

Truth and Reconciliation: The Importance of Examining Genocide

by Jennifer Preston and Paul Joffe econciliation is an ongoing process – not a point in time. In order to achieve genuine reconciliation between Indigenous and non-Indigenous Canadians, the full truth must be determined. As part of Canadian Friends Service Committee (CFSC)'s commitment to the Calls to Action of the Truth and Reconciliation Commission (TRC), we are exploring with partner organizations the significance of genocide. An increasing number of researchers and commentators have concluded that genocide was committed against Indigenous Peoples in Canada, including through the Indian Residential Schools.1

Justice Murray Sinclair, TRC Chair, and Stuart Murray, outgoing president of the Canadian Human Rights Museum, have highlighted the need to include genocide in the discourse on colonization, "We need to take seriously the perspective that the entire process of colonization in Canada would fall within the

http://www.theglobeandmail.com/globedebate/the-truth-is-there-but-reconciliationis-deeply-complicated/article27759105/.

- ² Murray Sinclair and Stuart Murray, "Canada must confront the truth", *Winnipeg Free Press* (1 November 2014) A13,
- http://www.winnipegfreepress.com/opinion/a nalysis/canada-must-confront-the-truth-281166292.html.



Paul Joffe and Jennifer Preston giving a presentation in November 2015 in Nanaimo, British Columbia, about Truth and Reconciliation.

definition of genocide as contained in the UN [Genocide] Convention. Confronting honestly and deeply such realities of colonialism in Canada is one of our most important human rights tasks."²

The 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide [Genocide Convention] was the first UN treaty devoted to human rights. According to the Genocide Convention, acts of genocide and complicity in genocide are criminal offences. Article 2 of the Genocide Convention provides:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;

- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

It is important to note that only one of the above five acts necessarily involves "killing". When we examine the colonization of Indigenous Peoples in Canada, we can see how genocide applies to the Indian residential school system and also to the destruction of Indigenous economic, social, political, and spiritual institutions. Viewed in isolation, certain actions might not be called genocide. The combined and cumulative effect, however, creates an on-going series of genocidal acts.

¹ E.g., Andrew Woolford, Jeff Benvenuto, and Alexander Laban Hinton (eds.), *Colonial Genocide in Indigenous North America* (Durham and London: Duke University Press, 2014); and Hayden King and Erica Violet Lee, "The truth is there. But reconciliation is deeply complicated", *Globe and Mail* (16 December 2015),

KEEPING UP WITH FRIENDS

Friends appalled at growing Islamophobia

Canadian Yearly Meeting and Canadian Friends Service Committee have issued a joint statement which suggests a number of steps to reverse the deeply disturbing trend of scapegoating and marginalization of Canadian Muslims. The statement also highlights commonalities between the Abrahmic Traditions and the important fact that, "When human rights are taken away for any Canadians, rights are effectively made vulnerable for all." Read the statement at:

http://quakerservice.ca/Islamophobia



Quaker Concern is the newsletter of Canadian Friends Service Committee (Quakers). Published three-times a year, it features articles on CFSC projects and concerns of Friends.

CFSC's *Annual Report and Appeal* is sent to all donors in late autumn.

Canadian Friends Service Committee, founded in 1931, exists to unify and expand the concerns of Friends in Canada. Our work is carried out by three program committees (Quaker Indigenous Rights Committee, Quakers Fostering Justice, Quaker Peace Committee).

Donations are received with gratitude. We rely on the support of individuals to carry out our work. CFSC issues tax receipts for donations over \$10.

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We were pleased to learn from members of Peterborough Monthly Meeting, a community where a Mosque was badly damaged by arson in late 2015, that the Meeting ran a version of this statement in the *Peterborough Examiner*.

Friends support refugees

Since the last issue of *Quaker* Concern, Canada has become very aware of the harrowing challenges refugees face, and many Canadians, including Quaker Meetings, have stepped up to sponsor Syrian refugees in particular. Meetings that we know of which are supporting refugees include Coldstream, Halifax, Hamilton, Ottawa, Thousand Islands, and Toronto and other Meetings and individual Friends have been generously supportive of refugees as well. CFSC issued a public statement in September expressing concerns over the world's growing refugee crisis and ways we are taking action http://quakerservice.ca/RefugeeCrisis

Seeing through the bars

The Church Council on Justice and Corrections, of which CFSC is a member, has posted a series of talks on empathy and the impacts of crime on all involved. As part of the series, CFSC associate member Kate Johnson delivered a fascinating speech about her experiences offering programs in men's prisons http://bit.ly/SeeingThroughBars

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Annual Accountability Report 2014-2015

We've released our Annual Accountability Report, full of brief snapshots of what happened last year: program work, individual grants, work representing Friends in coalitions - all done thanks to the generosity of individual donors. We invite you to have a look at http://report.quakerservice.ca or contact our office to be mailed a paper copy.

Calling on Canada to implement FPIC

Canada has repeatedly approved resource development projects - like the Northern Gateway Pipeline and the Site C dam in British Columbia - over the objections of Indigenous Peoples. Such actions run counter to the directions set by the Supreme Court of Canada and violate Canada's human rights obligations.

CFSC has joined 16 other organizations in writing to the Prime Minister calling for Canada to recognize and implement free, prior and informed consent (FPIC) standards. The letter explains how FPIC is used internationally and how Canada is lagging behind. FPIC derives from the right of selfdetermination, a right of all peoples, including Indigenous Peoples, under international law http://quakerservice.ca/FPICLetter

Get updates from our Youth Justice Knowledge Hub

Innovative, quality research and good practices on issues related to criminal justice is out there. However, most people working in the field or concerned about the issues are unaware of it. CFSC has now made our electronic clearing house of information, the Youth Justice Knowledge Hub, publicly accessible! To keep people in the loop when new information is added, we've also created a low traffic email list. To sign up to receive these updates visit http://quakerservice.ca/YouthJustice. To see the first email sent visit http://bit.ly/1XUQtay

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Revenge

By Sharon Wright

The day before yesterday they broke on the wheel the fiddler who had started the dance and the stealing of stamped paper; he was quartered ... and his limbs exposed at the four corners of the town....

They have taken sixty townsmen and will start hanging them tomorrow. This province is a good example to the others, teaching them especially to respect the governors and their wives. . . and never to throw stones into their gardens. . . . Madame de Tarente was here yesterday in the woods in delightful weather.

> - from the Diary of Madame de Sévigné, 1675

• his passage from the seventeenth-century daybook of Mme de Sévigné captures well the casual way in which many people of the comfortable classes in her day understood punishment, vengeance, and the threat to social order. Someone who does something wrong deserves to be punished in a way that deters other criminals from doing something similar. At the present time in Canada we have the luxury of being repulsed by the rank inequality made evident by Mme de Sévigné's enjoyment of the delightful weather in the woods with her friend, described so closely upon her unfeeling statement that 60 townsmen were to be hung for throwing rocks and the horrific execution of "the fiddler" - as if the two events of her week held the same weight.

Although we do not draw and quarter our criminals in Canada, we need not feel smug about our advanced dealings with prisoners in comparison to the seventeenth century. Much of the attitude expressed by Mme de Sévigné remains constant among Canadians, even some Quakers. This, I believe, is due to the encoding of vengeance practices in our criminal law and in our opinion, both of which have been shaped by biblical teachings and longstanding common practice. Exodus (especially 21:24) was frequently quoted in medieval and early modern English legal commentaries in a way that both justified and fashioned British



Punishment of William de Marisco by drawing, 13th century.

criminal law, a law English speaking Canadians as well as Americans inherited. We all know this *Exodus* passage, even if we don't know the chapter and verse: eye for eye, tooth for tooth, hand for hand, foot for foot. This is the law of the talion.

Although there are many other passages which negate this expression of tit-for-tat vengeance-based justice, the simplicity of "eye for an eye" is part of its power. If you harm you should be harmed. This simple belief, which can be found in many other ancient laws, such as the *Code of Hammurabi*, was profoundly complicated in historical terms by the need to control the spread of violence and feud within communities.

Vengeance destabilises communities. Unstable communities are hard to govern. Therefore, those who wish to govern need to control the use of vengeance and punishment.

Very early in the history of English government, controlling the blood feud meant you controlled the peace in your kingdom. Peace was necessary at home to maintain war abroad, because war was expensive and peaceful subjects paid taxes more predictably. King Edmund's code (Anglo-Saxon 10th c.) allowed blood avengers to kill someone who murdered a member of their family, but the blood avenger had to be designated and no other family member was allowed to pursue the feud.

Over the centuries, the idea that the Crown must take the place of the blood avenger found its way readily into English criminal law. The Crown provided peace and dispensed vengeance or justice on behalf of the injured party.

Of course, this is oversimplified, but not wrong in broad terms. Controlling justice was profitable. The Crown courts made a lot of money dispensing justice. Even better, people who threatened the social order could be treated as personal enemies of the Crown. Traitors have always been singled out for the most horrible of public executions because the power of the state had to be demonstrated upon their bodies for all to see. Until recently, most judicially mandated corporal punishment was public for the same reason.

It goes without saying that the Canadian criminal code is different than the medieval and early modern law out of which it arose. However, the desire to make an example through punishment, no matter how much it is concealed by words like "corrections," is surely at the bottom of statements like Saskatchewan Premier Brad Wall's about Regina prisoners on a hunger strike, "If you really don't like the prison food, there's one way to avoid it and that's don't go to prison."

Quaker Wisdom and Synthetic Biology

by Fred Bass and Matthew Legge hange can be scary. It can also be healthy. It may bring great developments. Or catastrophe. Much depends on how we steward change. As the pace of technologydriven change in our world accelerates, one field promising particularly radical transformation is synthetic biology (SB). A few of its proposed applications include: a winter jacket made from engineered spider webs, "de-extinction" of the woolly mammoth, "living" shoes that repair themselves, and art composed of microorganisms edited to change colours like the pixels of a TV. (See our brief updates about many other applications of SB at http://www.quakerservice.ca/ SyntheticBiology).

At the cutting edge of weird, SB uses a suite of techniques with which many proponents believe they can treat living organisms as biological machines. Thus, the claim is that life itself can be neatly hacked like computer code to mix traits together in new ways. But is the public's only role to accept this claim?

CFSC associate member Anne Mitchell chairs the Biotechnology Reference Group of the Canadian Council of Churches, bringing together several denominations who share common concerns about SB. Quakers are among the few faith communities actively following developments in this field and, with our commitment to peace, integrity, equality, simplicity, and respect for all creation, we have important perspectives to offer.

Increasingly, media attention has been drawn to what the industry promises will be the many benefits of SB. Several potential problems also warrant our attention:

1) Media coverage does not represent the reality of SB applications. CFSC tracks as much SB news as

¹ See the *Principles for the Oversight of Synthetic Biology*, which Canadian Yearly Meeting endorsed: http://www.synbioproject.org/process/assets/

files/6620/_draft/principles_for_the_oversig ht_of_synthetic_biology.pdf we can. Most articles are enthusiastic about SB, how interesting it is from a scientific perspective, and how useful its medical applications, like editing cells to remove genetically inherited diseases, may prove to be. Some articles offer a cautionary note on potentially negative consequences.

But little of the coverage mentions that corporate profit is the main driver advancing this field. While so much attention focuses on possible medical benefits, other SB applications are not discussed to the same degree. For example, are working to produce living organisms for release into the natural world to help the oil industry extract currently stranded reserves.

In 2013, Monthly Meeting SB study groups noted the danger that advances in SB are not motivated by concern for the common good. Without full and comprehensive public discussion, how can these extreme genetic engineering techniques advance optimally?

2) Synthetic biology is faith-based. Many people engage in what can perhaps be called the worship of technology. This technology has supposedly now separated itself from the natural world over which it claims dominion. As one Monthly Meeting told us, "In nature there is a wisdom that has unfolded beyond our capacity to grasp all its vital elements. We and synthetic biology are not outside nature but part of it." Yet synthetic biologists seem to operate primarily from a belief that, rather than being a part of natural systems, we can reduce our world to clean, predictable, and



An ad spotted in Toronto's Pearson Airport seems to suggest that humans will soon perfectly and predictably control nature through advanced technologies. Is this the type of change we want as a society? What might be the social, ecological, and spiritual impacts? What might go wrong?

> interchangeable components. Many SB enthusiasts take pride in feelings of superiority and separation from natural systems. This is a faith-based perspective that goes largely unquestioned. Any discussion of SB should include consideration of the field's fundamental assumptions, which also play a role in many global problems such as overconsumption, pollution, and climate change.

3) Some SB may put us at risk. One Quaker Meeting put it this way, "When we change the biology of life, we can't know the consequences." Another asked, "Are we smart enough not to kill ourselves?"

Friends have advocated a precautionary approach¹: that proof of the safety of, and liability for, development of SB should rest with those who stand to gain rather than with the public. When the precautionary approach was raised in 2015 online conversations hosted by the *United Nations' Convention on Biological*

SYNTHETIC BIOLOGY

Continued from page 4

Diversity, SB enthusiasts, including the government of Canada, replied that governments must be careful not to stifle innovation.

We have seen little public discussion about the precautionary principle. This is deeply troubling given that SB techniques are powerful enough to quickly produce thousands of genetically edited organisms and structures, making sound regulation seemingly impossible if not done through a robust precautionary approach.

Many inexpensive do-it-yourself SB kits are available online. Students and hobbyists not trying to bring their work to market buy such kits, so their activities go unmonitored by government bodies that regulate SB products seeking commercial approval. While most SB organisms may be harmless, how would we learn that one is not? Even when SB organisms are deemed safe in the laboratory, how can we predict what would happen after accidental or deliberate environmental release, when synthetic organisms interact and evolve outside of controlled conditions?

4) More than experts are needed. SB may seem so technical that many feel unqualified to speak about it without having a background in genetics. We are confident that this should not be the case. In fact, scientists should not, on their own, shape the massive changes likely to arise from SB. A 2015 article in Nature, CRISPR: Science can't solve it noted,

> The idea that the risks, benefits and ethical challenges of these emerging technologies are something to be decided by experts is wrong-headed, futile and self-defeating. It misunderstands the role of science in public discussions about technological risk.²

Many perspectives need to be heard to help society responsibly deal with the vast implications of SB.

The next time you see an article about editing human DNA or about SB techniques like CRISPR, why not see if the issues raised above help you to consider and act in ways that ring true? This rapidly-changing world, and synthetic biology in particular, will benefit from Quaker input.

Fred Bass, Vancouver Monthly Meeting, is an associate member of CFSC. Matthew Legge is program coordinator of CFSC's newly renamed Quaker Peace Committee.

² Sarewitz, Daniel. "CRISPR: Science can't solve it". *Nature* 522, 413–414 (25 June 2015). http://www.nature.com/news/crisprscience-can-t-solve-it-1.17806

REVENGE

Continued from page 3

Modelling humanity to a system invented by medieval kings is the challenge we penal abolitionists face now. There is nothing so powerful as the experience of being victimized and humiliated. It is incredibly difficult to move beyond the desire for revenge, to imagine a system of care for people who harm. A system that helps them to be better people. It is even more difficult to create such a system when it is not individuals but institutions that perpetuate that revenge on behalf of the victim. The process becomes focused on the offence, on the "offender" and on the vengeance which must be fulfilled (even if we don't call it that any more). The people involved in the conflict are less important than the principle.

CFSC's criminal justice work focuses on changing this punitive mindset. We seek systems that prevent, repair, and move beyond harm. Learn more on the CFSC website and consider requesting a CFSC member to visit your Meeting or other community group to discuss issues of criminal justice and punishment. Contact qfj@quakerservice.ca for more information.

Sharon Wright is a member of Prairie Monthly Meeting and serves on CFSC's Quakers Fostering Justice program committee.

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For more information, or to receive our Planned Giving Kit, contact Jennifer Preston at 416-920-5213, or jennifer@quakerservice.ca

GENOCIDE

Continued from page 1

In order to prove genocide, one must demonstrate that there was a specific intent to destroy, in whole or in part, Indigenous Peoples as such. Negligence or recklessness is not sufficient.

Specific intent to destroy Indigenous Peoples as distinct peoples was expressed by Canada's first Prime Minister, John A. Macdonald, who informed Parliament that a national goal was, "to do away with the tribal system and assimilate the Indian people in all respects with the inhabitants of the Dominion..."³

An Indian Affairs Department official described the purpose of residential schools, "Every effort should be directed against anything calculated to keep fresh in the memories of children habits and associations which it is one of the main objects... to *obliterate* [emphasis added]."

Specific intent is also found in the 1920 speech by Duncan Campbell Scott, deputy minister of Indian Affairs, "I want to get rid of the Indian problem. ... Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic..."⁴

In its *Summary Report of the Final Recommendations*, the TRC concluded, "For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as 'cultural genocide.""⁵

The Chief Justice of the Supreme Court of Canada, Beverley McLachlin, also concluded,

The most glaring blemish on the Canadian historic record relates to our treatment of the First Nations that lived here at the time of colonization.... Early laws forbade treaty Indians from leaving allocated reservations. Starvation and disease were rampant. Indians were denied the right to vote. Religious and social traditions, like the Potlach and the Sun Dance, were outlawed. Children were taken from their parents and sent away to residential schools, where they were forbidden to speak their native languages, forced to wear white-man's clothing, forced to observe Christian religious practices, and not infrequently subjected to sexual abuse.... "Indianness" was not to be tolerated: rather it must be eliminated. In the buzz-word of the day, assimilation; in the language of the 21st century, cultural genocide.⁶

In its final report, the TRC raised further concerns relating to genocide, "It is difficult to understand why the forced assimilation of children through removal from their families and communities — to be placed with people of another race for the purpose of destroying the race and culture from which the children come — is not a civil wrong even though it can be deemed an act of genocide under Article 2(e) of the *United Nations Convention on Genocide.*"⁷

Recognizing the role of genocide and cultural genocide historically and to this day is part of the ongoing quest for justice and reconciliation. Intergenerational trauma continues to be transmitted to successive generations of Indigenous Peoples with devastating consequences. Greater understandings of past and ongoing genocidal actions could help clarify what remedial measures are necessary, including urgent fundamental reforms. Genocide must be assured an effective legal remedy, including redress. Non-Indigenous governments have a responsibility to engage with Indigenous Peoples in any future decolonization process and to address key unresolved issues repeatedly raised by Indigenous Peoples. These include affirmation of Indigenous sovereignty, strengthening of Indigenous governments and other institutions, and revitalization of Indigenous cultures, languages and legal traditions.

The factual and legal bases for demonstrating genocide still require significant research and reflection. As we continue our journey towards reconciliation, we must be willing to honestly engage with the hard truths in collaboration with Indigenous Peoples. This is both a responsibility and opportunity. It is up to all of us to open our hearts and minds to this crucial process.

Jennifer Preston is CFSC's Indigenous Rights program coordinator. Paul Joffe is a lawyer who specializes in Indigenous Peoples' domestic and international human rights.

- ⁵ Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*, May 31, 2015, at 1.
- ⁶ Rt. Hon. Beverley McLachlin, P.C., Chief Justice of Canada, *Reconciling Unity and Diversity in the Modern Era: Tolerance and Intolerance*, Lecture, Aga Khan Museum, Toronto, Ontario, May 28, 2015, http://www.pluralism.ca/images/PDF_docs/AP L2015/
- APL2015_ChiefJusticeBeverleyMcLachlin_Le cture.pdf, at 6.
- ⁷ Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: Reconciliation*, Final Report of the Truth and Reconciliation Commission of Canada, (Montreal/Kingston: McGill-Queen's University Press, 2015), Volume 6, at 48.

³ Quoted in John S. Milloy, *A National Crime: The Canadian Government and the Residential School System*—1879 to 1986 (Winnipeg, Manitoba: University of Winnipeg Press. 1999), at 6.

⁴ James R. Miller, *Legal Legacy: Current Native Controversies in Canada* (Toronto: University of Toronto Press, 2004) at 35.

Hope for war resisters

by Rachel Singleton-Polster

"While there may not be a light at the end of the tunnel, at least there's now a tunnel." This was the sentiment expressed by one attendee of a recent fundraiser and letter writing event in support of conscientious objectors, also called "war resisters." It has been over twelve vears since the first conscientious objectors to the Iraq war sought refuge in Canada. It is finally time that the federal government let them stay and put an end to the ever present fear of deportation to harsh punishment by US military courts.

Friends have been and Judy Gill engaging newly appointed Members of Parliament in conversation on this issue, and we are hopeful that there is supportive dialogue underway. However, many of the war resisters may see their cases come to court in April, so there is still



L to R: Michelle Robidoux, Rachel Singleton-Polster, conscientious objector Phil McDowell, Trevor Chandler, and Judy Gilbert at letter writing event, October 2015.

much work to be done. In partnership with the Commission on Justice and Peace of the Canadian Council of Churches, CFSC is urging policymakers to take the necessary steps to let the war resisters stay. You too can play a role by picking up your

pen or telephone and contacting your MP. Our website has background information that will help you craft a letter or form talking points for an inperson meeting, check http://www.quakerservice.ca/CO or contact our office.

Letting our lives speak...



Bill Curry and Dale Dewar receiving Global Citizen Awards in 2009 from the Saskatchewan Council for International Cooperation.

CFSC gives thanks for the life and service of Friend Bill Curry (Prairie MM), who served CFSC and his community with faith and gentle ways. Bill passed peacefully in his sleep on the night of October 12, 2015. Bill's dedication to, and love for, his family, community, peace, social justice, and ecology was evident to all, and he will be sorely missed. Bill served as a longtime and very dedicated associate member of CFSC's Quaker Indigenous Rights Committee, and was a cornerstone of the Uranium Working Group. He was steadfast in his love of his wife of 47 years, Dale, and supported her work in leading the Care-to-Care service project in Iraq.

FRIENDS ON THE MOVE

With many new Members of Parliament taking office following Canada's 42nd federal election, this is an excellent moment for all Canadians to be on the move to **build relationships with their MPs** and to raise issues of concern. CFSC has produced a simple double-sided handout full of practical tips that will help you prepare for a Friendly meeting with your MP: http://www.quakerservice.ca/ VisitingMPs

CFSC is pleased to welcome our new Office Assistant *Megan Shaw* (*Toronto MM*)! Megan will be working two days per week assisting with the great array of work that must get done so CFSC can offer programs that alleviate suffering and develop transformative and sustainable approaches to human rights, justice, and peace. Megan has a background in education, including special education. You can contact her at megan@quakerservice.ca.

Many local Meetings are taking action on the 94 *Calls to Action* issued by the Truth and Reconciliation Commission. **Friends are working towards reconciliation** by attending local educational events such as film screenings and community presentations on topics related to residential schools and the ongoing effects of colonization. One Meeting has held a community discussion about reconciliation, and others are seeking ways to move forward. CFSC has produced a booklet, entitled, *Truth* and Reconciliation: A Guide for Canadian Friends, to help Meetings and individuals along the path of reconciliation. You can read this guide at http://www.quakerservice.ca/ TRCGuide or request a copy from the CFSC office.

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