

INDIGENIZING AND DECOLONIZING FEMINIST PHILOSOPHY

Reconciliation and Cultural Genocide: A Critique of Liberal Multicultural Strategies of Innocence

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Abstract

The aim of this article is to interrogate the concept of cultural genocide. The primary context examined is the Government of Canada's recent attempt at reconciliation through the Truth and Reconciliation Commission. Drawing on the work of Audra Simpson (Mohawk), Glen Sean Coulthard (Yellowknives Dene), Kyle Powys Whyte (Potawatomi), Stephanie Lumsden (Hupa), and Luana Ross (Confederated Salish and Kootenai Tribes, located at Flathead Indian Reservation in Montana), I argue that cultural genocide, like cultural rights, is depoliticized, thus limiting the political impact these concepts can invoke. Following Sylvia Wynter, I also argue that the aims of "truth and reconciliation" can sometimes serve to resituate the power of a liberal multicultural settler state, rather than seek systemic changes that would properly address the present-day implications of the residential school system. Finally, I argue that genocide and culture need to be repoliticized in order to support Indigenous futurity and sovereignty.

In 1833, Canada's first Prime Minister, Sir John A. MacDonald, stated in the House of Commons: "When the school is on the reserve, the child lives with 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" (TRC 2015, 2).¹ This sentiment was echoed by Deputy Minister of Indian Affairs Duncan Campbell Scott in 1920 when he stated: "our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian Department" (3).²

With MacDonald's statement regarding Aboriginal children and communities came the official establishment of the federal residential school system in 1883 (although some residential schools were already in place as early as 1831). The last residential school closed in 1996. At the height of the system, in 1930, there were 80 residential schools operating across Canada, and over the more than 100 years of the residential school system, there were 139 schools in total. In 1920, Duncan Campbell Scott, the bureaucrat in charge of Canada's Indian Policy, revised the Indian Act to make attendance at residential schools mandatory for all First Nations children between the ages of seven and fifteen years, although children as young as four were forced into

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the schools as well. As a result, it has been estimated that 150,000 First Nations, Métis, and Inuit children passed through the system, 80,000 of whom were still alive as of 2015 (TRC 2015, 3).³

In the early 1990s, beginning with Phil Fontaine (then Grand Chief of the Assembly of Manitoba Chiefs), various forums were created for survivors to speak publicly about abuse experienced in residential schools, including: sexual abuse; beatings; punishments for speaking Aboriginal languages; being forced to eat rotten food; widespread hunger and thirst; bondage and confinement; and forced labor. Housing was often isolated, poorly built, poorly maintained, poorly heated, poorly ventilated, and overcrowded; children received poor education, due in part to the low regard for the intellectual capabilities of Aboriginal peoples; students were used in medical experiments; siblings were separated upon entering the school; and arranged marriages were often performed once children were of age and done with school.

In 2008 the Truth and Reconciliation Commission (TRC) was officially established and began its investigation into the residential school system in Canada. The TRC was a product of the Indian Residential Schools Settlement Agreement (IRSSA), which was the result of the largest class-action lawsuit in Canadian history (TRC 2015, v). The Truth and Reconciliation Commission heard from more than 6,000 witnesses across Canada over the course of six years. The last of the TRC findings were released June 3, 2015, and the report begins with the following statement:

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

Physical genocide is the mass killing of the members of a targeted group, and biological genocide is the destruction of the group's reproductive capacity. Cultural genocide is the destruction of those structures and practices that allow the group to continue as a group. States that engage in cultural genocide set out to destroy the political and social institutions of the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and destroyed. And, most significantly to the issue at hand, families are disrupted to prevent the transmission of cultural values and identity from one generation to the next.

In its dealing with Aboriginal people, Canada did all these things. (TRC 2015, 1)

My intention in this article is to offer an analysis of the manner in which the concept "cultural genocide" is employed by the Government of Canada when referring to Aboriginal communities. I engage with discussions around "cultural rights" in order to demonstrate the ways in which "culture" can operate to delimit the term with which it is associated. Specifically, I argue that "culture" is often used to depoliticize rights and actions that ought to be considered political. Furthermore, the depoliticization of genocide is consistent with what Eve Tuck and K. Wayne Yang call "settler moves to innocence" (Tuck and Yang 2012, 10), a move that involves avoiding assuming responsibility for the harms perpetrated by settler colonialism.

In order to demonstrate the processes of depoliticization by the Government of Canada, I turn to guiding actions and statements employed by figureheads of the Canadian nation-state. Specifically, I demonstrate how the Government of Canada's framing of the Truth and Reconciliation Commission often employs similar attempts to depoliticize reconciliation.⁴ Political reconciliation, according to Kyle Powys Whyte, "refers to the aspiration to transform violent and harmful relationships into respectful relationships" (Whyte 2018, 277). The relationship must be "morally grounded," "just," and thought to be "*preventative of harms* stemming from ongoing discrimination" (277). A depoliticized form of reconciliation is one that fails to transform harmful relationships and to prevent harms. Similarly, a depoliticized form of genocide is one that serves to locate said harms in the past, and refuses to take responsibility for those harms. In both cases, what transpires is a reorientation of those harms in a way that best serves the needs and desires of the nation-state.

In conversation with various scholars, I demonstrate that political reconciliation requires the repoliticization of genocide, rights, and actions through the recognition of Indigenous futurity. As we will see in this article, Indigenous futurity requires that explicit attention be paid to the ways in which processes of genocide are located not merely in the past, but continue to affect Indigenous communities in the present and into the future, attention that must also address Indigenous sovereignty and land dispossession. Politicization in this context means to bring to the forefront structural and institutional harms in order to seek meaningful and significant change.

Culture and Cultural Genocide

As noted in the quote above, the Truth and Reconciliation Commission began its summary report with an acknowledgment of genocide in Canada. However, this acknowledgment is accompanied by the clarification that the *kind* of genocide that existed in Canada through the residential school system was cultural, and *not* physical or biological. Such an articulation of genocide provokes a series of questions that warrant consideration, such as: what is at stake in such a distinction? Or perhaps, in what way is culture conceived? Similarly, what does it mean for the Government of Canada to claim responsibility for cultural genocide? And in what way does the framing of cultural genocide address reconciliation and Indigenous futurity?

In order to answer these questions, we might ask where these different forms of genocide—cultural, physical, and biological—come from. In 1948, the United Nations General Assembly adopted Resolution 260 (III) titled the "Convention on the Prevention and Punishment of the Crime of Genocide." Within this document, the concept of "genocide" was articulated by the UN for the first time. Herein, genocide is defined as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical [sic], racial or religious group":

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group. (UN 1948, Article II)

The term *genocide* that was adopted in this resolution was drawn from Raphael Lemkin's text *Axis Rule in Occupied Europe*, published in 1944, wherein the term *genocide* was coined. Lemkin describes genocide in the following way: "genocide *does not necessarily* mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of the *essential foundations of the life* of national groups, with the aim of annihilating the groups themselves" (Lemkin 1944, 79, emphasis added). Implicitly, this statement carries with it the understanding that the immediate destruction of a nation through mass killing—which is commonly understood as physical genocide—is not the only way in which genocide, or the destruction of a nation, takes place. Rather, he notes that it is imperative that we understand genocide more broadly as a coordinated plan—or what I would consider in the context of Indigenous nations, institutional processes—that aims at the destruction of the foundations of life, the conditions for the possibility of not only surviving but also life in the broader context of thriving, as a national group. Lemkin is quite clear that marking distinct kinds of genocide as operating independently of each other can be problematic. In particular, he explicitly states that it is important to consider cultural, economic, social, and biological aspects of genocide *simultaneously*, being careful not to suspend one, the result of which would lead to the term *genocide* being too restrictive (80). In sum, neither Lemkin's definition nor the United Nations resolution qualify distinct forms of genocide (biological, physical, and cultural). Similarly, cultural genocide is not used in the United Nations Declaration on the Rights of Indigenous Peoples, adopted in 2007. Thus the use of *cultural genocide*, as opposed to *genocide* proper, begins to signal something that is inconsistent with the guiding conceptions of genocide.

In *The Concept of Cultural Genocide*, Elisa Novic argues that the articulation of genocide offered by Lemkin, and advanced in the Genocide Convention, presupposes a physical or biological aspect of genocide (Novic 2016, 6). She describes an overarching debate within legal studies about whether genocide should be considered only physical and biological, or whether it should also include culture (8). However, in what follows, I argue that the delineation of cultural genocide as different in kind from physical and biological genocide serves to narrow the focus of what genocide entails. Patrick Wolfe, in "Settler Colonialism and the Elimination of the Native,"⁵ offers a critique of cultural genocide:

My reason for not favoring the term is that it confuses definition with degree. Moreover ... [one should note that] the practical hazards that can ensue once an abstract concept like "cultural genocide" falls into the wrong hands are legion. In particular, in an elementary category error, "either/or" can be substituted for "both/and," from which genocide emerges as either biological (read "the real thing") or cultural—and thus, it follows, not real. (Wolfe 2006, 398)

Part of Wolfe's concern is that when the concept of cultural genocide is employed as something distinct from biological genocide, for instance, the implication will be that the latter invokes the "real" sense of genocide, and the former notes something that is less than real. As a result, the degree of realness that is employed presupposes that one need not be as worried about cultural genocide as one should be about biological or physical genocide. Similarly, in some instances, cultural genocide could be construed as natural in the greater scheme of things, whereby all cultures change as society "progresses." Wolfe's solution to

such dilemmas is to invoke a new term, “structural genocide” (403), a term that he believes will address the devaluation of hyphenated genocides (402).

I am not entirely convinced by Wolfe’s desire to invoke a new concept of genocide, but his concern with the use of *cultural genocide* is quite pertinent for two reasons. First, *cultural genocide* presupposes that it can be distinguished from physical and biological genocide. However, if we consider examples from the Canadian residential school system, it will become evident that this is not the case. Furthermore, for the purpose of reconciliation, the question of whether genocide existed in Canada ought not to be limited to a particular system, that is, the residential school system. Thus I briefly note the various ways that the analysis of genocide within Canada should be extended. Second, the Government of Canada often locates cultural genocide in the past. In what follows, I also demonstrate the ways in which “culture” has been used to denote what is historical and/or apolitical. Ultimately, I argue that cultural genocide is employed as a category that is depoliticized, insofar as it is distinct from the “real” forms of genocide, and because it is something that is in the past. The depoliticization of genocide is a way to defer responsibility. Let’s consider each in turn.

First, if we focus our attention on the Canadian residential school system, we see that the concept of cultural genocide alone is too narrow to account for the kinds of harms that were perpetrated against Aboriginal communities. For instance, cultural genocide that has been documented as having taken place in residential schools does *not* address the rates of annihilation at residential schools. At the peak of the system, Aboriginal children had a 50% chance of surviving a residential school. Starvation and torture occurred frequently within residential schools, alongside forced relocation. Medical tests were performed on children, and infectious diseases spread rapidly through schools. According to the definition of physical genocide offered above—that is, the mass killing of the members of a targeted group—it would seem that low rates of survival due to starvation, torture, and infectious diseases accurately represent the kind of genocide referred to as physical. Thus it seems clear that one ought not limit to cultural genocide alone the kinds of harms that were being perpetrated at residential schools.

Moreover, the focus on the residential school system limits the means by which one can understand how genocide operated (and continues to operate) in Canada. In “Settler Colonialism and Legislating of Criminality,” Luana Ross discusses how Indian residential schools were sites of incarceration and forced removal (Ross 2016, 6). They were an extension of the forced removal of Indigenous communities onto reservations from land desired by Europeans, which at various points in time also served to limit the movement of Indigenous peoples (6). The criminalization of Indigenous cultures within residential schools was perpetrated by government officials and community members alike, both on and off reservations, and continues to this day. Moreover, we see the criminalization of mental health problems and addictions, despite the fact that “[m]any times people are coping with traumatic circumstances and toxic situations [such as those founded in the residential school system]; many are propelled to self-medicate with alcohol or drugs” (9). We might also consider the incarceration of parents who desired to prevent their children from entering the schools.

At issue, in part, is the manner in which settler colonialism is conceived. For instance, Wolfe describes settler colonialism as “a structure rather than an event” (Wolfe 2006, 390). This description is echoed by Glen Sean Coulthard, who describes settler colonialism as a “temporally situated experience which occurred at some relatively fixed period in history but which unfortunately continues to have negative consequences for our [Indigenous] communities in the present” (Coulthard 2014, 125).

There are two important features to these articulations of settler colonialism. First, settler colonialism ought not to be conceived of as having taken place only in a self-contained space and time. For instance, settler colonialism is not merely the landing of Europeans on the shores of Turtle Island, nor can it be relegated to the Trail of Tears in the US settler state from 1831–1850.⁶ Limiting settler colonialism to a period of years in the past fails to accurately represent the way in which it continues to manifest itself and to cause harms.

Wolfe's and Coulthard's accounts of settler colonialism can also be compared to Aníbal Quijano's distinction between colonialism and coloniality. Coloniality is a term popularized through Quijano's "Coloniality and Modernity/Rationality." He notes that even when colonies disappear, a system remains through which the harms enacted by the creation of colonies continue to exist. This continuation of colonialism and its support for European modernity is what Quijano names "coloniality." Coloniality refers to a framework of power created by European groups over "racially" and "ethnically" marginalized communities. Specifically, coloniality refers to the exploitation and domination of cultures and the imagination of marginalized groups (Quijano 2007, 168–69). Whereas colonialism could be conceived of as requiring the existence of colonies, coloniality speaks to the need to recognize the long-lasting effects of colonialism. Similarly, and alongside Wolfe, in the context of this article, one might say that even though the residential school system no longer exists, the effects and harms of the system continue to affect those who resided within residential schools and the communities that were affected by residential schools.

Thus colonialism continues to persist through a number of institutions within Canada, often as a direct result of the residential school system. Consider the following examples. Within the foster care system, in 2011, researchers found that 7% of Aboriginal children under 14 were in foster care (Turner 2016). In Canada, 48% of all children in foster care are Aboriginal, 54% of whom live with non-Aboriginal parents. In Manitoba and Saskatchewan, 85% or more of children in foster care are Aboriginal (Turner 2016). In Alberta, 78% of all children who died while in foster care between 1999 and mid-2013 were Aboriginal (TRC 2015, 141).⁷

Between 1980 and 2012, it is estimated that 1,017 Aboriginal women were killed, and 164 went missing (TRC 2015, 180). It is important to note that although Aboriginal people make up 4% of the general population, they represented 24% of homicide victims in 2016 (David 2017). Aboriginal women are five times more likely to be the victims of homicide compared to non-Aboriginal women, and Aboriginal men are four times more likely to be victims of homicide than Aboriginal women (David 2017).

In terms of prostitution and human trafficking, in Vancouver roughly 52% of those sexually exploited are Aboriginal women and girls. Similarly, in Winnipeg between 70–80% of children and youth who are sexually exploited are Aboriginal, 72% of whom were processed through Child and Family Services (Native Women's Association of Canada 2014, 8).

Furthermore, the suicide rate "for First Nations male youth (age 15–24) is 126 per 100,000 compared to 24 per 100,000 for non-Indigenous male youth" (Center for Suicide Prevention). In addition, "Suicide rates for Inuit youth are among the highest in the world, at 11 times the national average" (Center for Suicide Prevention). And finally, in 2015/2016, 38% of women and 26% of men sentenced to provincial and territorial custody in Canada were Aboriginal (Reitano 2017).⁸

What I have attempted to demonstrate here is that a much broader conversation needs to take place around genocide and settler colonialism, a broader conversation

that the focus on cultural genocide and the residential school system in and of themselves does not provide. Given that the definition of genocide outlined by the United Nations names the harm perpetrated by the Canadian residential school system—"Forcibly transferring children of the group to another group"—and that it is possible to name harms that would be categorized as physical or biological, describing the settler colonial-Indigenous relation as cultural genocide alone employs too narrow a definition of genocide. Furthermore, the narrowness of the investigation into the residential school system serves as evidence that cultural genocide is a problematic category. We ought to be careful about the ways in which "cultural genocide," as differentiated from physical and biological genocide, or from genocide proper, is engaged because, as the above data suggest, serious problems persist in the Canadian settler context that doing away with the residential school system, by itself, did not resolve (see also Jung 2018, 258).

I contend that the employment of culture when talking about genocide is an attempt to depoliticize genocide, or to echo Wolfe's words, to make it less real. As such, the political impact that would come with recognizing the existence of "real" genocide falls away. Here, I would like to note that the employment of culture as a way to depoliticize genocide is consistent with other actions taken by the Government of Canada in response to Aboriginal communities. For instance, there are many instances in which "culture" has been used to demarcate something that is located in the past, which consequently is also depoliticized. For instance, in *Red Skin, White Masks*, Coulthard discusses "cultural rights" (Coulthard 2014, 124) and the Constitution Act of 1982, which maintains the inherent right of self-government for Aboriginal people as independent from the Government of Canada. However, over time it has become apparent that Aboriginal self-determination and sovereignty is restricted to the "limited range of rights that Canada claims to recognize" (123). Thus the right to self-determination becomes quite narrow, wherein "what the state grants is recognition of an Aboriginal right 'to govern themselves in relation to matters that are internal to their communities, integral to their unique cultures, identities, languages and institutions'" (123). An implication of this framing of rights is that, according to Coulthard, these are "cultural" rights that can be 'infringed' on by the state for any number of legislative reasons" (124). In other words, there is a *presumption* that the Government of Canada is acknowledging the sovereignty of Indigenous communities by *allowing* these communities self-determination within the realm of culture; to maintain the traditions that make a community what it is. However, within such a framing, what becomes apparent or reinforced is the sovereignty of the Government of Canada, insofar as it allows for the cultural rights of Aboriginal communities only to the extent that they do not impose on the desires, will, or needs of the Government of Canada. Self-determination of Indigenous nations exists *under* the sovereignty of the settler state, thus foreclosing the possibility of nation-to-nation relations between the Canadian settler state and Indigenous nations, the latter of which is required to demonstrate recognition of the sovereignty of Indigenous nations by the settler state. A discourse of cultural rights as self-determination alone is depoliticized if it forecloses the possibility of sovereignty.

Similarly, the designation of culture has often been used to label something that is historical, and only in light of the historicity of culture is it something that ought to be maintained. For instance, Courtney Jung states that "contemporary Canadian constitutional practice still roots Indigenous legal authority in its significance to the distinctive cultural identity of an Indigenous community *at time of contact* Such legal interpretations allow courts to determine what counts as Indigenous cultural practice and to freeze indigeneity in the past" (Jung 2018, 253–54, emphasis added). The

kind of cultural identity that is being recognized in the quote above is necessarily static, unchanging, and restricted to practices that predate the existence of settlers and settler states. Such an interpretation of culture fails to recognize the ways in which all cultures and practices change over time, serving to limit or curtail Indigenous futurity or the flourishing of Indigenous practices in the present day. Furthermore, for Indigenous peoples in particular, it reinforces a stereotype about what it means to be Indigenous, the absence of which in present-day contexts implies that there are no more Indigenous peoples (part of the process of genocide). Not only is culture something that is subordinate to the political realm, and thus depoliticized, but because culture is located in the past, Indigenous futurity is not recognizable. The act of relegating Indigenous practices to the past is yet another way in which culture is deemed apolitical.

Within political theory, it is often the case that what is demarcated as cultural is dependent upon an apolitical presupposition. In other words, something is cultural because it is not political. Within a liberal multicultural framework, the political realm can be conceived of as divorced of any particular cultural substance, reinforcing the presumption that it is a blank slate within which all are welcome. As such, the federal government is required to ensure that there is no hierarchy of culture in the political realm, while also maintaining spaces for culture as independent of the political. In “The Politics of Recognition,” Charles Taylor is particularly concerned with the way in which it is possible to recognize Indigenous communities through this culture/politics framing. He states, “members of aboriginal bands will get certain rights and powers not enjoyed by other Canadians, if the demands for native self-government are finally agreed on, and certain minorities will get the right to exclude others in order to preserve their cultural integrity, and so on” (Taylor 1994, 39–40). The argument that Indigenous communities will get certain rights, or more rights, carries with it the presumption that Indigenous communities are doubly benefited, by being both Canadian and Indigenous, and thus having access to rights that are allocated to both positions. Although Taylor’s goal might be to address processes of settler colonialism that sought to enforce assimilation practices by requiring that one be either Indigenous or Canadian, it does not address the system through which such forced assimilation was made possible, that is, the settler state. As such, consistent with my articulation of culture above, Taylor’s articulation of self-government is constrained to the preservation of cultural integrity, to the absence of political recognition, thus perpetuating a one-sided form of recognition, rather than mutual recognition. In this liberal multicultural framework, cultural recognition of a particular group to self-govern is made possible and premised upon the existence of the political realm of the federal government. However, “the logic informing this dimension—where ‘recognition’ is conceived as something that is ultimately ‘granted’ or ‘accorded’ a subaltern group or entity by a dominant group or entity—prefigures its failure to significantly modify, let alone transcend, the breadth of power at play in colonial relationships” (Coulthard 2014, 30–31).⁹ Once again, Indigenous self-determination is relegated to the cultural realm, thus failing to politicize Indigenous self-determination.

In a discussion of mainstream Dene recognition movements, Coulthard critiques “significant decoupling of Indigenous ‘cultural’ claims from the transformative visions of social, political, and economic change that once constituted them” (152). He describes culture as “encompassing the economic, political, spiritual, and social” (65). However, according to Coulthard, the Government of Canada has “depoliticized discourse[s] of Indigenous ‘cultural rights’” in order to achieve its own economic and capitalist ends (67).¹⁰ I would like to make explicit here that there are (at least) two ways in which we can conceive of culture. Culture need not be understood as a problematic

category that is always situated over and against the political realm. However, in the examples I have offered above, we can see the ways in which culture is consistently separated from politics, thus rendering it apolitical. What Coulthard makes evident, however, is that culture can be repoliticized, but such a repoliticization requires that politics take a different shape. And, consistent with my discussions above, the repoliticization of culture requires articulations of Indigenous sovereignty and futurity. The issue that must remain in view, as a result, is recognizing the way in which culture is employed, and the kinds of relations that its employment perpetuates. In order to address these concerns, I turn to a discussion of reconciliation.

Reconciliation

Given this discussion of culture and processes of depoliticizing cultural rights by situating them in the past, I would like to turn our attention to a discussion of reconciliation. Specifically, I am turning to Canadian figureheads' framing of the TRC in order to understand the kinds of relations that exist between the depoliticization of genocide and the depoliticization of reconciliation. In order to do so, I turn to the work of Audra Simpson. In "Whither Settler Colonialism," Simpson discusses former Prime Minister of Canada Stephen Harper's apology for the federal residential school system in 2008, to mark the commencement of the TRC investigation in 2008:

To the approximately 80,000 living former students, and all family members and communities, the Government of Canada *now* recognizes that it was wrong to forcibly remove children from their homes and we apologize for *having done* this.... The Government of Canada sincerely apologizes and asks the forgiveness of the Aboriginal peoples of this country for failing them so profoundly. (Simpson 2016, 438, my emphasis)

As Simpson notes, an explicit temporality is employed in these statements. Harper locates the harms done to Aboriginal communities in the past. Doing so draws a clear delineation between when the harms were done, and when we knew not what we were doing, from when we know better, which is now.¹¹ By marking these temporal moments as Harper has done, he implies a kind of moral position for himself as representative of the Canadian government. Specifically, there is the presumption that the Government of Canada has now risen morally above these actions, and thus has removed itself from the actions in question because of its ability to recognize that they took place. As a result of this moral position, the belief is that the Government of Canada no longer perpetrates those specific harms, that is, they no longer forcibly take children from their parents. By extension, this statement presupposes the existence of a clear and clean break between the forces that motivated such atrocities and the forces that now exist, on the basis of which the determination of moral responsibility has been made.

Of the kind of recognition offered by the liberal multicultural Government of Canada, Simpson states: "Rather than an intersubjective model of rendering justice that would be mutual recognition between peoples of seemingly unequal standing, this is a one sided recognition by the state (embodied by a white man) who says on behalf of a citizenship, 'we now recognize this was wrong ... we are now joining you on this journey'" (Simpson 2016, 438). According to Simpson, this backward-looking acknowledgment of harm performed by Harper "leaves open the space for ... a present exoneration even where there is a former apparent error" (438). Such a move is akin to

what Tuck and Yang call a “settler move to innocence”: “Moves to innocence are those strategies or postures that are designed to relieve a person or community of guilt and responsibility without any fundamental change to the conditions, or wrongs, that created guilt to begin with” (Jung 2018, 260; see also Mawhinney 1998; Tuck and Yang 2012). One of the foremost ways in which such strategies operate is by distancing oppression from any oppressor. Such distancing transpires in two ways in the above quote. First, although Harper is calling attention to, and as such recognizing that these harms have taken place, it is not clear from the statement who has perpetrated these harms. Similar arguments are made around slavery, whereby there might be a recognition that slavery was bad, but a failure to recognize that anyone was/is responsible for it, or furthermore that anyone benefited/benefits from it (Carbado 2005). Second, the temporal displacement also serves to distance the Government of Canada that exists now from the Government of Canada that existed then, when such atrocities were being perpetrated (or so the story goes). Such temporal displacement reinforces the presumption that the current government is not responsible for these atrocities, that is, that it is morally above them because Harper has the ability to name them as such. Yet such a move encompasses a failure to recognize how the federal government has benefited (and continues to benefit) from these atrocities. Harper’s declaration that the Government of Canada now knows that it caused harm points to the assumption that it has indeed moved past it, and as a result need not employ any measures to address it. Furthermore, this apology offers “the government a clean slate” (Jung 2018, 257; Carbado 2005) in terms of developing future policies that affect Aboriginal peoples.

Harper’s apology is made against what Coulthard calls a “nontransitional backdrop” (Coulthard 2014, 108). A transitional backdrop presupposes that a significant shift has taken place within the structure of government. We can think of a significant shift as having taken place in South Africa at the end of apartheid, wherein the logics of the state moved from racist segregation to a system of democracy (although this too is debatable).¹² A nontransitional backdrop is when a significant shift has not taken place. However, if there is no systemic change that has taken place, then a state might attempt to create the *illusion* of systemic change.¹³ Recalling Simpson’s quote above, Harper’s apology serves to provide the illusion that a change has taken place, while reinforcing the moral and political superiority of the settler state, not unlike my discussion of Taylor above.

An analysis of Harper’s apology is just one way in which to engage with the framing of reconciliation within the Canadian context. And, arguably, this is a much more complicated story. As such, it is also important to note the important work that was done through the TRC. One of the greatest virtues of the TRC’s work was providing spaces where victims could offer testimonies about the harms they experienced, while ensuring that their testimonies would be recorded.¹⁴ Although not all Aboriginal peoples affected by the residential school system were able to make the trek to the spaces in which testimonies were heard and officially recorded—recognizing that these spaces were also limited to people who were taken into federally run residential schools, and thus represent a limited number of experiences—what these testimonies make evident is the marginalization, and the *liminal* position, of Aboriginal peoples in Canada.

In “The Ceremony Must be Found,” Sylvia Wynter defines liminality as the “experience [of] a fundamental contradiction between ... lived experience and the grammar of representation” (Wynter 1984, 39). The contradiction that Wynter is describing exists between how one conceives of oneself over against how one is conceived as a member of a particular group by a dominant group. As noted above, the residential school system of Canada presupposed and reinforced the dehumanization and

criminalization of Aboriginal communities, a representation that is divorced from Aboriginal peoples' understandings of themselves as communities and as sovereign nations.¹⁵ That said, part of the importance of the liminal position is what it can do. In "Beyond Liberal and Marxist Feminisms," Wynter states that "it is the liminal category who 'generates conscious change by exposing all the injustices inherent in structure'" (Wynter 1982, 36). Thus, for Wynter it would seem that testimonies from the liminal position—such as those of victims of the residential school system in Canada—can provide a transformative view from which to understand Canadian settler colonialism.

The issue to which I wish to draw attention is what happens once these testimonials are provided, or once the speaker from the liminal position exposes these injustices. According to Wynter in "On Disenchanted Discourse," "'minority discourse' can *not* be merely another voice in the present ongoing conversation or order of discourse" (Wynter 1990, 233); rather, it must disenchant, or make unstable, the structure that seeks its own stability. Put simply, it is imperative that the marginalized voice does not remain merely marginalized. Conscious change (and perhaps the exposure of injustices) is possible only when the normative discourses that created the liminal position in the first place become unstable.

Thus we might ask whether the process of reconciliation sought by the Government of Canada serves to destabilize the logics of settler colonialism in Canada. Or drawing upon Whyte's articulation of reconciliation above, does the Government of Canada seek to "transform the conditions that perpetuate violence, domination, or denial of rights" or is it merely a symbolic action (Whyte 2018, 280)? In response to these questions, I argue that one ought to be skeptical of the Government of Canada's claims of reconciliation because the process of reconciliation, in many ways, serves to make liberal multicultural settler states more stable and sovereign. We need only remind ourselves of the present-day examples of the implications of the residential school system in Canada and the persistence of coloniality in Canada—located in the foster care system, the prison-industrial complex, and the rates of sexual exploitation, homicide, and suicide in Aboriginal communities, all of which are much higher than in the general population—in order to understand the normative operations of liberal multicultural settler societies. Such examples serve to demonstrate that the harms enacted through the residential school system continue to manifest themselves and are perpetuated in different ways. Settler colonialism continues within the Canadian context, and in many instances it is the Government of Canada's inability to address settler colonialism that perpetuates these harms.

I employ the language of the "liberal multicultural" nation-state for two reasons. As will be evident below, we can think of a liberal nation-state as emphasizing the importance of the individual. Second, a liberal multicultural state seeks to ensure that all persons, and groups, are included in the body politic, thereby ensuring that the state is multicultural rather than monocultural. However, as will become evident below, the rights of any particular group cannot impose upon the rights of individuals of a nation-state. There is a political culture that outranks the rights of individual cultures, and as such multiculturalism seems to foreclose the possibility of multinationalism (Coulthard 2014). What we must remember, however, is that political culture is neither objective nor neutral, but instead maintains particular values that are imposed on other groups. For instance, recalling Harper's apology above, Whyte states, "settler nations and citizens often create the illusion that they stand on moral ground in their treatment of Indigenous peoples. By doing so, these processes overtly and unabashedly intensify at least one system of oppression: settler colonialism" (Whyte 2018, 282). Or, as noted by Jung, "governments that have not undergone transition are increasingly using the

conceptual architecture of transitional justice, including apologies, reparations, and TRCs, to reinforce the sovereign authority of the state over its population” (Jung 2018, 256).

Another notable example can be found in a statement made by Harper in 2014, wherein he ruled out the possibility of an official inquiry into missing and murdered Aboriginal women. The justification for this inattention was that it was not considered a “sociological phenomenon” but a question of “crime” that should be taken up by the Royal Canadian Mounted Police (Boutilier 2014). Harper’s emphasis on the harms perpetrated against individuals forecloses the possibility that the harms constitute patterns of oppression, and deny that such patterns of oppression are situated within histories of oppression. Such a denial thereby reinforces the logics of a liberal multicultural society whereby the individual is stressed over the collective. Furthermore, this is a performance of a settler move to innocence wherein Harper employs a strategy to remove the Government of Canada’s culpability in the overrepresentation of Aboriginal men and women in homicide statistics.¹⁶ As a result, we see once again the process of depoliticization enacted, and one that also infringes upon the possibility of Indigenous futurity.

In 2016, under Prime Minister Justin Trudeau, the National Inquiry into Missing and Murdered Indigenous Women and Girls was established; however, several prominent Commissioners have stepped down because of various concerns. For instance, in 2017 Marilyn Poitras resigned, stating, “It is clear to me that I am unable to perform my duties as a commissioner with the process designed in its current structure” (Harris 2017). The results from this commission have yet to be released, but are expected in 2019. Second, the UN Declaration on the Rights of Indigenous Peoples was passed in 2007. This declaration has its roots in the 1920s efforts by Haudenosaunee Chief Deskaheh to gain recognition for Indigenous rights by the Government of Canada. However, the Canadian government declared itself an official objector to the UN Declaration on the Rights of Indigenous Peoples, albeit removing this objection in 2016 (nine years later). Third, we might also consider Jung’s discussion of Trudeau whereby his administration’s “vision of reconciliation appears to foreground resource extraction and better incorporation of Indigenous peoples, especially youth, into the workforce” (Jung 2018, 254), which then serves to drain “communities of their vibrancy and future and, once again, interrupts inter-generational transmission of Indigenous languages and cultures” (256). Similarly, as noted by Joseph Weiss, “the commission is drawing on the redemptive power of memory and personal testimony ... [and] it does so in a manner that is reconfigured under terms suitable for Canadian multiculturalism,” in other words, “in a way that can neither profoundly threaten the state nor commit it concretely to any large-scale changes in its policies vis-à-vis First Peoples” (Weiss 2015, 40).

Thus the kinds of limitations regarding the Truth and Reconciliation Commission that I noted in the previous section are not primarily a result of the TRC itself, but rather of the way in which the TRC was situated in relation to the Government of Canada. For instance, within the first year of the TRC, all three primary commissioners stepped down (28). Justice Harry LaForme in particular stated that “the commission will fail in its current form” (29). As noted by Weiss, “his decision to resign attributed at least some point to power struggles between the three commissioners, at other times to the commission’s lack of autonomy from the Canadian government” (29). Although the commission presumably operated as independent, the Government of Canada imposed upon this (supposedly) independent position in various ways. Similarly, various government offices circumvented an expedient process by the Commission by refusing to provide documents unless ordered by the court (47), often making it

more difficult to access testimonies that had been collected previously by the government.

What we see here is a dominant narrative of liberal multiculturalism that aims to cover over, and make irrelevant, unintelligible, and/or invisible that which does not fit with the dominant discourse, what I have elsewhere called processes of depoliticization. The function of this making invisible is to ensure that the dominant narrative remains stable/settled (Wynter 1990, 219). This invisibility is perpetuated by narratives of individual harms (and freedoms) over collective harms and the dismissal of the persistence of coloniality by assigning colonialism to the past, *that now we know better*, and now we can ask for forgiveness and put it behind us.

What then is reconciliation when past and present harms are not fully addressed? Coulthard describes this form of reconciliation as “the act of rendering things consistent—... the one that lies at the core of Canada’s legal and political understanding of the term, [reconciliation]: namely, rendering consistent Indigenous assertions of nationhood with the state’s unilateral assertion of sovereignty over Native people’s lands and populations” (Coulthard 2014, 107). Reconciliation thus takes place only to the extent that whatever needs to be reconciled can do so within the terms of the liberal multicultural state. Or, as Coulthard argues, “the reconciliation of Indigenous nationhood with state sovereignty is still *colonial* insofar as it remains structurally committed to the dispossession of Indigenous peoples of our [their] lands and self-determining authority” (151).

I would like to note here, however, that discussions around reconciliation continue to be contentious (see Weiss 2015, 43; Jung 2018, 253). Numerous activists and theorists outline the importance of engaging in practices and discussions around reconciliation with the Government of Canada and note that various successes have been achieved. Theorists and activists continue to engage in such discussions, while noting the various skepticisms about how it might move forward. Furthermore, various activists and scholars, whom I have noted above, describe the institutional situations that exist within the Government of Canada’s attempts at reconciliation that both limit and produce various kinds of resistance (see Turner 2000; Lyons 2010). I note these differing perspectives for two reasons. First, I do not take it to be the case that the numerous Indigenous nations that are engaging in these discussions of reconciliation can be subsumed under the same rubric or framework, or that they be wholly united in their conceptions of what is required for reconciliation, or if reconciliation is even possible. Similarly, one ought not assume that Indigenous nations themselves are not composed of a variety of positions. Second, for the purposes of my article, my interest in reconciliation is to outline a particular position within the debates about reconciliation in order to demonstrate the ways in which a conception of “cultural genocide,” which circulates within discussions of reconciliation, mirrors this position. Ultimately, as I demonstrate below, my concern is the degree to which the Government of Canada’s acknowledgment of cultural genocide, and attempts at reconciliation, can address Indigenous futurity.

In order to address Indigenous futurity, let us turn to the writings of Stephanie Lumsden. In “Reproductive Justice, Sovereignty, and Incarceration,” Lumsden offers an expansive account of reproductive justice as including “sexual self-determination, parental rights, cultural integrity, and an intimate relationship with land, [all of which] is essential to [Indigenous] sovereignty” (Lumsden 2016, 33). In this article, she names the various ways in which systems of incarceration in the US (although applicable to the Canadian context as well) disproportionately incarcerate Indigenous peoples, which, “much like the early practices of genocide in California ... keeps

Native people from reproducing Indian identity, culture, land, and children in a way that disproportionately affects Native women” (33).

Here, however, my concern is with Lumsden’s discussion of culture. According to Lumsden, “cultural sovereignty differs from the federal legal doctrine of sovereignty because it allows for as many unique expressions as there are Indian nations. Cultural sovereignty is necessarily fluid, with members of a tribal community changing it as needed” (41). Furthermore, she states “to treat cultural innovations and traditions critically is an act of sovereignty because it is a claim on a particular future as determined by an Indian nation for itself” (41). Such traditions are important because they speak to the reproduction of cultures, as living things, embodied in living communities and individuals, and their relationships to place (38) and their ancestors. The forced sterilization of Indigenous women in Canada and the US, and the removal of Indigenous children from their parents and Indigenous homes, are tactics that “attempt to deny Native peoples a future” (39).

Another compelling aspect of Lumsden’s article is her expansive articulation of reproduction. She argues that if reproduction is limited to the expression of genomes or blood-quantum, then perhaps this perpetuates a problematic categorization of Indigeneity. Although reproduction ought not to exclude bodily self-determination and work against massive sterilization campaigns, it ought not to be limited to this realm as well.

I would like to stress two points, given Lumsden’s essay. First, what gets called cultural genocide under the guise of the forced removal of Indigenous children through the residential school system cannot be so easily divorced from reproductive justice and thus also what is called biological genocide. The forced assimilation of Indigenous children through these programs limits the reproduction of Indigenous children. Second, Lumsden’s articulation of reproduction centers of the possibility of an Indigenous future. Along these lines, one might consider the extent to which one can divorce culture from life. What does it mean to kill a culture rather than to kill a people? One need only return to 1892 to remind ourselves of Captain Pratt’s now infamous statement: “kill the Indian, save the man” (Pratt 1892, 46). But one cannot separate the abolition of Indigenous culture from the death of Indigenous peoples.

The way in which Lumsden employs culture is as something political, or politicized. Like Coulthard above, Lumsden believes that it is problematic to assume that culture does not address economics, relations to land, bodily self-determination, and sovereignty. Along the lines that I have been discussing throughout this article, to do so would be to depoliticize culture. Furthermore, for culture (and subsequently cultural genocide) not to be depoliticized would require a political reconciliation, as described by Whyte above, and subsequently an emphasis of the importance of Indigenous futurity.

As a result, reconciliation cannot seek to reinforce the multicultural liberal state of Canada, since, as Jung notes, “it is precisely Canadian sovereignty that is the root cause of Indigenous land dispossession and loss of sovereignty” (Jung 2018, 257). Rather, following Wynter, in its aim toward truth, the process of reconciliation ought “to introduce and integrate ... several ‘new objects of knowledge’ which cannot meaningfully exist within the discursive *vrai* (truth) of our present ‘fundamental arrangements of knowledge’ nor within the analogic of its ‘(ethic-) theoretical foundations’” (Wynter 1990, 207). Centering the knowledge of Indigenous communities, non-Aboriginal Canadians ought to work to learn from Indigenous peoples in a way that fundamentally challenges the settler colonial position we occupy and the moves toward innocence we perpetuate until such a time that the Government of Canada

undergoes a fundamental change. Reconciliation can be possible only when this systemic change has taken place. Thus reconciliation ought to take the form of unsettling the coloniality of Canada's episteme, the repatriation of land, the recognition of Indigenous sovereignty and futurity, and the creation of (new) languages through which First Nations, Métis, and Inuit communities that so evidently live in the liminal spaces of Canada can flourish.¹⁷ Echoing the words of Waubgeshig Rice (Wasauksing First Nation), “[a]lthough the TRC has come to a close, the story isn’t over” (Rice 2015).

Notes

I write this article as a non-Indigenous person, as a settler on stolen lands, specifically the lands of the Catawba, Waxhaw, Cheraw, and Sugeree Indigenous communities, and I draw from the writings of Indigenous scholars to craft my argument. Most notably, I employ the writings of Audra Simpson (Mohawk), Stephanie Lumsden (Hupa), Eve Tuck (Unangax), Sean Glenn Coulthard (Yellowknives Dene), as well as Afro-Caribbean theorist Sylvia Wynter. I would like to thank the editors of this special issue as well as the reviewers for all their comments, which served to improve this article. I would also like to thank my students in Indigenous Feminisms, especially Michelle Stanley, for their engagement and conversations on many of these texts. I would also like to thank my colleagues at the University of North Carolina at Charlotte for all their support, especially Shannon Sullivan and Katie Hogan. Finally, I would like to thank my partner, Andrea Pitts, for their continued support and encouragement.

1 A note on terminology: the term *Indian* has been used by the Canadian government as an official reference to Indigenous peoples and communities. In 2011 the Canadian government changed what had previously been called “Indian Affairs and Northern Development” to “Aboriginal Affairs and Northern Development,” which then became “Indigenous and Northern Affairs Canada” in 2015. Because this term can be offensive to some communities, I limit my use of the term *Indian* to quotations pertaining to Canadian documents and political officials. Within the Canadian context, First Nations became a common reference for Indigenous communities in the 1970s and was taken up into government terminology in the 1980s. However, First Nations often operates to the exclusion of Inuit and Métis communities, whereby Inuit is used to designate Indigenous peoples north of the Arctic Circle, and Métis is used to designate an “attachment to culture and communities that are distinctly Métis, rooted in a historic lifestyle that involved seasonal hunting, periodic return to fixed trading bases, and mobile art forms of song, dance, fiddle music, and decorative clothing. A central component of Métis distinctiveness is the Michif language that blends components of French and Aboriginal languages in a unique way” (Castellano, Archibald, and DeGagné 2008, 74). All these terms—First Nation, Métis, and Inuit—are used by the Government of Canada and the office of Indigenous and Northern Affairs Canada, but can sometimes be problematic. For instance, the definition of Métis as mixed-race can be used to delegitimize Métis communities as Indigenous, while simultaneously imposing a kind of purity politics upon Indigeneity. For these reasons, throughout this article I often use *Aboriginal*, a term that has been used within the Canadian context that is inclusive of First Nations, Inuit, and Métis communities. However, internationally, *Indigenous* has become a more commonly used term and it is gaining greater use within Canadian settler colonial contexts, and so I will often use *Indigenous* throughout this article as well. That said, it is important to recall, as noted by Whyte, that “‘Indigenous peoples’ refer to the populations who exercised self-government prior to periods of invasion and permanent settlement. Indigenous peoples continue to exercise self-government today in their original territories or in territories to which they have been displaced by settler nations and some of their citizens. Indigenous peoples include specific self-governing peoples or nations ... and the larger relations they may be a part of” (Whyte 2018, 278).

2 Similarly, the Statement on Indian Policy issued by the Government of Canada published in 1969 sought to end “Indian status” and terminate the Treaties that the federal government had negotiated with First Nations.

3 It should be noted, however, that the scope of the residential school system and its recent investigation is limited to federally run institutions and thus does not account for Métis residential schools that were administered provincially, as well as hostels and day schools. As such, the TRC does not account for the full scale of Indigenous assimilationist schools in Canada.

4 Throughout this article I engage with the work of the TRC not to diminish the efforts that they undertook, but to demonstrate the ways in which that project functions as part of the Canadian liberal multicultural nation-state.

5 Wolfe focuses his critique of cultural genocide at times on the writings of Raphael Lemkin, who is cited above. For the purposes of this article, however, my understanding of Lemkin, although not crucial to this argument, is more akin to John Docker's reading of him in "Are Settler-Colonies Inherently Genocidal?: Re-reading Lemkin" (Docker 2008).

6 For a comprehensive overview of colonialism and first contact within the Canadian settler context, see Stevenson 1999. Also, as defined by Whyte, settler state or settler nation refers to "the communications, institutions, rules, and actions of governments and organizations. The governments and organizations originate from the processes of invasion and permanent settler in territories where other populations were exercising self-government at the time" (Whyte 2018, 278).

7 For more information on the impact that adoption has on Indigenous communities, see Beardall 2016.

8 For more information about the origins and history of mass incarceration of Indigenous peoples and women, in particular in the US, see Lumsden 2016; Teran 2016. Ross 2016 offers an account of the intersection of boarding schools, orphanages, jails, prisons, reservations, and psychiatric institutions and the legislating of criminality.

9 Even in nonliberal discourses such as post-Marxism, culture and politics are often held in a hierarchical relation, where the realm of the political is universal, and the realm of the cultural is viewed as the place where topics of identity and recognition reside. For Alain Badiou, for example, if one wants to attain universal emancipation, then one must move beyond the cultural realm of identities and focus on the realm of the political (Badiou 2008). It is within this same vein that Linda Martín Alcoff critiques Todd Giltin and Nancy Fraser in "The Political Critique of Identity" (Alcoff 2016).

10 Similarly, according to Whyte in "On Resilient Parasitisms," "It seems that Indigenous/settler reconciliation amounts to processes that transfigure Indigenous peoples into dependents or special sovereigns who are clamoring for settler nations to grant them undue privileges and benefits. And settler nations and citizens gain additional empowerment—whether through institutions, actions, or communications—to exercise something like a right to judge whether Indigenous peoples are good or bad dependents, sovereigns, or citizens" (Whyte 2018, 282).

11 Harper's speech is doubly problematic in light of statements he made following this inaugural speech. In 2009, Harper boasted that Canada has "no history of colonialism" (Coulthard 2014, 106; Simpson 2016, 439). Such a failure on Harper's part could be the result of a lack of a sincerely held belief in his apology for the residential school system.

12 For more on truth and reconciliation in South Africa, see Brudholm 2003.

13 Not only does the presumption of a transition, when one has not taken place, distance oneself from culpability, but it also affects how anyone who does not adhere to this presumption is perceived by a broader audience. In other words, the assumption is that if settler colonialism is situated in the past, then one ought to get over the past and work toward the future. As a result, within this context, if one is angry, hurt, or continues to be affected by the harms of the residential school system, their affective state can be construed as a "reactive, backward, and passive orientation to the world" (Coulthard 2014, 111), which makes *them* a problem, or *the* problem. This argument is advanced by Coulthard 2014, wherein he develops a thorough account of *ressentiment*, which is construed as a morally reprehensible position. Such a conception of *ressentiment* persists in Harper's speech.

14 Dian Million addresses the importance of Native women's testimonies and the impact they have in Million 2013. For more information, see chapter 3, "Felt Theory."

15 For more on Native Identity in Canada and the United States, see Lawrence 2003.

16 We might also return to the speech given by then Prime Minister Stephen Harper about the TRC and the residential school system. He states "The government recognizes that the absence of an apology has been an impediment to healing and reconciliation. Therefore, on behalf of the Government of Canada and all Canadians, I stand before you, in this Chamber so central to our life as a country, to apologize to Aboriginal peoples for Canada's role in the Indian Residential Schools system" (Harper 2008). Harper's emphasis in this instance is on the role of apology for truth and reconciliation. However, to what end is an apology efficacious if the harm continues to be perpetrated?

17 But, for Wynter, "one cannot 'unsettle' the 'coloniality of power' without a redescription of the human outside the terms of our present descriptive statement of the human, Man" (Wynter 2003, 268).

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