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# THE SEED

VOLUME 15  
2016

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## ABOUT

The UBC Canadian Studies program is a vibrant multidisciplinary community of students and faculty who critically engage Canada's past and present, and seek to understand Canada's place in the world. The program spans a diverse range of interests and brings together important questions and debates about Canada from the humanities to the social sciences.

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# TABLE OF CONTENTS

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4	<b>SEAN MACPHERSON</b> Lost in Translation: Unpacking Myth, Meaning and Landscape in the Pre-Colonial Kootenay
10	<b>EMMA KANSIZ</b> Re-landscaping the Canadian Landscape: Displacement, Othering and the European Representation of the Canadian Wilderness
14	<b>TYLER NORMAN</b> The Reluctant Union
20	<b>CLARA SALTER</b> "A Most Dangerous Possession:" American Influences on Confederation
24	<b>LINDSEY ANTON-WOOD</b> The Women's Courts: Institutions of Maternal Feminism in the Early Twentieth Century
30	<b>SCOTT FLETCHER</b> The Struggle between Canadian Colonialism and First Nations Independence during the First World War
36	<b>CHRISTINE PRIMUS</b> Exhibiting Aboriginality in the 2010 Vancouver Winter Olympic Games

of good relations with Aboriginal peoples enabled their continued mistreatment while claiming reconciliation.<sup>33</sup>

It is worth considering how Canada's Grand Narrative is consumed on the domestic level. The Olympics was not just an event to sell a particular narrative of Canada to the world; it sold "Canadianness" to Canadians. In this sense, the peaceful and submissive show of Aboriginals at the opening ceremony fulfills Rowlands and de Jong's assertion that "the social effects and (mis)recognitions that these [exhibits] create should be understood as a politics of self-realization."<sup>34</sup> Aboriginal people are an important part of how Canadians think of themselves: Canada has "a mythic civic/social politeness that enables the nation to take pride in its so-called civil/tolerant approach to colonizing Indigenous peoples."<sup>35</sup> Canadians believe that they are benevolent and just.

In conclusion, the politics of display, place and identity in the opening ceremony and 2010 Olympic Games reflect Canada's master narrative that denies colonial violence, promotes the illusion of inclusion, but continues to marginalize Aboriginal peoples. Have things actually improved or has the state and outside organizations just successfully reconstructed an old image? Despite Prime Minister Harper's formal apology to the families and survivors of the Canadian Indian Residential School system, Canada has yet to sign the United Nations Declaration on the Rights of Indigenous Peoples. Perhaps the opening ceremony's display of Aboriginality, appearing briefly at the beginning of history before disappearing on ice floes, but welcoming the world with outstretched arms, mirrors reality all too closely.

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33. Ibid.

34. Rowlands and de Jong, "Reconsidering Heritage," 16.

35. Adese, "Colluding with the Enemy," 483.

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It also created space for Aboriginal self-representation. The Stó:lo people were able to showcase Xa:ytem, a 9,000-year-old archaeological site along the Fraser River, who made a video sponsored and promoted by BC Tourism.<sup>22</sup> Linnea Battel of the Xa:ytem Longhouse Interpretive Centre told the story of the site and her people in her own way, saying “that by speaking about their heritage, First Nations communities preserve it.”<sup>23</sup> In this way, Aboriginal people were able to appropriate an event on their own non-surrendered land.

Another significant heritage site in the Olympics was the Downtown Eastside (DTES), an area (including Chinatown and Strathcona) that is one of the city’s richest heritage sites. But that is not why the DTES received attention; it is the site where a disproportionately high level of addiction, mental illness, homelessness, prostitution, and Aboriginal people are found.<sup>24</sup> The DTES is also the site of media sensationalism and exotic spectacle in its portrayal of DTES residents and their lives. There were significant and legitimate fears that the Olympics would displace and criminalize the poor and homeless, and increase prostitution.<sup>25</sup> These women, who face double marginalization as being both Aboriginal *and* female, face the greatest invisibility.<sup>26</sup>

Hoelscher’s third feature of contemporary heritage is politics. Like display and place, politics is a vital element in exploring the power dynamics between the state and Aboriginal people. Rowlands and de Jong say that “we need to explore the issue of which memories are privileged and which are repressed through heritage politics.”<sup>27</sup> VANOC bypassed the history of colonization in the opening ceremony and fit Aboriginal peoples within the framework of Canadian multiculturalism. This type of selective memory is itself a continuation of the colonial worldview. But colonialism is the foundation of the Canadian state, and in its most essentialized form, it is about hierarchies of power.

Hoelscher claims that “heritage, as a mode of understanding the past, is inseparable from the displays that represent it.”<sup>28</sup> Therefore, examining multiculturalism is



Indigenous dancers welcome Team USA athletes in the opening ceremony.

crucial to understanding why this is a misrepresentation.<sup>29</sup> It is challenging to properly convey just how differently Aboriginal people are treated by the state than other people of other ethnic minorities. They face completely different challenges, like claims of sovereignty, the right to self-government, and healing from the legacy of colonial trauma. Multiculturalism is an inappropriate label. In this way, “multiculturalism can be understood as a tool through which the nation has sought to conceal its intolerance while maintaining its core ethnic genus, reinventing itself free of its colonialist past.”<sup>30</sup> Furthermore, multicultural policy is a colonial construct and the fact that multiculturalism and multicultural policy is still so central to Canadian identity makes it a contemporary colonial project.<sup>31</sup>

Although contemporary Canada does not resemble twentieth century fascist dictatorships, the spectacles of Portugal’s festival state under António Salazar draw some parallels with the Olympics’ method of identity construction. Corkill and Almeida describe how state festivities featured a particular national identity that “was (re)constructed through a series of carefully planned images, myths and symbols.”<sup>32</sup> I would argue that the “deceptive inclusion” of Aboriginal people and imagery in the ceremony shows Canada’s friendly and submissive Aboriginal people who allow their imagery and identity to be appropriated and commoditized with open arms matches the festival state’s goals closely. As well, this display of harmony could be interpreted as an attempt to validate or legitimize Prime Minister Stephen Harper’s “broader political aims:” a façade

29. See Adese, “Colluding with the Enemy;” Bourgeois, “Deceptive Inclusion.”  
 30. Adese, “Colluding with the Enemy,” 484. Emphasis original.  
 31. Bourgeois, “Deceptive Inclusion,” 40.  
 32. David Corkhill and José Carlos Pina Almeida, “Commemoration and Propaganda in Salazar’s Portugal: The *Mundo Português* Exposition of 1940,” *Journal of Contemporary History* 44, no. 3 (2009): 381.

22. Piccini, “Materialities,” 296.  
 23. Ibid., 297.  
 24. Dara Cluhane, “Their Spirits Live Within Us. Aboriginal Women in Downtown Eastside Vancouver Emerging into Visibility,” *The American Indian Quarterly* 27, no. 3/4 (2003): 596.  
 25. Piccini, “Materialities,” 299; Bourgeois, “Deceptive Inclusion,” 42.  
 26. Cluhane, “Their Spirits,” 593.  
 27. Michael Rowlands and Ferdinand de Jong, “Reconsidering Heritage and Memory,” in *Reclaiming Heritage: Alternative Imaginaries of Memory in West Africa* ed. by Michael Rowlands and Ferdinand de Jong, (Walnut Creek: Left Coast Press, 2007), 16.  
 28. Hoelscher, “Heritage,” 204.

## WELCOME

We are very pleased to present to you Volume 15 of the Seed. This edition’s essays are from History, Art History and Anthropology disciplines, and they examine the social and cultural tensions that characterize the country’s past and present.

Some people consider diversity as Canada’s greatest strength, and as it such, we too hope that perspectives from a variety of disciplines can strengthen the scholarly conversation on Canadian topics. Our hope is that the Seed will bring together and inspire like-minded students who want to continue that conversation. Special thanks to André Lamontagne, Matthew Evenden, Laura Moss, John O’Brian, Shaina Somers, Ashley Luk and our contributors.

Christine Primus & Lindsey Anton-Wood  
**Editors, The Seed 2016**

# Lost In Translation: Unpacking Myth, Meaning and Landscape in the Pre-colonial Kootenay

SEAN MACPHERSON

Ktunaxa ʔamakʔis (*Tu-na-hah Aa-mak-sis*). The Columbia Valley. New Caledonia. These are all names for the same place, describing roughly the same area and geological landmarks that demarcate the region known today as the Kootenay. An inland island of sorts, embraced within the arms of the Kootenay and Columbia rivers, it is the traditional territory of the Ktunaxa (Kootenay, Kootenai or Ksanka) First Nation. This place, like all places in the world, rests upon a thousand layers of human narratives, stories constructed since the first people engaged with the landscape. The ancestors of the modern Ktunaxa Nation came here 14,000 years ago.<sup>1</sup> Their Nation is a strong one; a sharply defined society that speaks a language family isolate and retains a rich culture shaped by the Rocky mountains, the Columbia-Kootenay river watershed and their historical relationships with Indigenous Nations on both sides of the continental divide.<sup>2</sup> The Ktunaxa have a strong connection to this place, interacting with the geography of the Kootenay intimately for thousands of years, an unbroken dialogue with their landscape and territory.

David Thompson, his wife and his company of Voyageurs were the first Europeans to map this area.<sup>3</sup> They too, had interacted with the same landscape, albeit in a different way. These fur traders and their wives and families were employed by the Northwest Fur Trading Company and had a very different sense of place than the Ktunaxa. They sought to explore – to map, chart, categorize and survey their surroundings. The implications were enormous. Politically, the expeditions of early explorers served to map out space. These maps would function as blueprints for future colonial surveyors to alter, dominate and tame a “wild” wilderness. Culturally, misunderstanding places and landscapes would serve as a hindrance to intercultural communication, a fundamental mechanism in eroding a possible middle ground.

This paper will explore these seemingly opposite understandings of place. By exploring the journals of David

Thompson and the oral tradition of Ktunaxa narratives, I will explore what gets missed, misunderstood and what finds a middle ground during intercultural translations of landscape. I will explore how these miscommunications had real implications with immediate consequences that affected relationships between the Ktunaxa and Europeans. Lastly, I will explore how these translations had political implications, how these different worldviews illustrated a fundamentally incompatible sense of place, one that contributed to colonial mechanisms which would later dominate the landscape and attempt to dispossess the Ktunaxa from their traditional territory.

## Thompson and the Landscape

Thompson's journals are a strange compilation of coordinates, abbreviations and hastily jotted notes. They are numerous, daunting and dizzying to unpack, as many editors are quick to acknowledge.<sup>4</sup> Yet they can be rewarding sources of information as well. Through careful examination of his journals we are able to piece together what first contact in the Kootenay might have looked like and how David Thompson engaged with the Ktunaxa Nation.

Thompson was a man heavily influenced by the enlightenment. His journals overflow with systematic methodologies; an impulse to categorize, document and map everything he encountered. He matter-of-factly describes Red Deer and Chevreuil (Mountain Goat), larch trees that grew three meters wide, rivers, lakes and numerous species of fish, including salmon and sturgeon as far north as Kootenay Lake (now known as Lake Windermere).<sup>5</sup> He recounts the capture of tigers (Mountain Lions) and documents the first European accounts of the wild horses that roamed the valleys west of the Rockies.<sup>6</sup> His engagement with the landscape was a practical one. What animals they encountered, they hunted. What trees they found were utilized for building canoes, shelters and

“as one of the defining narratives of the games.”<sup>8</sup> Indeed, the appropriation of Aboriginal imagery, like the bizarre choice to use an Inuit symbol, the Inuksuk, to represent a city so firmly on Coast Salish territory in southwest Canada, may have given the impression that Aboriginal people are equal participants in Canadian society. Moreover, Aboriginals were proudly folded into Canada's favourite national characteristic, multiculturalism, which I will examine later. But that is where the visible representations of Aboriginality end – with misrepresentations.

The invisible aspects of Aboriginality are extensive, and if one looks closely enough, the ceremony make obvious the persistence of an entrenched power imbalance between the state and Aboriginal peoples. It is almost embarrassingly obvious: the historical section (starting around 1:31:00) begins with a lone Inuit-looking man who vanishes minutes later, followed by zero representations of Aboriginal people for the rest of the 45-minute Canadian history lesson ending in multiculturalism. This message presents Aboriginals as relics of the past and conveniently ignores the colonial encounter. Jennifer Adese claims that “it might be more accurately described as the ‘Bering Strait Theory on Olympic (Fake) Ice.’”<sup>9</sup>

National narratives, especially in Olympic ceremonies, can and do reinvent the roles of Aboriginal people.<sup>10</sup> “Heritage is produced through objects, images, events, and representations; these are the displays of heritage... Moreover, those displays... are not passive containers, but are active vehicles in producing, sharing, and giving meaning to popular understandings of the past.”<sup>11</sup> Not passive, indeed: the docile and harmonious portrayal of Aboriginal peoples in the ceremony produce an image devoid of the horrific and real legacy of colonial violence, in its assimilative legislation like the *Indian Act*, the genocidal Indian Residential School System, or the residual structural violence that has Aboriginal peoples in disproportionately high rates of incarceration, prostitution, drug addiction and poverty – what Robyn Bourgeois calls “deceptive inclusion.”<sup>12</sup>

VANOC's display of Aboriginal people, as pitiful as it was, is in fact an improvement upon the two previous

Olympic Games in Canada. Montreal's 1976 Summer Games ceremony included non-Aboriginal choreographers and dancers performing as Indians, Imaginary Indian representations, and actual Aboriginal people who were not even thanked at the closing ceremony.<sup>13</sup> In 1988 at the Calgary Winter Olympics, Aboriginal people were Wild West caricatures who “organizers erroneously thought that they could use... as symbols in the ceremony and more generally as tourist attractions.”<sup>14</sup> However, through both the visual display and the narrator's “stress on the phrase ‘were important’” during the ceremony, Aboriginals were still portrayed as “ahistoric” people who do not exist in the present.<sup>15</sup>

Hoelscher's second feature of heritage is place. He claims that “displays of heritage... bear a definitive relationship to space,”<sup>16</sup> and space, meaning territory, was a highly contested issue at the Olympics. Land claims are at the forefront of Aboriginal-state issues in British Columbia. Despite the Four Host First Nations formal welcoming in the opening ceremony, the Olympic Games still took place on unceded territory and was not acknowledged as such. Despite VANOC's pride in Aboriginal inclusion in the ceremony, it did not negotiate land agreements with the Coast Salish Nations whose territory the Games would occupy, but rather with the few Nations who posed a threat to the event's proceedings.<sup>17</sup> Taiaiake Alfred suggests that agreements made between Aboriginal leaders and VANOC were “nothing more than a sell-out designed to benefit elite politicians on both sides of the colonial divide,” even making other Aboriginal communities implicated in the colonial power imbalance.<sup>18</sup>

Angela Piccini calls media events like the Olympics “critical spaces in which to enact the hidden, difficult and contested histories of the host city... while archaeology's presence in the Olympics may serve to legitimate power, so too does it present an opportunity to trouble power.”<sup>19</sup> Because the Olympics were held on Aboriginal territory, it provided an opportunity for Aboriginals to assert sovereignty and represent themselves outside of the official ceremonies. A “No Olympics on Stolen Native Land” campaign was launched by the Olympic Resistance Network to draw attention to Aboriginal land rights and sociopolitical issues.<sup>20</sup> The movement highlighted how in not addressing Aboriginal rights and issues, the Olympic Games, plus the governments and corporations who fund them, is complicit in ongoing colonial violence.<sup>21</sup>

1. Tanya Gahr, “The Origins of Culture: An Ethnographic Exploration of Ktunaxa Creation Stories,” (dissertation, Royal Roads University, 2014), 11.  
2. Ibid., 9.  
3. Edna Hanic and David Scott, *East Kootenay Saga* (New Westminster: Nunaga Publishing, 1974), 30.

4. David Thompson, *Columbia Journals*, Ed. Barbara Belyea (Montreal and Kingston: McGill-Queen's University Press, 1994) xii.  
5. Ibid., 62.  
6. Ibid., 61.

8. Jennifer Adese, “Colluding with the Enemy?: Nationalism and Depictions of ‘Aboriginality’ in Canadian Olympic Moments,” *The American Indian Quarterly* 36, no. 4 (2012): 480; 493.  
9. Adese, “Colluding with the Enemy,” 495.  
10. Christine O'Bonsawin, “‘No Olympics on stolen native land’: contesting Olympic narratives and asserting indigenous rights within the discourse of the 2010 Vancouver games” *Sport in Society* 13, no. 1 (2010): 144.  
11. Hoelscher, “Heritage,” 203.  
12. Bourgeois, “Deceptive Inclusion: The 2010 Vancouver Olympics and Violence Against First Nations People,” *Canadian Woman Studies* 27, no. 2/3 (2009): 42.

13. Adese, “Colluding with the Enemy,” 486-487.  
14. Ibid., 490.  
15. Piccini, “Materialities,” 298.  
16. Hoelscher, “Heritage,” 204.  
17. Bourgeois, “Deceptive Inclusion,” 42.  
18. Quoted in Ibid.  
19. Piccini, “Materialities,” 301.  
20. O'Bonsawin, “No Olympics on stolen native land,” 149.  
21. Bourgeois, “Deceptive Inclusion,” 42.

## Exhibiting Aboriginality in the 2010 Vancouver Winter Olympic Games

CHRISTINE PRIMUS

On February 12, 2010, Vancouver stepped into the spotlight on the world's biggest stage for the Winter Olympic Games, with an estimated one billion viewers watching the three-hour opening ceremony. Mega events like the Olympics give the host country extraordinary power to present a national identity and narrative to impress upon a massive domestic and international audience. But what is presented as heritage is rarely neutral, and certainly requires further scrutiny. To anthropologist Steven Hoelscher, "heritage is a mode of understanding and utilizing the past that is, at its very core, deeply partisan and intensely felt. It is the source of vital economic revenue, and a foundation of personal and collective identity."<sup>1</sup>

The Vancouver 2010 Winter Olympics and opening ceremony discreetly continued the national pastime of colonial oppression over Canada's Indigenous peoples. The opening ceremony functioned as an identity-defining exhibit, in which visible and invisible representations of Indigenous peoples and their relationship with the state conceal the still-dominant position of the state over them. I will describe the display of Aboriginality in the opening ceremony and then apply three premises of Hoelscher's theory of contemporary heritage – display, place and politics – to the Olympic Games to demonstrate how the ceremony acted as a heritage exhibit that reinforces the historic power imbalance.

The ceremonies begin with a montage of aerial shots of Vancouver, Whistler, and other mountains along the Sea-to-Sky highway stretch.<sup>2</sup> After more than 17 minutes of introductions is the first display of Aboriginality. A circular pattern with four identical faces in the style of Northwest Coast art appears on the stage and across the audience. The narrator announces, "The Four Host First Nations whose traditional territories include Vancouver and Whistler welcome you to the Vancouver 2010 Olympic Winter games."<sup>3</sup> Four representatives from the Lil'Wat, Musqueam, Skwxwu7mesh and Tseil-Waututh nations welcome the

audience and raise their arms, mimicking the four glass man-totems that have been erected. The narrator welcomes the Aboriginal peoples from the Northwest, Prairies, the East, plus the Metis and Inuit, and they enter the stage dancing. Then, "on behalf of all Canadians, the Aboriginal peoples of Canada welcome the athletes of the 21st Winter Games."<sup>4</sup> Nelly Furtado and Bryan Adams emerge onto the stage to lip sync a cringe-worthy rendition of "Bang the Drum" and the Aboriginal people dance in the background for over one hour as the athletes are introduced. Around 1:31:49, the story of Canada begins with an Inuit-looking man exploring a snowy, desolate landscape, possibly the Canadian arctic. Couples wearing European-style clothing proceed onto the stage. The man bangs his staff onto the ground and the Northern lights appear, a polar bear rises from below the stage, the ground turns into ice which breaks apart and carries the performers off the stage. By 1:38:35, they have disappeared, followed by Kwakwaka'wakw orca designs.

Hoelscher's first premise is display. The Vancouver Organizing Committee (VANOC) had a combined \$40 million to spend on the opening and closing ceremonies.<sup>5</sup> The opening ceremony showcased beautiful dance sequences, live music and spectacular lighting. But something considerably more important lay beneath the superficial veneer: what was truly on display was the Grand Narrative of Canada. The hidden heritage of Aboriginal oppression was concealed within the Olympic display, and the concealment *itself* is Canada's Grand Narrative. As Hoelscher says, "heritage, as a mode of understanding the past, is inseparable from the displays that represent it."<sup>7</sup>

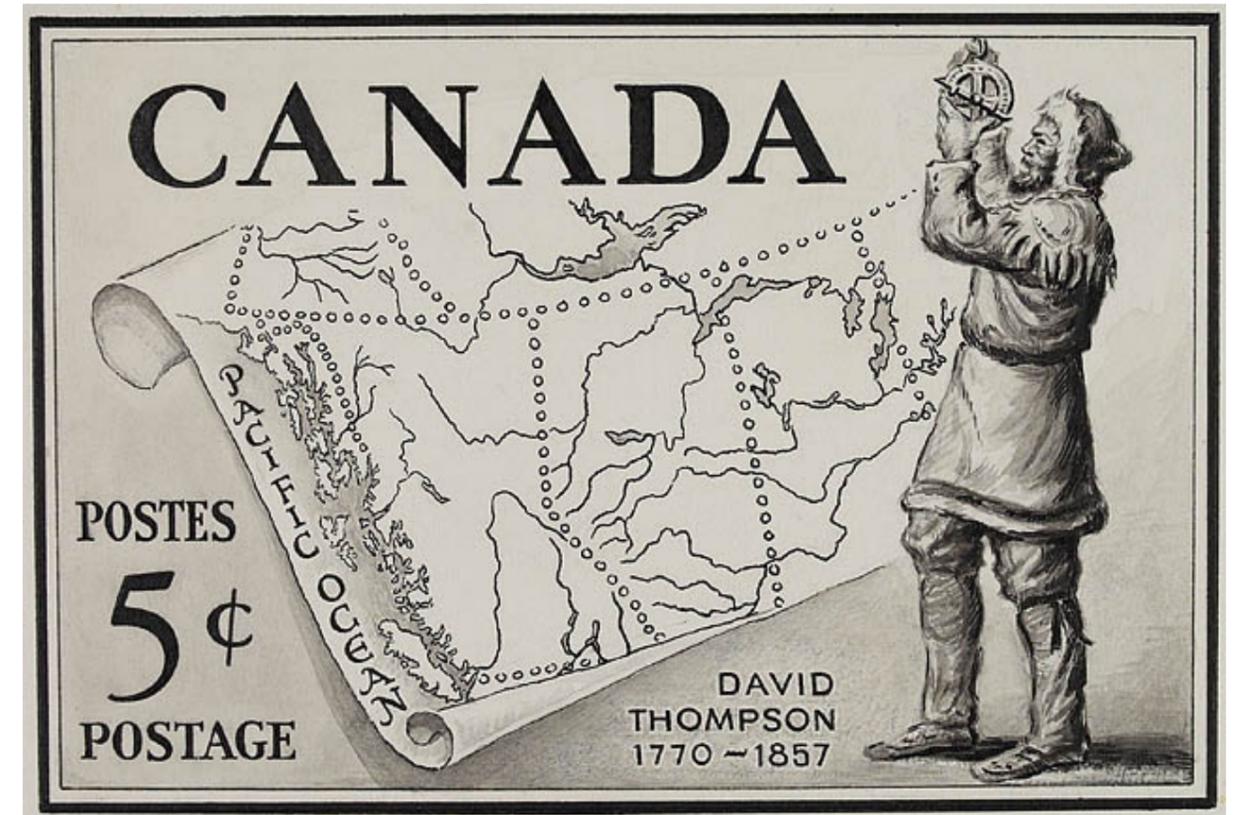
VANOC proudly included and promoted Aboriginal people "at the heart of its expressions of regional, provincial, and Canadian national identity in one form or another," and

4. Ibid., 25:56.

5. Angela A. Piccini, "Materialities, moving images and the Vancouver 2010 Winter Olympics," *World Archaeology* 44, no. 2 (2012): 297.

6. Kenneth Chan, "Four years later, a reflection on the Vancouver 2010 Olympic Games," *Vancity Buzz*, 3 February 2013. <http://www.vancitybuzz.com/2013/02/three-years-later-a-reflection-on-the-vancouver-2010-olympic-games/>.

7. Hoelscher, "Heritage," 204.



trading posts. What land they encountered was valued by its ease of navigation and passage.<sup>7</sup> Still, beneath his rational methodology, a picture begins to emerge. Thompson's systematic impulses managed to preserve an interesting snapshot of animal history in the Kootenay – a time when wild horses still roamed the valleys and salmon swam up the northern Kootenay watershed.

There are glimpses of Thompson's personal nature here as well, times when he engaged with the land in a deeper, profound way. It is hard to deny his physical relationship with the land. For himself, the men, the women and the horses in his entourage, the journey was trying and required daily physical contact with the landscape. They were dependent on it for survival, for game, for fishing, for wood. They relied on Ktunaxa knowledge of this land and they made contact with it together – through hunting excursions, fishing and building the local "sturgeon nose" canoes.<sup>8</sup> While never addressed directly, it seems hard to deny that Thompson and his party had a unique relationship with the landscape. Examples of what Richard White refers to as a "lived" middle ground might be found in the physical

7. Ibid., 62.

8. Ibid.

interaction with the environment, as Thompson's men adopted Indigenous techniques, engaging the land in local fashion, sometimes side by side with the Ktunaxa.<sup>9</sup>

There are also moments when Thompson is moved by the landscape. When describing Ktunaxa territory he remarked that, "the country on a whole has a very romantic appearance."<sup>10</sup> Other times he was filled with foreboding. For over two weeks on his first journey through the pass, he was haunted by sound. He writes frequently that the melting ice rolling down the mountainsides made a deafening roar.<sup>11</sup> From several weeks his journals include mention of this wall of white noise, as Thompson was continuously haunted "with a noise not easily distinguishable from thunder."<sup>12</sup> One might go as far as to say that perhaps this might be a demonstration of agency from the land. At the very least it might illustrate that Thompson wasn't the only actor engaged in his narrative. We know the Ktunaxa were most definitely engaging with him. Perhaps, so too was the

9. Richard White, *The Middle Ground*, (Cambridge: Cambridge University Press, 1991), 50.

10. Thompson, *Columbia Journals*, 53.

11. Ibid., 43.

12. Ibid., 44.

1. Hoelscher, "Heritage," 200.

2. Olympicvancouver2010, "Complete Vancouver 2010 Opening Ceremony – Vancouver 2010 Winter Olympics," *YouTube*, running time 3:09:47, uploaded 11 April 2010, <https://www.youtube.com/watch?v=MxZpUueDAvc>.

3. Ibid., 17:43.

land itself.

However we might interpret his own personal engagements with the landscape, it is important to remember the function of this interaction. He did not undertake his journey through the Kootenay as an adventure tourist, nor an adventurer. "Explorer" doesn't accurately hit the mark either, though he was engaged in a form of exploration. Perhaps a more apt description would be *surveyor*, for his reason for exploring the Kootenay was to find the headwaters of the Columbia River for the North West Company.<sup>13</sup> This context influences all of his work, coordinates fill his journals, demarcating the landscape into latitudes and degrees. His construction of Kootenay house and other permanent structures serve as physical claims to the territory for the NW company. His maps break the land down further, creating "tangible" space which colonial powers could visualize and arbitrarily claim ownership over.

Perhaps most significantly, he changed the names of places. The Kootenay River would be named McIlvray's River, Ktunaxa *ʔamakʔis* would be renamed "the Kootenay."<sup>14</sup> His names would not last; they later would be changed when colonial administrators transformed the land. Still, Thompson instigated a landslide of *place-renaming* in the Kootenay. This was more than simple mistranslation - he was renaming places according to his own European context and divorced from local knowledge. This renaming did not occur on an empty landscape - this was not empty space. It was the Ktunaxa Nation, a territory that was already constructed and imagined, where places already had names, stories and histories. Through Thompson's *re-naming* and *re-mapping* of the land, he began to create what Henri Lefebvre calls "abstract space," a malleable entity created from local places, one that could be manipulated for political purposes.<sup>15</sup> According to Lefebvre, abstract space was dangerous because it was an arena in which "lived experience is crushed, vanquished by conceived space."<sup>16</sup> In other words, abstract space had an impulse to destroy, or at least ignore, local and lived experience. In Thompson's case, the act of renaming places disregarded Ktunaxa names, sovereignty and stewardship of the land, replacing it with empty or abstract space. This idea of space became a dangerous tool of dispossession, separating the Ktunaxa from the landscape in the minds of explorers and later, colonists.

### Thompson and the Ktunaxa

Thompson and his party were living precariously in the Kootenay, with very little provisions. Eating was a daily

13. Hanic and Scott, *East Kootenay Saga*, 30.

14. Thompson, *Columbia Journals*, 93.

15. Henri Lefebvre, *Production of Space*, (Oxford: Blackwell Publishing, 1974), 50.

16. *Ibid.*, 56.

struggle, hinging on whether or not anyone was able to shoot or catch an animal on that given day. With sometimes up to seventeen mouths to feed, this became an urgent and time-consuming task. Fortunately for Thompson, the Ktunaxa supplied him with meat for on a regular basis, every 1 - 3 days.<sup>17</sup> They traded pemmican, or "Beat Meat" as Thompson called it, a preserved protein that he and his men were able to store for months.<sup>18</sup> The Ktunaxa also taught Thompson how to sustain himself on the waters of Kootenay Lake (Lake Windermere), showing him the traditional technique of weir building.<sup>19</sup> The weir allowed Thompson and his men to net a reliable catch of trout, salmon and sturgeon on a daily basis, significantly improving the health and lives for the residents of Kootenay House.<sup>20</sup> Ironically, Thompson often referred to the Ktunaxa as "poor," as living in a place that could barely sustain them.<sup>21</sup> Yet, he quickly contradicts himself in his own account, one day remarking how the next how Kootenay hunters continuously brought him Chevreuil.<sup>22</sup> It is obvious in Thompson's accounts that the Ktunaxa provided not only for themselves, but for him as well. This kind of benevolence is surely not a sign of a people under nutritional duress. In fact, it seems quite likely that without the Ktunaxa, Thompson and his men would have probably starved to death.

This kind of mistranslation occurs often in Thompson's record of his personal dealings with the Ktunaxa. In the fall of 1807, Thompson writes, "for the past six days our dogs have been dying & this day made their exit."<sup>23</sup> This grim entry is a macabre footnote to life at the camp. His remarks that follow make it all the more significant as he recounts how the Ktunaxa had warned him, "of the fatal Effects to Dogs if permitted to eat Raw Salmon they said 9 times out of 10 were sure to bring the Death of the Dog [sic]."<sup>24</sup> Thompson and his company had disregarded the Ktunaxa warning about basic food safety, acknowledging they had, "paid no attention to this Point, as thinking it the effect of Superstition [sic]."<sup>25</sup> Thompson concedes he had been warned about feeding raw salmon to dogs, yet dismissed this warning on the assumption that the Ktunaxa worldview was founded in superstition. Guilty of a serious cultural mistranslation, based on an assumed superior worldview, Thompson was immediately faced with the horrific consequence of every single dog in camp dying over the course of the following week.

This is clear evidence of the uncompromising

17. Thompson, *Columbia Journals*, 56.

18. *Ibid.*

19. *Ibid.*, 60.

20. *Ibid.*

21. *Ibid.*, 63.

22. *Ibid.*, 56.

23. *Ibid.*, 67.

24. *Ibid.*

25. *Ibid.*

attempt to gain any respect or acknowledgement of their ability to self-govern as the government could use this as proof that they were undeserving of their Indian status. The DIA agents simply needed to determine an Aboriginal "of good moral character, temperate in habits and of sufficient intelligence" and their warship status would be revoked.<sup>46</sup> The government was, yet again, able to benefit from Aboriginal attempts at proving their intelligence, their ability and their right to self-government. In the decades that followed, the government made sure to close any remaining channels through which Aboriginal people could speak out against colonization without losing their Indian status and being forced off reserves into mainstream society.

The end of the 19th century saw the emergence of an increasingly antagonistic relationship between the Canadian government and the First Nations people. Since confederacy, the Canadian state had launched an aggressive campaign designed to either assimilate or eradicate the indigenous population. With the advent of the First World War, both sides were provided with several opportunities with which to shift the balance of power in their favour. Aboriginals either refused to play any part in the war or actively contributed as independent nations in an attempt to assert their sovereign status and establish their capacity as human beings deserving of equal recognition and treatment. However, the Canadian government took Aboriginals' willingness to participate and used it to benefit the war effort and to forward their colonial agenda. Enlisting Aboriginals in the military allowed the government to fortify its overseas forces and to 'civilize' Aboriginals by exposing them to the modernity of Europe. Home front contributions were turned into propaganda which enticed white Canadians to donate and allowed the Department of Indian Affairs to demonstrate the efficacy of its assimilation programs. Finally, by regulating the dispensation of veterans' allowances and passing legislation to enable forced enfranchisement, the government made it nearly impossible for Aboriginal people to express their independence without losing their Indian status and being cast out into mainstream society. By the 1920s, the efforts of the Aboriginal population had returned no reward and instead, allowed the Canadian government to establish its colonial power.

46. *Ibid.*

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the Greater Production Effort, was designed by Arthur Meighan, Minister of the Interior and head of Indian Affairs, to increase agricultural production on the reserves' fertile land deemed "idle" or not in "proper-use."<sup>36</sup> According to Meighan, it was fully justifiable to remove lands from "what one may call reactionary or recalcitrant Indian bands" who did not possess the "capacity to decide what is for [their] ultimate benefit."<sup>37</sup> An amendment was made to the *Indian Act* in 1918 allowing reserve land to be leased out to white farmers without the consent of the bands and many First Nations communities saw this as an opportunity to ensure they did not lose any more than their homes. For example, the Tyendinaga Mohawk Reserve in Ontario allowed its lands to be leased to the military for use as a training facility on the condition that they be compensated for any losses to structures or livestock and be given preferential treatment for hiring at the base.<sup>38</sup> As historian Timothy Winegard states, strategic maneuvers such as these were anti-colonial measures meant to "counter attempts to control their lives and eradicate their traditions."<sup>39</sup>

Unfortunately, this willingness to surrender land was, predictably, taken advantage of by the government who wanted to reduce the size of reserves in order to make room for its own white settlers and to force the Aboriginal occupants into mainstream society. The Blood Reserve in Alberta stands as a striking example of this colonial treatment: the land taken away under the Greater Production Effort continued to be held in the hands of white farmers beyond the end of the war after its previous occupants were dispossessed. Production levels of wheat fell from 65,000 in 1916 to just 5000 at the end of 1919. Veterans and those who had participated in the war effort were not compensated for these losses and, in fact, the Greater Production Effort scheme remained in effect until 1922, allowing for even more loss of land.<sup>40</sup> Again, First Nations attempts to distance themselves from the Canadian government and establish their sovereignty played into the hands of their colonizers allowing them to not only sustain the war effort, but to strengthen their power over the Aboriginal community.

The events immediately following the end of the war present possibly the clearest picture of the differing agendas of the First Nations and the colonial government. Life in the military had been very different from on the reserves and many Aboriginal men had, for the first time, been treated with respect by their white counterparts.

36. "Aboriginal Contributions During the First World War," Aboriginal Affairs and Northern Development Canada, <https://www.aadnc-aandc.gc.ca/eng/1414152378639/1414152548341>.

37. Winegard, *Indigenous Peoples*, 224.

38. *Ibid.*, 225.

39. *Ibid.*

40. *Ibid.*

On their return, they understandably believed that this new found recognition would translate into wider societal change affording them equal rights if not outright sovereign recognition. However, the Canadian government had no intention of giving the First Nations either the respect they earned as veterans or the rights they deserved as independent nationals.

The Soldier Settlement Act (SSA) was a government program aimed at aiding returning veterans by offering undeveloped Crown land or low interest loans on farmland or farming equipment. First Nations veterans immediately saw this as a way to gain independence. Since they were now given the opportunity to gain ownership, they could live free from the government's layers of usage restrictions.<sup>41</sup> However, while officially guaranteed access to the SSA, the government stipulated that administration of the benefits to First Nations be under the control of the DIA. Deputy Superintendent Scott refused to allow the veterans and their families their independence unless deemed by his agents to be "[experienced] in farming or [likely] to make success of farming operations."<sup>42</sup> He issued a six page 'guide' for determining whether a Native veteran was sufficiently 'capable' to warrant the granting of a loan and, by 1920, only 160 applicants, approximately one in ten, had been permitted access to the benefits. The Department then "proposed to settle the Indian soldiers as far as possible [from] reserves belonging to the bands of which they are members," in order to assimilate them into mainstream society. Many who took this offer would be stripped of their status and their rights and the fiduciary obligations owed them by the government would be extinguished. The government had again taken an opportunity for the First Nations to gain their independence and turned it into a tool for their assimilation.

A further example of this can be seen in the *Indian Act* amendments of 1920 which allowed for the forced enfranchisement of Aboriginal people who were deemed to have reached a level of advancement and self-sufficiency.<sup>43</sup> Scott saw the potential in the new legislation and stated that "it would be to the interest of good administration if the provisions with regard to enfranchisement were further extended so as to enable the Department [of Indian Affairs] to enfranchise individual Indians or band of Indians, without the necessity of obtaining their consent."<sup>44</sup> Unfortunately, many of those who lost their status under this mandate were returning veterans as Scott maintained his position that war time service would facilitate assimilation by exposing recruits to European ways of life.<sup>45</sup> It became dangerous for veterans or any other First Nations to

41. Lackenbauer et al., *A Commemorative History*.

42. Winegard, *For King and Kanata*, 153.

43. Lackenbauer et al., *A Commemorative History*.

44. Dempsey, "Aboriginal Soldiers."

45. Winegard, *For King and Kanata*, 150.

worldview that facilitated cultural mistranslation, an imagined boundary that interfered with the transmission of ideas on their own merit, a barrier that kept Thompson separated from the Ktunaxa. This assumption of a superior worldview also erodes the idea of a middle ground. Even though Thompson was intimately situated within their territory and cultural sphere, and even though they might have met on a "lived" middle ground in order for him to survive, and even though Thompson had an Indigenous wife and Metis children, he continuously maintained a distinct separation between self & other, unable to transcend the intercultural divide.

### Myth-Building in the Kootenay

From a Eurocentric or colonial worldview, myths tend to be regarded as "fables" or "tales," fabricated by irrational ancient and Indigenous cultures. They are assumed to be made up, not real and so are stripped of their meaning or merit. Thompson demonstrates this worldview at work when documenting the stories told to him by members of the Ktunaxa Nation. They tell him of an ancient beast that stalked the wilderness, one that was taller than trees, slept standing up and did not have joints.<sup>26</sup> Thompson dismissed this as "one of their nursery tales."<sup>27</sup> This exchange can be unpacked in several different ways. One, the Ktunaxa narrative might be regarded as real history, an oral documentation of an ancient time when mammoths and other large prehistoric creatures, whose remains exist in the fossil record, roamed the valley. Two, it might have been a story about a place or a name – an intrinsic facet of Ktunaxa culture and understanding the landscape. Three, Thompson's dismissal possibly shows an example of his enlightenment-influenced worldview rejecting local information as myth and lore. Conversely it is useful to understand the double standard, when it comes to the kind of myth building employed by Thompson's peers and predecessors. Storytellers and Historians who wrote about Thompson have been complicit in their own brand of far-fetched myth building. They continued the same "heroic explorer" tropes that colonial society is so familiar with - Columbus and Cartier, Lewis and Clark, Simon Fraser and Captain Vancouver, engaging in "discovery" and their own narratives of re-making space.

Historians embellished certain virtues seen in the explorers they aggrandized. One theme was their Christianity and masculinity. Perhaps one can find no greater example than the intertwining of the two in one of the few history books on the East Kootenay. Here, in a chapter called "Bibles through the Wilderness," we find a passage in which Thompson and his men are described as "penetrating the mountains."<sup>28</sup> This is in effect, a representation of "Muscular

26. *Ibid.*, 70.

27. *Ibid.*

28. Hanic and Scott, *East Kootenay Saga*, 30.

Christianity," a colonial ideology championed in the late nineteenth century by American wilderness enthusiasts such as Adirondack Murray, who is attributed for founding and influencing the YMCA movement (CITE). TC Elliot, an historian who wrote several Kootenay accounts, describes Thompson and the members of his company as "Forceful Men" who had "come at an event of real importance" (the competition to find the source of the Columbia, presumably).<sup>29</sup> Their wives, though always present, were left out of the narratives and Thompson's own journals. The men, however, were transformed into mythical beings, possessing inhuman strength. Finnan MacDonald, one of Thompson's clerks, is described as a red-bearded "Samson," a man who "fought a buffalo bare-handed."<sup>30</sup> Thompson himself is portrayed in prose not unlike a patriarch from the pages of the Old Testament, a powerful man whose gaze upon the land is in itself something transcendental, his act of "seeing" the Kootenay something mystical and profound:

*Here the enormous ranges stood,  
Forbidding against the sky  
Where only the bear and bighorn climbed,  
And the eagle's brood could fly:  
His was the foot must find a road,  
For the World to enter by.  
Up he followed the azure thread  
Of a winding stream for guide,  
By rapid and reach and shingly beach,  
Then over the great divide.  
Then he saw a river broad and strong  
Swing past in silver tide.  
Down through a maze of canyon walls  
He watched the mighty stream  
Sweep on in conquering plentitude  
With arrowy flight and gleam,  
And knew that he had found at last  
The river of his dream.  
And here his house was builded,  
Here let us stand and say,  
Here was a man full-sized, whose fame  
Shall never pass away  
While the stars shine and rivers run,  
In the land of Kootenai.<sup>31</sup>*

These kinds of discovery narratives can be viewed in several ways. Though present in his journals as guides, allies, enemies and benefactors, colonial explorer narratives possess a noticeable vacuum of Indigenous people. The theme of masculinity, the penetration of the wilderness and the lack of female voices also tie in directly to values

29. TC Elliot, "Through the Land of the Kootenai," *Oregon Quarterly* 27, no. 3 (1926): 284.

30. *Ibid.*

31. Elliot, 289.

of colonial society. In this context, it is also interesting to ponder the meaning of Thompson's gaze, for in the poem above it is given abstract power. Conversely, in real life it also harbored abstract power. As discussed earlier, his gaze was transformative for the Kootenay, as it transformed it into maps. These maps became part of Canada's colonial narrative. His gaze constructed a new space, imbued with very different meanings. These ideas are significant and still relevant today - colonial creation myths linger in our modern Western Canadian identity and language. "Explorer" narratives are still part of our collective cultural mythos. They are important enough to remain the names of some of our most significant institutions and places - Simon Fraser University, Thompson Rivers University, Vancouver and Vancouver Island. These names speak volumes to the colonial myths that we have constructed and live within.

### The Ktunaxa and the Landscape

Yet, we know that all of this "exploration" did not occur in the "wilderness." Thompson was not penetrating mountains, discovering rivers or finding roads for the world to travel by. They had already been penetrated, discovered and found. This was Ktunaxa ʔamakʔis. These abstract azure rivers and dangerous canyons were part of it; part of Ktunaxa territory, an expansive and complex country. Perhaps the best way to describe the Ktunaxa landscape is how they describe it, starting with their creation story:

In the time before people, a sea monster lived in Columbia Lake. He caused a lot of trouble so that Nałmuqʔin brought the animals together and they decided to kill it. They chased him around in circles through the connected Kootenay and Columbia rivers, through the different regions, naming places along the way. Nałmuqʔin finally stopped it by laying his giant arm down and breaking apart the river system. After killing the sea monster, its organs were used to make the different races, its ribs to make the hoodoos found throughout the valley and its blood to make the Ktunaxa. After Nałmuqʔin died, his body became the Rocky Mountains. This was how Ktunaxa ʔamakʔis was formed and how people came to live there.<sup>32</sup>

This creation story serves an important function. It is not just an expression of culture or a belief system. It is a map. It is a map in every sense that Thompson had made maps. It contains place names, borders and geographical coordinates.<sup>33</sup> It attributes meaning and context to the land and to the people living there. In the same way that Thompson surveyed the Kootenay, writing down coordinates and naming places, the Ktunaxa had already done so

thousands of times before, by transmission of their creation story. When told and retold, the story became embedded in the collective Ktunaxa consciousness, forming a National awareness of landscape, territory and geographic agency. Being and place remained intertwined for the Ktunaxa, space had been familiarized, attributed with meaning and ownership. Spatial theorist Yi Fu Tuan notes that, "place is a center of experienced meaning."<sup>34</sup> In this sense, within the collective experience of voicing and hearing the creation story, the Ktunaxa created a collective place. Ktunaxa ʔamakʔis was never empty space by the time Thompson arrived on the scene; it was a familiar, intimate, lived place. This is a fact, a worldview that Thompson and his men failed to recognize or mention, and their inability to do so illustrates the fundamental mistranslations of experienced knowledge. Thompson, a man of the enlightenment like so many of his peers, was unable to engage with concepts like these, illustrating the elusiveness of a true middle ground. Eurocentric ways of knowing and owning space set the stage for the dismissal of Indigenous ways of knowing and owning place, creating an abstract arena that made allowances for future colonial dispossession. Unknown and misunderstood methodologies of creating spatial knowledge allowed Europeans to make assumptions about the vacancy of the landscape, a fundamental cultural miscommunication that is only recently being unpacked and acknowledged.

34. Yi Fu Tuan, "Place: An Experiential Perspective," *Geographical Review* 65, no. 2 (1975): 157.

contributions. Not only was military enlistment used a way to demonstrate independence, so too were donations to the Canadian Patriotic Fund (CPF) and the Red Cross. First Nations support for the war effort at home started shortly after war was declared. Patriotic and Red Cross societies were formed in the opening months to raise money and make clothing and bandages to send overseas.<sup>23</sup> By 1915, the DIA had received donations from over 30 bands and by the end of the war, close to \$45,000 was collected from First Nations.<sup>24</sup> While the reasoning behind Aboriginals' reactions to the call for home front support was the same, as it was with enlistment, they were divided on whether to deny the government any support or to contribute on the condition that it be on their own terms and only for use by Britain.<sup>25</sup> Those who chose the latter method made clear their intentions. Attached to a CPF donation of \$101 from the Sioux of Oak River was a firm statement that "nobody asked us to do this we are doing this with our free will" and that it was to go "directly to the King."<sup>26</sup> A contribution from the Six Nations in Ontario mandated that it be sent by the DIA to the Governor General "who will forward the same to the Imperial authorities as a token of the alliance existing between the Six Nations and the British Crown."<sup>27</sup> Evidently, many of the bands viewed the donations as a convenient way to assert their sovereignty and reaffirm their relationship with the British.

However, Scott and the DIA saw the willing contributions as another tool with which to prove the successful 'civilization' of the Indians. In the first years of the war, Canada, being itself a Crown colony, was fighting at the behest of the British and many Canadians' contributions contained letters made out to the King.<sup>28</sup> Viewed alongside the numerous letters from the white population, those from the First Nations lost their intended meaning, becoming messages of patriotism rather than claims of sovereignty and allowing the DIA to evidence the effectiveness of its assimilation program. Scott and his Agents went so far as to falsify letters, addressing them directly to the Canadian government, editing out admonitions that the money be sent directly to Britain, and adding statements such as "my skin is dark but my heart is white."<sup>29</sup> For those refusing to donate, Scott instructed his Agents to use compulsion and several bands donated out of fear that they would otherwise lose their men to the war or their land to white settlers.<sup>30</sup> Similarly, the Agents told many Aboriginals that their letters would be published in the papers, tricking

23. Winegard, *Indigenous Peoples*, 220.

24. *Ibid.*, 222.

25. Talbot, "It Would Be Best," 94.

26. Lackenbauer et al., *A Commemorative History*.

27. Talbot, "It Would Be Best," 94.

28. *Ibid.*, 93.

29. *Ibid.*, 96-97.

30. *Ibid.*, 96.

them into thinking their claims of independence and right to self-government were being dispersed, unedited, around the nation.<sup>31</sup> The government and other organization such as the Red Cross also saw these donations as a way to strengthen the war effort and the DIA was advised to use the letters - real or forged - as propaganda printed in magazines and on posters to encourage non-Aboriginals to contribute.<sup>32</sup>

Whether on purpose or due to circumstance, the majority of donations came out of band councils' funds comprised primarily of the revenue from land sales to the federal government and from the government's fiduciary payments whose expenditure was closely regulated by the local Indian Agents.<sup>33</sup> In essence, many of the First Nations were using the government's own money against it: instead of ensuring they remained content with their ward status, the payments were facilitating the expression of Aboriginal sovereignty, thus undermining the colonial government's power. There were many communities that had little to lose by donating, such as the Thunderchild First Nation in Saskatchewan who did not incur significant financial setback by donating \$300 considering their total holdings exceeded \$17,000.<sup>34</sup>

Initially, Aboriginals were forbidden from drawing on the CPF for financial aid but were eventually granted the right after Scott informed the Government of the considerable amount they were contributing. While this may stand out as an act of kindness, incongruous with the colonial agenda of the Canadian government, in reality it is fully in keeping with their prerogative. As well, the government were keen for Aboriginals to continue giving not because it was helping fund the war, but because it allowed the DIA to trumpet the effectiveness of its assimilation measures and entice the white population into donating.<sup>35</sup>

The willingness of many bands to contribute to the war, despite their intended purpose, allowed the government to further its colonial agenda in another way: expropriation of reserve land. A second home front initiative,

31. *Ibid.*, 95.

32. Lackenbauer et al., *A Commemorative History*.

33. Talbot, "It Would Be Best," 95.

34. *Ibid.*

35. Aboriginal donations to the CPF would have made little difference to the actual war effort as they represented less 0.1% of total donations (\$45 thousand from First Nations versus \$47 million from the general population). The fact that they received widespread publicity despite representing but a fraction of the actual home front contribution, implies that they government valued them more for their ability to demonstrate the 'civility' of the Indians and to persuade the non-Aboriginal population into giving more. (see Talbot, "It Would Be Best to Leave Us Alone: First Nations Responses to the Canadian War Effort, 1914-18," 99, 111).

British. When calls for enlistment were made, First Nations motivated by a desire to assert their independence chose to respond in seemingly contradictory ways. Some refused to participate on the basis that the Canadian government held no authority over them. On the other hand, some willingly signed up but made it known they were doing so under their own volition and as commanded by their independent Nations.

Those who resisted, such as the Ojibwa on Christian Island in Northern Ontario, were adamant that neither the Canadian nor British governments had any hold over them and were under no obligations, especially to fight in their foreign wars.<sup>9</sup> When DIA Agents arrived in Lytton, British Columbia, the Salish Chief warned “it would be best to leave us alone ... think of the thousands of Indian tribes who might in anger rise against the nation, and fight as of old against the whites.”<sup>10</sup> Historian Robert J. Talbot notes how the Gibson Mohawks on Georgian Bay, having been forcibly resettled less than fifty years previous, “pointed out the hypocrisy of asking them to fight for a country and a government that had deprived them of their territorial rights.”<sup>11</sup> The refusal to participate was not simply due to a fear of overseas warfare or a distrust of government authorities but was meant as a deliberate statement of national independence.

The First Nations who chose to enlist fell into two camps: some for money and employment but many for the same reason as those who resisted. For Aboriginals, like for many white Canadians, a job in the military was an attractive position and they were drawn to the recruiters’ office by the offer of steady employment, wages, and adventure.<sup>12</sup> However, the First Nations *communities*, most often the band chiefs and councils, who encouraged enlistment did so strategically as a way to assert their independence from the colonial authorities. They made clear their intentions were not to fight for the Canadian government, but for their own ‘nation’ or in the service of the Crown.<sup>13</sup> The Six Nations chiefs, for example, explicitly stated their sovereignty and maintained that they would only offer their military service if Canada recognized them as such and allowed their men to fight as a separate regiment.<sup>14</sup> This request was denied by the government and officials in Ottawa made it clear that they were unwilling to acknowledge the independence of the Six Nations Confederacy.<sup>15</sup>

Initially, official government policy forbade the

enlistment of First Nations, but this did not stop men from trying. DIA Agents continued to report large numbers of status-Indians attempting to enlist and the Deputy Superintendent General immediately saw this as way in which to further the assimilationist agenda of the colonial government.<sup>16</sup> Glen Scott believed that those returning from service “who have been broadened by contact with the outside world and its affairs, who have mingled with the men of other races, and who have witnessed the many wonders and advantages of civilization, will not be content to return to their old Indian mode of life.” Not only would the veterans come home ready to be assimilated into mainstream society, but each one would act as a “missionary of the spirit of progress” putting an end to “all the quaint old customs, the weird and picturesque ceremonies” and replacing “the last tepee of the Northern wilds [with] a model farmhouse.”<sup>17</sup> By 1915, casualty rates had increased substantially and the Canadian Expeditionary Forces had become a key component of the fighting strength of the Western Front. As Scott saw it, allowing the First Nations to enlist would simultaneously help fill the front lines and facilitate the integration of Aboriginals into the Canadian state. Fortunately, Britain decreed First Nations be allowed to serve<sup>18</sup> and the government, aware of the merits of Scott’s plan,<sup>19</sup> passed the requisite legislation. A setback to the DIA’s plan came with the passing of the conscription law which garnered significant push-back from bands and chiefs who argued that past treaties exempted them from military service in foreign wars.<sup>20</sup> However, this did not mean First Nations were unwilling to serve altogether; the bands who had supported early enlistment spoke out against conscription because it meant serving at the behest of the *Canadian* government. Many expressed their continued desire to serve under their own terms or under the directive of the British to whom they owed their ward status so as to assert their sovereignty in relation to Canada.<sup>21</sup> Scott was aware of their intentions but believed that the civilizing experience of serving overseas would teach them to accept the modern ways of life and embrace the Canadian nation as their own. After petitioning authorities, the Canadian government declared First Nations exempt from conscription but free to voluntarily enlist.<sup>22</sup>

A similar scenario played out on the home front during the push for war time donations and material

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9. Ibid., 103-104.

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12. Ibid., 108.

13. Lackenbauer et al., *A Commemorative History of Aboriginal People in the Canadian Military*.

14. Timothy C. Winegard, *For King and Kanata* (Winnipeg: University of Manitoba Press, 2012), 52.

15. Ibid.

16. Ibid., 58.

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18. Winegard, *For King and Kanata*, 54-55.

19. Winegard, *Indigenous Peoples*, 204.

20. Talbot, “It Would Be Best,” 107.

21. Ibid., 106.

22. Winegard, *For King and Kanata*, 93-96.

## Re-landscaping the Canadian Landscape: Displacement, Othering and the European Representation of the Canadian Wilderness

EMMA KANSIZ

Topography is endowed with both its physical characteristics and the imagined geographies imposed upon it by those who perceive it and have a stake in its interpretation. Topography is not neutral. Through human eyes it takes on shapes, forms and meanings alien to nature; meanings replete with power struggles, human fear and fallibility, and visions of progress. Canada was a geography ripe for human ideological intervention, given the notions of the time; it was vast, sublime (often unpleasantly so), and devoid of western human presence. It was a geography that would be made the richer by topographical engineering, landscaping and surveying- tools which pacify the land while asserting a human agenda. As Susanna Moodie asserted, Canada was seen at this time as 'the great landmark' for European ambition.<sup>1</sup> The articles identified in this essay speak to the process by which humans construct stories and impose upon physical spaces with their ideas, aspirations and ambivalences, and their motives for doing so in the Canadian context. Each article emphasizes the degree to which the British and French settlers and explorers envisioned the capacity of the Canadian landscape to be molded to one which they found familiar and palatable. The process, born in the settler imagination and manifested in the taming of the land, sought to transform the sublime into the beautiful and picturesque; by this process what used to engender a sensation of dreadful awe would now comfort the viewer by demonstrating harmony and geometry in nature.

Marilyn McKay, writing in *Picturing the Land: Narrating Territories in Canadian Landscape Art*, seeks to expose how Canadian landscape art, informed by European traditions and discourses, engaged with settler feelings of 'place and displacement', to create a distinctly Canadian artistic style.<sup>2</sup> McKay emphasizes that Canadian artists were 'necessarily part of European discourse'<sup>3</sup> and

that their ways of seeing Canadian landscape were filtered through biases and assumptions about civilization, nature and man's place within it. Jonathan Raban, in his article on the European experience in present day British Columbia furthers this argument: "one can see something of the Pacific Northwest, but much more of the prevailing tastes and interests of cultivated young Europeans in the last decade of the eighteenth century."<sup>4</sup>

McKay explores how the British modes of picturesque, sublime and beautiful were incorporated into Canadian art, and served as a language through which to convey the raw land into something with a cultural signifier. Her exploration of this was especially penetrating and offered an incisive look into the ways in which European artists created meaning out of the Canadian landscape using a vocabulary that would be familiar to their peers. By using a familiar set of categories, they were able to effectively convey their feelings of displacement, tension and perhaps anxiety, in a manner palatable to those to whom the art would circulate. This illustrates that when trying to blur conventions and upset traditions, it is more effective to use a pictorial language that is established, rather than an alien style. In this regard, I think McKay is arguing that Canadian art did not amount to a departure from established stylistic conventions or modes of painting. Rather that Canadian art was distinct for the emotional sensations it sought to convey; feelings of isolation and 'displacement' that were outside of the representational space of traditional European artistic production.

Jonathan Raban, in the introduction to Kitty Harmon's *The Pacific Northwest Landscape: A Painted History*, furthers the analytical approach taken up by McKay, with his lens firmly cast on the Pacific Northwest. Raban also asserts that the Pacific Northwest landscape was digested through the imposition of familiar modes of representation onto the land. He states that the first landscape painter of the region, John Webber, 'composed the Pacific Northwest language into a strikingly efficient and conventional landscape' rather than employing new representational techniques.<sup>5</sup>

1. Susanna Moodie, "Author's Introduction," *Roughing it in the Bush* (Toronto: McClelland and Stewart, 1970), xvii.
2. Marilyn J. McKay, "Place and Displacement: Drawings and Watercolours in French and English Canada," *Picturing the Land: Narrating Territories in Canadian Landscape Art* (Montreal & Kingston: McGill-Queen's University Press, 2011), 34.
3. *Ibid.*, 49.

4. Jonathan Raban, "Introduction," *The Pacific Northwest Landscape: A Painted History*, Kitty Harmon, ed. (Seattle: Sasquatch Books, 2001), 8.



# The Struggle between Canadian Colonialism and First Nations Independence during the First World War

SCOTT FLETCHER

As early as 1820, First Nations<sup>1</sup> were subject to assimilation measures by British authorities. After confederation in 1867, the eradication of Indian culture was made official government policy by the new leaders of the Canadian state.<sup>2</sup> By 1900, the government's imperialist aspirations were increasingly coming into conflict with an indigenous population committed to retaining sovereign status. During the First World War, many Aboriginals used the enlistment process, the calls for home front contributions, and the veterans' compensation programs to further their goals. However, their willing participation was used by the government to bolster its own war effort and advance its colonial agenda of Indian assimilation.

Under the leadership of Deputy Superintendent-General Glen Campbell Scott, the Canadian Department of Indian Affairs (DIA) was committed to the assimilation of all Aboriginal peoples. Writing in 1920, Scott stated the Departments' objective was "to get rid of the Indian problem [...] 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."<sup>3</sup> According to historian Timothy Winegard, Indian reserve system was created under the British during the 1830s to "[open] up land for unhindered settlement and industry and [establish] a framework by which Indians could be integrated or, alternatively, easily monitored."<sup>4</sup> After confederation, the *Indian Act* was signed, setting out a regulatory framework for the control of almost every facet of the First Nations' lives. The *Indian Act* also handed over all management of Aboriginals to the Department of Indian Affairs who began

the assimilation process in earnest: signing several treaties to ensure little resistance against new settlers, holding the reserve lands 'in trust' for the First Nations- as opposed to giving them ownership, and implementing the residential school system which 'civilized' the Aboriginal children and aimed to convert them to Christianity and instruct them on modern agricultural practices.<sup>5</sup>

The First Nations saw the treaties signed between themselves and the British, as well as those with Canadian authorities acting on behalf of the Queen after confederacy, as affirmation of their sovereign status.<sup>6</sup> From an Aboriginal point of view, the treaty process had been carried out on a nation-to-nation basis with the Crown. This acknowledged or at least implied that they possessed and had the right to maintain sovereign autonomy. The treaties also assured them compensation for any losses accrued during resettlement or from future development of the surrounding land. However, the passing of the *Indian Act* and the creation of the DIA signalled the new government's plan to forcibly integrate Aboriginals into society. These actions were denounced by First Nations who argued that they ran contrary to British policy that as a colony of Britain, the Canadian government was meant to uphold.<sup>7</sup> By the late 19th century, the government had committed itself to the colonization of the First Nations and its attempts were increasingly met with hostility.<sup>8</sup>

From the brief history of the colonial relationship detailed above, the motives of the First Nations and the Canadian government coming into the First World War are clear: the former are trying to assert their sovereign status while the latter is determined to assimilate them and affirm its control over the territory ceded to them by the

His depiction was efficient because it served as a vehicle for asserting colonial intentions and celebrating European exploration and fastidiousness and it was conventional because it drew on the formal techniques and components of the picturesque and sublime modes. Webber was trained to draw peasant scenes in the picturesque mode and he implanted this way of seeing into his depictions of Indigenous life. This is an example of McKay's argument that Europeans were unable to see through other eyes.<sup>6</sup> This inability (or unwillingness) intensified the feeling of 'otherness' that Europeans were confronted with when they settled into their new land. This otherness and tension was channeled into a form which would be perceptible to the viewers of the painting, in this case into the conventional constraints of the romantic sublime.<sup>7</sup> This line of thinking echoes that of McKay's in its commitment to the idea that Europeans needed to adopt familiar modes in order to make sense of the Canadian land and culturally tame it, even if just representationally.

Mary Louise Pratt, taking Raban and McKay's examinations further and giving them a political context, explores the 'perceptual baggage' with which the European explores the globe.<sup>8</sup> Experiences of 'otherness' are domesticated by utilizing the aesthetic and cultural techniques born in European thought and practice. Pratt's scope is more international in its breadth and decidedly more postmodern in its approach. Pratt's analysis provides a deeper contextual understanding of the processes at play in colonialism and details the more psychological, insidious aspects informing the approach settlers take to their new land. If McKay and Raban describe *how* settlers depicted what they saw and experienced, Pratt describes *why*. Pratt defines early Canada as a contact zone, a space where 'disparate cultures meet, clash and grapple with each other, often in highly asymmetrical relations of domination and subordination.'<sup>9</sup> Pratt introduces us to a process termed 'transculturation' by which 'spatial and temporal co-presence in a contact zone between divergent cultures' produces distinct forms of cultural hybridity and tensions.<sup>10</sup> As Europeans impose their regimes of representation on the world around them, Pratt also argues that European modes of self-representation and differentiation are also fashioned from the process of transculturation.<sup>11</sup> McKay stated that the artistic output of the 17th-19th centuries

satisfied Europe's growing interest in North America while 'confirming imperial conquests;' in other words, Europeans needed the idea of North America in order to understand themselves. Europeans define themselves through what they are not: savages, primitive, wild; the moment of confrontation with a dissimilar culture is also the moment of self-construction and the creation of a colonial identity.<sup>12</sup> As Pratt reminds us, the frontier is only such with respect to Europe, and the myth of Canada as an unspoiled frontier which served as the base for the construction of the nation, was still at heart a myth that minimized the presence of Indigenous societies and reduced the landscape to a plane ripe for exploitation and industry.<sup>13</sup>

Amongst all of this modern scholarship exploring the implications and meanings behind European representations of Canada and the colonial underpinnings and ambivalences inherent in this, is a voice from the past. Susanna Moodie, writing in 1852, speaks to the settler mentality and gives credence to McKay's concept of 'place and displacement'. Moodie examines the heretofore unexamined side of the representation of Canada as a tamed wild: the disappointment that accompanied settlement when settlers realized depiction did not match reality. Painters and interested parties 'promoted the advantages while carefully concealing the toil and hardship to be endured in order to secure these advantages.'<sup>14</sup> Emigrants were induced to purchase land in wild, remote and unfavorable locations and they were often unfit to work the land and tame it to the degree to which they had hoped.<sup>15</sup> In this reading of painted depictions of the Canadian landscape we can see that the idealized images of the Canadian land enhanced the feelings of displacement that McKay discussed. In a fascinating continuation of McKay's concept of 'place and displacement' that settlers represented in painted form is the idea that this representational output created more intense displacement for the settlers that came afterwards. The land they experienced was thus twice removed from their expectations- from the land they were promised and from the implicit suggestions of a domesticated land they digested from the paintings they saw.

These authors use similar but not identical methodologies and they examine different streams within the decidedly broad topic of landscape painting and colonialism. McKay is dedicated to demonstrating how Europeans utilized the representational capacity of painting to mediate feelings of tension and anxiety in their new land. McKay employs Canadian watercolours produced between 1600 and 1830 to demonstrate how this process was at work and how amateur painters appropriated the painterly

1. The author uses the words 'First Nations' and 'Aboriginal' interchangeably. When the word 'Indian' is used, it is meant to be read in the historical context meaning all Aboriginal peoples.
2. "A History of Indian and Northern Affairs Canada," Aboriginal Affairs and Northern Development Canada, <https://www.aadnc-aandc.gc.ca/eng/1314977281262/1314977321448>.
3. Timothy C. Winegard, *Indigenous Peoples of the British Dominions and the First World War, Cambridge Military Histories* (New York: Cambridge University Press, 2012), 40.
4. *Ibid.*, 19.

5. *Ibid.*, 20-21.
6. P. Whitney Lackenbauer et al., *A Commemorative History of Aboriginal People in the Canadian Military* (Government of Canada Digital Publications: Canadian Department of National Defence, 2009), PDF.
7. "A History of Indian and Northern Affairs Canada," Aboriginal Affairs and Northern Development Canada.
8. Robert J. Talbot, "It Would Be Best to Leave Us Alone: First Nations Responses to the Canadian War Effort, 1914-18," *Journal of Canadian Studies* 45, no. 1 (Winter 2011): 106.

5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. McKay, "Place and Displacement: Drawings and Watercolours in French and English Canada," 49.
9. Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation* (New York and London: Routledge, 1992), 4.
10. *Ibid.*, 7.
11. *Ibid.*, 6.

12. McKay, "Place and Displacement: Drawings and Watercolours in French and English Canada," 33.
13. *Ibid.*, 7.
14. Susanna Moodie, "Author's Introduction," xvi.
15. *Ibid.*, xviii.

styles of the imperial centre to convey the unfamiliar. She offers a detailed exposition of the cultural pictorial modes conceived of by Edmund Burke, which offers us a methodic approach through which to understand painting in Canada at this time. Raban's approach is similar to McKay's in his usage of firsthand texts and images to demonstrate how Europeans perceived the Canadian land through the cultural parameters adopted through their upbringing. Raban relies predominantly on Cook's 1784 *A Voyage to the Pacific Ocean* and the testimony of George Vancouver. He offers less visual analysis than McKay and relies more heavily on constructing a cursory look at how the Pacific Northwest was perceived using discursive examples. Pratt has the widest focus of all the authors examined in this essay and takes a postcolonial, postmodern approach to the dual topics of adventure and colonialism. Susanna Moodie is the only source who lived and worked during the time period under examination. Her testimony is derived from experience and so is necessarily biased and subjective. This subjectivity is vital in order for us to gauge how personal the experience of Canada was for those who settled there.

Minimization of the Indigenous presence in the land was a noted absence in Moodie's piece. Her contemporaries would not have paid much heed to Indigenous values and usage of the land, thus it is not a surprising omission, but important to note. Raban and McKay did provide a cursory exploration of the presence of Indigenous culture as depicted in Canadian art (as landscape ornament, or mythical trope) but it was not a salient theme of their articles. Many questions could have warranted a more analytical exploration: What pictorial language, and conventions, were used to incorporate uneasy and unfamiliar indigeneity into European landscape art? To what degree was this presence erased or 'naturalized' and by what means? Although McKay explored these to a more satisfactory degree than the accompanying articles, a deeper treatment would have enriched these readings.

Raban and McKay argue that we can witness the themes of displacement, cultural anxiety and wonder at the sublime embodied in the paintings of the time,

George Catlin, *A Whale Ashore-Klahoquat*, 1855



James Pattison Cockburn, *Road, Upper Canada*, 1830

which I will elaborate upon through an examination of two select paintings: James Pattison Cockburn's painting *Road, Upper Canada* and George Catlin's *A Whale Ashore-Klahoquat*. Cockburn's painting *Road, Upper Canada* of 1830 emphasizes the dual displacement/tension and promise/opportunity embodied in the settler relationship to the land. McKay reads the painting as being suggestive of a pleasant walk through a sublime landscape just barely under human control but Moodie's contemporary opinion might suggest otherwise.<sup>16</sup> Moodie explained that in the colony of Upper Canada, 'necessities of life were inestimably cheap but could be procured in many instances only by sending a man through a blazed forest road, a process far too expensive for frequent repetition.'<sup>17</sup> This opinion provides a necessary socioeconomic and historical framework through which to reexamine the painting. I read the painting as depicting both the material realities of life in Upper Canada and as a representation of the experience of sublimity and the ambivalence it engendered in settlers. The dense forest monopolizes the middleground and background of the picture plane; foreclosing the option of visually penetrating

16. McKay, "Place and Displacement: Drawings and Watercolours in French and English Canada."

17. Moodie, "Author's Introduction," xvi.

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it. The forest is imposing and the placid sky offers little guidance through the sea of trees. The experience of sublimity, and the ambivalence embodied within it, is represented by the slightly hesitant gait of the man and his son. But if there is hesitation, there is also persistence; an urge to forge ahead and create meaning out of the woods. The road represents this dual mentality; it offers a path, a symbol of order in the disorder of nature. But its very presence and construction points to the need to subdue the land, and tame its alien qualities with the signifiers of the familiar.

George Catlin's *A Whale Ashore-Klahoquat* is a visual testament to the themes of otherness and anxiety in a sublime natural milieu. The sublime aspect of the painting, the stormy sky, vast seascape and ambivalent narrative, create a chilling sense of foreboding for the viewer. The framing of the painting creates a spatial barrier between the viewer and the actions unfolding on the canvas. The barrier speaks to the fractures between the white settler and the land, which encompassed both the wilds of Canada and the indigenous tribes that populated it in the European imagination. In this painting there is a distance imposed between the European and the image unfolding in the middle ground of the canvas; an artificial distance that 'secures innocence at the same time as asserting hegemony.'<sup>18</sup> Within Catlin's painting is a blending of nature and culture; where do the sea and the beach end and human agency and power dynamics begin? Nature is in this instance endowed with the stories of the human actors acting upon it.<sup>19</sup>

Pratt argues that writing produced the rest of the world for the European but this analysis would suggest that painting too, in its ability to substitute representation for reality, was also a tool colonialists and settlers had at their disposal to construct a world for themselves.<sup>20</sup> By rendering and representing the unfamiliar Canadian landscape through the language of European aesthetics, amateur artists could control what they represented and could pictorially tame a land that at once satisfied and terrified them. The articles explore the political and cultural implications of the process of artistic representation and the ambivalence inherent in emigration but with the exception of an excerpt in McKay's "Place and Displacement" they lacked a deeper treatment of the presence and erasure of Indigenous societies in Canadian art.

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18. Pratt, *Imperial Eyes: Travel Writing and Transculturation*, 7.

19. William Cronon, "The Trouble with Wilderness; or, Getting Back to the Wrong Nature" in *Uncommon Ground: Rethinking the Human Place in Nature* (New York: W. W. Norton & Co., 1995), 69-90.

20. Pratt, *Imperial Eyes: Travel Writing and Transculturation*, 5.

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# The Reluctant Union

TYLER NORMAN

## Introduction

The invention of Canada was a process largely defined by the struggle and challenge to achieve union and create a Canadian national identity. During the period between the 1830s and 1896 in British North America (BNA), there was a vast array of cultural and social practices and histories, in addition to existing strong competing political motivations and economic interests. Consequently, it is understandable that the development of a united political entity was not adverse to intense opposition and disagreement. Furthermore, the idea that there existed a single Canadian national identity in this period raises questions about the differing levels of power and influence of the actors involved in the union process. This paper will address the invention of the Canadian state during the period of the 1830s through to 1896 by examining a number of important factors that pressured the union of colonies and peoples. It will also determine the nature of the Canadian national identity that existed during that period. This paper will take the position that the invention of Canada during the 1830s-1896 is best described as a reluctant union, and in many cases, a forced union; it was a union that was not rooted in widespread desire for cooperation or overwhelmingly common interests, rather, there was a clear hierarchy of influence that favoured Anglophone Canadian interests, and as a result, the creation of Canada and a Canadian national identity was dismissive and unrepresentative of the distinct cultural, social, political, and economic realities that existed throughout British North America.

## Rebellions and Act of Union 1840

The decade of the 1830s in a Canadian context is best known for the rebellions in Upper and Lower Canada. The social and political unrest that led to the rebellions is worth examining in order to show the extent of the failure of the 1840 Act of Union to address the immense desire for change. The rebellions were rooted in the fact that people felt underrepresented by the current political system.<sup>1</sup> In English speaking Upper Canada, William Lyon Mackenzie led rebels who felt that the government was not responsive to the interests of the people, and that the actual elected representatives in the Upper Canadian legislature were powerless in comparison to the appointed executive and legislative council.<sup>2</sup> The same general grievances

were shared by Louis-Joseph Papineau and the rebels in French speaking Lower Canada. They felt that those with real authority systematically resisted the views of Lower Canadians, and as a result the rebels completely lacked faith in the constitutional procedures, assemblies, and the power of their elected representatives. Rebels in Upper and Lower Canada wanted their legislative representatives to be directly responsible to the people, and there is no indication that union was something that would resolve these demands.

In the aftermath of the rebellions, the British colonial authorities responded inappropriately to the major societal grievances that continued to exist in Upper and Lower Canada. Lord Durham, tasked by the British government to report on the affairs of the two colonies, devised a solution that would lead to the Act of Union in 1840. The Act of Union created a forced joining of the two Canadas with the ultimate benefits being heavily one-sided. Durham ignored the actual reasons for unrest, and instead concluded that the situation in Canada was that of “two nations warring in the bosom of a single state,” and that he found a “struggle, not of principles, but of races.”<sup>3</sup> The grievances regarding representation were not addressed by this union, and ultimately its entire purpose was to create a unified Canadian colony with an English speaking majority that would subordinate the French culture, language, and eliminate what Durham referred to as “vain hopes of nationality.”<sup>4</sup> Undoubtedly, this was a purely artificial political entity invented despite its people having no resemblance of common culture or social interests. It clearly favoured the cultural, social, economic, and political interests of English Canada, and French Canadians recognized this immediately.

Moderate French Canadian reformer, Louis

1. William Lyon Mackenzie, “The Declaration of the Reformers of the City of Toronto to their Fellow Reformers in Upper Canada,” in *A Few Acres of Snow: Documents in Canadian History 1577-1867*, ed. Thomas Thorner (Toronto: Broadview Press, 1997), 249-254.
2. Ibid.
3. John George Lambton, *The Report and Despatches of the Earl of Durham, Her Majesty's High Commissioner and Governor-General of British North America*, (London: Ridgways, Piccadilly, 1839).
4. Ibid.

as an argument in cases, assuming her appointment as magistrate was illegal, much like McKinley did to Jamieson.<sup>28</sup> These claims were not unfounded, and led to further reform and changes in the interpretation of language in the constitution, eventually leading to the Persons Case. In this time period, these claims were true. The law was written by men, for men, which made it difficult for women to exist within the system. With the Women's Court, there was an allowance for the separation of gender, and the allowance for women to interpret the laws for themselves. Even though men quite often defended these women, the women held a significant amount of control of what occurred in the courts, making Jamieson and Murphy more legitimate than the claims that lawyers made against them.

Margaret Patterson also faced difficulty as magistrate, especially due to the fact that she was not trained in the legal profession. She dealt with both popular opinion and people within her own field. In a 1928 case, she gave out “a three-year sentence to a man she convicted of living on the avails of prostitution and procuring,” to which Chief Justice Mulock argued that her sentence was “unsupported by evidence.”<sup>29</sup> Patterson received no cases with male defendants for a three-month period after her controversial sentencing, which was quashed by Chief Justice Mulock, but this event and the criticism of her sentencing was received “by the organized women's community as a direct blow to Patterson's feminist intentions.”<sup>30</sup> In regards to Patterson's appointment, people also felt the need to defend her in publications for the kind of criticism with which she dealt. In a letter to the editor in *The Globe*, an individual argued that Patterson was dealing with criticism that no male magistrate would have to deal with. This criticism was similar to the type that both Emily Murphy and Alice Jamieson had received. In one particular letter to the editor, a reader calling themselves Fair Play wrote, “it has surely been known to the Bar for many, many years that Police Magistrates were not all legally trained; but silence has been maintained until a woman received the appointment.”<sup>31</sup> Fair Play also wrote that Patterson's medical training “eminently qualifies her to deal with these mental and moral wrecks of society, who make up the clientele of the Police Court, and she can carry her book under her arm as many of the lawyers do, and hunt up the necessary clause before making judgment.”<sup>32</sup> The double standards that Fair Play pointed out are also visible in McKinley's argument against Jamieson's legitimacy as magistrate. It also shows an awareness of the sexism that was dominant in this time period. Women were criticized for

28. Ibid., 60.

29. Glasbeek, *Feminized Justice*, 148.

30. Ibid., 148.

31. *The Globe*, “Women Magistrates,” March 23, 1922, <http://search.proquest.com.ezproxy.library.ubc.ca/docview/1354471627?accountid=14656>.

32. *The Globe*, “Women Magistrates.”

not being mothers, or for working in the public sphere in a way that was perceived to threaten the male role in society. Men who had similar training to women were not criticized as openly as women seemed to be, making it quite obvious that this particular stream of maternal feminism made men and anti-feminists feel threatened.

In many ways, women acting as magistrates contradicted maternal feminism's ideals of the mother taking care of her children, but the way that the female magistrates used their positions allowed their maternal values to become a part of the legal sphere. In expanding maternal feminism outside the home through social reform and the Women's Courts, the white middle-class magistrates were able to help the less fortunate, an important quality of the maternal feminist movement of this time period. Emily Murphy, Alice Jamieson, and Margaret Patterson were white middle-class women who fit into the role of the mother, helping their ‘daughters’ through the courts and urging them away from immorality and sin.

## Conclusion

The Women's Courts of Alberta and Toronto were spaces where maternal feminist values were practiced and promoted. These courts were created out of the fact that during this time period, Canada was a profoundly gendered society. Women's groups needed a space to practice and promote their maternal feminism, and these courts were the perfect opportunity for that to happen. The female magistrates were an essential part of these courts, and therefore they were an essential part of the promotion of maternal feminism. Even though these female magistrates faced opposition related to the possible illegitimacy of their appointments, women's groups were aware of the sexism and double standards of their claims. While Emily Murphy and Alice Jamieson both ended up retiring as magistrates, Margaret Patterson was essentially fired from her position. In 1934, Patterson's position as magistrate was not renewed by the government, a man was appointed as magistrate, the TLCW's interest in the court had waned, and the newly elected Liberal government restructured Ontario's courts, which led to the eventual irrelevance and disappearance of the Women's Court.<sup>33</sup> The Women's Courts in their prime, in the first half of the twentieth century, and their female magistrates, were institutions that were meant to provide a familial, motherly, and purposely feminist institution and existed to promote the maternal values of white, middle-class women's groups and their goals for social reform.

33. Glasbeek, *Feminized Justice*, 45.

bench would allow them more leeway to lobby for social reform through legal means. The government of Ontario was “sympathetic to social reform and dependent on female votes,” so the appointment of a female magistrate was in their best interest.<sup>19</sup> The appointment of Margaret Patterson occurred in 1922, following Magistrate Denison’s retirement. Regarding her appointment, she believed that it “fulfilled the promise for which the Women’s Court was established.”<sup>20</sup> Having cases of women presented in front of a woman magistrate would fulfill the goals of maternal feminism. Maternal feminists wanted to change the relationship of women to criminal law. Having women in a place of power was the way that they believed they could achieve their goals, and the goals of mainstream society, of keeping “young girl[s] from going astray,” and having a significant representation of the women’s community in the legal system.<sup>21</sup>

Having women at the head of their respective Women’s Courts was an attempt to encapsulate maternal feminism at a legal level and bring a different perspective than the one of their male counterparts. Their rise to the magistrate position led to “white, middle-class women’s politicization of the criminal justice system.”<sup>22</sup> Along with this politicization came the idea of these female magistrates acting as mothers to the women that came through the court.<sup>23</sup> The social aspect of this had to do with class, and Amanda Glasbeek argues that this relationship “was about the authority of mothers and the subordination of daughters,” the mothers “are middle-class women and the daughters are working-class and marginalized women.”<sup>24</sup> These women were also young, in their late teens to early twenties, making them more appropriate for the mother-daughter relationship that maternal feminism expected from the system of women’s courts.<sup>25</sup> Having this relationship in place in the courts, allowed the female magistrates to have control of the kind of social structure they wanted in Canadian society. Much like the mainstream police courts were dominated by men, the Women’s Courts were dominated by maternally feminist middle-class white women, which meant that women who did not fit into this group, and were convicted of crimes, would become social reform cases for the maternal feminist magistrates.

19. Glasbeek, *Feminized Justice*, 46.

20. *Ibid.*, 143.

21. *Ibid.*, 29.

22. *Ibid.*, 5.

23. *Ibid.*, 146.

24. Glasbeek, “Maternalism Meets the Criminal Law,” 482.

25. Sangster, Joan, “‘Pardon Tales’ From Magistrate’s Court: Women, Crime, and the Court in Peterborough County, 1920-50,” *Canadian Historical Review* 74, no. 2 (1993): 169.



Emily Murphy, Canada’s first woman magistrate.

### Criticism of the Female Magistrates

A common criticism against the female magistrates was that they were not qualified to be magistrates, or that it was illegal for them to be holding the position of one. In a 1917 case in Calgary’s court, a woman named Lizzie Cyr was charged with vagrancy. In defending his client, McKinley Cameron argued multiple points against Alice Jamieson, including that she was “incompetent and incapable” of being Police Magistrate; the province had never “legally appointed” her; the province and the Lieutenant-Governor had “no power to appoint a woman Police Magistrate and that her appointment is void;” and that there was no law that “empower[s] her appointment.”<sup>26</sup> In making a case against Jamieson, Cameron was using an argument that was felt to be particularly anti-feminist among white middle-class women in society, but his arguments were also used against other women who held magistracy roles. Lawyers who faced Emily Murphy also believed her to be unqualified, and that perhaps her holding the position was illegal.<sup>27</sup> Murphy stated that many lawyers used her gender

26. J. Cameron McKinley. “Notice of Motion,” J. Cameron McKinley fonds, May 25, 1917.

27. Sharpe and McMahon, *The Persons Case*, 60.



Lafontaine, for example, believed that not only had the representational grievances that led to the rebellions not been dealt with, they were actually worsened because despite there being a significantly higher population in Canada East (formerly Lower Canada) than Canada West (Formerly Upper Canada), both provinces of the newly united colony had the same number of representatives in the legislature. Furthermore, the debts incurred by the former Upper Canadian colony were consolidated into the united colony and those from the former debt-free Lower Canada were now financially worse off. What can be understood from this major union between Upper and Lower Canada is that it failed to address the unrest that led to the rebellions of the 1830s. Instead, the new Canadian colony was a union imposed by the British government with the direct intention of creating a single English speaking identity within British North America. In other words, the union that took shape in the aftermath of the rebellions was unnatural, and its formation shows that defining events in the creation of Canada were manufactured by outside interests that opposed Canada’s actual multi-national identity in favour of a national identity that reflected Anglophone interests.

### Indigenous Canadians

The relationship between the colonial authorities/federal government and the Canadian indigenous peoples in the period between the 1830s-1896 highlights the principle of forced union extremely well. It is evident that with significant colonial territorial expansion, there was an elimination of the traditional physical boundary that existed between indigenous peoples and colonists. This contact created a forced union, and it is striking how quickly it materialized as there was still a relative mentality of separation in the late 1830s. When faced with having to deal with contact and expansion into indigenous territory, Francis Bond Head, the Lieutenant-Governor of Upper Canada proposed that they be relocated from their traditional territory to an island in Lake Huron.<sup>5</sup>

Although it is clear that this was just a way of justifying colonial territorial expansion into highly fertile

5. Theodore Binnema and Kevin Hutchings, “The Emigrant and the Noble Savage: Sir Francis Bond Head’s Romantic Approach to Aboriginal Policy in Upper Canada, 1836-1838,” *Journal of Canadian Studies* 39, no. 1 (2005): 115.

indigenous territory, it is a major point of interest because his position signifies the notion that in the 1830s there was still a colonial policy to have the nations exist in largely separate spheres. In this stage of expansion, the government would often purchase land from indigenous peoples, and for the most part, indigenous peoples would take the money and migrate to other areas where they could continue their lifestyle. However, the reality soon became that there was no longer new areas to migrate to that had sufficient opportunities for good farming, hunting, or fishing. Since the process of colonial expansion was not going to stop simply because indigenous peoples did not want to migrate, physical boundaries between the indigenous and colonists were erased.

With colonial territorial expansion, many indigenous peoples began to see their future in Canadian society as one of participation. However, the union between these peoples highlights a clash of cultures, and a lack of understanding and respect. Indigenous peoples wanted economic integration but instead there was subordination and concerted efforts on behalf of the colonial/federal government to undergo large-scale cultural annihilation. The colonial authorities believed that indigenous ways of life were primal in comparison to the civilized culture of the British colonists. The government decided that indigenous peoples' future was in Christianity, formal education, and agriculture. It was determined by the Bagot Commission in 1842-1844 that the best was to solve the "Indian Problem" and achieve a unified national identity was to introduce residential schools.

The mass education that took place in residential schools is highly controversial because it involved removing young indigenous children from their families. The schools destroyed the social fabric of indigenous society by discouraging traditional indigenous culture and indoctrinating young people with what the authorities considered a more "civilized" Canadian identity. Egerton Ryerson described the education process best, saying that it was "not merely a training of the mind, but a weaning from the baits and feelings of their ancestors, and the acquirements of the language, arts, and customs of civilized life."<sup>6</sup> This mentality indicates that union between indigenous peoples and colonists was a relationship fully dictated by colonial interests. In spite of the early stages of union where indigenous peoples thought there was a possibility for mutual economic benefit, it was quickly understood that peaceful coexistence was not a possibility.

Government-designed agricultural development policies were also a method used to destroy traditional

indigenous cultural practices. They targeted band mentality and communalism, and insisted that indigenous peoples go through the necessary cultural "evolutionary" steps to become a civilized people.<sup>7</sup> For example, in the prairies, Indian commissioner Hayter Reed insisted that indigenous farmers be treated as peasants that needed to progress through prescribed stages "from savagery through barbarism to civilization" in order to be effective economic contributors.<sup>8</sup> The position of power that Reed occupied allowed him to one-sidedly shape the conditions of union between peoples with different cultural traditions and ways of life. He had the ability to take action to renounce practices of social dependence in favour of manufactured Canadian values of self-sufficiency.<sup>9</sup> In the process of trying to conform Indigenous peoples to his vision of civilization and Canadian national identity, his policies completely hindered their effectiveness to be strong agricultural economic contributors. This reality shows how forced union was not only detrimental to the freedom of cultural preservation and expression, but also an obstacle to the economic efficiency that indigenous peoples had initially wanted. It would have created a more mutually beneficial union.

### Confederation

The most prominent act of union that took place in the period of inventing Canada was the creation of a solidified state through Confederation in 1867. Unpacking the realities of Confederation indicate that it was a process of reluctant union, and that the underlying reality was that independent colonies were forced to give up large amounts of their autonomy to a newly created federal government. Legislative federalism and the distribution of powers between the federal and provincial governments cannot be mistaken for legislative equality, especially considering that the federal government was granted veto power over provincial legislation, and that primary areas of provincial jurisdiction (education, health care, municipal government), were at the time far less importance than the federal areas of jurisdictional authority (trade, criminal justice, defence, banking, and direct taxation). The reasons for engaging in the Confederation process indicate that it was certainly not a result of an overwhelming desire to unite peoples through common interests, shared identity, or feelings of nationalism; rather, it is evident that the primary reasons for uniting were due to significant political and economic pressures that independent colonies felt they could no longer ignore.

One of the major incentives for colonies to unite was to form a political entity that could counter the threat of the American Republic directly to the south. There were

further legitimize the concept of a gendered society, and the concept that women had to be treated differently for their crimes. The way that women approached the crimes of other women was observed by Emily Murphy, magistrate of the Women's Court in Edmonton, who stated that a woman would "often find it heart-breaking to learn how small a cause has brought about a girl's downfall."<sup>5</sup> Women were perceived to be more complex than men, and their crimes even more so at times. Murphy promoted this idea that both the woman magistrate and the charged woman were complex individuals, differentiating them from their male counterparts.

### Establishing the Women's Courts

The creation of these courts was deeply rooted in the gendered state of Canadian society during the first half of the twentieth century. Prominent maternal feminist groups had the desire to protect the morality of women and girls who went through the court system, and they were essential to the creation of the Women's Courts. One of these groups, the Toronto Local Council of Women (TLCW), was key to getting the Toronto Women's Court established. Margaret Patterson, a dominant member of the TLCW observed the workings of the Police Court in Toronto "to assess the criminal justice system from a woman's point of view."<sup>6</sup> The TLCW found that some men who were watching the cases wrote down the names of women who were being charged, as well as the length of their sentence, and would then go after them upon their release, and induce "them to go into immorality."<sup>7</sup> The TLCW lobbied for the Women's Court for three years before its approval by the Board of Police Commissioners on February 5, 1913.<sup>8</sup> The first magistrate of this court was Colonel George Denison, a man who supported maternal feminism in theory but was in no way associated with any women's groups.<sup>9</sup> The Women's court was popular among male observers, and men involved with the law equated its creation with their "male chivalry" and their desire to protect women from committing sinful crimes.<sup>10</sup> The only real change in the court system for women in 1913 was the elimination of the public gallery. This did remove a significant concern for

the women reformers, but it was not enough and not what they were hoping for with the creation of the court.<sup>11</sup> Not having a woman at the head of the Women's Court meant that local women's groups could not properly promote their maternal feminist agenda.

The establishment of Women's Courts in Alberta was similar to the establishment of Toronto's because the Edmonton Local Council of Women (ELCW) had a major hand in creating Edmonton's court. Preceding the creation of the courts, the ELCW observed the prosecution of women who were charged as prostitutes but were told to leave the court by the prosecuting counsel.<sup>12</sup> This was because they were viewed as "respectable women" who should not have to hear the evidence that prosecutors were going to present to the court.<sup>13</sup> The Council went to Emily Murphy for advice, who suggested that the Council should ask the provincial government for a women's court with a female judge that would try cases involving women and children.<sup>14</sup> Murphy then wrote to the Attorney General to establish this court, which led to the provincial government's rather keen approval.<sup>15</sup> In 1916, the Women's Court was established, with Emily Murphy appointed as the Police Magistrate.<sup>16</sup> The Women's Court in Calgary was created only a few months later with Alice Jamieson as magistrate after she served as Justice of the Peace in the juvenile court.<sup>17</sup>

### Female Magistrates

Toronto's court took a few years longer than Alberta's to gain a female magistrate, and this was a point of contention for the women's community in Toronto. Other communities took notice of Toronto's lack of a female magistrate in their Women's Court, including Edmonton. An editorial in *Women's Century*, a prominent journal that promoted the rights of women, pointed out that the *Edmonton Journal* had written, "Toronto has a woman's court, but a man sits on the bench."<sup>18</sup> The lack of a female heading Toronto's Women's Court was an important issue for the women's community because a woman on the

6. "Residential Schools: The Red Lake Story," *Virtual Museum*, 2016, <http://bit.ly/1UYT6co>.

7. Sarah Carter, "Two Acres and a Cow: 'Peasant' Farming for the Indians of the Northwest, 1889-97," *Canadian Historical Review* 70, no. 1 (1989): 42.

8. *Ibid.*, 34.

9. *Ibid.*, 33.

5. Emily Murphy, "The Woman's Court," *Maclean's*, January 1920, 27.

6. Glasbeek, *Feminized Justice*, 1-2.

7. E.M. Chapman, "How 'Bob's Maggie' Grew Into Her Job" (1922) *Maclean's* quoted in Dorothy E. Chunn, "Maternal Feminism, Legal Professionalism and Political Pragmatism: The Rise and Fall of Magistrate Margaret Patterson, 1922-1934," in *Canadian Perspectives on Law and Society: Issues in Legal History*, ed. Wesley Pue (Canada: McGill-Queen's University Press, 1988), 94.

8. Glasbeek, "Maternalism Meets the Criminal Law," 483, note 5.

9. Glasbeek, *Feminized Justice*, 31-32.

10. *Ibid.*, 29.

11. *Ibid.*, 31.

12. Robert Sharpe and Patricia McMahon, *The Persons Case: The Origins and Legacy of the Fight for Legal Personhood*, (Toronto: University of Toronto, 2007), 20.

13. Sharpe and McMahon, *The Persons Case*, 20.

14. *Ibid.*, 20.

15. *Ibid.*, 20.

16. *Ibid.*, 20.

17. *Ibid.*, 60.

18. Editorial, *Women's Century: Official Organ of the National Council of Women of Canada*, quoted in Amanda Glasbeek, *Feminized Justice: The Toronto Women's Court, 1913-34* (Vancouver: UBC Press, 2009), 146.

# The Women's Courts: Institutions of Maternal Feminism in the Early Twentieth Century

LINDSEY ANTON-WOOD

The Women's Courts established in Toronto, Calgary, and Edmonton, were institutions of maternal feminism that dominated the criminal law practices imposed upon women in the first half of the twentieth century. These courts were attempts to create legal institutions that fit into the gendered structure of Canadian society of the time period. The Women's Courts were significantly different than their male-dominated counterparts, in that their magistrates were female, and there was a different kind of justice imposed upon the individuals that entered these courts. There was more of a focus on socially reformative justice that would help the women that were charged with so-called 'immoral' crimes, in the stream of a maternally feminist ideal. The maternal feminism of this time period was based on the idea "that domestic and family responsibilities were essential components of women's identity", as well as a "motherly relationship to the poor", and they played a key role in social reform.<sup>1</sup> Since maternal feminists felt a responsibility as mothers, especially as mothers to those less fortunate, the Women's Courts were institutions that centered around this concept of maternal, mother-daughter relationships. The Women's Courts and their female magistrates existed in order to provide a familial, motherly, and distinctly feminist institution to promote maternal feminist ideals of white, middle-class women in their pursuit of social reform.

## Maternal Feminism as a Foundation of the Women's Courts

Immorality was a particular concern for social reformers, and maternal feminists were forerunners in attempting to solve issues of immorality and sin. The top two offences in this time period for women that were sent through the courts were drunkenness and vagrancy: fastidious concerns for the social reformers, for which the courts seemed to be the perfect place to attempt to correct the crimes committed by the women that were deemed immoral and sinful by maternal feminists. "While

men committed *crime*, women committed *sins*," which in turn forced legal institutions to punish women differently.<sup>2</sup> Due to the supposed sinful or immoral nature of the offenses that women committed, it was apparent that women needed to have a separate court from men. The women who took this on were part of dominant white middle-class women's groups, and they concluded that a space was needed wherein women who had sinned would receive a punishment appropriate for their transgressions. By "separating women's cases out of the 'ordinary' process, the Women's Court simultaneously legitimated and authorized a moral code that penalized women more than men for offences against morality."<sup>3</sup> The mere idea of the Women's Court assisted in entrenching the concept that women committed crimes differently than men on a social level, and therefore they a different means of punishment to properly solve their social issues. The Women's Courts strongly pushed the moral code into the legal system in an attempt to discourage women from entering into any possible sinful or immoral behaviour.

Since social reform was such a significant concern for maternal feminists during this period, they were assumed to be better suited to dealing with the sins of women in the courts. Historian David Bright argues that to magistrate Alice Jamieson of the Women's Court in Calgary, the charge of prostitution or vagrancy was a "question of personal and moral responsibility."<sup>4</sup> The Women's Court raised different questions than the 'ordinary' male-dominated and -run courts, and these questions that the crimes of women raised fit into the concept of Canada's gendered society. Associating women's crimes with corruption and sin, a matter which social reform could fix, required some sort of legal reform, and therefore women needed to be treated differently than men when dealing with the court system. The idea of a gendered society, and social reform led to the creation of the Women's Courts, which would

high levels of uncertainty amongst BNA colonies about the outcomes of the American Civil War, and there was a desire to consolidate power to defend itself against US interests. Certain leading colonial statesmen feared that if the colonies in BNA did not to unite, they would be assimilated into the American Republic one by one.<sup>10</sup> Furthermore, with a strong united Canada, the country would be more effective at securing available lands for settlement that lay in the West. There was an incentive to act quickly in response to the uncertainty regarding America's plans for the territory.

Economic pressures also led to Confederation. For example, when examining British Columbia's entrance into Confederation in 1871, the process was that of sense of a reluctant last resort. British Columbia had been suffering from crippling debt from poor investment decisions and a massive outflow of population following the Cariboo Gold Rush of 1861-1867. The colonies of Vancouver Island and British Columbia had united in 1866 as an initial attempt to overcome high debt levels, but in 1871 the united colony was still facing a dire economic situation and joined Confederation with the promise of debt consolidation. Clearly, it was a necessary decision for BC to become part of a larger economic bloc, but in no way can BC's amalgamation into Canada be looked at as a natural union. To elaborate, it would have made more sense for BC to become a part of the US, considering that most of BC's economic activity was conducted with the territory south of the 49th parallel. It took the appointment of a BC governor who was sympathetic to Britain, Sir William Joseph Trutch, and a promise of the construction of the Canadian Pacific Railway to physically connect BC with the rest of Canada, to lure colony into Confederation. The idea of debt consolidation was an incentive for colonies on the Atlantic coast to unite as well. Debt consolidation was a way for smaller provinces to have more long-term security. Furthermore, the ties to the British Empire and the strong position that a united Canada would have in the Commonwealth trading bloc would be one of far greater influence than what the small colonies would have been able to accomplish.

Part of what highlights the reluctance to join Confederation is evident by the staunch opposition that many individuals voiced within the colonies. In fact, the loss of autonomy and the possibility of erosion of their colonial identity made Confederation highly contested even by the original members. Many people in Canada East, New Brunswick and Nova Scotia all had cultural, political, economic, and social concerns with Confederation. There was concern amongst the French Canadian population that the federal union would not protect the rights of French Canadian people, and that the federal government's power to veto provincial legislation would undermine the

authority of a French Canadian province. New Brunswickers were skeptical as well. They felt that their position in the international economic system was not in danger and that they did not see enough of a benefit from Confederation to want to forfeit much of their autonomy to a central government. Many Nova Scotians also felt a strong sense of reluctance towards the idea of uniting with other colonies in BNA. They did not respond well to the worrisome potential that giving authority to politicians 800 miles away could result in gross abuse of power.<sup>11</sup> Politician and journalist Joseph Howe's dissenting opinion is outlined in his article published by the *Halifax Morning Chronicle* January 11, 1865, which states that "Nova Scotia has been blessed with a good crop, an abundant fishery, a healthy season; her mining interests are extending; her shipyards have been busy all year; her railroads are beginning to pay, and her treasury is overflowing."<sup>12</sup> He felt that Nova Scotia was finely situated to avoid American pressure and that it did not need to join Confederation.<sup>13</sup> Whether or not Howe's opinion paints an accurate depiction of Nova Scotia's economic position in the years surrounding Confederation is irrelevant; its importance is the fact that it shows that there was a culture of aversion to federal union that existed in many of the colonies in BNA. This reality makes it clear that the invention of a unified Canadian state was not a process that can be described as natural and free of opposition. Instead, it is best understood as a process that was overshadowed by economic and political pressures that forced colonial authorities to reluctantly sacrifice autonomy and legislative freedom to a unified federal government.

Perhaps the most controversial entrance of any province into Confederation was that of Manitoba. Its reluctant political union with the Canadian state is a fantastic example of the imposition of the invented Canadian identity, and the ignorance of already established cultural identities. The geographical territory that would make up early Manitoba, the Red River Valley, was located in Rupert's Land, and massive geographical territory owned by the Hudson's Bay Company until 1869. It was highly fertile land coveted by European settlers in the late nineteenth century. When the Canadian federal government purchased Rupert's Land from the HBC, the Indigenous and mixed race Metis people who inhabited the Red River Colony were forced into union with Canada. The newly formed federal government undertook no form of negotiation with the people who lived in the Red River Colony, and as a result, these people were angered that such a major decision was made without their consultation. Not surprisingly, they had serious concerns about the future of their farms, culture, and way of life.

1. Amanda Glasbeek, "Maternalism Meets the Criminal Law: The Case of the Toronto Women's Court," *Canadian Journal of Women and the Law* 10, no. 2 (1998): 483, note 5.

2. Glasbeek, "Maternalism Meets the Criminal Law," 484.

3. Amanda Glasbeek, *Feminized Justice: The Toronto Women's Court, 1913-34* (Vancouver: UBC Press, 2009), 4.

4. Bright, David. 1998. The other woman: Lizzie Cyr and the origins of the 'Persons case'. *Canadian Journal of Law and Society* 13, (2): 106.

10. Jonathan McCully, *British America: Arguments Against a Union of the Provinces Review: With Further Reasons for Confederation* (London: F Algar, 1867), 7.

11. Joseph Howe, "The Botheration Scheme," *Halifax Morning Chronicle*, 11 January 1865.

12. Ibid.

13. McCully, *British America*, 6.

The forced union of people in the Red River Colony with the rest of Canada prompted Metis leader, Louis Riel, to form a provisional government in 1869 and demand that the Metis territory be recognized by a Bill of Rights that included language protection, respect for culture and social customs, allocation of lands for schooling, and fair and equal representation in the federal legislature. The result was the creation of the province of Manitoba and its entrance in Confederation. Riel's success in making the best situation possible out of a forced union is commendable, but the Metis and Indigenous peoples were left in an economically dire situation as a result of government policies on agriculture. It also quickly became evident that they were the subordinate in the union relationship. Riel, in 1885, in the face of the growing influence of white settlers in the West, proposed another Revolutionary Bill of Rights demanding recognition of Metis land ownership and an overall better position for his people whom he felt had been forced into union. Unlike in 1869, the federal government had the military capability to quickly crush the Metis uprising, and proved decisively that they were not willing to negotiate with Riel. The events surrounding Manitoba's entrance into Confederation and the Metis rebellions highlight that the invention of Canada, especially the Canadian state, was not rooted in collaboration or understanding. There was a clear social and cultural hierarchy that favoured Anglophone Canadian interests and that brought about union through force.

### Conclusion

This paper has argued that the process of inventing Canada between the 1830s and 1896 is best understood as a gradual union of reluctant participants, and in many cases, a union that was created by force. The Canadian state was not the natural result of a preferred alliance of different colonies and Indigenous peoples who shared common social, cultural, political, and economic interests; rather, there was a clear hierarchy of power that manufactured a Canadian identity that favoured Anglophone Canadian interests. Undoubtedly, the process of inventing Canada saw union for the purposes of cultural annihilation. This is clearly evident through the Act of Union and its goals to suppress French culture and identity, as well as residential schools that were determined to eliminate traditional cultural practices and destroy the social fabric of indigenous society. Even Confederation, the most defining process of union in Canadian history is at best described as a reluctant sacrifice of autonomy and independence by colonies who felt pressured by political and economic circumstances. The inventing of Canada was certainly reliant on union, but the actual process of state formation and identity building in no way honoured the economic, cultural, political, or social diversity that truly defined the territory and people that became Canada.

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The continuous tension between Britain and the United States – from the War of 1812, to 'Manifest Destiny and expansionism, to the Civil War and the Fenian Raids – convinced Britain that American dominance of the western hemisphere was inevitable. One of these events, standing alone, may not have been enough in itself to propel BNA towards a federal union. But each of them in succession, with their effects compounded on top of one another, informed Britain that it was only a matter of time before they could not longer sustain their vulnerable investments in North America. According to J. B. Brebner,

The new Dominion's status was most delicate and precarious. On the one hand, practically all Americans who were interested at all assumed that Canada immediately or quite soon be embodied in the United States, either by bullying, or by an American bargain with Great Britain... On the other hand, the governing class in Great Britain... was profoundly ignorant of, and uninterested in Canada, and therefore conceived its problem to be merely the ethical one of abandoning the Dominion in a decent, dignified way.<sup>16</sup>

Confederation was decided upon as an effective means to accomplish this 'dignified' severance. From the British perspective, the connection with the colonies was no longer desirable because of the Anglo-American conflict. They were, in the words of Henry Taylor, "a most dangerous possession."<sup>17</sup> Therefore, the tension between Britain and the United States, and the fear it imparted on BNA, was a key motivating force in the decision to confederate.

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15. Wrong, George M, "Likeness and Contrast in the Federal Systems of the United States and Canada," in *The United States and Canada: A Political Study* (New York: Abingdon Press, 1921), 94.
  16. Brebner, J. B., *The North Atlantic Triangle : The Interplay of Canada, the United States and Great Britain*, (Toronto: McClelland & Stewart, 1968), 184.
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Unionist Captain Charles Wilkes removed them from their ship. This action caused a flurry of emotional responses on both sides of the border, significantly exacerbated by a "Canadian-Northern war of words" between American and British journalists.<sup>9</sup>

Britain was required to deploy support to North America despite already having her hands full with other conflicts. There is some debate within historiography about the extent to which the Trent Affair prompted Confederation. According to Creighton, it is important to note that the Civil War, and the Trent Affair in particular, did not alone "inspire the Canadian desire for constitutional reform or the British wish for retrenchment; but it did help to give both amplitude and urgency to the Anglo-Canadian plans for achieving their objective."<sup>10</sup> Yet, Sir Richard Cartwright was so convinced of the role that the Trent Affair played in Confederation that he wrote "the real father of Confederation was neither Brown, Cartier no Macdonald, but Captain Wilkes, United States Navy."<sup>11</sup> In either the case, historians agree that the Trent Affair was a major proponent in increasing both British and Canadian desire for confederation.

Further deterioration of the Anglo-American relationship was caused by the Alabama Affair, which undermined the claim of British neutrality in the Civil War. The Alabama was a Confederate ship that did considerable damage to the Unionist forces after having supposedly 'escaped' from a British port. As the war came to a close, Northern leaders began demanding compensation for the havoc reeked by the Alabama in the years prior. Caught in the middle of the affair, the province of Canada was seen as adequate remuneration by many American politicians. American President Ulysses S. Grant and Senator Zachariah Chandler were especially adamant that Canada be handed over as compensation.<sup>12</sup> Given the strength of the annexation movement, it was not all that surprising that America should covet Canada. However, the willingness to cooperate with this idea on the part of British delegates indicates apathy towards the colonies that was consistent with the strong desire of many Englishmen to entirely withdraw from North America.

With the end of the Civil War, fear of a full-force American invasion on the colonies somewhat subsided. British annoyance about having to repeatedly throw

precious resources away on a burdensome colony, on the other hand, did not subside. Beginning in 1866, BNA was disturbed by a series of raids from the Fenian Brotherhood, part of the Irish Republican movement protesting British presence in Ireland. Looking to Britain for help, the Empire doled out yet another helping of military reinforcements but this time rather begrudgingly, and with the caveat that this would be the last time. In his frustration at the expense caused by seemingly endless conflicts with the United States, Chancellor of the Exchequer Benjamin Disraeli complained to the Prime Minister, "what is the use of these colonial dead-weights that *we do not govern*?"<sup>13</sup>

Within each of these instances of American-British conflict and the perceived threat of an American invasion into BNA, there is a consistent theme: the vulnerability of BNA in the face of the powerful United States caused a great deal of expense and embarrassment to Great Britain. In turn, it bolstered pressure from citizens, the media and politicians alike to abandon British interests in North America. This consistent theme throughout the tumultuous Anglo-American relations of the 1700s and 1800s cannot be underemphasized in the development of federalism in North America. Furthermore, the United States did not only lay the groundwork for Confederation, they also played a significant role in shaping the brand of federalism chosen by the Fathers of Confederation. Macdonald saw the civil war as a direct outcome of the high degree of sovereignty held by individual states in America. Fearing the repercussions of this model, he opted for an extremely centralized model of federalism in order to avoid similar rebellions in Canada. Winks wrote that,

John A. Macdonald and the rest of the Fathers of Confederation insisted that the conflict in the United States demonstrated the federations of the American variety were divisive and that the new nation should have a stronger central government, one built on British parliamentary principles.<sup>14</sup>

The influence of the US on this moment in Canadian history is so deeply rooted that it even altered the name chosen for the new British experiment in North America. Originally to be dubbed "the Kingdom of Canada," this was thought to be too monarchical for the United States' liking. Fearing that the word "kingdom" would incite resentment from their republican neighbours to the south, Lord Stanley changed the name to the less threatening "Dominion of Canada."<sup>15</sup> [15]

9. Winks, *Civil War Years*, 89.

10. Creighton, "The United States and Canadian Confederation," 222.

11. Sir Richard Cartwright, *Memories of Confederation* (Toronto 1906), cited in Copp, J.T., and Marcel Hamelin, "The American Threat," in *Confederation: 1867* (Toronto: Copp Clark Publishing Company, 1966), 13.

12. Hillmer, Norman, and J.L. Granatstein. "Who Would Not Be an American? 1860-1903," in *For Better or For Worse: Canada and the United States into the Twenty First Century* (Toronto: Thomson Nelson, 2007), 31.

13. Benjamin Disraeli, cited in Stacey, C. P. "Britain's Withdrawal from North America, 1864-1871," *Canadian Historical Review* 36, no. 3 (1955): 190.

14. Winks, *Civil War Years*, 338.

## “A Most Dangerous Possession:” American Influences on Confederation

CLARA SALTER

In 1884 Robert Harris painted a scene titled “The Fathers of Confederation”, which depicted the thirty-six men who were responsible for bringing together three British colonies into four united provinces. The painting is an amalgamation of the two conferences in which Confederation was discussed: the Charlottetown Conference and the Quebec Conference. Aside from this mild misrepresentation of the events, for which Harris can be forgiven, the painting merits more scrupulous attention and questioning for its statement of who can be held responsible (to be praised or blamed, depending on one’s political inclinations,) for the structure of federalism in Canada today. The traditional Fathers of Confederation played a less significant role than our national myth would have Canadians believe. Domestically, the most notable advocates for confederation came from Upper Canada, which saw confederation as a necessary means to annex the North West Territory.<sup>1</sup> However, the monumental task of a transcontinental union could not be realized solely by John A. Macdonald and his cohort alone – it must be assumed that there were additional and more significant factors leading to Confederation in 1867.

In order to uncover these more forceful causes for confederation, one must look outside of the borders of British North America (BNA), both south towards the United States and across the Atlantic to Britain. The nineteenth century was a tumultuous era for Anglo-American relations and the aftermath from these conflicts could not help but elicit its own impacts on Britain’s colonies to the north. Various British-American conflicts – the War of 1812, American expansionism, the Trent Affair, the Alabama Affair and the Fenian raids – each demonstrated BNA’s vulnerability and liability to Britain, and motivated her withdrawal from the colonies through support for a federal union.

Instances of Britain questioning their own involvement in the conflict due to American aggression can be traced back as early as the War of 1812. The conflict was prompted in part by Britain’s unwanted involvement in American affairs such as the Chesapeake incident in

which British Navy officers captured the American vessel. The fledgling country sought to assert their international rights against the overbearing British Empire and to be rid of the British presence in North America. In retrospect, these military escapades were unsuccessful and largely inconsequential for both sides, with neither a clear victory nor a clear defeat asserted for either side. However, it did reveal to Great Britain the vulnerability of the North American colonies and the potential liability that they were, given their proximity to the United States. This weakness prompted British political and military figures to speak out condemning the trans-Atlantic relationship, such as British Admiral David Milne who stated in 1816 that if they were to maintain the relationship with the colonies “the expense would be so enormous that [Britain] cannot afford it... It is certainly a fine country but too distant for us to defend against so powerful a neighbour.”<sup>2</sup> Despite these opinions, Britain continued to increase military fortification along the border in order to protect the colonies, thus demonstrating that they feared further conflict with the United States but were still ready to defend their colonies against them.

With this first act of aggression upon Canada, the seeds of Confederation were already planted. The War of 1812 revealed the vulnerability of BNA, the strength of the risk posed by the United States, and caused Britain to question their investment in BNA. The War of 1812 also resulted in the Monroe Doctrine of 1823, which opened the door to further resentment of British activity in North America. The Monroe Doctrine demanded a hemispherical approach to Anglo-American relations. The United States wanted no further European involvement, political or military, in ‘their’ hemisphere, which made BNA a sore spot on the American horizon. The continued tension between Britain and the United States, both proven by and exacerbated by the War of 1812, gave rise to the British notion that the colonies were simply not worth defending in light of their geopolitical position.

A strong contender for the domestic instigation behind Confederation is the desire of Upper Canada to expand into the North West Territory. However, this too

was not a purely internal motivating factor but rather had external instigators: American expansionism greatly increased the urgency for Confederation, as a means to secure the transcontinental union.<sup>3</sup> The American population was steadily growing in the western part of the continent and gradually expanding northward. In contrast, there were only a few small British settlements in the entire westward region of North America. The Macdonald government, who vehemently sought a transcontinental union, feared that the United States would engulf the North West before they could properly establish themselves in the region.

This race for the west added significantly to the urgency of Confederation. American leaders were of no help in quelling Canada’s fear of American expansionism: they continually touted this issue to gain voters’ favour during elections. For example, the infamous campaign slogan of fiery Presidential candidate James Polk, “fifty-forty, or fight,” stood for his platform to push the border of Oregon to the fifty-fourth parallel rather than the forty-ninth as was eventually established by the Treaty of Oregon in 1846.<sup>4</sup> Evidently this incited fear from the northern colonies of an additional attack from the South and greatly disturbed Britain.

BNA came under verbal threat again in the 1860 presidential campaign of William Seward, the man responsible for the purchase of Alaska from Russia. He mused, “so I look upon Prince Rupert’s Land and Canada... and I am able to say, ‘It is very well you are building excellent states to be hereafter admitted to the American Union.’”<sup>5</sup> The popular notion of ‘Manifest Destiny’ made American leaders unabashed in their attitude of dominance toward BNA. This warranted fear from the British that their vulnerable colonies would inevitably be annexed by the United States. This began to intensify the sentiment in Britain that, in the words of Lord Grey, “we have no interest in preserving our colonies and ought therefore to make no sacrifice for that purpose.”<sup>6</sup> Once this notion was firmly in the minds of British leaders, and the fear of invasion was constantly weighing on colonial leaders, Confederation became an increasingly attractive option. For Britain, it decreased their responsibility to a colony largely seen as

unproductive. For the colonies themselves, it provided security against the menace of American expansionism and gave hope to the transcontinental dream of the Upper Canadian Conservatives.

An additional cause for confederation with American roots, and perhaps the most poignant for this discussion, is the American civil war. The conflict between the Unionists in the north and the Confederates in the south kept the British constantly on edge due to the fear that the violent dispute would spill over the recently contested border of the forty-ninth parallel. Britain, however, is not blameless for this anxiety as it provoked the United States with its contradictory statements of neutrality while simultaneously choosing sides.

Reminders of BNA’s military weakness underscored the anger of Americans at the ongoing British interference in their internal affairs. The Duke of Newcastle wrote in 1862 that, “now Canada has only an embryo and untrained Militia – the States have a trained army, – and the temptation toward aggression whenever the war is brought to a close is proportionately increased.”<sup>7</sup> The temptation to aggression that Newcastle refers to was the commonly held notion that the North would invade Canada as compensation if they lost to the South in the Civil war.<sup>8</sup> This formula – the weakness of the British colonies, the fear of American retaliation against the BNA, and Britain tiring of the incessant leak in her wallet occurring somewhere across the Atlantic – is epitomized in the Trent Affair of 1861. Two Confederate delegates, James Mason and John Slidell, were sailing on *The Trent* to London to raise support for the Confederate cause when



1. Ged Martin, *Britain and the Origins of Canadian Confederation, 1837-67* (Vancouver: UBC Press, 1995), 24.

2. David Milne, 1818, cited in Gough, Barry, *Fighting Sail on Lake Huron and Georgian Bay: The War of 1812 and Its Aftermath* (Annapolis: Naval Institute Press, 2002), 145.

3. D.G. Creighton, “The United States and Canadian Confederation,” *Canadian Historical Review* 39, no.3 (1958): 209-22.

4. Jones, Howard, and Donald A. Rakenstraw, eds. *Prologue to Manifest Destiny: Anglo American Relations in the 1840s* (Wilmington: Rowman & Littlefield, 1997).

5. *William Seward, 1860*, cited in Copp, J. T., and Marcel Hamelin. “The American Threat.” In *Confederation: 1867* (Toronto: Copp Clark Publishing Company, 1966), 13.

6. *Lord Grey, 1849*, cited in MacLaren, Roy. *Commissions High: Canada in London, 1870-1971* (McGill Queen’s University Press, 2006), 6.

7. *Duke of Newcastle, 1862*. Cited in Martin, Ged. *Britain and the Origins of Canadian Confederation, 1837-67* (Vancouver: UBC Press, 1995), 185.

8. Winks, Robin W. *Civil War Years: Canada and the United States*, 4th ed (Montreal: McGill-Queen’s University Press, 1998), 80.