”, Middleton concludes (1885a: 3). “Our losses in dead and wounded are very heavy,” deplores Deputy Minister of the Militia and Defence Charles-Eugène Panet. Middleton also expresses his regrets that the official list of the killed and wounded amongst Dominion recruits was so large. He specifies, however, that it “is not larger than might be expected, considering the circumstances under which we were attacked” (1885b: 3).

Most military officials underline the remarkable service of soldiers in “[breaking] the neck of the rebellion” in the North-West (Middleton, 1885a: 8). Irvine and Panet emphasise the “alacrity with which volunteers presented themselves from all parts of Canada for the service of the Crown, and in the cause of law and order” (Panet, in Canada, 1886a: x, see also Irvine, in Canada, 1886b: 30). While Middleton highlights their “pluck and coolness under fire” (1885a: 53), Otter writes of “their admirable coolness and gallantry” (in Canada, 1886a: 25). The conduct of the troops engaged in the campaign, both soldiers and officers, secured what Middleton referred to as the “perfect success of the campaign” (1885a: 70). Amongst other indicators, Middleton discerns the completeness of the military success in the “fact” that near the end of the campaign “a great number of half-breed came in, vigorously waving white flags, and gave themselves up with their arms” to the Canadian militia (1885a: 56). It is only to be hoped, concluded Deputy Minister Panet that “any future emergency, from whatever quarter the danger to the peace and safety of Canada, or to the honor of the Empire may arise, will find the Department of Militia and Defence as zealous and devoted [...] as it has proved itself upon the occasion” of the 1885 resistance in the North-West (in Canada, 1886a: xii).
To ensure so “perfect” a military “success”, commandants had to use threats and sheer force, in both action towards and communication with the resisting group. No excerpt perhaps expresses more clearly the physical violence threatened by the high ranks of military command than the response Middleton offered to Piikwahanapiwiyin (Poundmaker), a prominent Cree Chief signatory to Treaty 6, as he enquired about the terms of peace following the surrender of Riel. Through a messenger, Piikwahanapiwiyin writes to Middleton the following note:

SIR. — I am camped with my people at the east-end of the Eagle Hills, where I am met by the news of the surrender of Riel. No letter came with the news, so that I cannot tell how far it may be true. I send some of my men to you to learn the truth and the terms of peace, and hope you will deal kindly with them. I and my people wish you to send us the terms of peace in writing, so that we may be under no misunderstanding, from which so much trouble arises. We have twenty-one prisoners, whom we have tried to treat well in every respect. With greetings, His Poundmaker (in Middleton, 1885a: 59).

Middleton does not mince his words in his response to Piikwahanapiwiyin’s peaceable note.

Poundmaker — I have utterly defeated the half-breeds and Indians at Batoche, and have made prisoners of Riel and most of his council. I have made no terms with them, neither will I make terms with you. I have men enough to destroy you and your people, or, at least, to drive you away to starve, and will do so unless you bring in the teams you took and yourself and councillors, with your arms, to meet me at Battleford on Monday, the 26th. I am glad to hear you have treated the prisoners well and have released them. Fred Middleton, Major-General (Middleton, 1885a: 60, my emphasis).

In his response, Middleton articulates his understanding that the Dominion defeated “the half-breeds and Indians” as obstructive forces that stood in the way of Canadian nation making. He also makes clear that the Dominion, despite its emphasis on the peaceable character of those formative processes, has no intention of making peace with the “disloyal” peoples of the Plains. Instead, Middleton, on behalf of the Dominion, threatens further physical aggression against Piikwahanapiwiyin and those who associated with him (“to destroy you and your people, or, at least, to drive you away to starve”) unless they surrendered.

Despite their clear recourse to physical violence, the military commandantship attributes the initiative and perpetration of physical aggression onto Indigenous Peoples – predominantly the Métis, but some First Nations as well. In the course of the insurrection, Crozier writes
Riel and his followers had robbed, plundered, pillaged and terrorized the settlers and country; they had sacked stores, seized and held as prisoners officers of the Government, merchants, settlers and others; they had risen in armed rebellion or insurrection, they patrolled the country with armed parties, who seized, with the muzzles of rifles at their heads, loyal subjects, or any one else they chose, declaring that they had the choice of submitting to be made prisoners or of being shot [...] (in Canada, 1886b: 43).

In this passage, Crozier accuses Riel and his Indigenous followers of having committed various kinds of aggression. In a word, he claims that they “plunged the country into a state of war, terror and anarchy [and] had paralyzed [...] the legitimate and peaceful occupations and callings of the people”. In the words of Crozier, resisting Indigenous groups had to be defeated through armed force, for they stood in the way of the making of a new settler colonial regime in the North-West, a regime that was defined by the colonial liberal idea that the “people” should be free to attend to their own “legitimate and peaceful occupations and callings”.

In addition to blaming Indigenous Peoples for subjecting the peoples of the North-West to war, Dominion officials also assumed they had no cause for doing so. As Superintendent-General of Indian Affairs, John A. Macdonald writes in his report, “Indians who revolted had no reason for doing so, in so far as their treatment was concerned”: “they had an abundance of food” (Department of Indian Affairs, 1886: ix, xi). This passage highlights the failure of the Department to consider Indigenous perspectives and grievances or the violent impact of its incursions onto their lands. In his report, Middleton also points to “the ingratitude of the Indians, who had been well treated by the white men, in joining the half-breeds in rebellion” (1885a: 61). Denying its failure to meet its treaty obligations, the Dominion, in the words of Macdonald and Middleton, also denies Indigenous Peoples a right to contest the terms of its consolidating rule in the North-West.

While refusing to admit that Indigenous Peoples had legitimate reasons to oppose Dominion rule and their restriction to small parcels of land or reserves within their own territory, the Canadian government nonetheless recast the roots of Indigenous resistance as something that had nothing to do with the state's incursion on their lands. If First Nations participated in the resistance movement, the Dominion assumed that it as “due to circumstances over which this Department had no control”.

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Most importantly, the Department of Indian Affairs assumes that it was the Métis who has misled First Nations into the Resistance. Macdonald, like Middleton, Otter, Irvine and Crozier, reported in the annual report of the Department of Indian Affairs his belief that First Nations were manipulated into joining the Métis in their resistance against the Crown government. According to Macdonald, "the fact of the Indians being connected by blood relationship with the half-breeds had, of course, great influence with the former" (Department of Indian Affairs, 1886: x). He continues: “The poor untutored savages,” especially “those wandering tribes not settled on reserves”, lent “too ready an ear to the leader of the half-breed insurgents and his lieutenants, which resulted in some of them forgetting the allegiance they owed their Sovereign, and becoming involved in the rebellious movement, and eventually committing crimes” (Department of Indian Affairs, 1886: xlv, x, ix).

This short passage is instructive in two regards. First, it voices the belief of the Dominion that Indigenous Peoples of the North-West lacked key colonial liberal attributes. Specifically, they lack rationality ("poor untutored savages") and industriousness ("wandering tribes not settled on reserves" who did not work the land). For these two reasons, the Dominion views Indigenous Peoples as "backward", easily manipulated by the Metis and lacking legitimate grounds to resist the rule of the Dominion. As a result, the Canadian government interprets Indigenous resistance as acts of violent disloyalty, which stem from their “old instincts for the warpath” (Department of Indian Affairs, 1886: x). Once more projecting violence onto Indigenous Peoples, the Dominion used all of these premises to justify the crushing of Indigenous and more specifically First Nations’ resistance through armed force.

Because of the colonial liberalism understanding that Indigenous Peoples of the North-West were not “advanced” enough to have legitimate grounds for resisting the rule of the Dominion, the

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226 The other military officials also portrayed First Nations leaders as easily manipulated and misled. While Otter wrote they were “[hesitant] between peace and war” (in Canada, 1886a: 23), Crozier added that "stronger to [wavering Indian tribes] than any argument [is] giving them plenty to eat" (in Canada, 1886b: 45, see also Irvine, in Canada, 1886b: 27).
Canadian state refused to consider Indigenous Peoples as legitimate interlocutors in the negotiation of a better partnership on the plains and thus determined in 1885 to dispatch a new military expedition to meet those believed to have “caused a breach of the peace” with sheer force. In the words of Miller (2000: 241), Canada’s suppression of the rebellion was both “devastating and indiscriminate”. The Canadian forces, which greatly outnumbered the few hundred armed Métis, ultimately crushed the North-Western Resistance. In so doing, the Dominion outlawed contestation of its authority by framing Indigenous contestation as acts of unprovoked violence.

The Dewdney Notice and the publications of the leaders of the North-Western military expedition exemplify a particular pattern that I have tracked over multiple decades: the projection onto Indigenous Peoples of violence that was actually initiated by Canadian powers. As the trials of First Nations leaders in Battleford will show, the Dominion established that First Nations’ acts of defiance were demonstrative of their aggressiveness, ungratefulness and disloyalty to established powers. As obstructive forces in the way of the making of Canada as a Peaceable Kingdom, the Dominion used the representation of Indigenous as disloyal and violent to authorise their elimination, including in particular by the elimination of Indigenous leadership.

3. Eliminating Indigenous Leadership

The government of the Canadian Dominion sought to secure Indigenous dispossession and assimilation in a very particular way: through the judicial conviction and execution of Indigenous leadership in the aftermath of the North-West Resistance. As was argued in the last section, Ottawa exploited the crisis in the North-West by narrating it as having been initiated and conducted not only by the Métis, but also by the First Nations. Configuring acts of resistance initiated by First Nations leaders and peoples as rebellious acts of physical violence, the military and political powers secured a narrative of the resistance that would facilitate their elimination. In addition to using the military, the government also used the judicial system to unleash the physical, material and epistemic violence deemed necessary by the Dominion to develop Canada as a “Peaceable Kingdom”. As with the last
section, this section exposes the violence—in particular, the physical violence of execution and intimidation and the epistemic violence of configuring First Nations as "disloyal"—that underpinned colonial liberalism since its first articulations as the ideology that authorised the Canadian appropriation of Indigenous lands in the North-West.

Numerous scholarly works that discuss the trials that followed the North-West Resistance focus on the trial of Louis Riel.\textsuperscript{227} I concentrate in this section on the representations by the Crown and Dominion of members of First Nations, as opposed to the Métis, for these representations are most demonstrative of the Dominion's perpetration of physical, material and epistemic violence in the making of Canada as a "Peaceable Kingdom".

Putting "Indians" to trial allowed the government to uphold a narrative that blamed them for initiating and participating in the rebellion, even though Ottawa knew they were only marginally involved in the Resistance. As discussed in the last section, most First Nations leaders declined to either support or assist the Métis in the rebellion and recurrently professed their loyalty to the British Crown and their respect towards the treaties (see Carter, 1993 and Beal and MacLeod, 1994). When First Nations leaders or individuals did participate, they were either compelled by the Métis or acted out of hunger and desperation—the very products of the Dominion’s policies (Hall, 2015 and Stonechild and Waiser, 2010). If the oral history compiled by Stonechild and Waiser provides evidence that First Nations were only marginally involved in the Resistance and that involvement resulted from hunger and despair, other sources suggest Dominion officials were aware of these facts. For example, Macdonald noted in private correspondence that the prospect of an "Indian war" had deliberately been allowed to "assume large proportions in the public eye. This has been done however

\textsuperscript{227} Amongst others, Bruyneel (2010) argues that the violent prosecution and execution of Louis Riel served the production of Canadian political sovereignty and identity as a liberal-democratic nation. Other studies have examined, amongst other issues, the particular charge held against Riel (especially considering he was by 1885 an American citizen), the choice of location for his trial, the ethno-cultural composition of the jury and the evaluation of his state of mind at the time of the resistance and trial (amongst others, see Goulet, 2005 and Reid, 2008).
for our own purposes, and I think wisely done” (see also TRC, 2015) Despite its awareness that First Nations participated only marginally in the North-Western Resistance, the Dominion configured the North-West resistance as an “Indian War” by making the argument that First Nation leaders were full participants in it. In turn, that argument further authorised the physical, material and epistemic violence of their elimination.

It was the legal principle of loyalty that the Crown mobilised to indict Indigenous leaders and authorise their execution. Given the centrality of the loyalty principle in the advancement by the Dominion of the settler colonial objective of eliminating Indigenous Peoples, loyalty belongs to the larger tradition of colonial liberalism as the discourse that helped legitimise the violence of Canadian nation-making. Previous chapters clarified the colonial liberal imperative to improve peoples such that they display rationality and industriousness. As with previous chapters, this section presents the aspiration of the Dominion to eradicate violent (“warlike”) behaviour amongst Indigenous Peoples, which they explain as stemming from a lack of rationality. Canadian judicial authorities, again through colonial liberal imperative, require individuals to be calm (as opposed to “excited” or “violent”). Through colonial liberalism, the Dominion government determined that because Indigenous Peoples of the North-West were not yet fully rational, they could not “consent” to the rule of the Dominion – and thus could not “rebell” against it but must obey its authority. As a consequence, colonial liberalism requires of individuals not only that they are “rational”, but also that they are loyal to the rule of the Dominion. Loyalty, translates into the compliance of one’s behaviour with promulgated laws, however foreign these laws might be to one’s communities.

Scholarly analyses of colonial liberalism stress its potential for changing subjects from within (most importantly, Arneil, 2017). This dissertation indeed reinforces that argument by providing many examples of the ways in which colonial liberalism has embedded into it the material violence of

\[\text{\textsuperscript{228}}\text{Macdonald Papers, vol. 106, Macdonald to Lansdowne, 31 August 1885, Public Archives of Canada, Ottawa; cited in TRC, 2015: 126.}\]
dispossession and the epistemic violence of assimilation, both of which are deep-rooting and long-lasting forms of violence. Material and epistemic forms of violence are uniquely penetrative and insidious for the reason that they seek to change peoples from within, for example by seeking to have them reject their own languages and systems of beliefs.

In addition to seeking the internalisation of its power within the subjects themselves, colonial liberalism also justifies the punishment of subjects considered “disloyal” to the established regime of rule by prosecuting and executing them. In addition to being materially and epistemically violent, colonial liberalism is therefore also physically violent in the most extreme form of state power, namely that of execution. There is thus a threefold violence inherent to colonial liberalism. Colonial liberalism is materially violent to the extent that it authorises the appropriation of Indigenous lands and, as a result, the dispossession of Indigenous Peoples. In like manner, colonial liberalism is epistemically violent to the extent that it demands the enfranchisement of Indigenous adults and the schooling of Indigenous children and, as a result, is destructive of their very ways of being and knowing, speaking and believing. Finally, in addition to being materially and epistemically violent, colonial liberalism is also physically violent to the extent that it is both engaged in military campaigns as described above and it requires the execution of “violent” or “disloyal” subjects as illustrated below. Colonial liberalism is thus physically destructive of the specific individuals who provided leadership to Indigenous communities in their resistance to the settler colonial state.

To examine the discourse articulated by the Crown to convict Indigenous leadership in relation to their alleged and projected participation in the rebellion, I look at the various documents forming the record in the cases of Her Majesty against the 71 First Nations parties tried for “trea-son-felony” in connection with the armed resistance. The documents include the charges against the parties tried, the evidence, the verdicts, the sentences and the addresses to the jury or the judge, of

229 According to Dickason (1997), the government considered charging more than 200 individuals. In the end, it charged 71 individuals with treason-felony, 12 with murder and 1 (Riel) with high treason.
the Crown Counsel and of the Defence Counsel (which includes their opening and concluding statements). These documents shed light on the narrative built by the judicial authorities, which was thereafter exploited by the government, to promote a particular interpretation of the resistance. As emphasised previously that particular narrative – which indicted Indigenous leadership for having committed treason against the constituted government – facilitated the elimination of Indigenous Peoples, and in particular indigenous leadership in the aftermath of the 1885 conflict. The targeting of First Nations leaders had the potential of creating terror amongst the members of communities who followed these leaders and of removing capacity for Indigenous peoples to resist the expansion and deepening of the Canadian settler state, including by negotiating further treaties.

In the following section, I first briefly overview the circumstances in which the First Nations trials were held. I then examine the discourse of the prosecution and of the magistracy to show how the Crown determined the participation of First Nations leaders and peoples in the North-West rebellion. I then show how the Crown counsel framed that participation as constituting treason vis-à-vis the constituted political authorities of the Dominion and the treaties. I finally show that judicial authorities used the verdicts and sentences of First Nations leaders to further justify the dispossession and assimilation of the Indigenous Peoples on the Western plains. I conclude on the significance of the rebellion in the North-West, as configured by the political and judicial authorities, for the formation of Canadian state and identity.

3.1 First Nation trials

In order to bring into view the significance and meaning of the documents examined in this section, I provide context to the First Nation trials held in 1885. The very circumstances in which the trials were prepared and held contributed to secure the conviction of First Nation defendants in the affair of the North-West Resistance. According to the logic of the rule of law, which the Dominion claimed to be installing in the North-West, the accused had a right to a fair trial. According to Hall and many other observers, that right was not upheld in the First Nation trials, even by the standards of
the day (2015: 316, see also Reid, 2008, Stonechild, 1991, Stonechild and Waiser, 2010). Very importantly, the justice system that organised the conduct of trials, imprisonment and execution was entirely unfamiliar to most Indigenous defendants. Additionally, there were very few resources available to Indigenous defendants to overcome this immense disadvantage. Only a handful of the accused had legal counsel: not all had a right to have legal counsel and most of those who did could not afford legal assistance. There was only one lawyer hired by the government to help Indigenous defendants face their accusations. In contrast, more than four lawyers formed the Counsel for Crown. Unlike the Canadian government, which had the resources to assemble a strong legal team, most of the accused were destitute. Despite Judge Richardson’s claim to the contrary, the defence lawyer himself explained that resources for conducting fair trials were wanting. Addressing the jury in the trial of Pitikwahanapiwiyin (Poundmaker), Francis Beverley Robertson stated: “I ask you to remember that this poor man is an Indian, that although he is defended here, he is very imperfectly defended.” The defence lawyer maintained that in these circumstances, it is impossible that “Poundmaker or any other Indian should have such a defence as a white prisoner would have” (Queen v. Poundmaker, in Canada, 1886c: 328). In the case of Kāpeyakwāskonam (One Arrow), defence lawyer Robertson added: “I don’t know the Indians well enough and I have not been able to get anyone to assist me, who know them well enough, to enable me to prepare properly for their defence” (Queen v. One Arrow, in Canada, 1886c: 28). In a word, the unequal circumstances in which these trials were held (according to settler colonial laws and practises, in English while also failing to provide adequate

230 Francis Beverley Robertson acted as the defence lawyer of the accused. Christopher Robinson (senior counsel at the trial of Louis Riel), Britton B. Osler (one of the country’s foremost criminal lawyers), Thomas Chase Casgrain (a partner in the law firm of Adolphe-Philippe Caron, Macdonald’s Minister of Militia and Defence) and David Lynch Scott (Regina mayor) formed the Counsel for the Crown. Hugh Richardson acted as stipendiary Magistrate for the trials held in Regina and Judge Charles Rouleau, for the trials held in Battleford.

231 In pronouncing the sentence of Kāpeyakwāskonam (One Arrow), Judge Richardson stated that “with your trials you have nothing to complain of, for the Government was so interested in [Indian] chiefs that he placed a lawyer here to look after you and see that nothing should be unfairly done against you” (Queen v. One Arrow, in Canada, 1886c: 33).
resources and counsel within such a stacked system) contributed to the resulting convictions of First Nation defendants.

Indeed, one critically important resource lacking in the trials of Indigenous leaders was translation. The court system operated in English and most defendants only spoke Cree. The accused were denied the right to follow the proceedings and examinations, for court translators were used sparingly and inconsistently (Bingaman, 1975). Even formal charges were translated only with difficulty.\textsuperscript{232} According to Stonechild and Waiser (2010), jury composition – most jurors were male Euro-Canadian settlers – also compromised the right of the accused to a fair trial. Addressing the jury in the trial of White Cap, defence lawyer Robertson himself regretted the negative dispositions of jurors towards “Indians”. “Since the conviction of Big Bear, I have felt that it is almost a hopeless task to attempt to obtain from a jury in Regina a fair consideration of the case of an Indian. It has seemed to me that it is only necessary to say in this town to a jury, there is an Indian, and we will put him in the dock to convict him,” Robertson concludes (Queen v. White Cap, in Canada, 1886c: 52).

Jury composition and translation are two of a number of other factors that infringed the legal requirement of due process in the 1885 First Nations trials. These aspects of the court system were not accidental as the first trials were organised to “produce convictions quickly and cheaply” (Hall, 2015: 150) and the later ones pushed this logic even further. While all trials were scheduled to take place in Regina, it was decided for budgetary reasons that the last set of hearings would take place in Battleford, where many prisoners were already held. Mobilising the anger of local residents still hurting from the event that had then been named the “Battleford siege”, the court condemned to death 11 Cree and Assiniboine in a two-and-a-half-week period. Evidence and proceedings of prosecutions for each one of these trials occupies less than a page in the Sessional Papers, where they are officially recorded. These documents testify to the fact that First Nation trials were prepared and held in

\textsuperscript{232} According to Stonechild and Waiser (2010: 200), there is no Cree equivalent for concepts such as conspiracy, treason or rebellion. The treason-felony indictment was translated as “knocking off the Queen’s bonnet and stabbing her in the behind with the sword”.

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circumstances that would inevitably lead to convictions. Most importantly, these circumstances prevented the Defence Counsel from mounting strong and effective defences, challenging testimonies, or appealing verdicts.

The following paragraphs detail the charges brought against the First Nations defendants in order to detail the language through which the Crown demonstrated their participation in a “rebellion” and accused them of treason – that is, the most important form of disloyalty to established authorities. Accordingly, most First Nations defendants, framed as “rebels”, were accused of “treason-felony”. The charge of treason-felony, pressed against 71 defendants, indicts individuals who

not regarding the duty of their allegiance, but wholly withdrawing the love, obedience, fidelity and allegiance which every true and faithful subject of our Lady the Queen does, and of right ought, to bear towards our said Lady the Queen [...] feloniously and wickedly did compass, imagine, invent, devise and intend, to levy war against our said Lady the Queen, within Canada, in order, by force and restraint, to compel her to change her measures and counsels (in Canada, 1886c: 2, my emphasis).

Thus, the charge of treason brought against First Nation “rebels” frames First Nation leaders as having withdrawn the “love, obedience, fidelity and allegiance” – in a word, the “loyalty” – which they supposedly owe the Queen and Canadian government representing it, but also as actively engaging in or planning warfare against her. Some prisoners were further accused of having intended to levy war against the Queen by conspiring with others,233 or of having done so by using weapons.234 As Crown attorney David Lynch Scott specified in the trial of Mistihai’muskwa (Big Bear), who was accused of treason-felony, it was not necessary to show that they actually levied war, but merely that they designed and intended to do so (in Canada, 1886c: 174). In sum, the substance of the charge of

\[\text{\textsuperscript{233}}\text{That particular accusation read: “In order to fulfil, perfect and bring into effect their felonious compassing, imagination, invention, device and intention aforesaid, they feloniously and wickedly \textit{did conspire, consult, confederate, assemble and meet together, with other evil-disposed persons}, to raise, make and levy insurrection and rebellion against our said Lady the Queen, within this realm” (in Canada, 1886c: 2, my emphasis).}\]

\[\text{\textsuperscript{234}}\text{That particular accusation read: “And further, in order to fulfil, perfect and bring to effect his felonious compassing, imagination, invention, device and intention aforesaid, \textit{[they] together with divers other evil-disposed persons [...] armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons, [...] did levy and make war against our said Lady the Queen” (in Canada, 1886c: 14, my emphasis).}\]
treason-felony, pressed against 71 individuals in relation to the resistance, is that they designed and intended to participate in rebellious acts against Her Majesty, that is, the “lawfully constituted Government of the country” (Judge Richardson, Queen v. White Cap, in Canada, 1886c).235

How would the Crown “prove” that First Nations prisoners were guilty of having been disloyal to the Crown by having levied war against the constituted authorities of the Dominion? For the juries to indict the First Nations defendants with treason-felony, Judge Richardson detailed the questions to which the jury had to give a positive response. Firstly, “was there a state of rebellion?” Secondly, “if there was a state of rebellion against the Government, were these men aware of it?” Finally, “if they were aware and cognizant of it, then did they by their presence in any capacity, aid and abet?” (Judge’s Charge, Queen v. Big Bear’s Band, Nan-e-sue et al., in Canada, 1886c: 259). In other words, for defendants to be found guilty of treason-felony, the juries had to be convinced beyond a reasonable doubt that the defendants intended and designed to participate in a rebellion against the government.

To indict First Nation defendants, the Crown undertook to establish a fixed narrative of the recent events that proved the implication of the accused in a “rebellion”. One of the most complete versions of that narrative was offered during the trial of Pitikwanapiwiyin (Poundmaker). In that statement, Crown Attorney David Lynch Scott declared that “rebels were in open and active rebellion against the Government from the 18th March till the 12th May, when they were defeated by the forces under General Middleton” (Scott, Crown Counsel, Queen v. Poundmaker, in Canada, 1886c: 263).236

235 Charges of treason-felony are tried in accordance with the Act for the better security of the Crown and the Government (s. 5 of chap. 69, 31 Vic), adopted by the Dominion in 1868, in the aftermath of what was then known as the Fenian raids. That law was introduced with the constitution into the North-West Territories in 1875, through the Act to amend and consolidate the Laws respecting the North-West Territories (chap. 49). The charge of high treason, which was pressed against Riel and carried a compulsory death sentence, had a different political and judicial history (for discussion, see Brown, 1975 and Reid, 2008).

236 The complete statement reads: That about the 18th of March last, in the neighbourhood of Batoche and Duke Lake and the South SK, a large body of half-breeds and Indians, under the leadership of Louis Riel, broke into open rebellion against the Government, and with the avowed intention of overthrowing the Government’s power in [the North-West] and setting up a Government in opposition to it, that about the 25th March last, these rebels met a force of mounted police and volunteers [...], that on several occasions these same rebels met forces of the Government under General Middleton and fought them, and a large number of lives were lost and a good many people wounded, that there rebels were in open and active rebellion against the Government from the 18th March till the 12th
That the “half-breeds and Indians” were “in open and active rebellion against the Government” meant to the Crown that they had “the avowed intention of overthrowing the Government’s power in [the North-West] and setting up a Government in opposition to it” (ibid.). According to the Counsel for Crown, it was clear that there were in 1885 in the North-West Territories an “organized armed rebellion against the Crown, [that is,] a contest against Her Majesty’s forces, the police and volunteers” (Osler, Counsel for Crown, Queen v. One Arrow, in Canada, 1886c: 26).

Even if the Counsel for the Crown argued that there was a state of rebellion in the District of Saskatchewan, they also had to prove that First Nation defendants had designed and intended to “aid and abet” the leaders of that rebellion. To do so, Crown Attorney David Lynch Scott recounted:

The rebellion has commenced the 2nd April at Frog Lake, at which the settlement there was taken possession of by Indians [...]. It is not shown conclusively that these Indians took any part of [the outrage of Frog Lake], but it is shown that it was taken by Indians with whom they were living and acting (Scott, Counsel for Crown Council, in Queen v. Big Bear’s Band, Nan-e-sue et al., in Canada, 1886c: 259, my emphasis).

If most statements made by the Crown suggested that Louis Riel assumed the leadership of the rebellion, they also implicated “Indians” most directly. As this excerpt showed, the Crown was unsure whether it was Big Bear’s Band in particular that participated in the Frog Lake conflict. However, the Crown was persuaded it was “Indian” bands – and not groups of settlers or groups of Métis – who were responsible for the outrage of Lake Frog. These statements clarify the intention of the Crown to frame the violence of the confrontation in the North-West as having been caused not only by Metis, but also by First Nations leaders.

In the trial of Pītikwahanapiwīyin, Crown Attorney David Lynch Scott explained that treason to the Crown could be excused if the “treasonable act is produced by fear of death” (Scott, Counsel for Crown, in Queen v. Poundmaker, in Canada, 1886c: 332). In the trial of Kāpeyakwāskonam (One May, when they were defeated by the forces under General Middleton, and Riel himself, the leader, was taken prisoners and the prisoners taken by him were released (Scott, Crown Counsel, in Queen v. Poundmaker, in Canada, 1886c: 263).

See also Scott, Counsel for Crown, in Queen v. Oka-Doka and four other Indians (in Canada, 1886b: 3).
Scott’s co-counsel Britton B. Osler made it clear that his opinion was that the defendant, like all First Nations leaders and bands in the North-Western, did not rebel by fear of death. “We have him [One Arrow] a treaty Indian without any grievances that we have heard of. He had no part in any half-breed grievances if such existed. He was there, fed and kept by the Government under the treaty he had made. Now he had no right, [...] for he had nothing to redress” (Osler, Counsel for Crown, in Queen v. One Arrow, in Canada, 1886c: 30, my emphasis). In that striking statement, the Crown denied that the Dominion failed to meet its treaty responsibilities, thus causing distress for Indigenous Peoples of the North-West during that period. He even voices his understanding that First Nations were “fed and kept by the government” and thus had to express gratitude rather than disagreement with the Dominion government. We will come back to the theme of gratefulness as something that is owed by Indigenous peoples as wards to the Canadian state in the next paragraphs. Let us note for now the conclusion of the Crown Counsel that, because treaty First Nations had “nothing to redress”, First Nation leaders could not have feared for their lives and thus had no legitimate reason for participating in rebellious acts. For those reasons, First Nation defendants had to be accused of having rebelled against the constituted authorities.

To add to the seriousness of the charge they pressed against First Nation defendants, the Crown stressed the physical violence implied in the conflict. As a result of the Indigenous “rebellion”, Crown Counsel Scott maintained that “a large number of lives were lost and a good many people wounded” (Queen v. Poundmaker, in Canada, 1886c: 263). What is more, the Crown argues that acts of physical violence, perpetrated by First Nation defendants, were unlawful, for they intended and planned to overthrow the “lawfully constituted” government of the country. According to the charge of treason pressed against First Nations leaders and bands examined earlier, “love, obedience, fidelity and allegiance” are expected of every subject of the British Queen. In the words of Judge Richardson, this principle meant that “[Indians of the country are] not to be found in the rebel camp, but to be found where law and order prevailed” (Judge’s Charge, Queen v. Big Bear, in Canada, 1886c: 231). Undergirding these statements is the colonial liberal understanding, sketched in the last section, that
because they were not yet fully rational, Indigenous Peoples could neither “consent” to the rule of the Dominion nor formulate legitimate grounds to “rebel” against it. What is more, because the Canadian government had been “lawfully constituted” (however dubious that statement is in light of our study of the founding of Manitoba and of North-West Territories), it was not possible for First Nation defendants to make a cogent argument as to why they could legitimately disobey its edicts.

As the Counsel for Crown made clear, the duties of obedience and fidelity are especially expected of Indigenous leaders. In the trial of Pitikwahanapiwīyin, Crown attorney Scott stated that “as a man of intelligence, as a man who had been in personal communication with many of the high officers of Government, [Poundmaker should] have done something to show that while he was in that [rebel] camp he was not of it; that while he was surrounded by disloyal men, dangerous men, he was remaining true to his allegiance” (Scott, Counsel for Crown, Queen v. Poundmaker, in Canada, 1886c: 332). As the House of Commons discussed reparation a few days after the end of the resistance, Macdonald develops this idea that First Nations leaders have a particular responsibility towards their bands and the Crown. “With regard to the criminality of the people who were concerned in the late outbreak, there is a difference in responsibility between the men of education, the leaders – men who ought to know better – men who use their influence, from their superior intelligence and education, to overcome the mass of the people – a great difference between them and their deluded followers,” Macdonald states (in Canada, 1885b: 3443). These comments reveal one of the contradictions that proceed from the Crown’s representation of First Nation defendants. If the Crown implied earlier that First Nations members were not rational enough to formulate legitimate grounds for contesting the rule of the Dominion, in this passage the Crown attorney highlights the “intelligence” of Pitikwahanapiwīyin in order to argue that, as a leader, he should have been all the more respectful of Canadian-made law. These passages point to the particular understanding entertained by the Crown and Dominion government of “intelligence and education” as virtues that lead to the unquestioned obedience to Canadian rule. As a result of that particular understanding, the Crown argued that dissidence of First Nation defendants was all the more inadmissible that it came from First Nation
leaders. The targeting of First Nations leaders, which derived from the idea that they failed to meet their particular responsibility towards the Crown, furthered physical and material forms of violence. On the one hand, it furthered the physical violence of intimidation by creating terror amongst the members of communities who followed these leaders. On the other hand, it furthered the material violence of dispossession by removing capacity for Indigenous peoples to resist the expansion and deepening of the Canadian settler state, including by negotiating further treaties.

In addition to loyalty, the Crown statements in the Regina and Battleford trials revealed that First Nations leaders had been expected to express gratitude towards the Dominion government. In the trial of Kāpeyakwāskonam (One Arrow), Crown attorney Casgrain upheld that the treaties provided Indigenous Peoples with reserves and the protection of the government, which they ought to be thankful for. In the words of Casgrain, “these Indians having a treaty with the Government and being treated by the Government of this country as probably no other Indians are treated by any Government, must be made to understand that if they are thus treated by the Government they must stand by the Government, they must maintain their allegiance to the Government, to the country and to the Queen” (Casgrain, Counsel for Crown, in Queen v. One Arrow, in Canada, 1886c: 15, my emphasis). These passages reveal the Dominion conception of Indigenous Peoples as “children” or “wards” who are insufficiently grateful for all the “care” and “food” the state thinks it is providing to them. As the last chapter illustrated, the Dominion entrenched into the Indian Act the understanding that Indigenous Peoples, as “wards”, are subordinate to the Dominion, as “father” and guardian. The same authorities thought that the Northwestern resistance reflected the ungratefulness of Indigenous Peoples towards Canada. Accordingly, the words of Crown attorney Casgrain reiterate the self-understanding of the Dominion as an exceptionally benevolent force that, in its extension to the North-West, upheld and promoted the colonial liberal principles of private property, agrarian labour, immigrant settlement, enfranchisement and education—all believed to the peaceable. As a consequence, the Crown deduced that the Indigenous Peoples could only have benefitted from the Canadian jurisdiction over the region. In this quotation as elsewhere, the Crown failed to see the
threelfold violence of elimination, dispossession and assimilation that was contained in the colonial liberal ideology that helped Canada produce sovereignty over the North-West. It required as a result that Indigenous Peoples not only obey Canadian rule, but also be grateful for it.

The Crown made clear that because First Nations did not behave in accordance with what the judicial authorities considered to be their duties of loyalty and gratitude, they would be punished through imprisonment or execution. Crown Attorney Thomas Chase Casgrain argues: “[Indians] must understand that if any breech of allegiance takes place amongst them, that they will be visited by punishment, and that any crime against the laws committed by them will be put down by the strong arm of the law” (Counsel for Crown, in *Queen v. One Arrow*, in Canada, 1886c: 15). In short, to the extent that First Nation defendants had no legitimate defence for having acted “against the peace of our Lady the Queen, her Crown and dignity”, they had to face “the strong arm of the law”, that is, they had to be imprisoned or eliminated. This formulation, which recurred in the accusation of First Nations leaders and bands, testifies to the understanding of the Crown and Dominion that Indigenous Peoples were entirely responsible for the violence of the North-Western Resistance.

The previous analysis brings into view the determination of the Crown and the Dominion to portray First Nation defendants as having illegitimately designed to overthrow the “established authorities”, that is, Canadian sovereignty. Throughout the trials, the particular charge of disloyalty projected the violence of the Resistance onto Indigenous Peoples as opposed to onto the Dominion, which had been responsible for waging war against Indigenous Peoples since it first claimed to have sovereignty over the North-West in 1857. The trials of First Nation defendants obscured the threelfold violence of Canadian political development by projecting the physical violence of the Resistance onto Indigenous leaders.

Indicting First Nation defendants with disloyalty helped justify the elimination of Indigenous leadership by authorising their execution. In addition to eliminating Indigenous leaders, the prosecution of First Nation defendants also served the larger colonial liberal objective of building Canada as a “Peaceable Kingdom” by providing a profound warning to all other Indigenous Peoples and their leaders as to what violence would ensue should they be anything but loyal and grateful to the Crown and the Dominion. In the words of Justice Richardson and Crown attorney Scott, the sentences of First Nations leaders were to serve as exemplary punishments, which in turn were believed to ensure the safety of Canadian settlers. While pronouncing the sentence of Käpeyakwāskonam (One Arrow), Judge Richardson exposed his thinking that the imprisonment of the defendant should “[make] the other Indians of the country know what would become of them if they followed your bad example” (Richardson, in Queen v. One Arrow, in Canada, 1886c: 33). In the trial of Pitikwahanapiwīyin, he likewise insisted that “punishment must be inflicted not only for the purpose of making you feel for the wrong you have done and the injury you have been a party to committing, but to prevent others from repeating the [same] thing” (in Queen v. Poundmaker, in Canada, 1886c: 337, my emphasis). While declaring the guilt of Mistihai’muskwa (Big Bear)’s band, Scott also made clear that the imprisonment of the defendants was required for the building of Canada as a Peaceable Kingdom. “It is not safe, Scott affirmed, that these men should be allowed to go entirely free, because if these men are to escape punishment, then the country will not be safe at any time; […] we will have these outrages in all parts of the country, and there will be no safety for the settlers” (in Queen v. Big Bear’s Band, Nan-e-sue et al., in Canada, 1886c: 259, my emphasis). The reflections of Justice Richardson and Crown attorney Scott reflect John A. Macdonald’s now infamous statement that the imprisonment and executions of First Nations defendants “ought to convince the Red Man that the White Man governs”.

Nations defendants was believed by judicial authorities to help secure the region as exclusively white settler territory. In a word, the Dominion used the judicial system as another means to eliminate Indigenous Peoples and leaders as obstructive forces in the way of “legitimate” and “peaceable” Canadian nation-making.

The 1885 trials had immediate and violent consequences for members of First Nations. Although reliable evidence was lacking for the prosecution of many defendants, 239 eleven First Nations men were charged and sentenced to death in connection with the 1885 North-West Resistance. Three succeeded in having their sentences commuted, but the remaining eight were to be “hanged by the neck till death follows” (in Canada, 1886c: 2). The Battleford hangings, which occurred on November 27, 1885, mark Canadian political development as the largest mass execution in the nation’s history. Although they were sentenced to imprisonment, Pitikwahanapiwiyin, Mistihai’muskwa (Big Bear) and Kāpeyakwāskonam (One Arrow) were also imposed a kind of death penalty. While defending Kāpeyakwāskonam in his trial, defence lawyer Robertson had warned the jury that imprisonment “would be almost certainly fatal to any one of [the defendants]” (in Queen v. One Arrow, in Canada, 1886c: 27). 240 The sanitary conditions within penitentiaries were horrendous and had serious consequences for the health of prisoners, and of First Nations prisoners in particular. 241 Most First Nation prisoners suffered from respiratory diseases shortly after they entered the penitentiary (McCoy, 2009). Defence lawyer Robertson was right: Kāpeyakwāskonam and Pitikwahanapiwiyin died within a year of their trial, respectively in April and July 1886. Mistihai’muskwa died within a year of his release of the penitentiary, in January 1888.

239 Tobias (1983a), Stonechild and Waiser (2010), and Miller (2000) emphasise the lack of relevant and solid evidence in the prosecution of Pitikwahanapiwiyin and Mistihai’muskwa.
240 Addressing the court following the pronouncement of his sentence (imprisonment in the penitentiary at Manitoba for three years), Pitikwahanapiwiyin uttered that he “would prefer to be hung at once than be in that place” (in Queen v. Poundmaker, in Canada, 1886c: 337).
241 McCoy identifies a particular pattern of vulnerability among First Nation prisoners due to the fact that they “entered the penitentiary in depleted health after a year of hardship, starvation and military confrontation” (2009: 196).
In addition to these 11 deaths, the 1885 trials also resulted in the indictment of 44 First Nation defendants for having “acted against the peace of the Queen”. In the wake of the resistance, 28 First Nations communities were additionally assigned the blame of having been “disloyal”. Numbers show that, in consideration of their respective participation in the conflict, a disproportionately large number of “treaty Indians” were charged and severely sentenced in comparison to the Métis: 81 out of the 129 accused and 44 out of the 51 convicted in that context were members of First Nations. Relatedly, Stonechild and Waiser (2010) argue that Prime Minister John A. Macdonald interfered in the judicial process by instructing the Deputy Minister of Justice to indict First Nations defendants with charges of murder, which systematically carried the death penalty, as opposed to the lesser charge of treason-felony, even though the case of First Nations and Métis defendants were very similar. The systemic bias of the Crown against “Indians” in assigning the blame of having participated in the North-West Resistance could not be made more apparent. In addition to the physical violence of execution and intimidation, the First Nation trials thus engaged in the epistemic violence of configuring First Nations as “disloyal” and ungrateful.

Although Louis Riel’s leadership and execution have been the subject of several hundreds of scholarly studies, no corresponding attention exists in relationship to the participation and indictment of First Nations leaders and bands. In the words of Miller, it is as if “a great amnesia descended on Canadians” as a result of the 1885 military and judicial dismantling of First Nations leadership and autonomy (2000: 253). Partly remedying that forgetfulness, this section showed that the Dominion configured Indigenous demands for a revised treaty relationship with the Crown as acts

242 In return, the Department of Indian Affairs in the North-West Territories awarded a number of First Nations bands for having remained “loyal” to the Crown during the armed resistance. According to Hall (2015), the government also officially fêted a few First Nations leaders identified as loyal by rewarding them with small gifts and bringing them Ottawa, where they were photographed.

243 Despite the important and recent scholarship of Stonechild and Waiser (2010) who use oral history to clarify the implication of First Nations in the North-West resistance – and indirectly that of McCoy (2009), Miller (2000) and Hall (2015), and less recently that of Hugh Dempsey (1984a) – the secondary sources on the First Nations trials remains scarce and fragmentary.
of unlawful violence and rebellion. The judicial authorities, following the lead of the government, ignored the numerous professions of loyalty and allegiance made by First Nations bands and opted to treat the isolated, defensive and spontaneous acts of violence as determined and premeditated acts of rebellion against the constituted government. By pressing charges of treason-felony, the Crown portrayed the behaviour of many Cree and Assiniboine bands as violating their political obligations. In the course of their trials, First Nations leaders and bands were accused of having troubled the peace and of having challenged the government that “protected” and “fed” them. In a word, the narrative of the resistance developed by the judicial authorities during the trials found the First Nations to be blameworthy in their service to the Dominion – even if that Dominion violently incorporated them and their lands in 1870 without consulting and even informing them. To build that narrative, the Crown used the colonial liberal principle, which suggested that since Indigenous Peoples of the North-West were not yet fully rational, they could not “consent” to the rule of the Dominion – and thus could not have legitimate grounds to “rebel” against it. As a consequence, colonial liberalism requires of individuals that they are not only “rational”, but also loyal to the rule of the Dominion.

Charging Cree and Assiniboine leaders of having betrayed the Crown served the governmental purpose of incriminating and punishing First Nations leaders and bands throughout North-West Territories. In addition to the armed forces, the Dominion employed the judicial system as another means of waging war against Indigenous Peoples to secure possession of their lands. In addition to being materially and epistemically violent, colonial liberalism, which authorised the appropriation of Indigenous lands as legitimate, is physically violent because it requires of “disloyal” subjects to be eliminated. Finally, the physical violence of execution and death furthermore promoted the material violence of dispossession by abrogating First Nations treaty rights, by eradicating the movement for the revision of the numbered treaties and by securing the settlement of the North-Western
That physical violence also expedited the epistemic violence of assimilation by further eroding traditional modes of political leadership and imposing Canadian modes of subjection. And even if “rebellious acts” tried in courts were confined to a relatively limited region (now comprised within the province of Saskatchewan), the political retaliation of the Department of Indian Affairs, as the next section of this chapter will show, applied to the whole of the North-West Territories.

The military and judicial involvement of the Dominion government in the “North-Western Rebellion” constitutes a critical episode in the making of a Canadian state and identity. A brief look at the debates in the House of Commons following the capture of Riel exposes the understanding of the events by Canadian parliamentarians as a triumph for the Dominion in its efforts to establish a settler “civilisation” in the North-West. Before the Parliament, Member of Parliament for Nova Scotia D. S. Woodworth praised “the volunteers who have defended this country against their savage foes” (Woodworth, in Canada, 1885b: 3468, my emphasis). This victory against Indigenous adversity is a victory for all Canadians, including the French Canadians. Despite having to “fight against brothers”, Joseph Tassé, MP for Ottawa, declared that French Canadians “were among the first to extend the limits of civilisation”. By mobilising the colonial liberal narrative of progress as the defeat of “savage foes” and the “[extension of] the limits of civilisation”, Tassé and Woodworth thus justified the military and judicial elimination of Indigenous Peoples by the Dominion in the context of the Resistance.

Further comments by other parliamentarians reflect their understanding that the war waged by the Dominion through military and judicial means to plant and uphold “civilisation” in the North-
West in a profoundly ironic way, allowed Canada to describe itself as a “liberty-loving” Peaceable Kingdom, which prosecutes through the court system any supposedly violent threat to it. Minister of Militia and Defence Adolphe-Philippe Caron described the government’s response to the resistance as conclusively “[proving] to the rebels that it was impossible for them to stand against the troops which had been sent against them” (in Canada, 1885b: 3461). “I feel proud of it, as I know every Canadian must feel proud, to know that the honor of the country was sustained in the North-West” (Canada, 1885b: 3460). “The sacrifice [of the volunteers] will elevate Canada, and show the world that we possess a national spirit, that we are self-reliant, and that this Confederation is not, as some writers have said, a rope of sand, but a great Dominion, stretching from the Atlantic to the Pacific, bound together by one unanimous sentiment and that is, that we will maintain Canada for liberty-loving people at all hazards” (Woodworth, in Canada, 1885b: 3468, my emphasis). These comments by Woodworth and Caron expose the political significance of the resistance for the making of the Canadian identity and nation. In projecting onto Indigenous Peoples the violence of having ignited an armed conflict, the Dominion exploited the resistance to secure the objective of founding the North-West as settler space and of establishing its reputation as a peace-making and freedom-loving force.

If the Dominion determined in 1885 to wage war against resisting Indigenous leadership by means of military and judicial force, it also resolved to definitively secure its then bolstered domination over Indigenous Peoples through the further regulation of their identity and lives. The next section examines a critical document drafted in the aftermath of the Resistance. Once the Dominion seriously injured Indigenous resistance and leadership, it finally undertook through that document to produce the subjection of the Indigenous Peoples of the North-West through administration.

4. Regulating Indigeneity

4.1 Reed’s memorandum relative to the future management of Indians
Now that the Dominion “crushed” the rebellion and sentenced many Indigenous leaders to death, it undertook to facilitate the dispossession and assimilation of the Indigenous Peoples who survived the Resistance even further. As 1885 drew to a close, the Dominion also tried to make it impossibly difficult for Indigenous Peoples to continue to resist its domination.

This last short section examines the *memorandum relative to the future management of Indians* that Hayter Reed signed in 1885 (reproduced in Smith, 2014). Reed had served in the military when it marched on Fort Garry in 1870 and participated in the inauguration of the land holding in Manitoba shortly thereafter. During the resistance, Reed occupied the position of Assistant Indian commissioner.246 In this capacity, Reed was assigned the responsibility to advise General Middleton and to determine whether Indigenous bands had been “loyal”. In July 1885, he drafted a list of recommendations and actions to be taken by the Dominion. He submitted his list to Indian Commissioner Edgar Dewdney at the end of the month, along with a listing of the bands he considered loyal and disloyal. Dewdney passed the document along to Prime Minister Macdonald, whose government approved it as a basis of Indian policy by October 1885.

By exploiting the nomenclature of loyalty, the recommendations facilitated and justified further recourse to physically, materially and epistemically violent strategies. Reed’s recommendations also make clear that the three forms of violence intrinsic to colonial liberalism are all connected to one other. In so doing I expose the particular relationship of colonial liberalism with violence. We have seen that colonial liberalism upholds private property, agrarian labour and education as fundamental principles that are all championed as peaceable. As such these principles are understood by liberals to define the colonial liberal ideology as a benevolent ideology that contrasts with conquest, which advocates conquest as a legitimate means of appropriating lands. Reed’s recommendations bring into view the violence that is implicit within colonial liberalism by

246 Within the next ten years, Reed would be promoted to the position of Deputy Superintendent General of Indian Affairs.
making the threefold violence of colonial liberalism readily visible. Most consequentially, I discuss how the Dominion, through the Department of Indian Affairs and Assistant Indian commissioner Hayter Reed, distinguished between Indigenous Peoples regarded as “loyal” from those regarded as “disloyal” to promote the form of violence – either physical elimination through execution or epistemic elimination through assimilation – that was most appropriate to eliminate each of the two groups.

Two recommendations (#1 and #13) expressed the will of the Department of Indian Affairs to afford substantial recognition to the “bands that have held aloof from the rebellion” such that they never pose a threat to the sovereignty of the Dominion. “If such a mark is conferred carefully it will at once confirm [loyal bands] in their loyalty & assist in ensuring it in future, whilst increasing the contrast between their treatment and that of those who have acted differently” (in Smith, 2014: 76). 28 out of a little more than 80 bands were considered to be loyal by Reed. 247 Through this recommendation, Reed intended to recognise these bands as loyal so that they assimilate expeditiously to settler communities and never challenge the rule of the Dominion.

If he suggested that the First Nations considered loyal (those who could most easily be eliminated by means of assimilation) be recognised as such, Reed also recommended that the majority of First Nations found to have been disloyal be subject to another form of elimination: punishment and, ultimately, death. In three further recommendations (#2, #3 and # 6), Reed suggested hanging the “leaders of the Teton Sioux who fought against the troops” and punish the offenders found guilty by the Court “in as severe a manner as the law will allow”. Reed also justified the execution of some Lakota leaders on the claim that “there are certain of the settlers who are greatly inclined to shoot them on sight; & the settlements are more in fear of such marauders as these than of anything else” (in Smith, 2014: 75). In this striking statement, Reed suggested that the Dominion use its authorised power to eliminate Indigenous Peoples (as “marauders”) to prevent individual settlers from having

to do the same without the authorising power of state law. Reed further justified these particular recommendations by proposing that “much difficulty will be met with in the future management [of Indians], & future turbulence may be feared [unless] severe examples are made of the more prominent participators in the rebellion” (in Smith, 2014: 74) echoing the earlier claims by Justice Richardson and Crown attorney Scott that there needs to be an example made of some Indigenous Peoples in order to keep others in line.

In these recommendations, Reed once more mobilised the colonial liberal principle of “irrationality” stating that Indigenous Peoples of the North-West have to obey Dominion laws, for they are not “advanced enough” to contest the rules by which the Dominion exercises power in the North-West. Owing to the colonial liberal imperative of obedience and loyalty by Indigenous Peoples, Reed identified some bands as loyal and thus paved the way for their elimination through assimilation. Complementarily, Reed identified the remaining bands as “disloyal” and thus paved the way for their elimination through punishment and execution. Such measures were believed to eradicate the possibility that the Indigenous Peoples of the North-West rise again against the Dominion.

In his attempt to eradicate Indigenous challenges to the rule of the Dominion in the North-West, Reed proposed to disarm all First Nations bands considered disloyal. In his words, disarming the “rebel Indians” would have another desired consequence: inclining them to settle. Indeed, depriving “the rebel Indians north of the North Saskatchewan” from their traditional livelihood by seizing their rifles will make them “suffer great hardships” and “[experience] the fact that they cannot live after their old methods”. Disarmed First Nations bands should thus “be less likely to again risk losing the chance of settling down” (in Smith, 2014: 75). The 15th recommendation, which expressed Reed’s intention to confiscate and sell the horses of “rebel Indians [to] keep them from wandering” likewise sought to “[cripple Indian bands] for future rebellious movements”. In addition to making it difficult for Indigenous Peoples to resist the rule of the Dominion, taking the “means of travelling expeditiously” away from Indigenous Peoples should also retain them on reserves and help them “adhere to agricultural pursuits” (idem.: 76).
The confiscation of rifles and horses deprived many First Nations bands of their traditional livelihood and Reed determined to take one more step to incite the “unwilling ones” to settle onto reserved lands. In this fourteenth recommendation, Reed instructed Indian agents to be “particularly strict in seeing that each & every Indian now works for every pound of provision given to him” (in Smith, 2014: 76). In practice, that recommendation amounted to the starvation of First Nation bands that refused to cooperate with Indian agents. Reed finally recommended that “no annuity money should be now paid any bands that rebelled, or any individuals that left well-disposed bands & joined the insurgents” (recommendation #5, in Smith, 2014: 74). Reed wrote that First Nations members who participated in the resistance abrogated their treaty relationship with the Canadian government and thus forfeited their right to require of the Dominion that it fulfilled its treaty responsibilities. As a consequence of the rebellion, “all future grants should be regarded as concessions of favour, not of right”, Reed wrote. In sum, Reed’s list of recommendations endorsed the impoverishment and even starvation of Indigenous Peoples in order to convince them of adopting agrarian settlerism. In other words, it commanded the physical violence of intimidation and starvation in order to secure another violence: the epistemic violence of assimilation, that is, the elimination of Indigenous Peoples as occupants of their lands.

Five other recommendations attacked traditional structures of Indigenous leadership and autonomy for all Indigenous Peoples, whether or not they had been found to be loyal. In its fourth recommendation, Reed proposed the abolition of the tribal system. “By doing away with chiefs & councillors, depriving them of medals & other appurtenances of their offices,” the Department of Indian Affairs would then be freed of the burden of “Indian consultations & interferences [and will] administer direct orders & instructions to individuals” (in Smith, 2014: 75). In that recommendation, Reed proposed to do away with the structures of government that the Dominion itself helped implement in order to reduce the number of intermediaries between individual members of Indigenous Peoples and the Dominion government. According to Reed, another means of preventing “future united rebellions” lay in the breaking up and dispersal of many Cree bands. In his words, the
rebellion justified the forced merger of bands thought to be “constituted of bad and lazy Indians” with bands deemed to be loyal (ibid.). Mobilising the colonial liberal nomenclature of “idleness” and using the supposed disposition of certain First Nations to violence, Reed endorsed the atomisation of First Nations communities as well as the dismantling of traditional leadership and kinship ties in order to strengthen the Department’s control over Indigenous lives. In other words, it used the liberal imperative to rectifying “laziness” and “proneness to violence” to engage in further epistemic violence for Indigenous Peoples.

In addition to epistemic and physical violence, Reed’s recommendations moreover endorsed material violence. In his 7th recommendation, he suggested to criminalise the movement of individuals across bands and territories by adopting the now infamous pass system.

No rebel Indians should be allowed off the reserves without a pass signed by an Indian Department official. The danger of complications with whitemen will thus be lessened, & by preserving a knowledge of individual movements any inclination to petty depredations may be checked by the facility of apprehending those who committed the first of such offence (recommendation # 7, in Smith, 2014: 75).

In this short passage, Reed again used the figure of the “Indian” who “rebelled” against Canadian authorities to intensify the surveillance and criminalisation of everyday activities of Indigenous Peoples by enforcing the pass system. That material violence is justified on the prevention of the physical violence that could occur as Indigenous and non-Indigenous Peoples meet. Most importantly, the 7th recommendation confined First Nations bands to their reserves in order to bar them from further challenging the sovereignty of the Dominion.

Although measures such as pass system had no basis in law and were not consistently enforced, they were also designed to discourage Indigenous parents from visiting their infants in off-reserve industrial and boarding schools. It was, furthermore, intended to afford Indian agents greater authority to stop Indigenous Peoples from participating in banned traditional practices and ceremonies, such as the Sun Dance or the Thirst Dance. In sum, the Reed recommendations pursued the colonial liberal objective of assimilating Indigenous Peoples by constraining Indigenous children
to attend residential schools and by preventing traditional ceremonies from being held. They served the settler colonial violence of Indigenous dispossession, justified through the colonial liberal idea of agrarian labour as the most peaceable means of subsistence, by confining bands to reserves and forcing them to “adhere to agricultural pursuits”.

Most of the proposals entrenched into the memorandum relative to the future management of Indians were endorsed as such and implemented in the years that followed its adoption in 1885. Through Reed’s Memorandum, the Department of Indian Affairs set up various strategies that ascertained the materialisation of the Canadian project of agrarian settlement in the North-West. Such strategies engaged the three forms of violence examined in this dissertation. First, they constituted physical violence in that they championed the starvation, impoverishment and even execution of “disloyal” First Nations bands and leaders. They also engaged in material violence, for they confined Indigenous bands onto reserved lands. Finally, they committed epistemic violence as they banned traditional ceremonies, constrained Indigenous children to attend residential schools and further dismantled Indigenous leadership and autonomy. Mobilising the colonial liberal imperative for the Indigenous Peoples of the North-West to be loyal to the Crown and using that imperative to argue that by “rebelling” Indigenous Peoples violated the treaties and thus forfeited the rights they entrenched, the Department of Indian Affairs inaugurated a new era of coercion and domination for Indigenous Peoples by undercutting treaty relations and establishing governmental authority over individual “Indians”. Reed’s recommendations, upon which the policy of the Department of Indian Affairs built in subsequent years, thus used the “Indian rebellion” to cement Indigenous dispossession and assimilation, which had also been pursued by military and judicial means over the same period.

An 1884 amendment to the Indian Act prohibited the potlatch and the “Tamanawas” dance. Beyond presenting an opportunity for First Nations to conspire against the constituted authorities, theses ceremonies were regarded by the Department of Indian Affairs as destructive of the religious, economic, political and cultural inclinations that various organisations undertook to instil in them (RCAP, 1996, Hall, 2015). In other words, the government considered Indigenous traditional ceremonies as running counter to its project of assimilating them.
5. Conclusion

In *Society Must be Defended*, Foucault wrote that we “have to interpret the war that is going on beneath peace, [for] peace itself is a coded war” ([1997] 2003: 50). In this Foucauldian spirit, this chapter has delved into the year 1885 to surface the war that the Dominion waged beneath the peace it claimed by the end of that year to have finished building. If this dissertation tracked the Canadian project of territorial expansion, which necessitated the elimination of Indigenous Peoples – and most importantly their elimination as occupants of their lands – this chapter enquired into the physical, material and epistemic violence enacted by the Dominion in order to claim in 1885 that it had secured complete sovereignty over the whole of present-day Canada.249

Regarded by the Dominion as obstructive forces in the way of legitimate and peaceable nation-making, Indigenous Peoples have been subject to the war waged by the Dominion to make itself. The case of the North-West Resistance exposed the various ways in which the Dominion undercut Indigenous demands for an adjusted treaty relationship by charging them with disloyalty. That charge in turn justified the perpetration of various kinds of violence, including the physical violence of military and judicial execution.

In particular, the Dominion framed First Nations’ acts of defiance and desperation as acts of disloyal, ungrateful and violent rebels. The Dominion’s narrative of the armed conflict as an “Indian war” authorised the arrest, questioning, and outright attack of all First Nations as “necessary”. What is more, it motivated the bringing about in 1885 of the most important military confrontation of the young Canadian military forces against Indigenous Peoples. Upholding a narrative that indicted Indigenous leadership for having rebelled against the constituted – Canadian – authorities, the Dominion additionally set up judicial procedures that effected the conviction and execution of many

\[249\] With the exception of Newfoundland.
Indigenous leaders. Thus, Reed’s memorandum helped constrain the movement and autonomy of Indigenous Peoples at the same time as it promoted their starvation, impoverishment and death.

I have argued that to appropriate the Indigenous lands of the North-West and to produce Canadian sovereignty over these lands, the Dominion resorted to various forms of violence. Most importantly, it helped produce the dispossession of Indigenous Peoples of their ancestral lands and nearly eliminate Indigenous Peoples as occupants of these lands by assimilating them to settler communities that were then starting to re-people the Great Plains. As Indigenous Peoples continued to resist their dispossession and assimilation, the Dominion resorted to physical violence to secure the supremacy of its authority throughout the land that it had been claimed as its own. The Dominion enacted physical violence by means of military confrontation but also judicial conviction and administration. In turn, that physical violence furthered the dispossession and assimilation of Indigenous Peoples, most notably by dismantling traditional leadership structures, confining bands to reserved lands and consigning Indigenous children to attend industrial schools.

A central feature of this violent process was the way that the Dominion used the principle of loyalty for Canadian nation-making. All the documents I reviewed here testified to the importance for Canadian subjects to “bear towards our said Lady the Queen love, obedience, fidelity and allegiance.” Appeals to “loyalty” played a pivotal role in the promotion and justification of the Canadian founding violence committed to secure the settler colonial objectives of appropriating Indigenous lands and eliminating Indigenous Peoples as occupants of their lands. Accordingly, this imperative to “loyalty” must be understood as belonging to the tradition of colonial liberalism. That is, in addition to requiring of individuals that they are (or become) rational and laborious, colonial liberalism also requires of individuals that they are calm (as opposed to excited or violent) and loyal (i.e. docile and law-abiding, no matter how laws are made and enforced).

Most scholarly analyses of colonial liberalism stress its potential for changing subjects from within. In addition to seeking the internalisation of its power within the subjects themselves, colonial liberalism, through its imperative to improvement, justifies the punishment through execution of
subjects who disobeyed Canadian laws and were regarded as not "rational" or "advanced" enough to articulate legitimate grounds for having disobeyed. In this sense, colonial liberalism in Canada was at least as violent as imperialism, which endorses "conquest" as a legitimate means to appropriate lands and peoples. Colonial liberalism has been intrinsically violent in a physical sense: by demanding the execution of "violent" or "disloyal" subjects, colonial liberalism is destructive of certain lives and is thus physically violent. By 1885, as I have explained in this chapter, colonial liberal order in the North-West and in Canada had largely been consolidated.
CONCLUSION: Settler colonisation and colonial liberalism

1. Foundational violence

The year 1885 was especially auspicious for the making of Canada as a Peaceable Kingdom. Through military, judicial and administrative strategies, the Dominion confirmed that it had vanquished the resisting Indigenous Peoples of the “North-West”, whom it had been trying to conscript for more than 15 years. That the Dominion neither consulted nor informed Indigenous Peoples of the “North-West” when it first claimed their lands in 1870 was immaterial. Fifteen years later, it exploited the demands of Indigenous Peoples for a renewed relationship with the Dominion to more fully secure its own rule and sovereignty. By 1885, the North-West, as one of the last “frontiers” within the Dominion, would finally be treated as entirely Canadian.

The year 1885 was indeed very significant in Canadian political development. That year, Canada at last claimed to have secured the settler colonial objective of appropriating Indigenous lands of the North-West. In 1885 also culminated various settler colonial strategies of elimination, which this dissertation found to have constituted physical, material and epistemic violence. If the North-Western Resistance of 1885 was one of the most important attempts of the Indigenous order to halt the march of Canadian colonial liberalism, the Canadian implication in that resistance ultimately helped the Canadian nation make itself as a Peaceable Kingdom it is still widely taken to be today.

First, 1885 sealed the settler colonial objective of appropriating land through the completion of the Canadian Pacific Railway, which furthered the material violence of Indigenous dispossession. As Creighton wrote, “far out in the mountains, [...] the bearded Donald Smith [one of the directors of the CPR] drove home the last spike in the railway’s transcontinental line” on November 7, 1885 (1959: 180). The completion of the CPR coincided with the completion of the Canadian square survey over Manitoba and the North-West Territories, the withdrawal of many Indigenous nations into reserves
and the opening of the rest of surveyed lands to Euro-Canadian speculation and settlement. In this context, the completion of the transcontinental railway signalled the transition of the Great Prairies to a new political and economic regime from which, as Wildcat (2015) and Daschuk (2013) argue, excluded the overwhelming majority of Indigenous Peoples.

Second, 1885 sealed the settler colonial objective of eliminating Indigenous Peoples as occupants of their lands through the epistemic violence of assimilation. As I specified in chapter 7, Reed's memorandum banned traditional practices and ceremonies, such as the Sun Dance or the Thirst Dance. It also relegated Indigenous children to attend residential schools. The Electoral Franchise Act of 1885 further dismantled Indigenous leadership and autonomy by coercing Indigenous adults, except those of the North-West, into their enfranchisement. In other words, it forced the assimilation of Indigenous political systems to those of the Dominion or those controlled by the Dominion.

Third, and most important, 1885 sealed the settler colonial objective of eliminating Indigenous Peoples through the physical violence of starvation and death. In the aftermath of the 1885 resistance, Daschuk finds that the Indigenous population of many parts of western Canada declined to their "demographic nadir" (2013: XXII). The North-Western Resistance, which was the last confrontation between the Canadian armed forces and Indigenous Peoples in Canada until that at Oka in 1990, also resulted in the tragic death by hanging of eight Cree and Assiniboine leaders. That physical violence furthered the material and epistemic violence of Indigenous dispossession and assimilation, which ultimately contributed to extending the Canadian tools of settler governance to the North-West.

This foundational violence of settler elimination and replacement constituted Canada as the sovereign state and nation it is considered to be today. Between 1857 and 1885, the colonial liberal

250 For an analysis of the way in which the framing of the Indigenous resistance as an “Indian rebellion” helped the Dominion complete the CPR, see Creighton, 1970, and Morton, 1979.
order of Canadian governance in the North-West emerged in the face of Indigenous resistance until it was secured in both Canadian discourse and practices in the aftermath of the Resistance. Structures of colonial exclusion have become explicit and permanent in the wake of the 1885 uprising (Reid, 2008). Complementarily, Carter (1999) found the attitudes of Euro-Canadians to have shifted from viewing Indigenous Peoples as potential partners, who must at least be tolerated, to threats to the property and safety of the white settlers. For the first time at Confederation, Canada had started to exercise power over what it increasingly considered to be its own colonies: Rupert’s Land and the North-West Territories. By 1885, it was willing to expend Indigenous and non-Indigenous lives for the sake of consolidating its own central authority. To that extent, it can be argued that only in 1885 did Canada consolidate as the settler colonial state it is still taken to be today (see also Perry, 2009). Only in 1885 had Canada achieved the status of an apparent settler colonial state, which has been thriving on the elimination of Indigenous Peoples and their replacement with settler nationals. Only in 1885, then, could Canada claim to have built itself as a Peaceable Kingdom. Now that the North-West helped it rise as a benevolent and peaceable expansionist force, it was time for the Dominion to turn its settler colonial aspirations to the Great North.

2. Colonial liberalism as authorising discourse

Throughout this dissertation I have argued that in addition to consolidating itself between 1857 and 1885 through the lands of the North-West, Canada consolidated itself by developing an authorising discourse based on the imperative to improving these lands and their peoples. The Territorial Council, which headed the settler government in the North-West beyond Manitoba, adopted in the aftermath of the Resistance a resolution that revealingly exposed the main elements of the discursive complex that authorised the processes of land appropriation and cultural

251 Martin wrote that the Manitoba Act (1870) meant that “Canada was transformed from a federation of equals into an Empire” (1920: 377). I make a similar point: Canada consolidated as a modern settler state in 1885.
homogenisation, both foundational to Canadian political development. On December 12, 1885, the Territorial Council passed the following declaration:

*Whereas the peace, progress, and prosperity* of these Territories would have been jeopardized... had the man, twice guilty of Rebellion, and who had not shrunk from the terrible responsibility of inciting the Half-Breeds and Indians to armed insurrection, been permitted to escape the just penalty of his misdeeds; ... this Council desires to place on Record its endorsement of the action of the Dominion Government in allowing the sentence of the Court to be carried into effect (North-West Territories, 1886: 61).

In a few words, this resolution commended the elimination of the Indigenous leaders of the resistance on the colonial liberal justification that their resistance threatened the “peace, progress, and prosperity” of the North-West. This proclamation clearly illustrates the commitment of the Canadian government – and, starting in 1885, of its satellite government in the North-West – to make an expansive nation and spread a settler civilisation through a colonial liberal ideology. As I have shown, the colonial liberal ideology centred on the precepts of “peace, progress, and prosperity”, which are assumed to stem from the imperative to improve both lands and peoples.

Canada authorised its appropriation of Indigenous lands by arguing that it alone could improve the lands it looked to appropriate. According to Canadian colonial liberalism, lands must, to boast their full value, be cleared of trees, ploughed, cultivated and connected to other lands through roads. For Dominion lands to be thus valorised, they had to be organised through the colonial liberal precepts of private property and agrarian labour. In other words, they had to be divided into lots and cultivated by individual farmers. To the extent that Indigenous Peoples of the North-West were assumed not to own their lands – they merely “roamed” over them – they had to be dispossessed and displaced to allow the Dominion government to improve North-Western lands.

Canadian colonial liberalism closely associated material improvement with the moral elevation of those who attended to the improvement of lands. In the words of Adams G. Archibald, the first Lieutenant-Governor of Manitoba, Indigenous Peoples of the North-West were “the most primitive people in the world, with men in the primary stages of society, and the lowest and rudest conditions of civilization” (Canada, 1870d: 1430). Building on a stages-view of human history,
Canadian colonial liberalism regarded the Indigenous Peoples of the North-West as requiring the protection and assistance of the Dominion in achieving higher forms of humanity, that is, in overcoming their “superstitions” and “sluggishness” to achieve more rationality and industriousness. The latter qualities are believed to derive from agrarian labour. In addition to the attributes of rationality and industriousness, colonial liberalism has required of Indigenous Peoples of the North-West, who are believed to not yet be “fully rational”, that they obey settler structures of authority. As demonstrated by the case of the 1885 North-Western Resistance, Canadian colonial liberalism justified the elimination of Indigenous leaders by portraying them as having illegitimately rebelled against the Canadian regime of law.

Expressed in a language that emphasises benevolence, peace and advancement, colonial liberalism has ultimately authorised the violence intrinsic to the dispossession, assimilation and execution of Indigenous Peoples. In addition to authorising the multiple attempts to incorporate North-Western lands and peoples under Canadian rule, I argue that colonial liberalism has obscured the violence implicated in the process of creating Canada as a settler state. Structured around the concepts of improvement for lands and peoples, colonial liberalism thus allowed Canada to simultaneously advance the economic and political interests of non-Indigenous Canadians, which entailed the perpetration of physical, material and epistemic forms of violence, all the while promoting Canada’s image as a peace-making force.

In this sense, colonial liberalism has been as violent as imperialism, which endorses “conquest” as a legitimate means to appropriate lands and peoples. In particular, colonial liberalism is intrinsically violent in physical, material and epistemic ways. First, by demanding the execution of “violent” or “disloyal” subjects, colonial liberalism is destructive of certain lives and is thus physically violent. Second, by demanding the incorporation of new lands, colonial liberalism is appropriative and is thus materially violent. Third, by demanding the enfranchisement of Indigenous adults and the schooling of Indigenous children, colonial liberalism is destructive of certain ways of being and knowing and is thus epistemically violent. Because of its emphasis on peace, progress and prosperity,
colonial liberalism has enabled, ennobled and thus disavowed the Canadian foundational violence of dispossession and assimilation.

3. Contributions and Scope

3.1 Canadian political development

This dissertation first contributes to the field of Canadian political development by challenging the hegemonic understanding of Canadian state and identity as those of a “Peaceable Kingdom.” The violence of the Canadian founding and subsequent development presents a basic paradox: while the Dominion declared to act on a peaceable programme of territorial aggrandisement and of cultural uniformisation, it waged war against Indigenous Peoples as obstructive forces in the way of its construction. By examining the various strategies employed by the emerging Canadian settler colonial regime to secure its sovereignty over the lands and peoples it claimed to have annexed, I find that these strategies constitute physical, material and epistemic violence. If the Dominion stated to prefer the “gentle” means of constitutionalism, administration and law to develop and consolidate its rule, Canadian officials regularly resorted to police and military forces. In sum, the preceding chapters turned the scholarly and national understanding of Canada as an exceptionally benevolent state force on its head by surfacing the violence it has deployed to secure its existence and development.

The doctrine of “manifest destiny” in Canadian politics is generally discussed in relation to the threat of annexation of British North America by the United States. In response to that threat, Canadian officials sought to reinforce British North American sovereignty, most importantly through the colonial union formalised at Confederation. What this narrative of Canadian vulnerability in the face of American expansionism does not tell is that Canada had its own Manifest Destiny. This dissertation tracks the distinctively Canadian project of territorial annexation that materialised over three decades and, throughout those years, pursued the elimination of Indigenous Peoples as
occupants of their lands. By bringing into view Canada’s own aspiration to acquire Indigenous lands, I also show that the relatively significant role of the Canadian state in land incorporation did not make that process any less violent than in the United States. State involvement in the acquisition of Indigenous lands only allowed Canadian authorities to authorise that violence as more lawful.

The focus of this dissertation on the North-West does not make its arguments strictly parochial. To the contrary, I argue that the particular strategies deployed by the Dominion to secure sovereignty over the North-West exemplify a larger model of settler development in Northern America. With a few specifications, the model of state and identity development this dissertation propounds could apply to historical periods and geographical regions beyond the Great Plains of the latter half of the 19th century. For instance, it could be shown that Canadian officialdom defended the appropriation and exploitation of the lands of the Arctic in the 20th and 21st centuries by mobilising the colonial liberal principles of private property and prosperity. In the case of the consolidation of Canadian sovereignty in the Arctic, it appears that the 19th century colonial liberal emphasis on agrarian labour shifts to centre the extraction of natural resources like oil and gold. In both cases, however, the settler colonial imperative to appropriate lands, and its corollary requirement of eliminating Indigenous Peoples as occupants of those lands, stays the same. In brief, settler colonisation – as a process defined by the appropriation and exploitation of Indigenous lands – and colonial liberalism – as an ideology that thrives of the imperative to improvement of both lands and peoples – constitute a paradigm of development that could explain the origins and persistence of some of the most significant dynamics of marginalisation in contemporary Canada. Furthermore, this model of development could be used to track the historical processes that constituted other settler

252 In his *Ocean to Ocean*, George Monro Grant referred twice to Canada’s own "Manifest Destiny". He first mentioned that Canada “shall be more than an American Russia, because the separation from Great Britain to which [the idea of Canada as an American Russia] invites is not involved in our manifest destiny” (Grant, 1872: 355). He added that “insight into [Canadian] stock and fibre, combine with that true imagination that realizes manifest destiny [...] entitles Canadians [...] to look forward with confidence to the future of their country (Grant, 1872: 394).
states and the ideological apparatus that helped legitimise these processes within them. Most importantly, this model of development could apply to the study of the formation and development of the Anglo-American settlers states – Australia, New Zealand and the United States – amongst the most dominant states on the world stage today.

3.2 History of political ideas

This thesis contributed to the understanding of liberalism’s complicity with settler colonisation by studying the critical and yet overlooked perspective of a colony of settlement. Throughout the chapters, I defined colonial liberalism as a particular strand within the larger liberal tradition that authorised the violence of elimination in the name of improvement. I found colonial liberalism to be structured around the imperative to improvement for both lands and peoples. To the extent that colonial liberal concepts authorised and justified the violence of settler colonial appropriation, this dissertation finds territorial expansion and the elimination of Indigenous as occupants of their lands to be a distinctively liberal policy.

Other ideological forces helped produce the elimination of Indigenous Peoples elsewhere in the Americas – including various leftist ideological traditions rooted in Enlightenment-oriented premises that helped settler states form by acquiring Indigenous lands in South America. It is, of course, nearly impossible to map the contours of socialism, liberalism and conservatism as separate ideological traditions, for the reason that they are significantly entwined with one another. This very study of colonial liberalism is a testament to the hybridity and internal variability of ideological traditions. Despite these difficulties, however, I argue that if we are to divide Western ideologies into the three large families of socialism, liberalism and conservatism, it was a distinctively liberal discourse that promoted and legitimised the dispossession and assimilation of Indigenous Peoples in British North America. Because of the centrality of the imperative to improvement within it, the ideology that has defended the violence of Canadian nation-making does not appear to be compatible with the fundamental tenets of Western conservatism. Because of the fundamental importance of the
principles of private property and individual prosperity amongst the set of ideas that are mobilised by the Dominion to promote and justify Indigenous dispossession and assimilation, they appear to be inconsistent with most forms of socialist political thinking.

This study additionally suggests that territorial expansion, and the production of cultural uniformity over expropriated lands, is a distinctively liberal policy by virtue of which most former British Dominions, or Anglo-American countries outside of the United Kingdom, emerged as the territorial and national entities they are taken to be today. Beyond this comparative potential, the discourse and practices surveyed in the dissertation focus on a particular strand of liberalism – colonial liberalism – as the most efficient architect of land appropriation in the emergence of Canada as a sovereign state over the territory it still claimed as its own.

3.3 Normative contribution

Because struggles for attaining equality across gender, sexual identities, race, class and ability still take place in liberal terms, it is all the most important to track continuities in the liberal tradition to identify its potential for exclusion. One key implication of my analysis is that if the contemporary Canadian liberal regime is to reconcile with the needs and aspirations of Indigenous Peoples by redressing its legacy of appropriation and elimination, then it must support land-based practices of Indigenous self-government. I showed that Canada looked to appropriate Indigenous lands by imposing its colonial liberal understanding of land as requiring division into private lots and ownership of these lots by individual farmers. Canadian authorities believed that the constitution of settler governments and institutions could secure such land-holding arrangements and authorise them on the imperative to improving these lands. Around the time of Confederation, the Dominion also undertook to produce distinctly Canadian sovereignty over lands it claimed as its own by eliminating Indigenous Peoples as peoples and undercutting their resistance to its territorial expansion. To redress the physically, materially and epistemically violent appropriation by Canada of Indigenous lands, the contemporary Canadian liberal regime must renounce the sovereignty it claims
to exercise from coast to coast (to coast) to give way to practices of Indigenous self-government that thrive by virtue of being based on their lands. Only then could Canada assert to have stopped eliminating Indigenous Peoples, even if over the last two centuries it claimed to have done so in the name of their improvement.
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