OH CANADA, YOUR HOME ON NATIVE LAND: SETTLEMENT, DEVELOPMENT, AND CONFLICT IN SOUTHERN ONTARIO

by

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Abstract

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Adviser: Professor William Kornblum

On February 28, 2006, members of the Haudenosaunee Six Nations reserve in southern Ontario physically occupied and halted construction on a housing development bordering their reserve. The Haudenosaunee claimed that the site was part of a larger tract of land that they had never surrendered, and they vowed to remain on the land as long as necessary prevent the planned development from taking place. When police had still not removed the Haudenosaunee protesters almost two months later, some 2,000-3,000 local non-Native residents began voicing their frustration and anger in regular anti-protest rallies. On some occasions, these rallies escalated to the point of what one local politician called "intense, irrational anger" and even "near riots." This Sociological study examines some of the factors motivating both the 2006 protest, and the reactions to it by local non-Native residents and their federal, provincial and local government officials.

Based on legal, archival and ethnographic research; media analysis; GIS mapping; and 45 interviews with residents of the town of Caledonia and the Six Nations reserve, as well as with local government officials, a few conclusions are reached. In examining the motivations for the 2006 protest, the results of the legal and archival research suggest that the Canadian government violated its own Supreme Court of Canada rulings, as well as

its binding international legal commitments regarding the human rights of indigenous peoples. This research also suggests that these violations of the rights of indigenous peoples have long constituted the norm in Canadian society, producing a climate in which Native peoples are regularly dehumanized and dispossessed. In examining the various responses to the protest, the dissertation pays particular attention to the ways that non-Native residents and government officials constructed and acted upon various settler-colonial narratives when seeking to justify their responses to the protest. The dissertation argues that both these narratives and the legal violations can only be understood within a broader context of problematic patterns of thought and behavior that have long been inherent in –and even foundational to—Western society and the Western cultural worldview.

This dissertation is dedicated to:
Dehatkadons Arnie General
My dearest friend, thank you for all of the support, encouragement and friendship that you have provided.

Also dedicated to:
Sakowenionkwas Tom Porter and the late Sotsisowah John Mohawk

Chapter Two is additionally dedicated to John Trudell.

The words and teachings of all of these magnificent individuals have influenced, guided, and inspired my studies in too many ways to mention, and I am forever grateful.
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Introduction

I first became interested in the 2006 Haudenosaunee Six Nations protest and the related conflicts in Caledonia in June 2006, when a friend forwarded a couple of news articles about the conflict to me. At the time, I was studying for my oral examinations in the areas of Trauma, Privilege and Imperialism, and I was immediately fascinated by the tales these articles told about the events of a single May weekend: Native protesters had been blocking a main highway running through a small Ontario town for months in protest over land they said had been illegally taken from them, and in direct disobedience to Canadian and provincial laws they say did not apply to them. On this particular weekend, Non-Native residents, furious at the months-long road blockade gathered *en masse* in the road and were throwing bread and cheese at Native protesters, screaming at them to "go home." The Ontario Provincial Police stood in formation between the two groups, desperately struggling to keep them apart, but repeatedly failing as one side or the other broke through the police line in a series of mass fistfights. Eventually, Native protesters took down their road blockade in what they said was an effort of good will. But non-Natives who had been demanding an end to the blockade for months reacted angrily, setting up their own road barricade against Native people attempting to enter the town and in the process trapping one car of Native people in a sea of angry, yelling, non-Native residents. The trapped passengers were eventually rescued (without their car) by police, but in the process several more fistfights broke out between Natives and non-Natives. Native protesters responded by re-barricading the road and, in the case of one Native protester, digging up the highway with a backhoe (until he was quickly stopped by Native Clan Mothers). By the end of the day, a car had been crashed

into the local power station (by persons still unknown), causing an explosion that left everyone in the area –and surrounding areas—without power.[1]

As perhaps any Sociologist and/or activist would be, I was quickly hooked on reading stories about the conflict. It was a case study involving all of the elements I had thought were present in many important conflicts in the world, all of the elements I was studying: competing claims to sovereignty, underlying dynamics of privilege and oppression, and histories of imperialism and trauma. To me, the reasons behind the Haudenosaunee protest seemed fairly straight forward: Haudenosaunee protesters believed that the land belonged to them and that it was wrongfully taken from them, was being developed all around them, and legal avenues for stopping the development of their lands hadn't worked. Regardless of the accuracy of the Haudenosaunee claims (which I could not judge when I started out on this project), what interested me most was the reported behavior of non-Native people: throwing bread and cheese, yelling "go home," and reportedly circulating KKK flyers in opposition to the protest.[2] These are the things that fascinated me, I didn't know what they meant, but I wanted to know.

As I started looking further into the conflict, as is generally the case with any conflict in the real world, the more I read about it, the more complexity I found. There was a wide range of reactions to the protest among local non-Native residents, with many residents exhibiting outright support for the protest, many vehemently opposed to it, and perhaps the majority being

[1] The bread and cheese was being thrown on what the Haudenosaunee Six Nations refer to as Bread and Cheese Day, celebrated on Queen Victoria's birthday, when the rest of Canada celebrates Victoria day. The Haudenosaunee holiday originates in treaty agreements with Queen Victoria through which the British Crown made annual presents to the Haudenosaunee. Though the practice ended around 1901 with Victoria's death, it was revived in 1924 by the Six Nations Band Council, which celebrated the occasion by distributing bread and cheese to all Six Nations members.

[2] The KKK flyers were later said to have likely been a hoax –i.e., flyers advertising a fictional KKK meeting and attributed to fictional KKK alleged members that were created and distributed around the Haudenosaunee reserve to stir up anger, fear, resentment or so on.

somewhere in between. This range from support to opposition was perhaps even more faceted and complex among the Haudenosaunee, who had two forms of government (traditional and colonially-imposed) and an even wider range of views on the acceptability of protests, on politics, on religion, on community, on responsibility, and on ways of being in the world. Yet, through this complexity and confusion, some things became more clear. One is that the 2006 protest was a conflict between the Haudenosanee Six Nations and the Canadian and Ontario (as well as, to a lesser extent, Haldimand county) governments. Another is that some non-Native residents (in fact, quite a few) were extremely angry about the Haudenosaunee protest, responding in a manner that one local politician referred to as an "intense, intense, irrational anger."[3] A third was that many residents, the media, local government officials and (always unnamed, anonymous) provincial and federal government officials repeatedly insisted that there was no validity whatsoever to the Haudenosaunee claims on the land, and thus grievances in their protest. In fact, this latter point was repeated so often in the media --by reporters speaking on their own, or quoting the above-mentioned people— that I began my research convinced that this must be partially true, that there were two sides to the story, and that the Native protesters may be right about some things, but were wrong about others. Fourth, there appeared to be a correlation (though not an explanation) between this belief and the intensity of non-Native anger. And finally, verbalizations of this anger were most often focused on dismissing and negatively characterizing Haudenosaunee protesters and their government(s) in various negative ways, such

[3] Former Ontario Premier (1985-1990) David Peterson (quoted in: Harries and Rusk, 2006) was talking about the displays of anger on the May weekend, briefly discussed above. Peterson elaborated, explaining that the anger was at least in part due to a complete failure on the part of non-Native governments at all levels (local, provincial federal) to communicate with non-Native residents:

> The people are totally in the dark on all sides, other than there's communication from the confederacy chiefs. If you want to know what is going on, you listen to Ohsweken [Six Nations] radio. You don't get it from your government.

as: liars who simply made the story up for attention; criminals who delighted in breaking the law at any opportunity; exaggerators who were unable to let go of an unfortunate past and thus made mistaken and delusional claims in the present; sore "losers" who were resentful that their ancestors made poorly informed or corrupt decisions in the past and now wanted some sort of compensation for done deals from long ago; greedy opportunists who expected to get something for nothing by playing upon the white guilt of bleeding heart Canadians for personal financial gain; or angry "terrorists" who found joy in inconveniencing/ "terrorizing" non-Natives whenever possible.

After pouring over media articles and various reports that I found online, and finding these same patterns again and again, I decided that if I was really going to understand the dynamics of the conflict, or the motivation behind the intense non-Native anger, I needed to figure out what parts of the Haudenosaunee protesters' claims were true and what parts were not true. To this end, I set off on what I thought would be a very brief sidestep into the historical facts surrounding the land in question by consulting the few existing secondary sources that had anything at all to say about the Haudenosaunee's Haldimand Tract land and how this land moved from Haudenosaunee hands bit by bit over a 40-50 year period, starting just after the land was declared to belong to the Haudenosaunee "forever," in 1784. But these secondary sources, including the seminal work on the topic (Johnston, 1964) to which all other sources referred, fell short of providing answers to many of the questions that I had, and even left me with many new questions. For example, the map in Johnston's book only acknowledged some of the parcels within this Haldimand Tract land, while a map that was allegedly leaked from the Department of

Indian and Northern Affairs Canada[4] marked out many more parcels, but I had no other source with which to verify the shapes in this map.[5]

Soon, I moved on to primary sources, expecting to find maps in old treaties or land share agreements[6] that would help me piece together the story behind both the specific piece of land under protest, and perhaps the rest of the contested lands in a 950,000-acre stretch along southern Ontario's Grand River. To my surprise, there were no maps connected with any of the purported surrenders by the Haudenosaunee Six Nations of the Grand River, and there appeared to be a number of other irregularities pertaining to these alleged surrenders. Even more surprising was the fact that the primary document the Canadian government had been holding forth as "proof" that the land under protest in 2006[7] had been surrendered to Canada did not prove this surrender at all. On the contrary, this document is proof both of coercion on the part of government officials who were intent on getting the rest of the Haudenosaunee lands, and of Haudenosaunee resistance and refusal to cooperate with the government's plans (see chapter 1). Further, the two other documents which are often cited as supporting evidence of this surrender by the Canadian and Ontario governments are, likewise, not at all what they have been presented to be

[4] Later renamed the Department of Indian Affairs and Northern Development, and most recently renamed the Department of Aboriginal Affairs and Northern Development.
[5] The map was leaked to the September 13, 2006 edition of the *Tekawennake* newspaper. (See: Windle, 2006j).
[6] These are generally referred to as documents of "Surrender," though there is considerable evidence suggesting that Native nations –including the Haudenosaunee Six Nations—neither permitted the alienation of land through their own laws, nor believed that they were alienated the land in these "surrenders." Instead, as McNeil (2001-2002), Hutchins (2009), Linden (in Ipperwash Inquiry, 2007) and others point out, the Native intention and understanding of these agreements was that these were not land alienation agreements, but were land share agreements --or even friendship agreements unrelated to land entirely (see chapter 4).
[7] See the 1841 "General Surrender" found in Canada (1891: 119-123). Canada has repeatedly cited this document as full evidence that more than 1/3rd of the Haudenosaunee Grand River lands were surrendered to Canada in 1841 by a meeting of the Haudenosaunee Confederacy in full council. However, this is an entirely false representation of the document and the events surrounding it (see chapter 1).

(particularly when considered in the broader context of Haudenosaunee Six Nations history), and do not appear to corroborate the stories of the these governments at all (see chapter 1). On the contrary, these documents all appear to corroborate the stories told repeatedly by Haudenosaunee Six Nations protesters and both of the Haudenosaunee Six Nations governments that the land in question was never surrendered and never intended to be surrendered by any Haudenosaunee Six Nations people. This point is worth repeating: As of this date, the Canadian and Ontario governments have failed to provide any additional evidence that the lands under protest in 2006 were ever surrendered by the Haudenosaunee Six Nations. In addition, it seems doubtful that any such evidence exists.[8] Yet, despite their failure to prove their ownership of the land, or to provide evidence in support of their claims, the Canadian and Ontario governments have continued to behave as if this land belongs to them and can be used however they please without any consideration of real or potential outstanding Haudenosaunee interests on the land.[9] By acting in this fashion, both governments are persistently and egregiously violating Canada's own Supreme Court rulings mandating consultation and accommodation with Native nations prior to planning development projects on lands under claim by Native nations –regardless of whether or not these claims have been proven in court (see chapters 1 and 4). Together, these violations, plus the existing evidence, plus the Canadian and Ontario governments' ongoing antagonistic

[8] This statement is made based 1) on personal searches at both the Ontario Archives and the Library Archives Canada, which revealed no additional evidence to support the Canadian and Ontario governments' story, but did produce even further evidence supporting the statements, assertions and community memories of the Haudenosaunee, and 2) on the Canadian and Ontario government's longstanding resistance to a 1995 lawsuit brought against them by the Haudenosaunee Six Nations. The lawsuit is merely requesting an accounting of all Haudenosaunee Six Nations lands, resources and trust funds, how the Canadian and/or Ontario governments allegedly came to possess them (in terms of lands and resources) and/or what the Canadian and/or Ontario government did with them (in terms of trust funds managed by the Canadian government).

[9] Here I am using the legal terminology, "interests on the land" to denote outstanding title or rights claims that may exist on the land. See, for example, Wilkins (2003).

approach to all Haudenosaunee requests for information relating to their lands, resources and trust funds, all point to a disturbing trend of dispossessing Native peoples from their lands, resources, and trust funds, as well as their domestic constitutional rights and international human rights that Canada is legally bound to honor, uphold, and promote. What's even more disturbing is the fact that this ongoing dispossession and violation of constitutional and international human rights is not an incident unique to the Haudenosaunee; on the contrary, it appears to be the standard operating procedure for the Canadian and provincial governments in their one-sided, coercive relations with Native peoples across Canada.[10]

These realizations substantially changed the focus of the dissertation. As with any complex conflict, this conflict involves multiple stories, all of which deserve to be told, though they cannot all be told here. Thus, I hope that this dissertation is just the first in a series of stories that I tell in relation to this conflict. Though this dissertation is concerned with non-Native (government officials and residents, alike) responses to the 2006 Haudenosaunee protest, the non-Native story is not told here (though I plan to tell it in the future, and have already done numerous interviews with non-Native residents to this end). Further, this dissertation does not provide a detailed reconstruction of the events of the conflict (something that I am halfway through writing), nor does it provide a detailed examination of historical Haudenosaunee-non-Native relations (something I would like to write in the future), nor does it explore the historical

[10] Numerous international and constitutional legal scholars, as well as international human rights monitoring bodies have already repeatedly attested to this fact (Amnesty International Canada, et al., 2012), as has the United Nations Committee on the Elimination of Racial Discrimination (CERD). Recently, in its Concluding Observations and Recommendations for Canada (2012), CERD has once again called on the Canadian government to end discrimination against Native peoples, and has criticized "Canada's failure to properly respect the land and Treaty rights of Indigenous peoples, noting "the rigidly adversarial positions taken by Canada" in land negotiations and that decisions over resource development are often made without proper consultation or the consent of the affected peoples" (at para. 20).

range of opinions and approaches among non-Native government officials towards the Haudenosaunee and other Native peoples in Canada. Instead, the story that is told here is being told because it is the story that most needs to be told. This story involves a very broad examination into how it is that Supreme Court of Canada rulings, Canadian Constitutional law, and international human rights laws that the Canadian government is legally bound to uphold can be so persistently, egregiously, and discriminatorily violated for one category of people within borders of Canada, and how it is that the vast majority of non-Native Canadians (government officials and residents alike) sit back and say nothing while this happens. Further this dissertation is the story of how it is that such large numbers of non-Native Canadians (government officials and residents alike) are not only passively complicit in these abuses, but are actual active supporters of them –even to the extent of lobbying their government towards the further progression of these violations and/or towards the inducement of additional, new violations. Finally, this dissertation is the story of how it is that, in their complicity or active support and promotion of these ongoing constitutional and international human rights violations, non-Native Canadians (government officials and residents alike) persist in their unquestioning belief that the Native people like Haudenosaunee Six Nations are simply lying about, making up, or drastically exaggerating their grievances --despite massive evidence to the contrary; and why it is that these non-Native people persist in characterizing Native peoples who assert their land, treaty and human rights as liars, exaggerators, sore losers, opportunists, criminals, terrorists, and/or any number of other negative characterizations.

The answers to these questions, I argue, are related to transgenerational, historical and ongoing trauma and the psychopathological mechanisms that western society and the western cultural worldview provide for denying, repressing, and/or normalizing this trauma and the

intolerable feelings resulting from it of anxiety, insecurity, fear, shame, and guilt. Though this dissertation argues that western society and the western cultural worldview consist of a number of problematic patterns of thought and behavior which have been identified as psychopathological in the clinical literature on trauma and post traumatic stress disorder, it should be clarified that it is not the *people* who are psychopathological, but *the society in which they live*. Certainly it can be and is argued that this society –western society—is internalized in each of every one of us who live within western society, and is thus a part of who we are, so, too, is our common collective humanity. In fact, this common collective humanity is much more a part of who we are, individually and collectively, than the psychopathological society that persistently encourages and requires us to ignore who we are, and to violently repress it, and to become something else –something that is obediently possessed and used for the benefits of a few, but to the detriment of ourselves, other people, other life forms, and ultimately the planet. The same processes that are at play in the dispossession of the Haudenosaunee people from the land, treaty and human rights are at play in the dispossession of each and every one of us from who we are as human beings. And it is imperative not only to the mental health of members of western society, but to their liberation as well, and to the very survival of the human species, that each and every one of us work to rediscover this common collective humanity that is within all of us, and abandon forever the psychopathological patterns of thought and behavior that will otherwise continue to destroy ourselves, other people(s), other life forms and the planet, until there is nothing left to sustain the human species and most of the plant and animal species on the planet. It is not only necessary and possible that we do this, but it is our responsibility --the responsibility that those us alive now have to ourselves, others, our future generations, all other life forms and their future generations, and the planet.

SOME NOTES ON TERMINOLOGY

There are at least two terminological issues that should be addressed here, the first of which is the use of the term "Haudenosaunee" versus the term "Haudenosaunee Six Nations." In some instances, when I wish to refer specifically and solely to the Haudenosaunee people who live on or belonging to the Six Nations reserve, I will use the phrase "Haudenosaunee Six Nations." The rest of the time I will simply use the word Haudenosaunee, which may be referring either primarily to the Haudenosaunee people living on the Six Nations reserve, or to the Haudenosaunee people more generally, who live throughout Ontario, Quebec, upstate New York, Wisconsin and beyond. In these cases, the context surrounding the word will presumably guide the reader in terms of the intended meaning.

The second terminological issue that needs to be addressed is my use of the words "we," "our," or "us" when discussing the numerous problematic patterns of thought and behavior inherent in Western society. As a non-Native member of Western society, I am writing about the society in which I live, and am writing to anyone who cares to read my dissertation, whether Western, non-Western, or somewhere in between. In order to position myself within the society in which I live, it is only appropriate that I use these terms, rather than terms which would artificially separate me from this society, such as "they," "theirs," and "them." Using these latter terms would imply that I feel it is possible for one to artificially separate oneself –through criticism—from the society in which one lives and/or from the responsibilities that all Westerners have for addressing and ending the perpetration and destruction our society has wrought upon the entire world (including ourselves). I have included at the beginning of Chapter 2 a loose definition of what I mean by "Western," both historically and in the present day. This definition primarily includes the people of European and European-descended nations, a well as

those nations that have adopted Western style political, economic and social forms of organization and production. However, when I am writing about the problematic patterns of thought and behavior in Western society, or various other problems inherent in the Western cultural worldview, I ask readers to consider for themselves to what extent they are a part of this society and its problematic patterns. In some ways, Western imperialism has reached all corners of the globe, slicing the planet up into territorial nation-states with governments that rule over the masses within their territories in a wide variety of ways (but generally in hierarchical, top-down, mini-empire formations). Yet, in other ways, peoples around the world have resisted their consumption by Western culture and their own assimilation into Western-style nation-states to varying degrees of success. Many of these non-Western peoples retain large portions, and sometimes virtually all, of their own, unique cultural worldviews, and have simply learned to live within two very different cultures. While I expect this latter array of diverse peoples around the world to be familiar with many of the problematic patterns of which I write, my use of the words "we," "our," or "us" is not at all intended to forcibly include these non-Western peoples as Westerners, nor is it in any way intended to exclude non-Westerners from the various discussions in this dissertation. It is just me, writing about problems that I have noticed in my society, to anyone who cares to read it.

GUIDE TO THE CHAPTERS

Chapter 1 provides a brief summary of the 2006 conflict between the Haudenosaunee Six Nations protesters and the Canadian and Ontario governments, while also giving a brief overview of the reactions of local non-Native residents to the protest. This summary is drawn from thousands of news articles and hundreds of video clips, as well as dozens of interviews and various background reports. This chapter also provides a brief summary of who the

Haudenosaunee are –how the Haudenosaunee nations came to form a Confederacy and what some of their main cultural traditions and beliefs are. An historical background relating to the Haudenosaunee Six Nations land, resources and trust funds is also included, as is an examination of the specific area of land under protest in 2006 and the land claims with which it is associated. This chapter intends not only to raise the relevant issues surrounding the protest, but to establish the validity of many of the Haudenosaunee grievances. Given this validity, the denial and dismissal of these grievances by non-Native government officials and residents is the phenomenon that most needs to be explained and understood in this dissertation.

The second chapter provides an historical overview of various problematic patterns of thought and behavior in the Western cultural worldview, including the denial and dismissal of the grievances of others. Through identifying and examining the historical positioning of these patterns within Western society and the Western cultural worldview, I argue that many of these problematic patterns are rooted in historic traumas perpetrated by some members of Western society against other members of Western society. These traumatic events were so devastating for such large portions of Western society over such a long period of time that they have created ripple effects which are still felt today. Further, the processes that formed Western society were based on these traumatic destructions of local communities and cultures, and the Western hierarchical monoculture that came to forcibly replace these local communities and cultures has long failed to provide its members with many of the essential positive elements of culture, such as mechanisms for healing individuals from traumatic events and reintegrating them back into the community/society. Lacking these mechanisms, Western society and the Western cultural worldview have primarily provided Westerners with psychopathological mechanisms for coping with present, past and transgenerational trauma. As such, these psychopathological mechanisms

and the numerous traumas that preceded them, form much of the foundation of what Western society is and has been for many centuries. In fact, I argue that these traumatizing processes and the production of psychopathological coping mechanisms are, in many ways, what is actually meant by the term "civilization." Through Western society's "civilizing process," the historical traumas and psychopathologies of Western society have been reenacted on "less-civilized" Westerners, as well as allegedly "uncivilized" non-Western peoples. The Western worldview has long held that it is necessary to inflict these civilizing processes, because forcing other peoples to become Westerners is "progress;" however, the real purpose of reenacting Western traumas and psychopathologies upon other peoples is to pacify and tame them, so that they are no longer able to resist as Western elites and the militarized governments that support them plunder their lands, resources, labor power, non-capitalist systems, and anything else that can be used to accumulate capital for Western elites. In other words, the purpose of the "civilizing" process is and has long been accumulation by dispossession (Harvey, 2003).

Chapter 3, in contrast, examines some of the characteristics of societies that were not traumatized by centuries of conquest and "civilizing"/colonization. That is, it provides the reader with a brief glimpse into healthy societies and cultural worldviews, as represented by the majority of Native societies that were existing in the Americas prior to the start of the European invasion. Some of the characteristics of these –i.e., healthy—societies include the idea that all living things have a right to what they need to survive, and that human beings do not have a right to deprive other living things or other human beings of this. Other common aspects of the cultural worldviews of these societies include the idea that healthy human beings desire peace, and that if "one does not feel that pain, one has become brutalized and 'sick'" (Forbes, 2008: 12-14, 6-7; see also: Akwesasne Notes, 2005: 31-40). The contrast between the traumatized and

psychopathological nature of the Western thought and behavior in Western society, and the majority of Native societies existing in the Americas prior to the invasion, further demonstrates and reinforces the points made in both chapters 2 and 3. This exploration also provides a necessary framework for understanding the competing worldviews of Haudenosaunee protesters and non-Native Canadian government officials and residents.

Chapter 4 returns to the examination of the 2006 Haudenosaunee protest and the non-Native reactions to it by examining the responses of federal, provincial and county-level government officials, as well as individuals in positions of authority (the media, the local development corporations, for example). The responses of these figures of authority are examined within the context of theories regarding the production of atrocities and the conditions of atrocity-producing situations. The chapter argues that the Canadian government, and the British-Canadian government before that, have exhibited a longstanding pattern of treating Native peoples as "fair game" for projection and scapegoating by non-Natives, primarily because Native peoples have stood in the way of other policy objectives, such as the accumulation of Native lands, resources, labor power, and the cooptation of non-capitalist forms of social organization inherent in Native societies. To this extent, after using these theories to examine some of the specific ways in which non-Native government officials and non-government authorities authorized and routinized attack upon, and the dehumanization of, Native peoples during the 2006 Haudenosaunee conflict, this chapter examines several of the ongoing human rights violations that are being perpetrated against Native peoples across Canada in pursuit of these accumulation-by-dispossession objectives. The chapter will also speculate on the international and domestic consequences of these ongoing human rights violations in the face of mounting changes in the international human rights regime that have recognized indigenous peoples rights to: self-

determination; consultation and free, prior, and informed consent; and freedom from any forced extinguishment of their inherent human and treaty rights.

Perhaps the fundamental reason why the above human rights violations are ongoing in Canada and other settler states is the assertion of European-descended sovereignty over Native lands and peoples. While international law has not yet specifically addressed the rights of indigenous peoples to sovereignty, there is an increasing trend in international human rights law toward this end. Some of this can be seen in the condemnations that international human rights monitoring bodies have made of the alleged legal justifications used by Canada and other settler state governments in their assertions of sovereignty. According to these international human rights monitoring bodies, these legal justifications amount to legal fictions, which were built upon archaic political theories Western conceptions of "civilization" created to justify the European theft of non-Western lands and resources and the genocide and enslavement of non-Western peoples (i.e., accumulation by dispossession). As such, human rights monitoring bodies have proclaimed that these alleged justifications have no legal standing, and any court cases based upon them should be reconsidered in this light. These trends in international human rights law are basically eroding (and even decimating) the very foundation upon which the Canadian government and other settler state governments claim sovereignty over Native peoples, and tremendous changes in relation to international, state-centric concepts of sovereignty, including increasing recognition of indigenous sovereignty, can be expected in the coming decades. Chapter 5 will examine many of these issues, demonstrating the fictitious nature of Canada's claims to sovereignty over Native lands and peoples within Canada's geographic borders, while also demonstrating the role of Western concepts of "civilization" in the formulation of these legally fictitious claims.

Finally, after having provided a historical-cultural context for them, chapter 6 will consider the reactions of local non-Native residents to the 2006 Haudenosaunee protest. Because there was a broad range of reactions to this protest over several months time, and because a more detailed examination of some of these reactions is in order, this chapter will primarily focus on the behavior of the 20-30% of local non-Native residents who opposed the Haudenosaunee protest during the first two months. In doing so, this chapter demonstrates the existence of many of Western society's problematic patterns of thought and behavior discussed throughout the dissertation. Because the first two months of the protest were the least confrontational, the examination of non-Native opposition to the protest within this largely peaceful period is useful in demonstrating the ways in which Western society's problematic patterns of thought and behavior were utilized by many non-Native residents to escalate non-Native anger and mobilize non-Native opposition to the protest (and to Native treaty rights). While non-Native support, and even non-Native ambivalence, neutrality, and/or silence in response to the protest are also extremely worthy avenues of examination, and are touched upon in the introduction, conclusion, and in small ways throughout the chapter, non-Native opposition to the protest appears to have been the norm in the small town of 10,000 people, and its public displays dominated space in the town, coverage in the media, and dialogue with government officials for the duration of the protest and beyond. (Indeed, six years later several non-Native residents still regularly gather near the 2006 protest site and voice their anger over alleged "special privileges" enjoyed by Native people and alleged provincial police discrimination against non-Natives).

The dissertation concludes with a few words on the absolute necessity of healing from past individual, group, and societal traumas in order to move away from the psychopathological patterns of thought and behavior that have long infected Western society and its members, and

has adversely impacted virtually every living thing on the planet whose future existence is now severely threatened.

Chapter 1:

Overview of the Conflict and Background to the Conflict

Non-native governments are stealing our land all up and down the Grand River…and the government will not sit down and talk with us.

~ Haudenosaunee Confederacy Chief Arnold General, quoted in Morse 2006a.

With the way our neighbors are developing land around us, there will soon be nowhere for Six Nations to expand in the future. This is not about us, it's about our children. It's the future of our children that is being targeted (with this kind of encroachment). I don't think there is a better reason to unite than to protect our rights and land.

~ Protest Spokesperson Janie Jamieson, quoted in Windle, 2006d

Generations have grown up talking about this problem, contemplating this disparity that threatens to overshadow all lesser woes, stewing about how it can be addressed and made right, but ultimately having to pass it on to the next generation because it simply never moves forward. That's what's happening, has been happening all along, and it isn't the sole prerogative of so-called 'radicals' within the community. It's everyone's shared past. It's a grievance that rankles far more than white people can appreciate, and to simply trifle it away as something of no consequence, as something that happened long ago to other people and can be swept aside using that universal broom of last resort called the rule of law, well that is no solution. It's a delay. And it won't do forever. There will be a price to be paid for that type of arrogance, and the shame of it is that it's just so avoidable because all it demands is an honest examination. ....[W]ill Canada have any appetite for clearing up past mistakes or [will] they want to stonewall and take their chances that this can be made to disappear for another day?

~ Tekawennake 2006c

THE CONFLICT

When construction started on the Douglas Creek Estates housing development in October 2005, members of the Haudenosaunee Six Nations had already been waiting several decades for land claims procedures, court cases and even international appeals[11] to recognize their title to their

[11] In the 1920s the Haudenosaunee sent a Cayuga Chief, Deskaheh, to the League of Nations to plead for justice against Canada's ongoing violations of Haudenosaunee rights and misuse of Haudenosuanee trust funds. This will be discussed in slightly more detail in chapter 4. The Haudenosaunee also sent representatives to the United Nations in the 1970s, and have continued

Grand River lands. But while official avenues for contesting non-Native encroachment on these lands were dragging on at a snails pace,[12] non-Native encroachment and development on them was racing along at unprecedented rates (Hemsworth, 2006b; Harries, 2006b).[13] Making the situation worse, in June 2005 the province of Ontario passed its *Places to Grow Act*: legislation seeking to accommodate an estimated three-to-five million new people into southern Ontario over the next two decades by mandating settlement and development quotas in areas throughout southern Ontario's Greater Golden Horseshoe region –a region which includes the Haudenosaunee's Grand River lands (Ontario Ministry of Public Infrastructure Renewal, 2005; Hamilton Spectator, 2006c; Canadian Press, 2006r; Nolan, 2006c).[14] Knowing full well that once

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to be actively involved in the shaping of legal instruments of international human rights of indigenous peoples, such as the United Nations Declaration on the Rights of Indigenous Peoples. See also: Akwesasne Notes (2005).

[12] There are over 800 outstanding Specific land claims registered in Canada (this number does not count Comprehensive land claims, which would add several hundred more to this number), and new claims continue to be registered every year. Through the Canadian land claims process it takes an average of 13 years to resolve a land claim, but claims can easily take two and even three decades before they are resolved. See: Canada. Standing Senate Committee on Aboriginal Peoples (2006: 1), SNGR (2006a and 2006c), Oliveira, Mike and Canadian Press (2006), CBC News (2007b), Asch & Zlotkin (2002), U.S. Secretary of State (2009). The Haudenosaunee Six Nations filed 29 claims between 1980 and 1995, and as of today only one of those claims has been resolved (Six Nations Lands and Resources, 2012).

[13] Both sources cited state that there had been rapid growth in the town over the past 20 years.

[14] Ontario's 2005 *Places to Grow Act* is an award-winning growth plan intended to reduce urban sprawl in the Greater Toronto Area while simultaneously accommodating the influx to the region of millions of new people over the next 15-25 years. The legislation places strict limits on new developments within the Greater Toronto Area, limiting 40% of new development to already built-up areas, and mandating settlement and development quotas on lands outside the Greater Toronto Area, but still within the Greater Golden Horseshoe area. Haudenosaunee Six Nations Grand River lands fall into this category.

The push to settle and develop lands under Haudenosaunee claim may have, in part, been a result of concerns regarding a potential future labor shortage in the Greater Toronto and Greater Golden Horseshoe area. See, for example: Conference Board of Canada (2007). But, also see chapter 4, which argues that the primary reason for this push is the drive by Canadian government officials and corporations to pursue financial gains from the ongoing accumulation by dispossession of Native peoples throughout Canada from their lands, resources and human rights.

their lands were settled and developed by non-Natives, no Canadian court would ever "return" the lands to Haudenosaunee hands,[15] and facing only rejection in their efforts to reason with the local developer and government officials at the federal, provincial, and local levels,[16] the

[15] See, for example: *Chippewas of Sarnia Band v. Canada (Attorney General)* (2001), *Chippewas of Sarnia Band v. Canada (Attorney General)* (2000), and Kent McNeil's discussion of these cases (McNeil, 2001-2002). Though there are no statutes or court rulings that would allow a court to extinguish a valid title of a Native nation simply because their land is already occupied by non-Native people (McNeil, 2001-2002; Reynolds, 2009), the Ontario Supreme Court and Ontario Court of Appeals in *Sarnia* did just this: extinguishing a valid Native title to land in order to "protect" the interests of non-Natives who had settled in houses and built businesses on the land. (The Chippewas of Sarnia did not seek to evict non-Native residents on the land, but did seek to evict a few of the corporations operating on the land). In doing so, the court not only ignored relevant Supreme Court rulings on protection of Native interests in reserve lands (such as *Guerin v. The Queen* [1984] at 383), and violated the Chippewa of Sarnia's constitutionally protected rights, but also sent a strong "message to Aboriginal people that they cannot depend on the Canadian legal system to uphold their claims to lands that were wrongfully taken in the past" (McNeil, 2001: 344). McNeil continues: "The Court of Appeal's decision indicates that, *regardless of the legal validity of their claims*, judges will not necessarily allow those claims to prevail if they conflict with the claims of other Canadians who did not participate in and were not aware of the wrongs that were committed," (emphasis in original). See also: Reynolds (2009).

[16] In the 12-14 months prior to the occupation, members of Six Nations had made various efforts to alert the developer, area politicians, non-native residents, and anyone else who would listen, that the site earmarked for development was on land under claim. Starting around January 2005, the Elected Council of Six Nations began sending letters to officials in Haldimand, Brant and Norfolk Counties, the City of Brantford, the owners of Henco Industries Unlimited, Inc., (Henco) Don and John Henning, Ontario's Growth Secretariat, the Ontario Minister of Public Infrastructure, the Ontario Minister of Natural Resources and Aboriginal Affairs (David Ramsay), the federal Department of Justice and the federal Minister of Indian Affairs (Andy Scott). (Windle, 2006a; Muse, 2006f). Six Nations Community members had also staged a number of protests and informational pickets in Caledonia, starting in October 2005, as well as a letter-writing campaign directed at Haldimand County officials. When several Haudensoaunee women went to the Caledonia construction site in 2005 attempting to discuss Haudenosaunee land rights and Canadian laws with the company developing a housing subdivision on the land, workers at the not only dismissed the women's attempts to talk about Haudenosaunee rights but reportedly kicked dirt on the women ant told them to "bring it on," according to Cayuga sub-chief Leroy Hill, who added: "And our people brought it on." (Leroy Hill, quoted in: Ahooja, 2008b). On members of Six Nations bringing public attention to this issue for at least a year, see Howlett (2006b), Rook and Proudfoot (2006b); on efforts by the Six Nations Elected Council beginning in January 2005, see Ontario, Legislative Assembly of Ontario (2006b), Windle (2006a), ass also: Windle (2006h), Muse (2006d). On the informational picket and the protest,

Haudenosaunee Six Nations took a different approach to dealing with Canada's long trail of broken promises and ongoing injustices. In the early morning hours of February 28, 2006, after months of planning, members of the Haudenosaunee Six Nations entered the construction site, blocked off the entrances, raised the Haudenosaunee flag, declared the site "Six Nations land," and dug in for a peaceful but determined fight to prevent the development that would forever take the land from Six Nations' hands (Legall, 2006g & 2006l).

The protest set off a cascade of events. Though many non-Native residents in the area expected the protest to be short-lived and quickly quashed by police, police refused to move in on protesters until Henco Industries, Ltd., (the development company and provincially-registered owners of the land) obtained a court injunction (Best, 2006c; Legall, 2006d). Over the next few weeks the owners of the development company, Don and John Henning, obtained a series of court injunctions against the protesters, but many of these were not enforceable by police because they were merely civil orders.[17] Finally, Ontario Superior Court Justice David Marshall

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see: Walkom (2006), Muse (2005a, 2005b and 2005c), Jackson (2005); Regional News (2005), Legall (2005). Hamilton Spectator (2006c), Best (2006e).

[17] The March 3 order was a civil injunction pending trial of the merits of the case, with the trial date set for March 9th (Coyle, 2006). Though many non-Natives mistook the trial date for the date the injunction would be enforced by police, the OPP did not and could not enforce it because it was a civil injunction (Legall, 2006i). On March 9th, the court issued the development company a permanent, interlocutory injunction, which was also a civil order (also pending trial of the merits of the case) rather than a criminal order, and thus the provincial police again said they had no authority to enforce the order, though many non-Natives expected the new trial date, March 16th, to be the date that protesters were cleared off the land (Canadian Press, 2006i; Legall, 2006j). The March 16th trial, held on both the 16th and 17th, resulted in a criminal order, which set a new deadline for March 22, and would have been enforceable by the OPP, had the order not also contained some technical errors that prevented police from enforcing the order until it was corrected (more on this below). The Hennings also claimed in their injunction application that the blockade was causing "contract breaches with builders and interfering with the company's finances," and sued the Haudenosaunee protesters and their traditional government for $5 million in damages. (Best, 2006c).

awarded the Henning brothers a criminal injunction against the protesters and held a hearing to set penalties for protesters who violated the injunction.

At the beginning of the hearing, Haudenosaunee protesters requested that Judge Marshall (who owned several parcels of land in areas under claim by the Haudenosaunee Six Nations) recuse himself from the potentially precedent-setting case on the grounds that this ownership constituted a conflict of interest (Gamble, 2006e & 2006f; Legall, 2006h; Jackson, 2006g; Best, 2006e).[18] Marshall, however, asserted that virtually all judges in the county owned land in areas under Haudenosaunee claim, and noted that "[t]he land I own was acquired through the legal system…it's the only legal system we have here" (Legall, 2006h). He further argued that the case was not about land ownership but was about protesters' violation of an injunction and thus there was no conflict of interest (Legall, 2006h; Gamble, 2006e). Yet, as he proceeded to issue a criminal injunction against Haudenosaunee protesters, Judge Marshall justified his injunction by citing the Canadian government's longstanding policy and practice of extinguishing Native title to lands –thus admitting that the case was, after all, about land.[19] From his bench in a county

[18] The case was expected to set precedents in terms of how local courts would deal with land claim protests, but not in terms of the rights to lands, since the Supreme Court of Canada had already recognized that native peoples have these rights. Haudenosaunee Six Nations protest spokesperson, Dawn Smith, actually had three requests for Justice Marshall: First, to remove himself from the case based on the conflict of interest caused by his ownership of land in areas under Haudenosaunee claim. Second, Smith asked Marshall to recognize the Canadian Constitution, which gives the federal government sole jurisdiction over matters relating to "Indians and Lands reserved for Indians" [See section 91(24) of the Canadian *Constitution Act, 1867*], and to recognize Haudenosaunee sovereignty and the Haudenosaunee's special status as allies of the Crown. Third, Smith asked that Justice Marshall hear a court-recognized authority on Aboriginal and Six Nations' history talk about Haudenosaunee sovereignty, the Canadian Constitution and Constitutional protections for First Nations land and treaty rights.

[19] Justice Marshall reasoned that, because of Canada's longstanding policy and practice of "extinguishment" --or of refusing to recognize title to Native lands that are or are being settled and developed by non-Natives, and instead offering only financial compensation for these losses-- the Haudenosaunee title would never be recognized in non-Native courtrooms and thus the balance of convenience" weighed in favor of the developer, who should not be caused 'undue

courtroom that was, itself, build on lands under Haudenosaunee claim, Justice Marshall then urged the Haudenosaunee protesters and their traditional government to move off of the site before they were arrested:[20]

> I accept that you believe in your heart you've been treated unfairly…. I respect the claims but not holding Henco and buyers for ransom. It's my humble view that's not just. It takes courage to turn and walk away, to be strong enough to turn and walk away. This court is asking the clan mothers, the chiefs and the Mohawks to turn and walk away. (Legall, 2006k; Best, 2006e)

Rather than heed the injunction, Haudenosaunee people strengthened their resolve and gathered *en masse* on the site for the March 22 injunction deadline. Hundreds of Non-Native supporters and Native people from other Haudenosaunee and Native territories across Canada also arrived to support them (Legall, 2006a; Bonnell and Canadian Press, 2006c; Canadian Press, 2006m; Gamble & Canadian Press, 2006).[21] Meanwhile, local non-Native residents who opposed to the protest gathered around the perimeters of the protest site, standing or sitting in bumper-to-bumper traffic in the middle of the street, eager to witness the anticipated police action that would force the end of the three-week-long protest (Legall, 2006a). As police helicopters circled overhead, protesters and their supporters on the site locked arms, forming a

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inconvenience' by a Native protest over title and rights claims that would never be realized. In this reasoning, Justice Marshall entirely ignored the Canadian Supreme Court rulings mandating Crown consultation and accommodation with Native peoples prior to planning or undertaking development projects that might adversely impact outstanding Native interests on lands. See, for example: *Haida Nation v. British Columbia (Minister of Forests)* [2004]; *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)* [2004]; *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)* [2005].

[20] Marshall's actions are in line with observations in the Sociology of Law, and Law and Society literatures which note that, because of their relative privilege, at least some judges, such as US Supreme Court Justice John Marshall, have a substantial financial stake in the outcome of some of their own rulings, particularly those relating to Native title. See, for example: D'Errico (2000).

[21] The Hamilton Spectator reported seeing "more than 200 people" on the site, while the Canadian Press –via the Toronto Star and the Montreal Gazette-- reported that there were "about 400 Indian protesters" there (not all protesters were native). The Brantford Expositor, also using Canadian Press reports, simplified and merely stated "hundreds."

human chain against any police movement. The 2:00 P.M. deadline came and went without the anticipated police appearance. Apparently the criminal injunction contained some technical errors,[22] and the OPP --who were still coming under fire for the 1995 killing of a Native protester during a similar Native protest[23] -- wanted to do everything strictly according their protocol.[24]

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[22] Crown Attorney John Pearson noted that the March 17th order, which set the March 22 deadline, erroneously stated that protesters would be fingerprinted and photographed under the Identification of Criminals Act, though this act could did not apply to contempt of court cases. After the March 22 deadline passed with no OPP enforcement of the order, the Superior Court Judge was asked to clarify the order by including in it both the statement that the fingerprinting and photographing would be done under a probation order, and the statement that protesters would be guilty of criminal as well as civil contempt. The order was amended on March 28. (See: Legall, 2006b & 2006n; Best, 2006f; Harries, 2006c; Canadian Press, 2006l; Bonnell and Canadian Press, 2006d; Burman, 2006b). However, OPP officials also stated that: "The OPP respects the order of the court. We're legally bound to obey the court order so we shall undertake our responsibilities in the safest manner possible. This is a complex issue and the safety of all those involved is paramount. We're hoping for a peaceful resolution." (Bonnell & Canadian Press, 2006e; Gamble and Canadian Press, 2006).

[23] A public inquiry into the 1995 murder of unarmed Native protester, Dudley George, was still ongoing in March 2006, and by this time the public inquiry had turned up substantial evidence of provincial government interference in police conduct. For example, the Inquiry found that Ontario Premier Michael Harris and his administration had attempted to influence the operations of the OPP by "persistently, and forcefully pushing for a quick resolution to the occupation of the park," rather than following the Ontario government's own guidelines for dealing with occupation protests on contested native lands –guidelines which called for patience and negotiation (Windle, 2006e). The Harris administration's attempt to interfere with police procedures was, perhaps, most famously highlighted through testimony about a meeting Harris called the day before Dudley George was shot. According to testimony of former Ontario Attorney General Charles Harnick, Harris had shouted to the meeting of OPP and high level officials: "I want those fucking Indians out of the park!"(Ibid; Bonnell and Canadian Press, 2006b; CBC News, 2007a). The Inquiry also round that there was a racially-charged, anti-Native and anti-treaty rights climate in the Harris administration, as well as in the OPP. For example, though the problem of unsettled Native land claims is well recognized in Canada, where whole government bodies have been created and funded to try to eventually resolve these problems, a few years before the Ipperwash conflict, Harris was quoted in a news article (entitled "PC leader slams do-nothing Natives") criticizing natives who fight for their land and treaty rights and characterizing them as people who "spent all their time on land claims and do nothing to help themselves economically." Harris also characterized the hundreds of native land claims filed in Canada as mostly "unjustified." (Windle, 2006e.). Further the Inquiry found that several of the OPP officers involved on duty the day unarmed non-Native protester Dudley George was shot and killed had referred to the protesters as "fucking Indians," and later celebrated the death of Dudley George with memorabilia such as "Team Ipperwash '95" T-shirts and coffee mugs,

To this extent, OPP officers had been meeting regularly with various parties to the protest, and had told members of the Haudenosaunee's traditional government, the Haudenosaunee Confederacy Council,[25] that no move would be made against the protesters on this day (Muse, 2006e. See also: Legall, 2006o; Best, 2006c; Muse, 2006d; Windle & Muse 2006).

On the same day that the police refused to enforce the criminal injunction against the protesters, the owners of Henco Industries, Ltd., brothers Don and John Henning, ran a full-page advertisement in several local papers pleading with the public to pressure the Ministry of Indian and Northern Affairs to step in to resolve the dispute (Henco Indstries, Ltd., 2006; Hennings, 2006a, 2006b & 2006c). In their advertisement, the brothers reasserted that they had "done nothing wrong or illegal"(Legall, 2006g; Canadian Press, 2006h), that they had had no previous

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which used symbols depicting dead native warriors. (Canadian Press, 2006j). On OPP officers referring to native protesters as "Fucking Indians,"see: Canadian Press (2006q).

[24] OPP protocol calls for seeking a peaceful, negotiated resolution to Native land claims protests, and exhausting all peaceful options first, before making a show of force to remove protesters (see, for example: Bonokoski, 2006; Edwards, 2006b; Bowen, 2006; Canadian Press, 2006k; Ontario Provincial Police, N.d.). Though the OPP had a protocol, or "game plan," in place to negotiate a peaceful resolution to the Ipperwash Provincial Park protest, several top officers apparently did not follow this protocol: negotiators were not prepared or sent in to talk to the protesters (Bonokoski, 2006), and officers leading the OPP's special unit, the Emergency Response Team (ERT), were recorded on two different days prior to the shooting stating that they wanted to: "amass a fucking army. A real fucking army and do this. Do these fuckers big time." (Edwards, 2006b). Officers were also accused of creating a "made-up emergency" both in response to mounting pressure from non-Native cottagers (Edwards, 2006b; Bowen, 2006) and in order to justify violating the protocol and moving in to "do" the protesters. [On accusations that the OPP made up an emergency to justify moving in against the protesters, see: Canadian Press (2006k). Bowen (2006) also reported on the same "emergency" incident reported in Canadian Press (2006k), but does not mention the accusations that this incident was "made-up" for the purpose of justifying the move on protesters (nor does he mention that the officer in charge of ordering the move did not have evidence to back up the "made-up emergency").]

[25] Hereinafter also referred to as the Confederacy Council or the Confederacy Chiefs. The Haudenosaunee Clan Mothers, or simply Clan Mothers, also have an important leadership role in this traditional government.

knowledge of any objections to their development,[26] and that they were being unfairly "held hostage" by a "splinter group" of the Haudenosaunee Six Nations who were jeopardizing their business (Henco Industries Limited, 2006; Henning, 2006b & c).[27] Though the brothers' claims to having no previous knowledge of Haudenosaunee objections were not entirely honest,[28] the brothers were certainly well-justified in their frustrations with protest and the absence of federal involvement in seeking a resolution to it. Others, including the Haldimand County Council (Best, 2006e),[29] the Caledonia Chamber of Commerce,[30] the Haudenosaunee protesters[31] and the

[26] From the start of the protest, the owners of Henco Industries, Ltd., Don and John Henning, had insisted that they had no previous knowledge of any objections to their development by the Haudensoaunee Six Nations. For example, Don Henning stated in an affidavit that Henco Industries Inc. had notified the Band Council when submitting (to Haldimand County) their 2003 draft plan for the subdivision and "had received no objections." (Quoting the Spectator's paraphrase of the affidavit. Hamilton Spectator, 2006c). "As a result," Hennings affidavit continued, "the Douglas Creek Estates plan of subdivision was approved." (Ibid). The brothers also maintained that they had no knowledge or notice of Haudenosaunee problems with the development when they started construction in October 2005, or even when their final subdivision plan was approved (by the county) and circulated to the Six Nations Band Council in December 2005 (Best, 2006c).

[27] The company had already put $6 million into the development at this point, and had also already sold six of the ten houses that were partially constructed on the site. (Best, 2006c; Legall, 2006c & d).

[28] The Hennings' claims of innocence/naïveté received considerable media coverage, and dominated press narratives of the protest. Yet, another version of the story that got occasional media coverage painted a very different picture of the Henning's knowledge of objections to their development. For example, Native protest spokespeople had insisted from day one that the Hennings had known about the outstanding Haudenosaunee claims on the land and about Haudenosaunee objections to the development (Windle, 2006h), and a news article revealed letters written to the Hennings in 2005, which corresponded with Haudenosaunee pickets and protests near the site before the start of construction (Hamilton Spectator, 2006c). At these protests and pickets, the Hennings or their employees were unwilling to talk with Haudenosaunee women about Haudenosaunee claims, had told these women that there was nothing they could do to stop the development, and had even reportedly kicked dirt on the women and told them to "bring it on." As Cayuga Sub-Chief Leroy Hill stated: "And so our people brought it on" (Ahooja, 2008b).

[29] The council also passed two resolutions, one requesting provincial help with future development, and one requesting federal help on resolving the long-term issues (Regional News, 2006b).

Haudenosaunee Clan Mothers (Rotinoshon'non:we, 2006) shared these frustrations and made similar pleas to the public to pressure the federal government to resolve the land claims dispute.

Despite these pleas, since the start of the dispute federal officials had denied any responsibility in resolving the matter, and had presented several conflicting stories allegedly supporting this denial.[32] The fact that the Canadian *Constitution Acts* of 1867 and 1982 both

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[30] The plea of the Caledonia Chamber of Commerce actually asked for a "quick, permanent resolution to the issue in town," (the quote is a paraphrase of the Chamber's press release as described in: Jackson, 2006f) in a press release which stated: "The Chamber's concern is on behalf of the business community. The real estate market, general business trade and employment loss are being affected as a result of this interruption to an otherwise healthy economy," (Ibid).

[31] For example, protester Wes Elliott told the Dunnville Chronicle that neighbors of Six Nations should call their federal representative, MP Diane Finley and insist that she tell the Canadian government to step in and start working to resolve outstanding land claims in the area: "The only viable solution is for them to apply pressure to their government. Everyone who sits on our land are our neighbours. Anything that they can do to help will be greatly appreciated." (Best, 2006b).

[32] For example, around March 8, Indian and Northern Affairs Canada communications officer Brock Worobel stated that the agency could not get involved in the protest because it was related to a land claim that was also the subject of ongoing litigation between the Haudenosaunee Six Nations and the Canadian and Ontario governments (the Haudenosaunee Six Nations' litigation against the latter governments was merely asking for an accounting of what happened to Haudenosaunee lands, resources and trust funds, but this litigation had been put on hold in 2004/2005). As such, Worobel suggested that the Ontario Provincial Police were the appropriate authorities to resolve the protest. (On the March 8 statements of Brock Worobel, see: Best, 2006c; Jackson, 2006h; Muse, 2006d). Around March 15th, another spokesperson for the federal Indian Affairs Minister Jim Prentice acknowledged that Prentice knew the protest revolved around a land claim, but then characterized the protest as a "local dispute" between the developer and the protesters, and said the federal agency had no intention of getting involved. ("We don't have a direct role in a protest such as this. We don't play a part in the protest itself, which is between the protesters and the developer," that would have to be resolved by the developer and "the group of Six Nations activists occupying") [Quoted in: Legall, 2006e; Muse, 2006h; Canadian Press, 2006i). By April 7, the federal Minister of Indian Affairs was insisting that the dispute was not related to a land claim at all ("This isn't a land-claims matter. The actual root of the problem is not a land claim. For the time being, it's a protest"), and federal spokesperson Deirdre McCracken told reporters that the protest "has nothing to do with the federal government," and "is really under the jurisdiction of the province." (quoted from: Fragomeni, 2006). Meanwhile, the federal Member of Parliament for the area, Diane Finely, had originally told reporters that she could not get involved because the protest was a matter for Indian and Northern Affairs Canada. Eventually Finely changed her excuse, citing ongoing litigation

place land claims and all matters pertaining to "Indians and Lands reserved for Indians" under the sole jurisdiction of the federal government[33] did little to influence either the federal government or the provincial court judge who asserted his authority over the protest (this will be discussed further in chapter 4). Yet, by the time the March 22nd deadline had come and gone with no police movement, the mounting pressure was apparently enough to force some moderate movement on the part of the federal government. On March 23rd, though still denying all responsibility for resolving the dispute, the federal government appointed a federal fact-finder to the dispute with the mandate to "investigate the nature of grievances, identify the jurisdictional implications and explore the possibility of mediations" to bring about en end to the protest (Legal, 2006i; Coyle, 2006; Best, 2006b; S. Smith, 2006a).

Though some non-Natives referred to the University of Western Ontario Assistant Professor of Law, Michael Coyle, as a mediator or a rescuer (Legall, 2006i & 2006n; Canadian Press, 2006f & 2006u; Burman, 2006a; Hamilton Spectator, 2006d; Regional News, 2006a), Coyle had been given neither meditation nor decision-making power in his appointment,[34] as the Haudenosaunee Confederacy Council knew too well. Thus, while Confederacy Council Chiefs welcomed what they said was a positive first step by the federal government, they also noted that all facts in the conflict had already been known by Ottawa for the past 300 years and that it was time the federal government send someone with real decision-making power to engage in

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instead, but by that time the federal agencies had already abandoned that justification, claiming the dispute was a local matter. On federal MP Diane Finely referring the matter to Jim Prentice' office (the INAC), see: Muse (2006d & 2006h). On federal MP Diane Finley's office citing court (and potential police) involvement as the reason for her lack of involvement, see: Best (2006e).

[33] See section 91(24) of the Canadian *Constitution Act, 1867*. Only the federal government can resolve Native land claims.

[34] Coyle did have extensive mediation experience, and experience with First Nations issues. This experience –often cited by Coyle and by news articles—may have added to some of the confusion as to what Coyle was actually sent to do. (Legall, 2006i; Best, 2006b). On Coyle's mandate, see: Coyle (2006), Best (2006b), S. Smith (2006a), Harries (2006b).

meaningful talks with the Haudenosaunee Six Nations traditional government to resolve the issue (Haudenosaunee Six Nations "Iroquois" Confederacy Council, 2006cMarion & Canadian Press, 2006; Smith, 2006a; Best, 2006b; Burman, 2006a; Canadian Press, 2006f).[35]

Reaffirming their resolve to support the protest until this happened,[36] Confederacy Chiefs and Clan Mothers standing on the steps of the Onondaga longhouse read to the media their response letter to fact finder Michael Coyle, laying out a short list of four items that, if agreed to by the federal government, would immediately end the protest by: 1) placing a moratorium on all new development on lands under Haudenosaunee claim until these land claims were resolved; 2) ending the criminalization of Haudenosaunee protesters who were merely fighting to protect their land, resource and treaty rights;[37] 3) ending the "self-dealing," i.e., the negotiations between

[35] "Our neighbours want the Canadian government to act. We want the Canadian government to act.… We believe the federal government has the power to end this dispute today. We believe there is a solution that is in Canada's power to iron out…." (Best, 2006b; Marion & Canadian Press, 2006). Haldimand County Councilmember Buck Sloat made a similar criticism regarding the federal government's search for facts it had already known for centuries. However, according to Sloat, the Haudenosaunee protest was illegal, the protests were criminally trespassing on the developers' land and interfering with his access to property, and the police needed to end the protest immediately. (Best, 2006b).

[36] "I've been so troubled about what's going on all around us," one Clan Mother stated, referring to development on lands claimed by the Haudenosaunee. (Bernice Johnson, quoted in Best, 2006b). Another Clan Mother noted that the Haudenosaunee had no choice but to continue the protest "or we're lost again," (Unnamed Clan Mother, quoted in: S. Smith, 2006a). On this point, see also: Haudenosaunee Six Nations "Iroquois" Confederacy Council (2006c), Marion & Canadian Press (2006), Burman (2006a). Marion (IBID) pointed out that the gathering of Chiefs and Clan Mothers was not a full expression of the Confederacy Council. Chiefs and Clan Mothers present represented various clans of the Mohawk, Cayuga and Onondaga nations, and those present were also likely those who had been in support of the protest consistently since the beginning, and had been present on the protest site.

[37] "Our people down there are not criminals and the police know this. We hope the federal government orders the police to disengage… Our people don't want to see violence. We don't want this thing to escalate any further… If Ottawa committed to a moratorium on construction, those people would be happy to leave." (Cayuga Sub-Chief Leroy Hill, quoted in several different sources (with a few slight variations in the exact wording of the statement. One source said: "our people" and "police understand this," while another source said "those people" and

the federal government and the Six Nations Band Council, a federally created, funded and colonially-imposed body of government opposed by the majority of the Haudenosaunee people;[38] and 4) re-entering into an ongoing relationship with the Haudenosaunee Six Nations Confederacy Council and honor commitments made by the Crown centuries ago through the Two Row Wampum treaty agreement (Haudenosaunee Six Nations "Iroquois" Confederacy Council, 2006c).[39] Mohawk Chief Allan MacNaughton clarified for the media the role of the Haudenosaunee Six Nations Confederacy Council:

> The Confederacy Council is not a splinter group or a special interest group. We are the government of Six Nations: We hold these treaties and lands in our jurisdiction. Canada has the ability to end this now --they've had the ability for 300 years. We the Chiefs are sending this message back with Mr. Coyle, that the development of our land in Caledonia must stop and that talks between the federal government and the Confederacy Chiefs [must start] not only over this dispute, but over what has happened to our lands and trust fund. Canada must come to the table with people mandated to make decisions, not fact finding. Our people have been waiting for 300 years. Our neighbors are waiting and need their government to act (Smith, 2006a).

The suggestion of a moratorium on construction, coupled with the unexpected staying power of the protest, began to send ripples of panic and anger through Caledonia --particularly among those who worked in the real estate, investment and construction industries. Perhaps in response

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"the police know this." One other source, still, said "the OPP understand this."). (Marion & Canadian Press, 2006; Best, 2006b; Burman, 2006a).

[38] "The community is against the elected council dealing with land claims. But that is who Ottawa deals with." [Cayuga sub-Chief Leroy Hill, quoted in: Burman, 2006a; Best, 2006b (says community opposition was "overhwhelmingly opposed"); Smith, 2006a]. And, on the appointment of fact finder Michael Coyle, Hill also noted the "insulting overtones when the federal government continues to recognize only its Indian Affairs [colonially-imposed] band council. While it sends Mr. Coyle back to us, Canada continues its talks on our land with the band council and the province" (Quoted in: Smith, 2006a. See also: Burman, 2006a; Marion & Canadian Press, 2006).

[39] The Two Row Wampum is a treaty of peace, respect, friendship and non-interference. According to the treaty, the British ship and the Haudenosuanee canoe would travel the river of life together along parallel lines, side by side, never touching, never crossing, but willing to help each other as friends. In the treaty, the Haudenosaunee agreed never to attempt to steer the British ship, and the British agreed never to attempt to steer the Haudenosaunee canoe.

to this escalating anxiety, a few high profile non-Natives intensified their own demands regarding the end of the protest. Haldimand County Councilmember Buck Sloat condemned the protesters' interference in the Henning's access to their property and demanded police act to immediately end the protest. In a similar vein, the Henning's lawyer confidently announced to the media that this newly-revised injunction[40] would be enforced by police "immediately" (Legall, 2006b).[41] These escalations in official demands, as well as in the power and authority presumed by local officials making them, again raised expectations among non-Native residents who opposed the protest. Though OPP officials were still voicing their intent to follow their protocol by pursuing dialogue, safety, and a peaceful resolution to the conflict rather than confrontation and force, [42] area non-Natives again gathered *en masse* in a nearby parking lot to watch what they expected to be a forced end to the protest (Windle, 2006f; Greenberg, 2006a).

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[40] The revised injunction was issued on March 28, the day after the Haudenosaunee press conference. For more on this, see the above discussion and notes, or see: Best (2006f), Harries (2006c), Canadian Press (2006l), Bonnell and Canadian Press (2006d), Legall (2006n), Burman (2006b), Smith (2006a) Marion & Canadian Press (2006). On Judge Marshall being "irate" or "peeved" see: Legall (2006b) Canadian Press (2006l).

[41] However, Harries (2006c) quotes the Hennings lawyer, Micahel Bruder, as stating that the order would be enforced "as soon as reasonably practical,"-a much more reasonable assertion, given the OPP's emphasize on dialogue and a peaceful resolution.

[42] For example: "We are progressing, and as long as we're talking, that's positive. We're hoping the work we're doing behind the scenes is going to be effective. We're pleased that everyone is allowing us the opportunity to bring this to a peaceful resolution" (Brantford Expositor, 2006d; Healey & Morse, 2006). "[W]hat we need people to do and what we really try to express here is that we need their understanding, we need them to be patient, cooperative, and understand that not only are we working towards the peaceful resolution but one that is long lasting" (Jackson, 2006j). And: "It's safe to say the OPP continues to learn, develop and grow with the needs of our communities in a manner that is conducive to being respectful to everybody involved… Although this (standoff) is staged in Caledonia, it has wide reaching ramifications. We want to make sure we're doing everything appropriately and that every avenue is explored." (OPP Sergeant Dave Recktor, from "It's safe" to "Caledonia" was quoted in: Healey & Morse, 2006. From "it has wide" to "explored," was quoted in Jackson, 2006j). See also: Bonnell, Gregory & Canadian Press, 2006d; Jackson, 2006f; Legall, 2006n; Brantford Expositor, 2006d; Ontario Provincial Police, 2006a; L. Greenberg, 2006a; Canadian Press, 2006u; Morse, 2006b; Healey & Morse. 2006; Jackson, 2006j.

"It might get a little rough," said one non-Native resident, adding that he hoped the protesters did not have weapons (Windle, 2006f). However, instead of the expected show of force, what they witnessed was a verbal standoff with the local sheriff who came to read the court injunction to the protesters. As the sheriff read the court injunction, some protesters read their own counter-injunction while others drummed loudly in the background, resulting in what one reporter called "an unintelligible jumble of verbiage" (*Ibid*). After the readings, both sides attempted to give the other side copies of their order, and both sides refused to take the orders of the other side. At least one protester made an obscene gesture towards the sheriff, and as the latter departed the scene, copies of both orders lay scattered on the ground, stomped on by one protester and lit on fire by another (the fire quickly smoldered out) (Legall, 2006m; Windle, 2006f; Burman, 2006b; Greenberg, 2006a; Canadian Press, 2006u).

After the March 22nd public appeal by the Hennings, there was a change began in the media coverage of the protest. Prior to this date, media coverage primarily focused on positive stories about the protest and its supporters, but after this date considerably more coverage focused on sensationalizing the potentially threatening aspects of the protest,[43] such as through playing upon stereotypes of Native warrior societies, whose members began arriving on the site.[44] This shift in

[43] Prior to this date, only a minority of news outlets –in particular the local *Regional News*—had expressed decidedly anti-protest views. Most local newspapers had continued to portray the protest in a sympathetic light and, when dealing with non-Native views at all, had focused on profiling non-Natives who expressed these sympathetic views. Though many news accounts still remained sympathetic to the protest immediately after this date, anti-protest views increasingly trickled into the media coverage.

[44] Most non-Natives in Canada have only negative associations with Native warrior societies (which are often compared to the Hell's Angels or gangs). Non-Natives are not entirely without reason for having these associations as, in the past, some Native warriors had engaged in activities that were less than peaceful, and were in some cases outright destructive for Native communities in which they operated. This was the case in Akwesasne in the late 1980s when wealthy non-Natives (including the governor of New York State at the time) had joined together with a few Akwesasne Mohawks to forcibly establish gambling venues on the Akwesasne

media coverage became even more perceptible after the verbal standoff with the sheriff on March 30th, which was broadcast into the homes of residents throughout the area and treated as evidence that the protest had become militant and confrontational.[45] Some media outlets adopted both the language of victimization and the factual misrepresentation that had been prominent in the Henning's public appeal. As such, these media reports characterized the protesters as a disorganized, leader-less group of people who could not be satisfied. These reports often argued that protesters should thus "pack it in while they're ahead," instead of unfairly continuing to punish the Hennings, who had (allegedly) already consulted with the Six Nations Band Council[46] "as part of a three-year planning process" (see for example: Brantford Expositor, 2006b). Other news articles played with the wording they used to describe the peaceful protest. For example,

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reserve. Gambling on the reserve went against the wishes of the traditional government and a large portion of the reserve population. As the latter struggled to prevent monied non-Natives and their Native partners from establishing casinos and other gambling venues on-reserve, Natives invested in the establishment of gambling venues formed warrior societies which resorted to patrolling streets in heavily armed motorcades, intimidating those who spoke out against the gambling venues, chasing large numbers of people from their homes on the reserve, and engaging in shootouts with those who remained until at least two people were dead as a result. Many of these same Mohawk warriors later arrived –armed-- at Oka, where they reportedly promoted their own agenda at the expense of the Native people who were already peacefully protesting against non-Native encroachment on Mohawk lands (non-Natives wanted to expand a golf course onto the Mohawk's land, which also contained a Mohawk burial ground) (George-Kanentiio, 2006; Johansen, 1993). Most non-Natives in Caledonia and throughout Canada only knew of Native warriors from these militant actions, as well as from the 1995 standoff in Ipperwash Provincial Park (which was widely and knowingly misrepresentated by the news media as an armed conflict, though all of the Native protesters in the park were unarmed) (Orkin, 2003).

[45] The shift in reporting was based on a real shift in dynamics at the protest site. For example, even some of the original Haudenosaunee protesters voiced concern with the escalation of verbal confrontation on the March 30th verbal standoff with the local sheriff. And while some protesters dismissed this as a show for the cameras, at least one took this as his cue to exit the protest, stating: "I've been here from the beginning and I can't do this. I'm outta here" (Wes Elliot, quoted in: Windle, 2006f).

[46] The Six Nations Band Council is the federally-created, funded and controlled governing body of the Haudenosaunee Six Nations –i.e., the colonially imposed governing body. This will be discussed further later in the chapter. The assertion that the Hennings had consulted with the Band Council is simply untrue.

though all of the residents interviewed in one news article had admitted that the protest had been peaceful, the reporter described it as a "military encampment preparing for battle," and quoted confused residents who could not understand why the police had not yet cleared the site. The same reporter also emphasized that the protest was frustrating, inconveniencing, and negatively impacting non-Native residents living near the site, and even allegedly preventing one resident from selling her home (Legall, 2006f).

This shift in reporting captured numerous voices of non-Native opponents to the protest – voices that had previously been virtually ignored in all but perhaps one local weekly paper.[47] For example, one resident countered Haudenosaunee claims to sovereignty by stating:

> Contrary to some protesters' beliefs, they are subject to the laws of Canada. Just ask any of the natives currently serving time in Canada's prisons. (Lupton, 2006)

Another resident, in keeping with the escalation in demands by local officials, argued that the protesters were receiving special treatment for being allowed to stay on the protest site and, like county councilmember Buck Sloat, demanded that police "Get them out now. Do it peacefully if they will allow it, but get them out!" (Lupton, 2006). Though residents were in many ways helpless to end the protest, some residents began to demonstrate their opposition to the protest in other ways: around this time Haudenosuanee people began reporting that derogatory statements and discriminatory behavior were directed towards them by some non-Native business owners in Caledonia, a few of whom even reportedly refused to serve Native customers. Some non-Native residents of Caledonia even organized to boycott businesses that continued to serve Native people (Autonomy & Solidarity, 2006a; Interviews with Caledonia and Six Nations residents, 2009). All of these discriminatory actions and behaviors eventually led to a Haudenosuanee

[47] The *Regional News* had consistently voiced anti-protest (and even outright anti-Native) views.

boycott of Caledonia businesses, as well as a non-Native boycott of local business that served Natives (Muse, 2006i; Interviews with Caledonia and Six Nations residents, 2009).

Non-Native responses to the protest will be more thoroughly explored in Chapter 6. What is important to note here is that, though there had, from the very start, been a constant, simmering of non-Native opposition to the protest (as well as some outright anti-Native sentiment), it did not start to emerge in the media –or in the solidified actions of non-Native residents-- until after the verbal showdown between the protesters and the local sheriff and, perhaps more importantly, after the Haudensoaunee Six Nations Confederacy Council's request for a moratorium on development on all lands under Haudenosaunee claim. After this request, the already escalating sense of urgency among non-Native residents escalated to new heights (see for example: Brantford Expositor, 2006a; Jackson, 2006j). The request reminded residents invested in real estate, construction or financial investment industries, as well as residents who had banked their futures upon the predicted rapid growth of Caledonia,[48] that there was more than just a 40-acre tract of land at stake. The Haudenosaunee had filed claims on the lands up and down the Grand River. "The whole town is ours," noted one protester referring to the fact that the town of Caledonia had been built on lands under Haudenosaunee claim (Janie Jamieson, quoted in Greenberg, 2006a).[49] Further, combined with the staying power of protesters and the inaction by provincial police, the request also infused the protesters' demands with a new seriousness that had previously not been considered by most non-Native residents. As one protester noted of this staying power:

[48] As noted above, Caledonia was supposed to be the fastest growing community in southern Ontario, with residential development as the single largest industry in the area (Best, 2006a). ON resident's expectations for, and financial investments in this rapid growth, see chapter 6.
[49] Statement by protest spokesperson Janie Jamieson, quoted in: Greenberg (2006a). On increased alarm among non-Natives, see: Brantford Expositor (2006a); Jackson, 2006j.

> We plan to maintain the site until we get what we want… It's not about the money. It's about the land. We want the land back six miles on each side of the Grand River from the mouth to the source…. First and foremost, we want the title. Nobody else is going to develop here. (Jeff Hawk, quoted in Legall, 2006m; Best, 2006a)[50]

Intent on making sure that the Confederacy Council did not succeed in its call for a moratorium on all new development in the area,[51] and that the protesters did not succeed in stopping the Henning's subdivision,[52] non-Natives in the construction, real estate, and financial investment industries quickly raised the alarm among other residents, handing out flyers declaring: "If this situation is not resolved quickly we could all be looking at significant decreases in our property values." The flyers urged residents to pressure their elected officials to pay the Hennings and other "builders, trades men and home owners a monthly stipend until the situation is resolved," and also urged them to attend a counter-protest rally which sought to guarantee the survival of the residential development industry in town (Best, 2006a; Pearce, 2006a). Several hundred residents heeded the call to rally with the Hennings and other local

[50] Meanwhile, as the protest remained unarmed, peaceful and mellow --but unmoved by court injunctions or the threat of arrest—the demands of the protesters had become slightly more militant and had begun to take on a new level of seriousness. One protester explained to the media that he was willing to die in the protest and that police would have to kill him and take him out in a body bag to remove him. Reflecting on his anxiety with the situation and his readiness for the worst case scenario, he added: "Sometimes I hope it doesn't end violently, sometimes I hope it does. At least it would be finished and we cold show we are ready to do what we have to do." On the protest being described as peaceful and mellow (by protest spokesperson Janie Jamieson), see: Brantford Expositor (2006c). On the protest being unarmed see: Greenberg (2006b). On statements by protester Michael Laughing, reported as one or more of the following: that he was willing to die, that police would have to kill him to remove him, or that he would only be taken out in a body bag, see: Legall (2006f & 2006m), Jackson (2006j), Healey & Morse (2006), Nolan (2006b).

[51] For example, Haldimand County Councilor Craig Ashbaugh stated outright that: "a moratorium on development cannot be allowed." Ashbaugh, quoted in: Best (2006a).

[52] Something that, anti-protest residents argued, would set a bad precedent for development (on Haudenosaunee lands) in the area. To this extent, real estate business owner Bruce MacDonald, noted that the protesters' demands "would indicate that all lands [in the Haldimand tract] are subject to their interference." MacDonald, talking to Best on April 4 and quoted in: Best (2006a).

business owners, and showed up to the rally holding signs stating: "We want our town back," "Put an end to this now," and "Municipal, Provincial, Federal Do Something." As they gathered, local real estate lawyer Ed McCarthy emphatically and confidently (though also incorrectly) announced to the crowd that the Haudenosuanee lands under protest had "absolutely" been surrendered in 1841, and claimed that both the protest and the police failure to remove the protesters were flagrant violations of the law: [53]

> The laws are being flagrantly violated…. There's a need to bring this to an end and to bring it to an end promptly…. The law of the land has to be enforced…. This land belongs to Henco Industries Ltd. Nobody has the right to interfere with it. (Nolan, 2006c; Bauslaugh, 2006a)

These statements were given an additional boost of legitimacy the following day when Haldimand County Mayor Marie Trainer uncritically --and incorrectly-- reasserted them, stating decisively that "there's no doubt" that the lands under protest had been obtained legally by the Canadian government, and adding: "I guess the Natives are not believing anyone or anything" (Pearce, 2006a).[54]

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[53] Estimating 250 residents in attendance: (Bauslaugh, 2006a; Pearce, 2006a). Estimating 300: (Windle, 2006b; Smith, 2006b). On estimates of 500: (Fragomeni, 2006; Canadian Press, 2006o; Graham and Canadian Press, 2006t; Graham, 2006). Nolan (2006c) says " a few hundred," but notes that rally organizer Jamie McMaster estimated that 500 people attended.

On messages on protest signs, see: Nolan (2006c) and Baughslaugh (2006a). On demands that the protesters be removed by force and/or complaints of falling property values or a hurt town image, see: Pearce (2006a), Baughslaugh (2006a), and Nolan (2006c). On McCarthy being a real estate lawyer --rather than a lawyer who deals with treaty or First Nations' issues (a fact that was not reported in the first several articles that quoted him)-- see: Macleod (2006). On McCarthy's insistence that the land was surrendered in 1841, see, in addition to above citations: Pearce (2006a) Nolan (2006c), Baughslaugh (2006a), Windle (2006b).

[54] In this same article the mayor complained about the existence of "four different factions of natives that have to be consulted," and voiced her concern about potential protester violence, see: Baughslaugh (2006a). The mayor also escalated her public statements on the protest after her mid-May meeting with Indian Affairs Minister Jim Prentice. Before the meeting, though Trainer had uncritically adopted every bit of rhetoric opposing the Haudenosaunee protest, she had also maintained that a peaceful, negotiated resolution would be the best outcome because "When it's finally come to a conclusion, they (the natives) are still going to be my neighbours and my

Despite widespread and growing opposition to the Confederacy Council's demands among area non-Natives, a series of meetings aimed at ending the protest were finally opened to the Confederacy Council and Haudenosaunee protesters on April 12 (McKay, Nelson and Nolan, 2006; Canadian Press-CTV Toronto, 2006; Livingston, 2006; Burman, Macleod and Nolan, 2006; Harries, 2006d; Windle & Van Every, 2006). This marked the first time that the federal and provincial governments had sat at the same table with the Haudenosaunee Six Nations Confederacy Council since the Canadian government had outlawed the latter and imposed a colonial Band Council system of government upon the Haudenosaunee Six Nations people in 1924.[55] Regardless of this historical first, Canadian and Ontario officials, and even Band Council Chief David General, completely ignored the Confederacy Council's suggestions for ending the protest (see Appendix 1 for a list of the proposals made by each government at this meeting)[56] until several days later when the Six Nations Band Council voted seven to five to

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friends and their grandchildren will go to school with my grandchildren" [Trainer, quoted in: Pearce, (2006a)]. She had also adamantly advocated federal involvement in resolving the protest, responding to assertions by federal officials that the protest was not a federal matter by stating that "Everything to do with natives has to do with the federal government. The natives don't want to leave until they are assured something will happen with their land claim" (Fragomeni, 2006; Canadian Press, 2006n). However, the mayor emerged from her meeting with Prentice asserting her agreement with Prentice's position to not deal with "the radicals (in the subdivision) out there" (Best, 2006g):

> If you go out and deal with the Mohawks or the ones causing this problem from all across Canada, you're just giving them more power, so there's no way anyone is going to deal with them. The minister made it quite clear and I have to agree, you can't deal with the radicals that are out there. (Quoted in: Jackson, 2006k).

[55] This will be discussed further below.

[56] In fact, these three governments failed to discuss the protest at all, and ignored all of the Confederacy Council's attempts to do so. One Band Council member, Helen Miller, remarked upon this, voicing her frustrations as well as the likely frustrations of others attending the meetings:

> I came to these meetings thinking we were here to discuss how to resolve the occupation. Our chief General presented a paper that council didn't discuss, approve and had no knowledge of until late Monday night. Yesterday we dealt with that paper, today I was waiting for us to come back with ideas on how to end the protest. Not once,

transfer the lead in talks to the Haudenosaunee Confederacy Council[57] –the only council with the ability to end the protest. Yet, even with the lead officially transferred to the Confederacy Council, the Canadian and Ontario governments refused to respond to any of the Confederacy Council's suggestions for ending the protest[58] and, instead, focused solely on the suggestions

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> yesterday or today, were the people on the site even mentioned, or any concern shown about their safety. I wanted to stop the OPP from going in…. There were some good things in the paper that Dave developed. But it's not going to help get people off that site. The government paper is not going to get people off that site. They have put the onus on the Confederacy and Six Nations Council and have taken themselves out of the picture when they're the only ones that can bring and end to it. I don't want anyone's blood on my hands (Band Councilor Helen Miller, quoted in: Windle & Van Every, 2006).

See also: Windle & Van Every, 2006; Haudenosaunee Six Nations "Iroquois" Confederacy. 2006a; Harries, 2006d; Jackson, 2006e; McKay, Nelson and Nolan, 2006. The actual, April 13th Draft proposal has not been located to date, but a letter from Jim Prentice outlining some of the Drafts' points has. See: Canada, Minister of Aboriginal Affairs and Northern Development, 2006. Also giving a summary of what was contained in the federal and provincial, joint Draft proposal: Harries (2006d). See also: Haudenosaunee Six Nations "Iroquois" Confederacy. 2006a; General, 2006.

[57] Windle & Van Every, 2006. To this extent, Band Council Chief David General drafted a letter to the Canadian and Ontario governments stating that the Band Council wanted the INAC to recognize the lead of the Confederacy Council, and that the Band Council would continue to play a supportive role. In addition, the letter stated that the Band Council supported the suggestions voiced by the Confederacy Council both in the meetings and in the March 27th letter, and wanted the federal and provincial governments to respond to these suggestions. However, the letter also stated that David General's Draft Terms for a New Understanding Among Six Nations, Canada and Ontario should be "honoured and form the basis of ongoing talks surrounding the resolution of the activities at Douglas Creek Estates" –something that completely contradicted the assertion that the Band Council was giving the Confederacy Council the lead in the negotiations (Since David General's Draft Terms document completely ignored all of the suggestions raised by the Confederacy Council as issues that, if addressed, would end the protest. See: Six Nations Band Council, 2006. Also see: Haudenosaunee Six Nations "Iroquois" Confederacy, 2006a.

[58] For example, Confederacy attempts to meet the three non-Native governments part-way on the request for a moratorium, by requesting either a temporary, 90-day moratorium on only the Douglas Creek lands, or a moratorium "until there are reasonable negotiations going on," were simply ignored or refused, as were Confederacy attempts to broker a deal on the second request – a promise from Canada and Ontario that the protesters would not be criminalized for asserting their land, treaty and self-governance rights. On this latter request, the Confederacy had been willing to meet the government part way by simply asking for either a temporary (90-day) stand down by police, in order to give all the parties time to negotiate a peaceful end to the protest; or by requesting simply that the Attorney General intervene to ensure that the judge heard the

that Band Council Chief David General had made (which had nothing to do with ending the protest at all[59]). Not surprisingly, these talks quickly broke down.[60]

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historical and legal arguments on the matter that had not yet been heard. Both of these offers were refused, with both Canada and Ontario stating that they did not want to interfere in 'police business' –a position which clearly sought to confine the protest over violations of Six Nations' rights and Canadian Supreme Court rulings (which went well beyond the jurisdiction of local or provincial police) to a mere case of local trespassing (with a clearly one-sided and historical view of who was doing the trespassing). (Muse, 2006b). On the offers of placing only a 90-day moratorium on development and a 90-day order for the OPP to stand down, see: Best (2006d), who also reports that neither government was willing to follow the Confederacy's suggestion to compensate the developers. Also see: Indian Country Today, (2006). On the federal government's refusal to accept, acknowledge or consider these options, see, in addition to sources cited above: Muse, 2006b; Windle & Van Every, 2006; Haudenosaunee Six Nations "Iroquois" Confederacy, 2006b; Windle, 2006i; Gamble, 2006a.

[59] See Appendix One. Further many items in the federal and provincial proposals that came closest to satisfying the Haudensoaunee grievances –such as working to resolve Haudenosaunee land claims or returning lands taken from the Haudenosaunee-- were either not defined concretely or came with subtle catches. For example, these two governments promised to commit to having talks about these items (or the possibility of these items), without defining when talks would take place, what, concretely, these talks hoped to achieve, and how quickly Six Nations community members could expect to see results. And given Canada's tendency to drag out land claims for, on average, two or more decades, these vague commitments really couldn't mean that much without being more defined in these ways. (See: Muse, 2006b). And Further, the provincial government's 'commitment to engage in talks' around the 'possibility' of making certain provincially-owned lands (most of which were under Six Nations claim) 'available' to the Six Nations community came with the condition that "Any lands made available pursuant to these discussions would be credited or set off against any lands transferred to any claims settlement agreements." (Minister of Indian Affairs and Northern Development, Canada, and Minister responsible for Aboriginal Affairs, Ontario, 2006). In other words, Canada and Ontario were giving themselves a two-for-one offer, and trying to make it sound beneficial to Six Nations, by stating that Six Nations lands under claim might be made available to the Six Nations community in exchange for the abandonment of an equal amount of land that was under claim. But since both sets of lands were under claim –and thus already thought to be owned by the Haudenosaunee Six Nations community—then the question remained, exactly what would Six Nations be gaining by agreeing to this? Or, as protest spokesperson Janie Jamieson asked: "That's already our land so what kind of a bargaining tool is that?" (Best, 2006d).

[60] Haudenosaunee Six Nations "Iroquois" Confederacy, 2006b ("These issues are urgent matters. They require thoughtful, meaningful solutions and the serious attention of all parties, not simply throwing a few dollars at a band council department or promises of what might be. Canada needs to take this matter seriously and open talks with the Confederacy Council on the issues we have raised in our latter of March 27, 2006 and that still remain not only unresolved but not even considered by the Minister. We urgently await their reply"). See also: Muse, 2006b; Windle &

Protesters responded to the breakdown in talks by issuing a renewed call for support. The call was met by mid-afternoon by Native warriors from in and out of province and members of the Hamilton Steel Workers union (Windle, 2006i; Gamble, 2006a). Also responding to the breakdown in talks, Ontario Provincial Police forces began amassing forces in the area and the Hennings threatened a lawsuit against the police if they did not enforce the injunction (Gamble, 2006a; Windle, 2006i; Legall & Nolan, 2006b; COP, 2006). A confrontation between police and protesters was supposedly put off when all parties to the conflict returned to talks on April 19th. Talks lasted late into the night and, with the Confederacy Council finally being taken seriously, reportedly resulted in breakthroughs that brought all parties closer to a settlement than they had ever previously been (CTV News 2006h & 2006f; Nelson, 2006; Schmidt, 2009; CBC News, 2006h; Hamilton Spectator, 2006e; Canadian Press, 2006b; Windle, 2006g; Miner, 2006a; Urquhart, 2006). With talks scheduled to resume the following morning, OPP officials assured Mohawk Confederacy Chief Allan MacNaughton that the police keep to their promises not to move in on protesters in the Caledonia subdivision as long as talks were underway (Schmidt, 2009; Windle, 2006g; Hughes; Miner, 2006a).[61]

A few hours later, at about 4:30 A.M. on Thursday, April 20, hundreds of OPP officers armed with assault rifles, tasers, tear gas, and pepper spray --and with guns drawn and ready to fire-- descended upon the protest site in a move of quick, "overwhelming force" that was intended to

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Van Every, 2006; Windle, 2006i; Best, 2006d; COP (2006); Canadian Press, 2006b; Gamble, 2006a.

[61] The OPP had actually made a number of promises that were broken that night. OPP officials promised the Confederacy Council and the protesters the following: 1) they would not move in on that specific night; 2) they would not move in so long as talks were ongoing; 3) they would not move in during night time; 4) they would notify the Confederacy and protesters prior to moving in; and 5) once they had made the decision to move in, they would first warn protesters of the possibility of arrest, in order to give those who did not want to be arrested a chance to leave (Hughes, 2007; Windle, 2006g; Schmidt, 2009; Gamble, 2006d; Miner, 2006a).

end the protest by removing the protesters under the cloak of darkness.[62] Officers reportedly covered the entire site within seconds, dragging sleeping protesters out of tents, using pepper spray and tasers against several protesters, and arresting 16 people –in some instances, without first giving the protesters the promised pre-arrest warning or an opportunity to leave without arrest.[63] Nonetheless, even as protesters were detained on one of the streets running by the protest site, other Six Nations members began trickling onto the site, and eventually flooding into

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[62] Some of the officers were dressed in full SWAT gear. See, for example: Windle (2006g) and Nelson, (2006), which also reported that there were "tactical officers and uniformed officers," as well as police dogs and a helicopter flying overhead. Both sources also report that officers carried assault rifles (Windle) or "high powered rifles drawn and pointed at unarmed protesters," (Nelson). On there being hundreds of officers, see: (Windle, 2006g; Hill, 2006; Indian Country Today, 2006). Nelson (2006) reports that there were "more than 24 police vehicles lining the road" outside of one of the several entrances to the property; while the *Globe and Mail* (2006a) and Graham (2006) both included an account that police swarmed everywhere and an estimate of how many were there could not be made.

Most sources report that officers entered the site with guns drawn; were also armed with tear gas, tasers and pepper spray; and descended upon the site with quick, "overwhelming force" (or even "abrupt violence"[Indian Country Today, 2006). For example, in addition to the sources cited above, see: Resource News International, 2006b; Canadian Press, 2006o; Graham & Canadian Press, 2006; CTV News, 2006f; Graham, 2006; Hill, 2006; Legall, 2006p.

Other sources that partially report on (and support the above reports on) the police presence include: Globe and Mail, 2006; Dunfiled & Howlett, 2006; Agence France Presse, 2006; Ontario Provincial Police, 2006b; Associated Press, 2006; CTV News, 2006h; CBC News, 2006h; Muse, 2006a.

[63] See the last note in the above paragraph for a description of the various promises police had made to the protesters (and the Haudenosaunee Confederacy Council) pertaining to police action against the protesters.

On police covering the entire site within seconds, or on accounts stating or implying that the OPP failed to give some protesters the promised opportunity to leave before being arrested appear see: (Nelson, 2006; Resource News International, 2006a & 2006b; Canadian Press, 2006o; Graham & Canadian Press, 2006; Graham, 2006; Windle, 2006g; CBC News, 2006h; Pearce, 2006c). On protesters being dragged from their tents, see: (Globe and Mail, 2006a; Dunfield & Howlett, 2006). Accounts suggesting that police used tasers and pepper spray against protesters (in some cases, prior to giving warnings) include: Hamilton Spectator (2006e) (which stated that: "protesters were pepper-sprayed as police approached the barricade in the darkness") and Resource News International, (2006a & 2006b) (which stated that: "a number of people were subdued with shocks from Tasers as police "covered the entire area within seconds"). Other accounts of the use of Tasers and/or pepper-spray can be found in: CTV News (2006h & 2006f), Globe and Mail (2006a), CBC News (2006h), Dunfield & Howlett (2006), Nelson (2006), and Hill (2006).

the site on foot, in pick-up trucks, and in all-terrain-vehicles.[64] As a critical mass of Six Nations reinforcements gathered at various points on the site, unarmed Six Nations women at one corner of the site began linking arms and walking in a line straight towards the police officers, forcing officers to chose whether to attack the unarmed women or move back. Officers at this corner eventually backed off the site, at which time the women focused their attention on another corner, marching peacefully and unarmed towards the police and walking them backwards off the site. The women eventually cleared officers from every corner of the site, and officers began retreating the area (Hill, 2006a; Windle, 2006g; Nelson, 2006; Graham, 2006; Graham and Canadian Press, 2006; Dunfield & Howlett, 2006; Adams, 2006).

After the forced police retreat, some protesters celebrated the victory while others worked to ensure that another police raid would not occur in the near future. To these ends protesters blocked a section of the main road through Caledonia with an 18-wheeler, and blocked other areas of the road, and other roads around the protest site, with piles of gravel or wooden planks, tire fires, guard rails, portions of torn up highway fencing, gravel piles, logs, tree branches, and

[64] In their official "timeline of events," the *Hamilton Spectator* held that police had cleared, secured and then left the site by mid-morning, before protesters reoccupied (Hamilton Spectator 2006e). It is not clear why the Spectator gave this official version, in contradiction of virtually all other reports, including some by its own reporters. On protesters forcing police off the site, see, for example, Windle (2006g), who reported that as early as 5:30 am there was a steady stream of Six Nations cars and people moving onto the site, with over 100 people on the site (taunting the police) shortly after this time. Adams (2006) reported that there were sufficient numbers of Six Nations people on the site to push police off the site as early as 7:30am. And another article in the *Hamilton Spectator* (Nelson, 2006) stated that by 8am Six Nations people were stepping out of the woods, well behind police lines, in increasing numbers. The article also stated that by 8:15 am OPP officers were leaving the site. A first hand account from Hill (2006) similarly reported that protesters pushed police off of the site by 9am (and not that police left, and protesters re-took the site). A number of other articles also report that Six Nations reinforcements pushed police off the site (Graham & Canadian Press, 2006; Graham, 2006; Dunfiled & Howlett. 2006; Muse, 2006c; CTV News, 2006h; CTV News, Anchor Lloyd Robertson; Erwin, 2006; Associated Press, 2006). These reports are apparently confirmed by CHCH news video showing lines of linked-armed protesters walking police off the site (Gamble, 2006d).

other make-shift barricades. Many of these barriers were either burning or were ready to be set on fire if it became necessary to stop another police raid on the site.[65] A number of other protesters, wary of the police regrouping, flooded into nearby subdivisions on foot or ATVs to patrol for a renewed police presence. Some of these protesters carryied baseball bats, lacrosse sticks, or wooden rods, and many wore masks over their faces (to protect against a pepper spray attack) (Nelson, 2006; Dunfield & Howlett, 2006; CBC News, 2006h; Rook, 2006b & 2006c; Rook & National Post, 2006; Globe and Mail, 2006a; Graham, 2006; CTV News, 2006f; Gamble, 2006b; Adams, 2006; Hamilton Spectator, 2006e; Dunfield, 2006).[66]

The failed police raid, and the chaos that followed on that day and the next, was the last straw for many residents who were opposed to the protest and had been waiting for two months for the

[65] Tire fires were reported lit in a number of spots on Argyle Street, Sixth Line Road and Highway 6. On the various types of road blockades, see: (Nelson, 2006; Harries, 2006e; Dunfield & Howlett, 2006; Muse, 2006c; CBC News, 2006h; Gamble, 2006d; Rook and Canadian Press, 2006; Bailey, 2006; Legall & Morse, 2006b; Rook and National Post, 2006; Nolan, 2006d;
Pearce, 2006b; Rook, 2006b; BBC News, 2006; Adams, 2006; Globe and Mail, 2006a; Associated Press, 2006; Graham, 2006; Windle, 2006g; CTV News, 2006f; Hamilton Spectator, 2006e; Resource News International, 2006a & 2006b; Edwards & Gombu, 2006; Healey & Nolan, 2006; Canadian Press, 2006p; Miner, 2006a & 2006c). The latter source also notes that protesters were ready to light up barricades on Highway 6 by pass if police came.

[66] Though many of the young men patrolling the perimeter and barricades of the protest site were reportedly yielding sticks, bats, and other make-shift weapons, there were also a fair number of older Six Nations' members at the scene attempting to calm protesters' anger and keep high emotions from leading to violence and injury. For example, one Native couple who said they were representing the Apostolic Motorcycle Ministry of Jesus Christ, went to the site to talk with the young men who had the job of protecting the site. The couple asked these protectors to be aware of the perceptions they were giving to others who saw them with make-shift weapons like baseball bats, and asked them not to carry such weapons:

> You need to put that down. That's not called for. Don't brandish it. It looks like you want to fight. I know how you feel inside, but I want to see you at the end of this. When all of this is over, I want to know that you're alive. I don't want to see anything bad come to the people … not for Caledonia residents and not for Six Nations. Not at all. (Lesley Greene, quoted in Hemsworth, 2006a).

police to end it. While many in the town remained sympathetic to the protest,[67] and support for the protesters poured in from other areas,[68] those residents who had already been angry, frustrated or afraid found further fuel for these emotions in what they heard about or saw in the days activities. They had watched police officers driven away by people who had already been characterized as criminals by protest opponents, watched masked protesters with bats or sticks speed through subdivisions near the site on ATVs,[69] seen the black smoke in the sky from tire

[67] "We've been here all day and (the protesters) have done nothing wrong… I'm embarrassed to be Canadian right now" (Unnamed resident, quoted in Oliveira, 2006). Others, such as Kathy Maher, who lived right by the protest site, noted that the OPP never sent officers by to let residents know what was going on, but at least six protesters had stopped by her house to make sure everything was alright, to assure her kids that everything would be alright, and to offer help in the event that Maher and her family needed anything (Miner, 2006b). Still other residents found the protesters more than willing to comply with resident concerns [See Mike Watson and Steve Tong's experience successfully getting the protesters to stop driving ATVs in their neighborhood, as told in: Proudfoot (2006) and Muse (2006g) and noted in Interviews with Caledonia Residents (2009)].

[68] "In our experience, where people stand up for their rights –including the labour movement—it gets turned into a law and order issue and we get criminalized. We stand with [the Six Nations]. It [the protest] should be resolved with discussion" stated Hamilton Steelworker and member of United Steelworkers Local 1005, Paul Lane, who came to the site with his local president and a contingent of union members, (quoted in: Pearce, 2006c). On the unions present, see also: (Hamilton Spectator, 2006e; Marxist-Leninist, 2006a & 2006b). Members from numerous groups, including the following, also showed up to support the protest and help stave off another police raid: Solidarity for Palestinian Human Rights, the Communist Party of Canada, Ontario Coalition Against Poverty, No One Is Illegal, and Justicia for Migrant Workers had a presence on the site, and large numbers of unaffiliated non-Natives arrived at the site to show their solidarity and help defend against another OPP offensive. Others were prevented from making it to the protest site after the Canadian border police refused entry to Natives from reserves in the US, and provincial and/or local police forces reportedly stopped and harassed Native people leaving their reserves within Canada. Many of those unable to make it to Caledonia simply held their own solidarity rallies where they lived (or posted information on how to travel to southern Ontario without detection). On the Canadian Border Police stopping and refusing to allow Native from reserves in the US to enter Canada, the stopping and harassment of some natives leaving reserves in Canada, and the posting of instructions on how to get to southern Ontario without police detection, see: Marxist-Leninist (2006a & 2006b). On one solidarity rally which involved the blocking of traffic and the hanging of warrior flags on the Mercier Bridge, see: Rook (2006b).

[69] Protest leaders reportedly stopped protesters from driving ATVs through neighborhoods near the protest site after a few residents complained to protesters. The protesters were so organized,

fires,[70] seen or heard that a van was toppled over a bridge and set on fire to block a freeway near the site, experienced the high tension, near-chaos, and general uncertainty that permeated the morning of the failed raid, and heard the Mayor's panicked request for the army to come in and finish what the OPP failed to do (*Dunnville Chronicle*, 2006; CTV News, 2006d). Responding to the morning's events, angry residents gathered near the barricades throughout the day, reportedly taunting protesters with insults and demanding that they "go home"[71] or taunting and challenging police for sitting in vans around the protest site rather than making another move to end the protest (Gamble, 2006b; Adams, 2006; Hamilton Spectator, 2006e; Interviews with Caledonia residents, 2009; Rook, 2006b; Graham & Canadian Press, 2006; Nelson, 2006). By nightfall, several hundred non-Native residents had joined the mob of angry, taunting residents (Healey & Nolan, 2006; Nolan, 2006d), until Ontario Provincial Police moved in around 9:00

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and the response to the complaint so immediate that when one of the Caledonia residents who had complained were given a ride back to his subdivision, "another protester stopped them to say they were no longer allowed to drive the vehicles through the neighborhood" (Proudfoot, 2006).

[70] Tire fires were set in the morning response to the raid, but Clan Mothers stopped protesters from burning tires due to environmental concerns. After that pallets were burned and gravel piles were used to block roads instead. (Pearce, 2006b). The exchange was also reported in: Windle, (2006g) which did not mention Jamieson's name, but instead stated that Clan Mothers ordered the stop to burning tires because of pollution to the environment (and that protesters complied).

[71] Only a few news articles mentioned this development, and most simply mentioned it in passing as a series of angry verbal exchanges between residents and protesters. But at least one article, which discussed the confrontations in slightly more detail, painted a different picture, noting that it was mostly non-Native residents who were speaking and hurling insults, while Native protesters manning the barricades –some of whom had pieces of wood, shovels or bats— merely watched, speaking up only when residents got too near to the barricade, and then only "to order Caledonians back." See: Healey & Nolan (2006). Articles that summarized the face-offs as angry verbal exchanges coming equally from both sides include: Edwards & Gombu (2006) and Gamble (2006d) (the latter source also notes that residents had been gathering around the barricade, and pushing ("easing") close, throughout the day). Oliveira (2006) noted that "[c]urious onlookers and angry locals linger day and night near the fortified barrier." On residents stating that they felt abandoned by the police or being critical of the police for leaving, see: Edwards & Gombu (2006); Legall & Morse (2006a); Healey & Nolan (2006); Gamble (2006d).

P.M. and forced residents back from the barricades (Edwards and Gombu, 2006; Healey & Nolan, 2006). Though the police had started the day facing off with protesters in an attempt to remove them, they ended the day facing residents, in an attempt to create a buffer zone between residents and Native protesters and keep the former from moving in and sparking a physical confrontation.

Non-Native residents were furious with this development in the police procedure, and over the next 40 days this anger culminated in both regular angry gatherings of non-Natives taunting Native protesters near the barricades, and a series of ever-intensifying anti-protest rallies, some of which drew 2,000-3,000 people in a town of only 10,000 (Bonnel & Canadian Press, 2006c; Canadian Press, 2006v). Anti-protest rally-goers frequently sang the national anthem, waved Canadian flags, and demanded police or military action against the Native protest. Some of these rallies ended in "near riots" with hundreds of flag-carrying non-Natives rushing the police lines near the protest site, shouting insults at OPP officials and racial slurs at Native protesters, while attempting to force their way through the police lines and onto the site --presumably to "do what police wouldn't do" and forcibly remove Native protesters from the land.[72] At the peak of this "intense, intense, irrational anger,"[73] the county mayor made derogatory remarks about

[72] Harries & Rusk (2006) describe these incidents as "near riots." At least 500 residents participated in one or more of these incidents, or 5% of the town's population (Harries, 2006a; Harries and Rusk, 2006). CBC News (2006a) reported that close to 1000 residents stormed the police line on April 24th. On another occasion in May, non-Natives succeeded in pushing through the police lines and physically confronting Native protesters in a mass fist-fight that involved hundreds of people and culminated in a power outage that impacted thousands of people in several southern Ontario counties. On residents yelling racial slurs at Native protesters and insults at police, see: Harries (2006a). On the April 24 raid in particular, see also: (Bonnell & Canadian Press, 2006a; Rook & Proudfoot, 2006a; Weber & Howlett, 2006; Rook, 2006a).
[73] As described by former Ontario Premier David Peterson (Harries & Rusk, 2006).

Native protesters on national television[74] and non-Native business owners refused to serve Native customers (Muse, 2006i; Autonomy & Solidarity, 2006a; Interviews with Caledonia and Six Nations residents, 2009). Likewise, kids' non-Native sports teams refused to play Haudenosaunee sports teams; non-Natives threw trash out car windows at Native people walking down the street; and some non-Native residents even reportedly stockpiled Molotov cocktails in their backyards or planned to ship guns into the town in the event that "shit hit the fan" and a "civil race war" broke out in Canada (something that people were still talking about three years later) (Interviews with Caledonia residents, 2009; Haudenosaunee Confederacy, 2007).[75] Adding fuel to the fire of non-Native opposition, a late May decision by the province to stop all development on the site under protest sparked a day of mass confrontation and repeated fistfights that left residents throughout several counties without power.[76]

The motivations behind the explosive and sometimes violent expressions of non-Native anger in Caledonia have been largely framed and justified in terms of financial hardships and other injuries that are said to have been inflicted upon non-Native residents by the Haudenosaunee protest. While it is certainly true that some non-Native residents were adversely impacted by the

[74] The mayor stated that Native people didn't understand, but needed to understand, that Caledonia residents don't have checks coming in every month and have to go to work –implying that the Native protesters didn't work and relied on monthly welfare checks. Haldimand County NEWS RELEASE # 6, 2006; Bonnell, 2006a &2006b; CTV News, 2006a & 2006c; Legall & Nolan, 2006a; Harries & Rusk. 2006; CBC News, 2006f.

[75] Interviews with Caledonia residents, February-June, 2009.

[76] According to some residents, the intense conflict on one long weekend in May was largely a result of the efforts of local realtors and others in the construction and financial investment businesses misinforming and inciting fear, anger and anxiety among local residents in an attempt to unravel the province's proposed moratorium on development (Interviews with Caledonia Residents, 2009). On the May weekend in general, see: (Canadian Press, 2006d; CBC News, 2006b, 2006c, 2006d, 2006e & 2006g; MacArthur, 2006; Pona, 2006; Globe and Mail, 2006b; Hamilton Spectator, 2006b; Canadian Press, 2006g; National Post/Broadcast News, 2006a & 2006b; CTV News, 2006b, 2006i, 2006f & 2006g). The latter two sources noted that "Non-Native locals are upset because they believe that the natives are dictating how the dispute will be resolved, Laurie reported."

protest, such as construction workers employed on the Douglas Creek Estates development who may or may not have gone weeks or even months without steady work because of the protest, the discussion in chapter 6 will demonstrate that the vast majority of non-Native residents who claimed to have been victimized by the Haudenosaunee protest greatly exaggerated their claims to victimhood. In some cases they perhaps did so in pursuit of financial compensation. Further, as the below background discussion will show, none of these non-Native residents were victimized anywhere near the extent to which the Haudenosaunee have been victimized by non-Native government policy and private non-Native settlement and development on their lands for hundreds of years. Thus, however injured some non-Native residents may have felt that they were, these injuries certainly cannot compare to the historical and ongoing injuries inflicted upon the Haudenosaunee by non-Native governments and by private non-Native individuals acting under the approval and direction of these governments.

Regardless of who was injured or how heavily anyone was injured, what is of interest here is the fact that non-Native government and resident grievances against the Haudenosaunee protest routinely sought not merely to establish the legitimacy of their own grievances, but to dismiss and deny Native grievances. To this extent, the Canadian and Ontario governments routinely released statements (often made by anonymous officials) asserting that the Haudenosaunee claims regarding their lands and rights were false, fabricated, mistaken or purposefully deceptive (see chapters 4 and 6). Likewise, many non-Native residents who vocalized opposition to the Haudenosaunee protest frequently did so by denying, dismissing and outright denigrating the Native protest (and sometimes Native people). In doing so, these non-Native residents employed two types of (frequently overlapping) tactics. First, they used assertions of race, class, gendered, legal and nation-based dominance over Native peoples, such as through demanding that the

Canadian, Ontario and Haldimand County governments proceed as usual with their settlement and development plans on lands under Haudensoaunee claim –and employ the militarized armed aggression of the Canadian army, if necessary, to do so. Second, they attempted to assert exclusivity in the ability to make claims to victimhood ("the victims are the people living in the community"[77]), thereby exaggerating the injury caused to non-Natives ("what about my right to go about my life?"[78] and "at least clear the road so we can get on with our lives"[79]) and replacing Haudenosaunee grievances with these exaggerated non-Native claims. These patterns of thought and behavior that are involved in denying Haudenosaunee claims to injury, and in instigating, perpetuating and intensifying the ongoing violation of Haudenosaunee land, resource and treaty rights, need to be understood, and will be examined in more detail in chapter 6.

BACKGROUND

1) The Haudenosaunee Six Nations Confederacy[80]

The Haudenosaunee Six Nations[81] is a confederacy of Native nations[82] that are governed on the basis of consensus, and thus constitute one of the oldest known participatory democratic traditions still in existence, and the only governing tradition founded on the basis of actively striving for peace (Akwesasne Notes, 2005; Lyons, 1992: 33; Porter, 2006 and 2008: 24; Woo,

[77] A Caledonia resident paraphrased in Nolan (2006a).
[78] An unidentified Caledonia resident quoted in Harries (2006e).
[79] An unnamed Caledonia man, quoted in Nolan (2006d).
[80] This is an extremely abbreviated description of the formation of the Haudenosaunee Six Nations Confederacy.
[81] Also known as the Haudenosaunee Six Nations Confederacy, the Six Nations Confederacy, the Haudenosaunee, the Iroquois and/or the Iroquois Confederacy.
[82] The Haudenosaunee were originally a confederacy of five native nations –the Mohawk, Oneida, Onondaga, Cayuga and Seneca. Around 1722 the Tuscarora joined the confederacy, making it the Six Nations confederacy. Other Native nations, or parts of Native nations, have since joined or merged with the Confederacy, such as the Tutelo and members of the Delaware; however, given the manner in which these nations joined or are represented in Confederacy decision-making, the Confederacy is still referred to as one of Six Nations.

2003; Johansen, 1998; Vachon, 1993). According to the Haudenosaunee's detailed oral history, the confederacy was formed long before Europeans began their invasion of the Americas,[83] and at a time when there was much warfare and violence, when people had forgotten their common humanity and the rules handed down to them for treating and getting along with other human beings and other life forms.[84] As Oren Lyons (1992) has stated:

> These people lived at a time of dark despair and chaos. Their story recounts a period when humans had cast aside the rules of coexistence, a period when bloodlust and vengeance overshadowed the goodness in human beings. It was a time of what we today would call civil war, when brothers hunted brothers, when head-hunting was common, and when men and women sought vengeance for wrongs, real and imagined. (P. 34)

During this time of great chaos and fighting, a man known as the Peacemaker,[85] together with a woman he met named Jigonsaseh, traveled around to each of the original five member nations, seeking to talk to the fiercest and most feared men among them as well as the women leaders (Akwesasne Notes, 2005; Lyons, 1992; Porter, 2008).[86] One by one, sometimes with the aid of another man, Hiawatha (or Aionwahtha), the Peacemaker and Jigonsaseh convinced each of these men, along with the other members of each of these nations, that there had to be some force

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[83] Haudenosaunee oral history, and some convincing historical evidence, suggests that the Confederacy was formed long before European contact, perhaps even a thousand years or more before this (Akwesasne Notes, 2005; George-Kanentiio, 2006; Porter, 2006; Lyons, 1992; Vachon, 1993). Though many Western-style scholars have attempted to set a more recent date for the founding of the Confederacy (Taylor, 1993; Johnston, 1964; Wise, 1971), these accounts both lack evidence and contradict Haudenosaunee oral history. For a more detailed, and very well-researched discussion of both western and Haudenosaunee methods of determining the date the confederacy was formed, see Mann & Fields (1997), who date the founding of the confederacy at 1142 C.E..

[84] Tehanetorens (2000) notes that people had strayed from and began to forget their traditional ways of life –began to forget instructions on how to live with the natural world and with each other.

[85] The name of the Peacemaker is not generally spoken outside of ceremonies; therefore, though his name has been written in various articles, in this paper "Peacemaker" will be used to refer to this person.

[86] See also: Mann, Barbara Alice. 2000. *Iroquoian Women: The Gontowisas*. New York: Lang Publishing. (Thanks to Barbara Mann for pointing out this source).

that created all life and the world around them, and that this force would not want men to destroy the world the living things in it (Akwesasne Notes, 2005; Lyons, 1992). Instead, the Peacemaker argued, healthy minds desire peace,[87] which could be established when members of a society worked together[88] not only to eliminate violence and conflict, but to establish universal justice for all people and all living things[89] –all of which have an equal right to what they need to live, and none of which can deprive another of this.[90] In actively striving for universal justice and

[87] "The Peacemaker began his teachings based on the principle that human beings were given the gift of the power of reason in order that they may settle their differences without the use of force. He proposed that in every instance humans should use every effort to counsel about, arbitrate, and negotiate their differences, and that force should be resorted to only as a defense against the certain use of force. All men whose minds are healthy can desire peace, he taught, and there is an ability within all human beings, and especially in the young human beings, to grasp and hold strongly to the principles of righteousness. The ability to grasp the principles of righteousness is a spark within the individual that society must fan and nurture so that it may grow. Reason is seen as the skill that humans must be encouraged to acquire in order that the objectives of justice may be attained and no one's rights abused." (Akwesasne Notes, 2005, pp. 33-34).

[88] "The power to enact a true peace is the product of a unified people on the path of righteousness, and reason is the ability to enact the principles of peace through education, public opinion, and political, and when necessary, military unity. The "power" that the Peacemaker spoke of was intended to enable the followers of the law to call upon warring or quarrelling parties to lay down their arms and to begin a peaceful settlement of their disputes" (Akwesasne Notes, 2005, p. 34).

[89] Peace, as the Peacemaker understood it, flourished only in a garden amply fertilized with absolute and pure justice. It was the product of a spiritually conscious society using its abilities of reason that resulted in a healthy society. The power to enact peace (which requires that people cease abusing one another) was conceived to be both spiritual and political" (Akwesasne Notes, 2005, p. 34).

[90] Akwesasne Notes, 2005: p. 33 ("Other political philosophers and organizers have come to the conclusion that governments can be formed for the purpose of establishing tranquility, but the Peacemaker went considerably further than that. He argued not only for the establishment of law and order, but for the full establishment of peace. Peace was to be defined not as the simple absence of war or strife, but as the active striving of humans for the purpose of establishing universal justice. Peace was defined as the product of a society that strives to establish concepts that correlate to the English words power, reason, and righteousness"); Lyons, 1992, pp. 38-39 ("The Peacemaker taught that peace is not simply the absence of violence but can only exist through the vigorous efforts of clear-thinking people to eradicate injustice in the world…. In summary, The Peacemaker facilitated what can be described as a revolution. He caused the power of the warrior leaders to be subordinated to the workings of the council of elders whose purpose was to promote peace within the framework of a true confederacy").

peace, the Haudenosaunee sought to eliminate all causes of conflict, such as by removing "all thoughts of prejudice, privilege or superiority" and recognizing that "no person or people has a right to deprive others" of what they need to survive.[91] In addition, the Peacemaker argued that the purpose of government is to prevent the abuse of anyone's rights, not to orchestrate or participate in this abuse (Akwesasne Notes, 2005: 32; Lyons, 1992: 34).[92]

One by one members of the Five Nations agreed to the Peacemaker's ideas, known as the Great Law of Peace (or Kaianere'kowa)[93], and together they buried their weapons of war and formed a governing body, the Confederacy Council. This Council was founded on ideals of universal justice, rather than of law and order. It was also founded on the principles that "the power and authority of the people lies with the people and is merely transmitted by them through the 'chiefs'" (Akwesasne Notes, 2005: 34). As such, the Chiefs of the council had no power of coercion, domination or self-enrichment, but they do have great responsibilities to serve the will of the people of their clan, who make participatory-democratic decisions on the basis of consensus. The Chiefs also were (and are) selected democratically by the women of their clan, and nominated by their Clan Mothers, who can veto their decisions or remove them from their position ("dehorn" them) if they fail to serve the will of the people and/or follow the Great Law

[91] Akwesasne Notes, 2005, p. 33. Also see p. 34 ("The principles of law set forth by the Peacemaker sought to establish a peaceful society by eliminating the causes of conflict between individuals and between peoples. It was a law that was conceived prior to the appearance of classes, and it sought to anticipate and eliminate anything that took the appearance of group or class interest, even in the form of clan or tribal interest, especially in the area of property").
[92] According to the latter source: "The true purpose of human political organization, The Peacemaker argued, must be to oppose violence. This, he said, can be accomplished when men of healthy minds and bodies unite to create a just world in which human abuse is abolished forever, and in which war is abandoned as a way of settling disputes. Force, he asserted, is justified only when it is necessary to halt aggression and to create the conditions we might call a truce that could be used to create a road to peace."
[93] Also translated as the "great way of being" in Alfred (2010), who describes this as a philosophy of life based on and reflective of the best lessons that humans have learned, and messages they have been given, about how to live as human beings.

of Peace. In addition, the women, as those who can alone give life and allow the culture to continue, held their own councils through which they made (and still make) all of the decisions regarding when to go to war and when to have peace, the location of villages, the distribution of food, life in the village, and decisions pertaining to a number of other matters, including all matters related to the Haudenosaunee lands.[94]

The men on the council of Chiefs were responsible for conducting relations both among the five (late six) confederated nations and internationally with other Native nations, or with Europeans, once their invasion of the Americas began. While each nation within the confederacy governed itself in its own affairs, each also agreed to yield a portion of its sovereignty to the group in affairs that impacted the entire confederacy, as no nation could make unilateral decisions that impacted others. For example, any "decision concerning the disposition of Seneca lands must first pass through the Confederacy Council, where the other nations, who also have rights in Seneca lands, can participate in the decision-making process" (Akwesasne Notes, 2005: 35; Lyons, 1992).[95] As a participatory democratic tradition of actively striving for peace, the Confederacy was (is) open to, and welcoming of, other nations or individuals outside of Haudenosaunee territories who wished to join and seek shelter under the Great Law of Peace, so long as they adhere/d to the Great Law and did/do not induce factionalism among the people. Further, as a governing tradition that actively strived for peace, aggression was only to be used in self-defense, only when all efforts at diplomacy had failed, and only to the extent that was

[94] The women have so much power in matrilineal Haudenosaunee society that some westerners have remarked that the council of chiefs appears to "serve only to represent and aid the women in matters in which decorum does not permit the latter to appear or act,"(Father Joseph Francois Lafitau (1974) [quoted in Bonaparte, 2008]). See also: Akwesasne Notes (2005), Lyons (1992), Taylor (2006) Johnston (1964), Woo (2003).

[95] As title holders of the land, the women and the Clan Mothers also (and perhaps primarily) needed (and still need) to be consulted, and to be in agreement on any decisions pertaining to lands.

needed to achieve an end to the hostilities. Even then, three warnings, ordered by the Clan Mothers, had to have been delivered before any hostile actions could be taken.[96] Lyons (1992) has further noted that:

> Even following the unconditional conquest of an invader, the conquered were to enjoy rights. There would be no collection of spoils from those who were conquered. There would be no requirements that a conquered people adopt the religion of the conquerors. The aggressors would be required to disarm, but otherwise they would be left in control of their country, and the dispute would be taken to the Great Council, where it would be resolved. (P. 34)

And that:

> The ideas and principles expressed in the Silver Covenant Chain and other traditions of the Haudenosaunee have been central to our relations with other nations and states, whether Indian, European, or American. In these traditions, there is a recognition that peoples are distinct from each other. However, since the beginning of our memory this distinctiveness has been seen as a foundation for mutual respect; and we have therefore always honored the fundamental right of peoples and their societies to be different. This is a profoundly important principle, and one which, even in the twentieth century, humans continue to struggle to realize. (P. 42)

As a result of building societies around the Great Law of Peace, the Haudenosaunee were able to achieve a relatively stable society, free from police or coercion, in which theft, rape, and the inequalities experienced in European societies were virtually unknown (see chapter 2 for more on these inequalities, and chapter 3 for more on the Haudenosaunee and other Native societies in the Americas). These results amazed many European settlers who contrasted this level of freedom and respect experienced by the Haudenosaunee with the oppression and inequalities experienced in the colonies --many of which were governed by martial law (Canny, 1979; Mohawk, 1992 & 2000). Though there have been times when the Haudenosaunee have

[96] This sentence was added by Barbara Mann through email correspondence and editing suggestions, April 19, 2012. Mann cites the following source: Parker, Arthur C. 1916. Constitution of the Five Nations, or Iroquois Book of the Great Law. Albany: NY: State University of New York, p. 54.

imperfectly followed their principles and ideals, the society that they were able to maintain was revolutionary in many respects, and the Haudenosaunee Confederacy was later used as a model for both the United States Constitutional Democracy, and the League of Nations (now the United Nations) (Lyons, 1992: 32, 39; Mohawk, 1992; Berman, 1992; Woo, 2003; Johansen, 1998; Akwesasne Notes, 2005: 38; Vachon, 1993; Porter, 2006).

2) The Haudenosuanee Grand River Territory

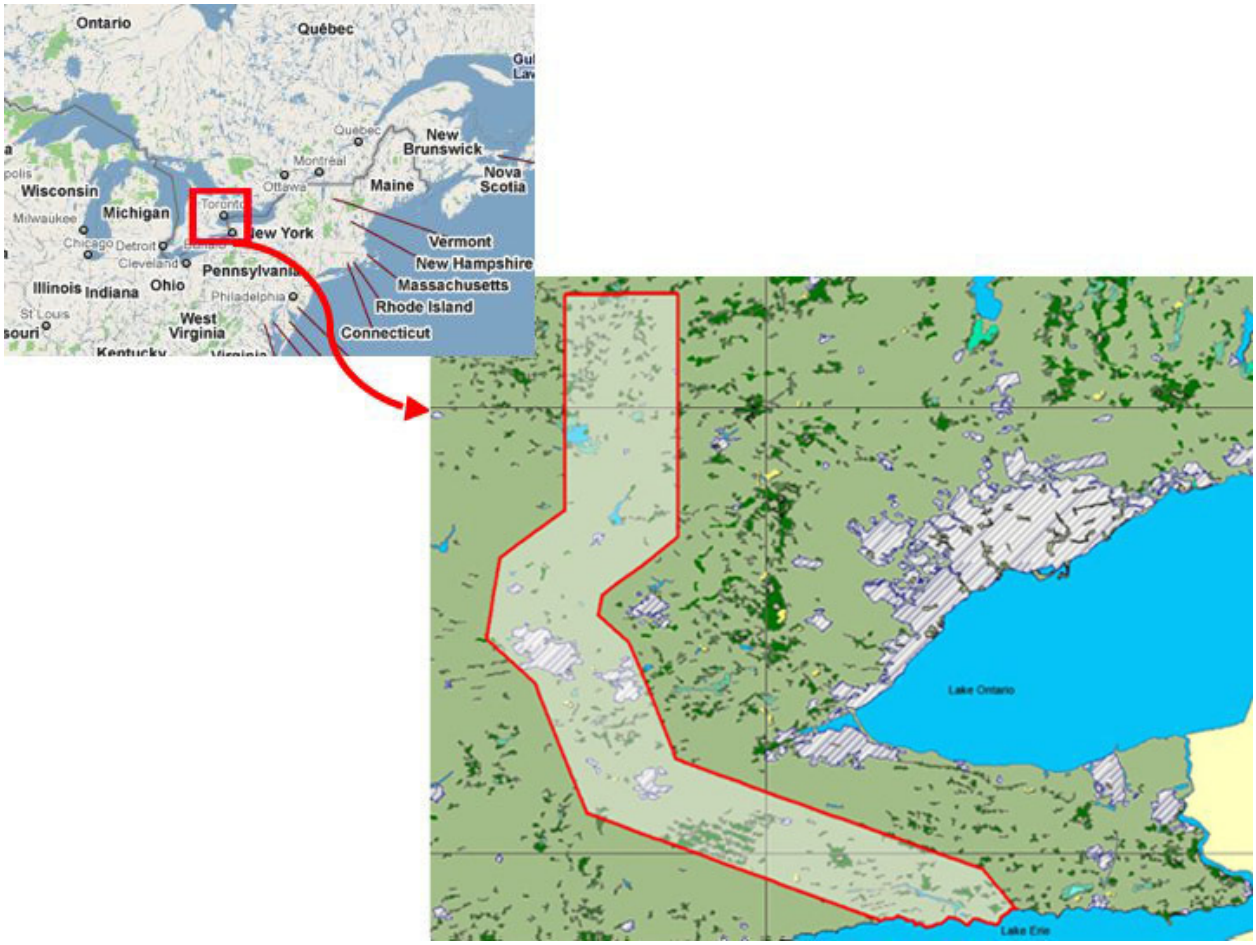

Figure 1. The top map shows the area of detail, the bottom map shows the Haudenosaunee Six Nations Confederacy Grand River Territory (outlined in red), a portion of the Haudenosaunee's traditional territory that was set aside for their sole use in perpetuity in the Haldimand Proclamation of 1784 (this land is also sometimes referred to as the Haldimand Tract).

In 1784, a sizeable portion of the Haudenosaunee Six Nations Confederacy settled on a 950,000-acre tract of land in their traditional beaver hunting grounds along southern Ontario's Grand River (see *Figure 1*). The move was the result of Crown promises to the Haudenosaunee, as well as Crown treaty violations and attempts to repair these violations. Several years prior to this, when the Haudenosaunee were struggling to defend some four million acres at the center of their traditional territory from encroachment by non-Native squatters, land speculators and corrupt government officials,[97] Crown officials at war with the thirteen revolutionary colonies made the repeated promise to Haudenosaunee member nations that if they fought with the English in the war then the Crown would –at Crown expense-- restore them to the state they were in prior to the outbreak of hostilities.[98] Though many among the Haudenosaunee member nations took this

[97] The center of the Haudenosuanee's traditional territory is in what is today upstate New York. The Haudenosaunee's full traditional territory spanned east to west from the Huron to the Mississippi Rivers, and north to south from southern Michigan, Ontario and Quebec to Kentucky and the northern short of Chesapeake Bay (Six Nations Council, 2010/2011). Or, alternately explained as: "from the upper Great Lakes through the Ohio Valley and Pennsylvania to the limits of Cherokee territory in the Carolinas" (Berman, 1992: 148). Berman notes that the Haudenosaunee held political and commercial hegemony over this area --and the Indian nations within it-- and controlled "trade routes, the allocation of rights in large but relatively unpopulated hunting territories, and the process of international relations with the Dutch, French, and English," into the 1790s, which made the Haudenosaunee "a significant commercial and military friend or formidable foe for the Europeans," dependent upon the fur trade. The full extent to which this was so is unlikely to be reflected in European documents (Ibid, 148-9). On the Haudenosaunee's ongoing, sovereign struggle against encroachments by non-Native squatters, land speculators and corrupt government officials who ignored binding treaties with the Haudenosaunee, see: Akwesasne Notes (2005), Berman (1992), Taylor (2002 and 2006), Nammack (1969), Harring (1998).

[98] These promises were made on numerous occasions –both verbally and in writing-- prior to and during the Revolutionary War --"particularly during the critical months of 1780 and 1781, when so much depended on the Indians' ability and readiness to maintain adequate pressure on American forces," (Johnston, 1964: xxxiv). See, for example, the written promise made by Frederick Haldimand Esquire, Captain General, Commander in Chief of the Province of Quebec, and General and Commander in Chief of his Majesty's Forces in the Province and the Frontier, 7th April 1779 (LAC Haldimand Papers, 1779-1783: Section 3, p. 7). See also the promise made by Haldimand in 1779 that the Mohawk villages of "Conajoharie [sic], Tiyondarago [sic], and Aughwago [sic] would be restored to them 'at the Expense of the Government, to the state they

promise to heart and fought with the British in the war,[99] at the end of hostilities the British Crown signed over to the 13 colonies more than 4 million acres of Haudenosaunee lands in what is today upstate New York. This move, enshrined in the 1783 Treaty of Paris, was made without the knowledge or consent of the Haudenosaunee, and despite the fact that the land was neither Britain's nor the colonies to barter. Additionally, the move violated a number of treaty agreements and promises made by the British Crown not only with the Haudenosaunee, but with a number of other Native nations as well (Johnston, 1964: 36; Berman, 1992; Taylor, 2006).[100]

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were in before'" the war (Letter from Frederick Haldimand to Daniel Claus, 17 December 1783, quoted in Good, 1994: 25). Also see Good (1994: 35): "At the outbreak of the American Revolution Sir Guy Carleton, Governor of Quebec, requested the Mohawks to "assist in defending their country, and to take an active part in defending his Majesty's possessions; stating, that when the happy day of peace should arrive, and should we not prove successful in the contest, that he would put us on the same footing in which we stood previous to our joining him. … After the defeat of the British, Carleton's successor, Haldimand, promised the Mohawks that they would be granted land in Quebec "to hold on the same footing with those w fled from." And see: Canada, Legislative Assembly (1870).

[99] The Haudenosaunee Six Nations Confederacy Council took an official position of neutrality in the war, but individual nations were free to do what they wanted, and many member nations fought with the British in the war. To this extent, the Mohawks and members of other Haudenosaunee nations [if not the "great majority of Iroquois," as argued by Taylor (2002)] took up arms and fought with the British in response to this promise (see Porter, 2006; Vachon, 1993; Taylor, 2002; George-Kanentiio, 2006; Taylor, 2002; Lyons, 1992; Vachon, 1993; George-Kanentiio, 2006). Some Oneidas and Tuscaroras chose, instead, to fight with the 13 colonies during the war (Taylor, 2002; Lyons, 1992; Vachon, 1993). George-Kanentiio (2006) argues that the Mohawks were actually split in the war, with many fighting for the British under Mohawk Johseph Brant, and some fighting for the 13 colonies.

[100] In addition to the Haldimand Promise (the signed promise that the Crown would restore, not steal and sign away, Haudenosaunee lands), the 1783 Treaty of Paris violated the 1768 Fort Stanwix Treaty which, signed by the British Crown and at least 35 Native nations, was still in effect and could not be unilaterally changed (Johnston, 1964: 36; Berman, 1992; Taylor: 2006). In fact, a main component of the treaty was an agreement to a line, going north to south, which divided white and Indian lands. According to the treaty, no Native nation could sell or dispose of lands west of the treaty line without consent from all 35 nations (Taylor, 2006: 116). The Treaty of Paris also violated the Crown's own Royal Proclamation of 1763 –a proclamation which, Borrows has convincingly argued, was as much an agreement with Native nations as a declaration and directive by British Crown to British subjects (Borrows, 2002).

Despite the Crown's rather unprecedented generosity to the thirteen colonies in the 1783 Treaty of Paris,[101] Crown officials knew full well that they did not have the authority to unilaterally change their previous treaties and promises with Native nations. For example, an embarrassed and ashamed[102] Governor-in-Chief Frederick Haldimand wrote to his superiors in Britain, remarking:

[101] According to both historians today and Crown officials in 1783, the British Crown's decisions to sign away this land was an act of unprecedented –and unnecessary—generosity towards the colonies, which had been worn to the brink of near dissolution during the war, were nearly bankrupt, faced growing internal anger and unrest, and were being strained ever further by Indian raids along the insufficiently defended frontier (Taylor, 2006: 111-2, Johnston, 1964: 35). Since the colonies would not have dreamed of all that they were given in the 1783 Treaty of Paris, and the British were certainly aware of the colonies weakened state (Taylor, 2006; Johnston, 1964), there may have been other reasons for the betrayal by Britain, such as the desire for Crown officials to have a buffer zone of friendly Indians between the British subjects and the colonies and/or less friendly Indians. On the Crown's desire for a buffer zone see: Taylor (2006: 114-115) and Taylor (2002). Though Taylor (2006) suggests that the decision to create a buffer zone came slightly after the signing of the 1783 Treaty of Paris, and in response to Haudenosaunee complaints about it, he also notes British fears about further aggression from the colonies and/or from unfriendly Native nations –noting, for example, that in 1783 there were only 200,000 British subjects north of the 49th parallel, but there were 2,500,000 Americans in the colonies (Taylor, 2006: 118-119). In addition, there were 35 Native nations set to defend the 1768 Fort Stanwix treaty line against non-Native encroachment (Taylor, 2006:116). Others speculate that the Crown wanted to out-maneouver/eliminate the Americans from the fur trade by positioning the Haudenosuanee in their traditional hunting grounds in Canada –and thus rendering unnecessary the hunting grounds around the American side of the Great Lakes (Lord North to Governor General Haldimand, August 8, 1783, reproduced in Johnston, 1964: 42; see also p. 53 and Taylor, 2006: 113-114).

[102] Crown officials were reportedly not only embarrassed and ashamed at the illegal betrayal of their Haudenosaunee allies, but also aggrieved and humiliated at the unprecedented –and unnecessary-- extent to which this betrayal humbled the Crown before the war-worn and considerably weakened independent colonies. The overly-generous conditions of the 1783 treaty were remarked upon by General Alan Maclean, while at Fort Niagara, as "certainly beyond their [the colonies] most Sanguine Hopes or Expectations…" (Johnston, 1964: 35); and Governor-General Frederick Haldimand expressed more outright shame in a letter to a friend:

> My soul is completely bowed down with grief at seeing that we (with no absolute necessity) have humbled ourselves so much as to accept such humiliating boundaries. I am heartily ashamed and wish I was in the interior of Tartary. (Taylor, 2006: 112).

Further, the Home Secretary and Leader of the House of Commons, Lord Sydney later stated of Upper Canada's attempts to placate the Haudenosaunee with offers of compensatory lands:

> These people, my Lord, have as enlightened Ideas of the nature and Obligations of treaties as the most civilized nations have, and *know that no infringement of the Treaty of 1768… can be binding upon them without their express concurrence & consent.* (Taylor, 2006: 115, emphasis added)

Because the Haudenosaunee had been excluded from the 1783 Treaty of Paris negotiations [an act that some Haudenosaunee chiefs interpreted as an affirmation of their continuing status as independent and sovereign nations (Taylor, 2006)], they were not immediately aware of the unauthorized and illegitimate betrayal. Crown officials, terrified of a potential Native uprising, did everything within their power to prevent the Haudenosaunee from learning about it –from lying outright to "gifting" the cold, hungry, poorly clothed and war-traumatized Haudenosaunee in refuge in Niagara with 1,800 gallons of rum in the hopes of keeping them inebriated for a few more days or weeks (Taylor, 2006: 112-14; Johnston, 1964).[103] Despite these best efforts, rumors of the terms of the treaty began trickling in to the Haudenosaunee encampment at Niagara.[104] Crown officials moved quickly to attempt to repair some of the damage done by the treaty by promising that pre-war treaty agreements and promises would be kept[105] and that the

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> If the [Mohawk] Indians should not accede to any Proposals that may be made to them by the American Deputies, or cannot be prevailed upon peaceably to accept the asylum already directed to be offered them, within the Province of Quebec, Our Situation will in some degree become embarrassing. (Quoted in Good, 1994, p. 26).

[103] Further, British officials who had been making steady efforts to decrease the amount of presents given annually to native nations, also reversed themselves and instead increased presents to the Haudenosaunee. They also attempted to placate the Haudensaunee by completely misrepresenting the terms of the peace treaty:

> Citing a secret (non-existent, in fact) clause to the peace treaty, Sir John Johnson & John Butler assured the Iroquois that the forts would never be relinquished until the Americans had done Justice to the Indians (Taylor, 2006: 114).

[104] "The Indians from the Surmises they have heard of the Boundaries, look upon our Conduct to them as treacherous and Cruel; they told me they never could believe that our King could pretend to Cede to America What was not his own to give, or that the Americans would accept from Him What he had not right to grant" (General Alan Maclean, at Fort Niagara, remarking on the Native perception of illegality of their betrayal, quoted in: Taylor, 2006: 112 Johnston, 1964: 36;).

[105] To this extent, Crown officials agreed –in violation of the newly-signed treaty with the colonies-- to honor the 1768 Fort Stanwix Treaty borders and retaining numerous border forts

Haudenosaunee and other Native nations would be compensated for their losses in the war through deeds granted to them in Upper Canada (today lower Ontario).[106] To this end, Governor General Frederick Haldimand was authorized and requested by the King of England[107] to find

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signed away in the 1783 treaty (Taylor, 2006:113-121; Johnston, 1964: xlii, 42, 53). In fact, Crown officials were so afraid of an impending uprising by the Haudenosaunee that the Haudenosaunee not only "compelled a dramatic shift in British policy" in these above-mentioned areas (Taylor, 2006:114), but also induced the Crown into "endorsing, advising and supplying presents (especially ammunition)" to a newly-formed confederation of 35 Native nations intent on defending the borders of the 1768 Fort Stanwix Treaty that clearly went against British interests by uniting "Indians independently of white people," and thus rendering worthless the longstanding British policy of dividing Natives by promoting jealousies among them (Taylor, 2006: 116).

[106] In granting land, the Crown not only sought to make up for violations of pre-war treaties and agreements, but also conceded to another Haudenosauene demand: that an Indian buffer zone be created in the area of overlap between the 1768 Fort Stanwix Treaty and the 1783 Treaty of Paris. This buffer zone was actually quite strategic for the British as well, who wanted nothing more than a buffer between their remaining colonies and potential attacks by the newly independent colonies to the south, or by less friend Indian nations to the west (Taylor, 2006: 113-121). In addition, this buffer zone also had economic appeal to the British, since an Indian buffer zone would virtually eliminate the newly-independent colonies from competing with British merchants and settlers in the fur trade (Taylor, 2006:114; Johnston, 1964: 42, etc.).

[107] "…The King… much approves of your having sent Major Holland to … survey the North Side of the Lake Ontario, as well as of your intention of carrying into execution your endeavor to prevail upon the Mohawks to settle to the Northward of the Lake, provided the country should be found well suited for their convenience. These People are justly entitled to Our peculiar Attention, and it would be far from either generous or just in Us, after our Cession of their Territories and Hunting Grounds, to forsake them. I am, therefore, authorized to acquaint you, that the King allows you to make those Offers to them, or to any other Nations of friendly Indians, who may be desirous of withdrawing themselves from the United States, and occupying any Lands which you may allot to them…" (Lord North to Governor General Haldimand, August 8, 1783, p. 42 in: Johnston, Charles M. 1964. The valley of the Six Nations. Toronto: University of Toronto Press).

There were also a number of strategic reasons for wanting to satisfy the Haudenosaunee. For example, see Johnston (1964, p. 42, in the same letter from Lord North) and Taylor (2006) both of whom point to Britain and Upper Canadian official's desire to corner the fur trade by keeping the Haudenosuanee in their traditional beaver hunting grounds. Good, 1994, p. 26, who notes that Lord North had wanted the Haudenosaunee to serve as a "barrier against the colonies' incursions" as well as a barrier to the western Indians. Taylor (2006) also notes this. In addition, Good (p. 27, note 21, quoting: NAC, Haldimand transcripts, vol. B-115, p. 113, Frederick Haldimand to Sir John Johnson, 26 May 1783) notes the competition between the Upper Canada and the 13 newly-independent colonies for the alliance of the Haudenosaunee:

lands agreeable to the Haudenosaunee Six Nations as compensation for their losses in the war, as thanks for their alliance with the British in the war, and as partial fulfillment of the Haldimand Promise. One of these grants,[108] made on October 25, 1784 through the *Haldimand Proclamation*, was intended to partially compensate the Haudenosaunee for their losses by granting them a tract of their traditional territory located along the Grand River:[109]

> allotting to them… six miles deep on each side of the river beginning at Lake Erie and extending in that proportion to the head of the said river, which them and their posterity are to enjoy for ever.[110]

Despite the permanence implied in the wording of the document ("for ever"), and the intent behind it,[111] today the Canadian government only recognizes 45,000 acres --less than 5% of the

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> It is frequently asserted that Joseph Brant's pro-British warriors were barred from returning to their former villages after end [sic] of the American Revolution, but that situation did not last long. By 1784 American agents were inviting them back with sweet offers to treat for the purpose of a part of their lands. Haldimand's offer was intended to head off the effect of these "proposals from the United States"

[108] The other grant was on the Bay of Quinte, and will not be discussed here.

[109] As Phil Monture, Six Nations lands researcher and President of Native Lands, Inc., stated: "They granted us portions of our own land. Big deal." (Haudenosuanee Confederacy. 2007).

[110] Grant from Governor Haldimand to The Six Nations Indians, October 25, 1784 at the Castle of St. Lewis at Quebec. *Indian Treaties and Surrenders, from 1680-1890*, Vol I. No. 106, page 251. Frederick Haldimand was the highest ranking Crown official in British North America at the time, serving as Commander in chief of Crown forces in North America and Governor General (Good, 1964, p. 28).

[111] According to legal scholar Sidney Harring (1998a & 1998b) the wording of this document implies the conveyance of *fee simple* property, or property that was being given outright --along with all of its associated rights-- to the Six Nations. Other loyalists in the war were being granted deeds in fee simple, so there was little reason for the Haudenosaunee to expect to be given anything less (see also: Good, 1994, pp. 20-21). In fact, Brant clearly expected –and was convinced he was receiving-- more: the Haudensoaunee were recognized as sovereign and independent before the war (when the "government well knew we were the lawful sovereigns of the soil, and they had no rights to interfere with us as independent nations") so there was no reason the grant should not also recognize this sovereignty after the war [Speech of Joseph Brant at Six Nations Council meeting, Fort George, 15-17 August 1803, quoted in: Good (1994: 34)]. Good further notes that recognizing the sovereign independence of Native nations was part of British Common law, and continued to be US common law that Native nations could grant their land to whomever they wanted, and those who purchased from them would hold their land "under them by a title dependent on their laws…." In fact, Frederick Haldimand made it quite

original 950,000-acre land grant-- as belonging to the Haudenosaunee Six Nations, and claims the other 95% of the land as Canadian or Ontario property (see *Figure 2*).[112]

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clear to Brant that the land would be granted through a deed [see, for example, "Substance of Brant's Wishes Respecting Forming a Settlement on the Grand River" and Haldimand's Answer, March 1783, reproduced in pp. 44-45 in Johnston (1964: 44-45), which specifically states that the land will be granted to the Six Nations "by a Deed"and would be held by them "on the same footing as those we fled from." See also: Speech of Joseph Brant at Six Nations Council meeting, Fort George, 15-17 August, 1803, quoted in: Good (1994: 35, 31). Jennings (also quoted in Good, 1994: 37) further found that the Haudenosaunee were told that "the Crown was saving their land instead of Crown land, and saving it for them instead of for the Crown," meaning that Crown officials clearly intended to portray to the Haudenosaunee that they would be considered sovereign title holders of their Upper Canadian lands]. Good (1994: 31, note 27) further notes that the Haldimand Grant was viewed as a binding treaty agreement by British-Canadian officials into at least the early 1820s. For example, Good states:

> In *R. v. Phelps* (1823), 1 Taylor 47 at 52-53 Robert Baldwin argued for the defence that "[t]he foundation of the title from General Haldimand is evidently a treaty, and as such must be recognized by the court, for all courts of justice will recognise treaties, as is constantly seen in cases of seizures, etc. The [Six Nations] Indians must be considered as a distinct, though feudatory people; they are not subject to mere positive laws, to statute labour, or militia duty, though perhaps to punishment for crimes against the natural law, or law of nations. It may be considered as a ridiculous anomaly, but it appears from Vattel that these sort of societies, resident within and circumscribed by another territory, though in some measure independent of it, frequently exist, and that the degree of independence may be infinitely varied; and however barbarous there Indians may be considered, the treaty under which they migrated to and reside in this country is binding. (P. 31 note 27)

However, Good (1994: 20, note 6) further notes that the Upper Canadian land registry system was not fully formed at the time of the Haldimand Proclamation, nor for at least a decade and a half later. Instead, at the time of this Proclamation, Canadian property law was governed by French feudal custom. After changes in 1791 and again in 1796 colonial officials seized upon irregularities in the Haldimand Proclamation (versus the new registry system customs for land grants) as a reason to treat this land grant as something less than fee simple deed. And though there are suggestions that the views toward the document of Haldimand, Simcoe and other colonial officials was changed over time, Harring (1998: 219, note 33) concludes: "There can be no question that both Simcoe and Haldimand intended to satisfy the Indians that they were being granted lands, that is, given their lands to own. If they did not actually intend to convey such title, then they appear to have intended to perpetrate a fraud upon the Six Nations." See also page 67 of this same source, where it is noted that in 1816 Under-Secretary of State for the colonies, Henry Goulburn, admitted that "the grant on the Grand River which was, after the peace of 1783, made to the Five Nations and their posterity forever, is a grant as full and as binding upon the government as any other made to individual settlers."

[112] In addition, while both parties agree that about 45,000 acres, or 4.8% of the original Haldimand Proclamation land grant, is contained in the Haudenosaunee Six Nations Grand River

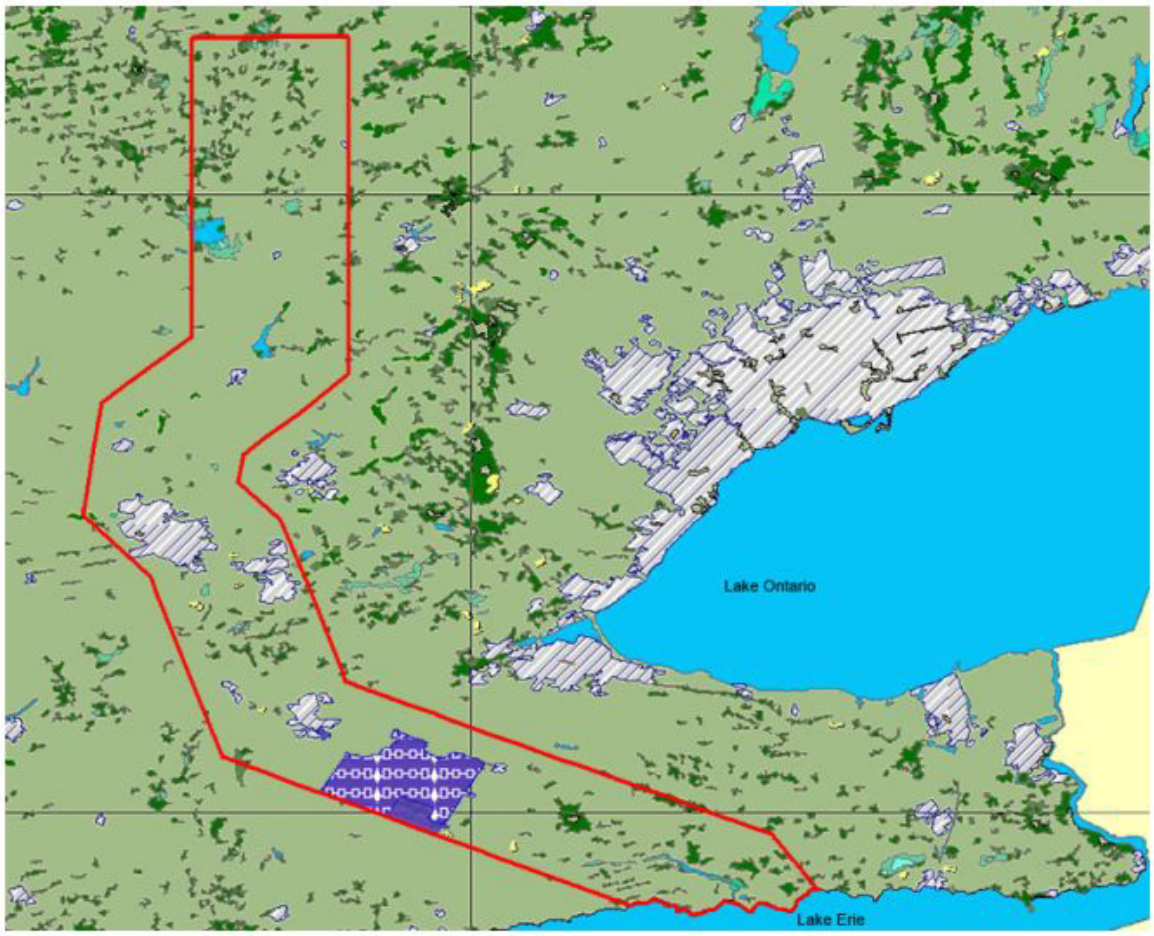

Figure 2. The map shows the Haudenosaunee Six Nations Confederacy Grand River Territory (the Haldimand Tract, outlined in red) and the Haudenosaunee Six Nations Reserve (in purple and white).

The Haudenosaunee Six Nations have been persistent in pursuing their claims to this land through petitions, protests, international appeals,[113] and various legal actions[114] (when

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reserve, Canada claims that it owns the underlying title to this land, as well. See, for example, Borrows (1999) on the Canadian Supreme Court rulings on Aboriginal title.

[113] In the early 1920s the HSN sent one of their Chiefs –Cayuga Chief Deskaheh-- to Britain in order to request that King George III speak to Canada about its obligations to the HSN – obligations Canada inherited from the British Crown through the British North America Act/Constitution Act of 1867 (*Constitution Act, 1867*; Woo, 2003; Awkwesasne Notes, 2005). Though Deskaheh was unable to meet with the King and returned without having accomplished his objective, the Canadian government retaliated against the HSN by outlawing the HSN's traditional government –the Haudenosaunee Confederacy Council—and sending the RCMP to raid the homes of Confederacy Council Chiefs. THE RCMP jailed many Chiefs, took over their council house, broke into the safe, stole several Wampum belts (treaties), built a Canadian army barracks on HSN lands and announced that a "free election" would be held to replace the

available[115]). The Haudenosaunee have also filed 29 different land claims through the Canadian land claims process (see *Figure 3*), only one of which has been resolved. More claims would have been filed on additional lands (see *Figure 4*) but the Canadian government has prevented the Haudenosaunee from filing additional claims since the latter filed a 1995 lawsuit against the Canadian and Ontario governments. The lawsuit has merely asked for an accounting of how the Canadian and Ontario governments claim to have acquired Haudenosaunee lands, and what the Canadian and Ontario governments have done with Haudenosaunee lands, resources and trust funds[116] (see *Figure 5*). Once this suit was filed, the Canadian government ended the Haudenosaunee's ability to file new claims, closed the claims already filed, and cut off funding for further land claims research (SNGR, 2006a: 8, 34).

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traditional government (Woo, 2003; Akwesasne Notes, 2005). According to Leroy Hill, Cayuga sub-Chief, only 13 or 14 people voted (with several voting twice, apparently, to cast a total of 27 votes) Ahooja's (2008a), and with that, Canada brought "democracy" to the Haudenosaunee Six Nations reserve. As for Deskaheh, after his various trips to Europe and appeals to European countries he was denied re-entry into Canada and he eventually died in upstate New York without ever having seen his family again (his family members in Canada were told that they would not be able to return to Canada if they left to visit him).

[114] Some of those taken in recent decades include filing 29 claims to parcels of Haldimand tract lands with Canada's Specific Claims Commission from 1980-1995 (the Specific Claims Commission was created by Canada in the late 1970s in response to international pressure), and filing a lawsuit against Canada in 1995, which demanded an accounting of what Canada did with all HSN lands, rents, resources, and trust funds. In response to this lawsuit the government of Canada prevented the HSN from filing additional land claims, closed the HSN claims that had been filed, and cut off funding for HSN land claims research (SNGR, 2006a: 8, 34).

[115] Under the Indian Act, from 1927 to 1951 it was illegal in Canada for Native nations to hire lawyers to bring claims against Canada, and illegal for any lawyer to accept monies from a Native nation for such purposes. (Mathias and Yabsley, 1991; Harring, 1998a; SNGR, 2006a: 5)

[116] According to the Haudenosaunee Six Nations, though their trust accounts (managed by the Canadian government) should contain upwards of $400 billion in revenues from leased lands, resource extraction, and any legitimate (or even illegitimate) land sales, the trust fund only contained $2.3 million in May 2004 (SNGR, 2006a: 1; SNGR 2006b). On the $400 billion that should be in the Six Nations trust funds, see: Toronto Star (2006a), Marion & Canadian Press (2006), Burman (2006a), Best (2006b). In fact, this $400 billion estimate is incredibly low, compared to the well-documented instances of Crown theft of Six Nations trust funds, and compound interest owed to the Six Nations for these thefts. See: Six Nations Lands and Resources (2010).

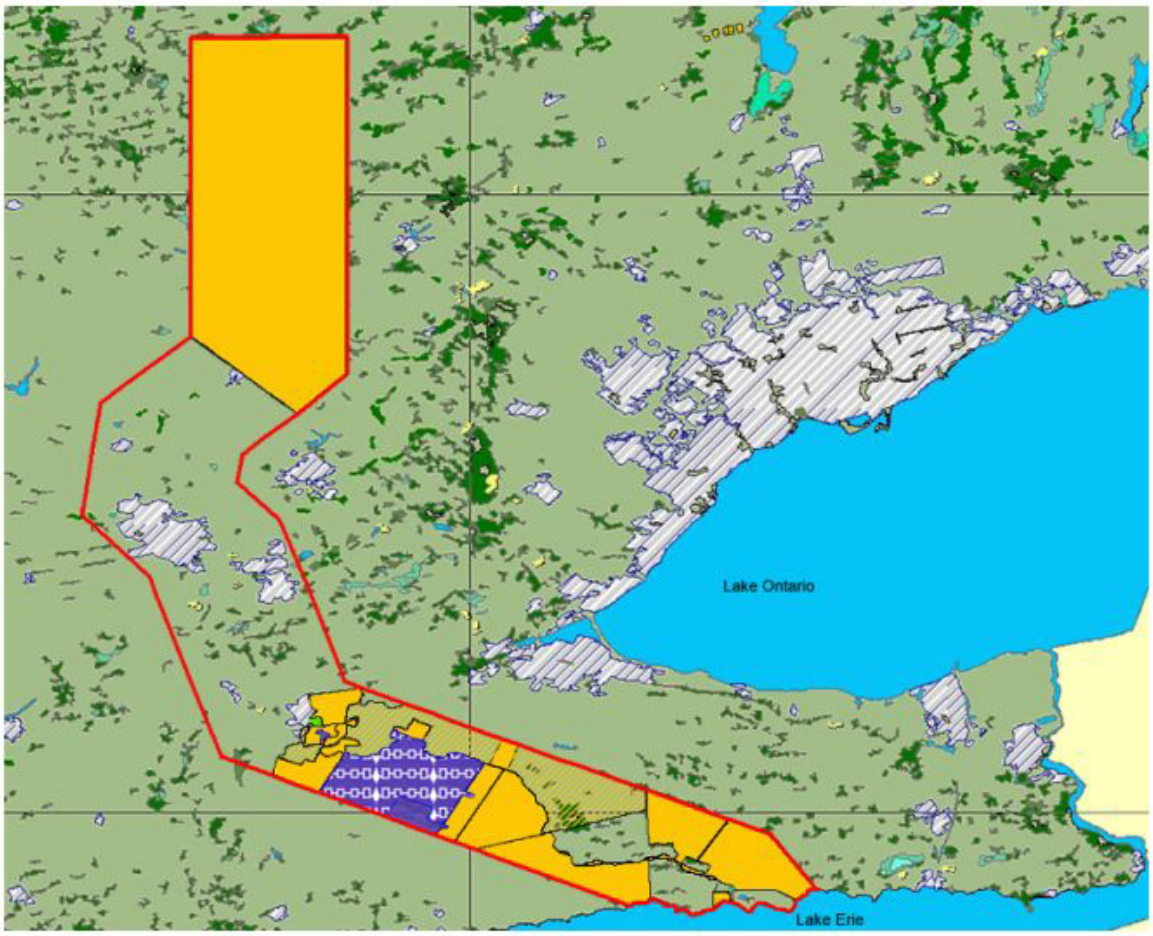

Figure 3. The orange areas represent lands the Haudenosaunee have registered under claim through the Canadian land claims process. The area that is orange and transparent represents an estimate of what the Canadian government claims to have obtained from the Haudenosaunee in 1841 (more on this claim in the text, below). Two of the Haudenosaunee claims lie outside the Haldimand Tract and are not shown in this map. A tiny area in bright green represents the single area of land within the Haldimand Tract that is not contested by the Haudenosaunee.

Amidst all of these efforts by the Haudenosaunee Six Nations to have their land title and treaty rights recognized and honored, or at least to get some sort of accounting from the Canadian and Ontario government, both governments have remained steadfast in their refusal to provide any additional legal documentation or historical evidence to justify their claims to ownership of the Grand River Territory. Instead, the Canadian and Ontario governments have consistently

engaged in a broad range of behaviors and activities aimed at preventing the HSN from asserting their land, treaty, resource and self-government rights.[117] Further, the Ontario government has

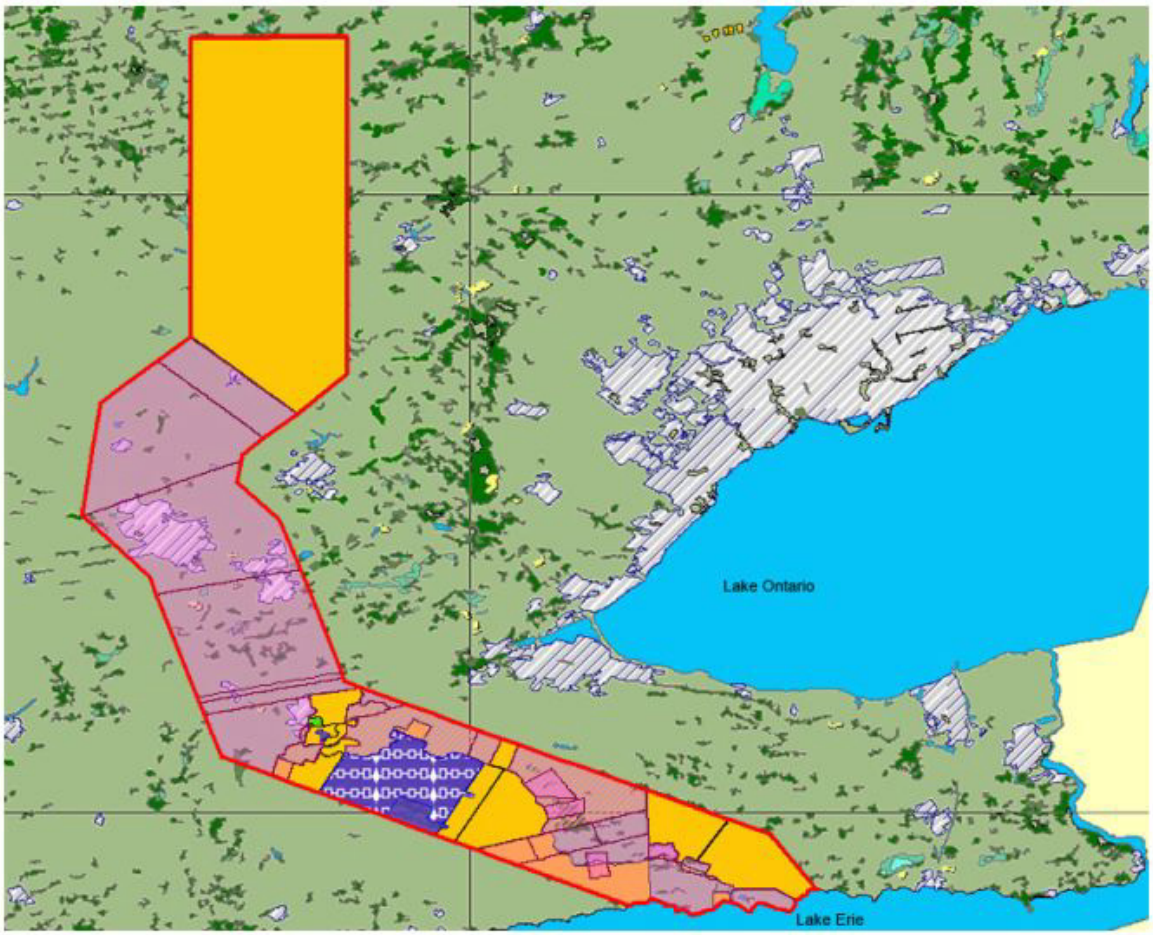

Figure 4. The areas in transparent pink represent land claims that have yet to be filed. The Haudenosaunee were prevented from filing additional land claims when they started a lawsuit against the Canadian and Ontario governments in 1995, merely asking for an accounting of how Canada claims to have obtained, and what Canada and Ontario have done with, Haudenosaunee Six Nations lands, resources and trust funds. The Canadian government also cut all funding for Haudenosaunee Six Nations land claims research and halted all progress on Haudenosaunee registered claims (the areas shown in orange in Figure 3) in response to this 1995 litigation.

pushed ahead with approval for numerous settlement, development and extraction projects on lands under Haudenosaunee claim –including the sites under development in 2006 and the

[117] For example, on the Canadian government's efforts to deny these rights to Native nations more generally, see: Joffe (2010).

mandated quotas for settlement and development in 2005 (see *Figure 6*), both of which helped spark the 2006 Haudenosaunee Six Nations protest.

Some examples of Crown misuse of HSN trust fund accounts

Year	Amount taken	Use of taken HSN trust fund monies	Amount in 2010 with compound interest
1845	£3,679.7.9 ($14,717.58)	Used to cover government debt	6% = $220,446,990.28
1845-1847	£4,200 ($16,800)	Country's war loss debt	6% = $ 223,957,349.93
1846	£4,412.10.0 ($17,650)	City of Toronto	6% = $249,405,836.90
1849-1858	£14,900 ($59,600)	Public Works debts	6% = $707,115,842.36
1853-1857	£77,531.13.4 ($310,124.68)	Upper Canada operations	6% = $2,308,520,389.24
1854	£28,400 ($113,600)	Montreal Turnpike Trust Bonds	6% = $1,007,148,041.82

Figures from: Six Nations Lands and Resources. 2010. *Land Rights: A Global Solution for the Six Nations of the Grand River*. Available: http://www.sixnations.ca/LandsResources/

Figure 5. The table shows a small sample of the various ways in which Haudenosaunee Six Nations trust funds were used –without Haudenosaunee permission—quite literally to build Canada. The Haudenosaunee Six Nations estimate that some $400 billion dollars are missing from their trust fund accounts (calculated with compound interest) (Six Nations Lands and Resources, 2010).

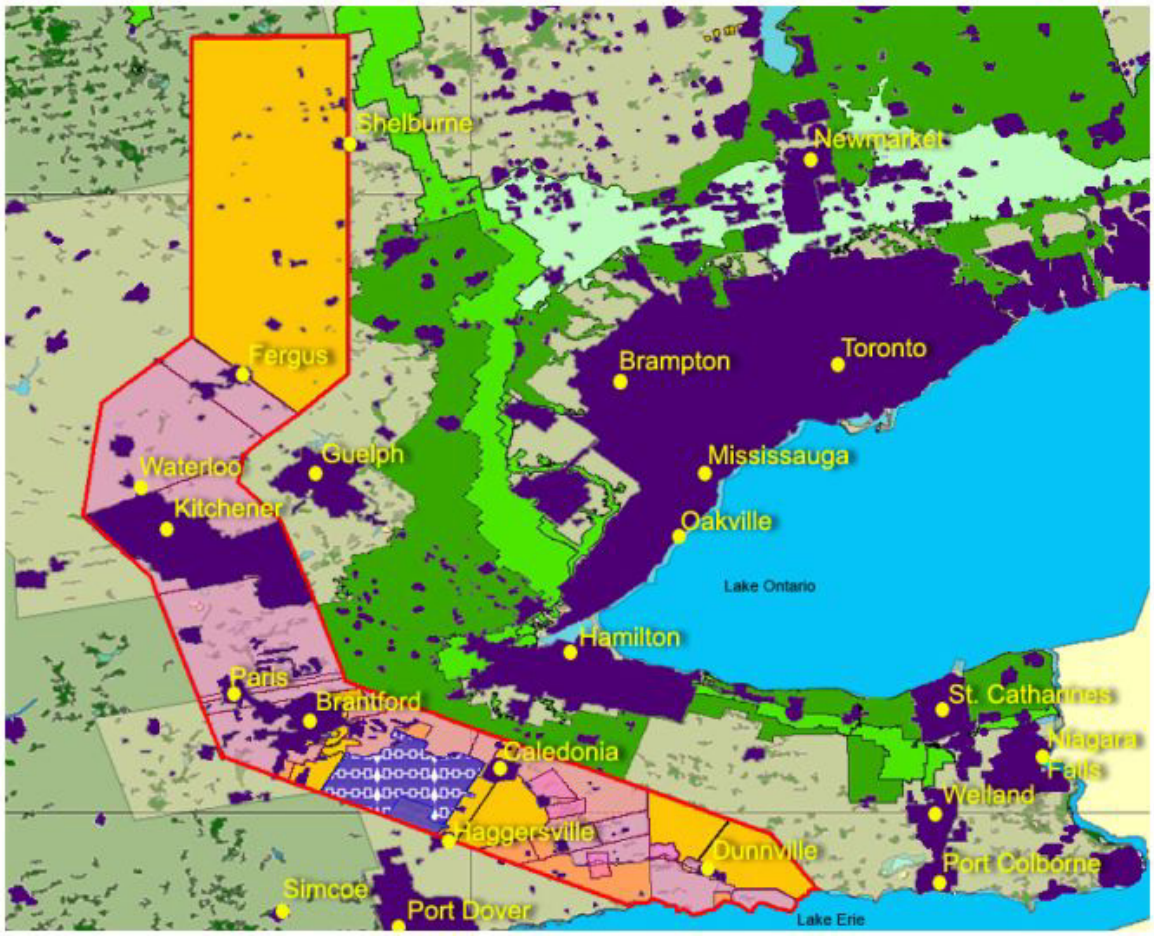

Figure 6. The area in dark purple represents the areas projected to have heavy settlement and development under Ontario's 2005 Places to Grow Act, which mandates settlement and development quotas in areas outside of Ontario's Greenbelt (represented by areas in three different shades of green, surrounding the Greater Toronto Area). The town of Caledonia, the site of the 2006 conflict, can be seen within the Haldimand Tract, near the top right corner of the Haudenosaunee Six Nations Reserve. As can be seen from the map, Caledonia is one of the areas within the Haldimand Tract slated for heavy settlement and development.

3) The Land Under Protest in 2006 and Its Related Land Claims

This section is concerned with summarizing the completing claims to ownership on the land under protest in 2006.[118] The small, 40-acre plot of land that was reclaimed by Haudenosaunee

[118] Unfortunately there is not room here for an extended discussion of each of the parcels of Haudenosaunee Six Nations lands, the history behind these lands, the claims made upon them by both the Haudenosaunee and the Canadian and/or Ontario governments, and the full legal arguments made by each party in relation to these claims, though such an analysis has already, for the most part, been written.

protesters in 2006 is a portion of two larger, overlapping land claims filed by the Haudenosaunee Six Nations in 1987 and 1989. The first registered claim on this land was filed with the claim on the Hamilton-Port Dover Plank Road, an area of land consisting of approximately 10,407 acres (see *Figure 7*).

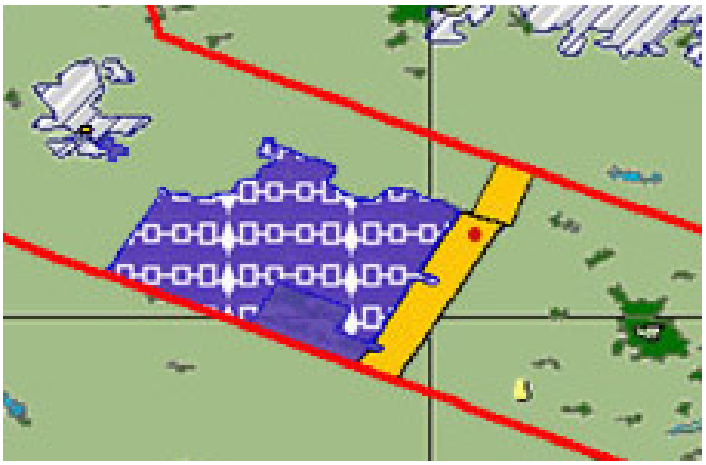

Figure 7. The Hamilton-Port Dover Plank Road land claim, shown in orange, was registered with the Canadian land claims process in 1987. The red dot within the orange claim represents the approximate location of the 40-acre plot of land under protest in 2006.

According to Haudenosaunee oral history and historical documentation, Crown officials repeatedly approached the Haudenosaunee along the Grand River in the 1830s, requesting that the Haudenosaunee sell this stretch of land to the Crown so the latter could build a road running from Hamilton to Port Dover.[119] The Haudenosaunee Six Nations repeatedly refused to sell the land, but consistently offered to lease the land half a mile on each side of the road to the Crown for this purpose, and stipulated that the lease revenues should be paid into the Haudenosaunee

[119] Crown officials reportedly began construction on the road in 1834, before the Haudenosaunee had even been approached, much less agreed to a road through their lands. The construction sparked complaints by the Haudenosaunee Confederacy Council, who complained that timber was being cut without Haudenosaunee permission and without compensation being paid to the Haudenosaunee. See, for example, Tully (2009); Canada, Legislative Assembly (1843: 5, 27). According to this latter source, Indian Agent Sir John Colborne was motivated to get a surrender in a deal with the Grand River Navigation Company, telling the company that if it got it's stock up, Colborne would get a surrender for the Hamilton-Port Dover Plank Road lands (pp. 5, 6, 10, 16, 25).

trust funds annually (SNGR, 2006a, 2006b, and 2008).[120] Crown officials eventually agreed to lease the land form the Haudenosaunee, but within a few years the former began treating this lease as if it had been a sale. To this extent, the Crown began selling lands and issuing patents for lands within the half mile on either side of the road (SNGR, 2006a & 2006b; Six Nations Lands and Resources, 2008).[121] Yet, to this day, Canadian officials have failed to produce documents demonstrating that this tract of land was ever knowingly or willingly surrendered to the British Crown or the Canadian government.[122] Instead, the government had relied upon non-Natives' historical assertions of ownership over the land, as well as the purported "General Surrender" of 1841, which relates to the second registered claim filed on the land.

This second registered claim on the land (relating to the purported "General Surrender" of 1841) is a slightly more complicated claim, in large part because the extent of the land supposedly being surrendered to Canada was never defined in the written document and no map was ever included. Thus, the estimated area of land covered in this purported document of surrender varies, but for the purposes of this discussion we will stick with the Canadian government's estimates as shown in *Figure 8*.

[120] For example, Crown official, Marcus Blair, stated in January of 1835, the land would be "utterly impossible to buy" because "the Indians will not surrender to us in perpetuity." A lease for "a moderate number of years" was the alternative suggested by Blair (SNGR, 2006b).
[121] The actual process of attempting to dispossess the Haudenosaunee of these lands was actually much more complex than can be described here.
[122] Further, a July 2, 1862 map by the Department of Crown lands shows the Haldimand tract and some of the alleged surrenders of Haudenosaunee Land, but does not show the Hamilton-Port Dover Plank Road lands as having been surrendered (Canada, LAC, Item 382, Map 400/290). The same lack of a surrender is shown on a map that was purportedly leaked to a Six Nations newspaper from Indian Northern Affairs Canada in September 2006 (see Canada, Indian and Northern Affairs Canada, N.d.).

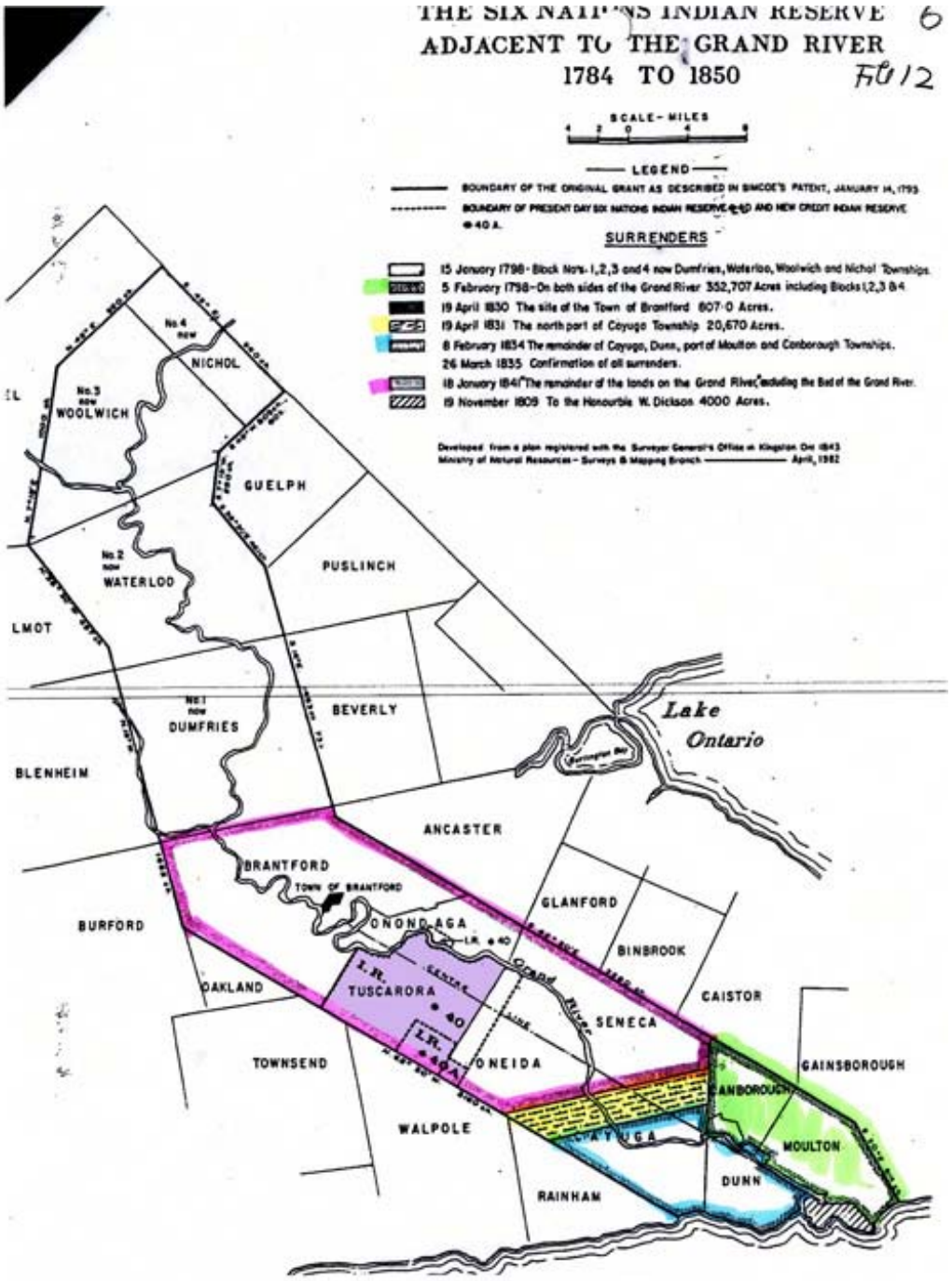

Figure 8. The area outlined in pink highlighter on this map –minus the area colored in light purple—represents one estimate of the area covered by the purported "General Surrender" of 1841, as shown on page 6 of the Archives of Ontario file: Native Bands, Reserves and Land Claims Files: Six Nation Band – Unsold Surrendered Indian Reserve Lands April 10/89, RG 1-568, box 233946, D 4-2-4.[123]

[123] The above map does not show the top third of the Haudenosaunee Six Nations Grand River lands because less than 10 years after the Haldimand Proclamation set aside the entire 950,000 acres for the sole use of the Haudenosaunee "for ever," Crown officials began whittling away at

In the 1840s, the Haudenosaunee Six Nations Confederacy Grand River Territory was overrun by non-Native squatters, many of whom were actively encouraged to settle on Haudenosaunee territory either directly by Crown officials or indirectly through clear but unofficial Crown policy.[124] Official Crown policy had long outlawed encroachment on Native lands,[125] and

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the tract through whatever means possible. To this extent, Crown officials claimed that the top third of the territory was granted only in error, and thus never legitimately granted. There are a number of reasons why this argument is inaccurate, but these issues go beyond the scope of the present work.

[124] On direct encouragement of Crown officials, see: (SNGR. 2006a; Woo, 2003; Harring, 1998; Podur, 2006). Johnston (1964: xlii) notes that white people were already living in the Haudenosaunee Grand River territory when those lands were set aside for the sole use of the Haudenosaunee in 1784. Further, there may be some evidence that the Crown continued to grant fee simple tracts of land within Haudenosaunee Territory to loyalists for several years after 1788. For example, on July 23, 1788 one such grant was given to James Holmes, who was allowed to choose whether he wanted to live in Johnstown on the Grand River (In Haudenosaunee lands) or at the head of the Bay of Quinte (also Haudenosaunee lands). See: Ontario, Archives of Ontario, Grant of 700 acres to Loyalist James Holmes. July 23, 1788). More research is needed to determine the full extent to which this practice occurred. On indirect encouragement through unofficial Crown policies of refusing to prosecute squatters on Native lands, see Podur (2006) and Harring (1998: 44-45), the latter of whom notes that despite widespread knowledge of official Crown policy on squatting, non-Natives routinely squatted on Haudenosaunee lands because the Crown's "unwillingness to remove" squatters was well known. When squatters were threatened with removal from these lands, they responded in outrage, and quickly filed petitions, attended Legislative Assembly hearings, and even brought cases to court. Many of these efforts regularly resulted in the awarding of land patents to non-Natives who had squatted illegally on Native lands. For more on these efforts, and to see just how far squatters were willing to go to gain legal title to the lands they coveted, see, for example: Canada, Legislative Assembly (1853, 1843, and 1837: 4), Canada, House of Assembly (1837: 392-402), and Harring (1998a: 40-46, 61).

[125] For example, the *Royal Proclamation of 1763* set very strict conditions under which non-Natives could obtain and/or settle upon lands held by Native nations and promised Crown enforcement of these conditions. And in 1794 the Upper Canadian government, finding that squatters were endemic throughout the country and on both Indian and non-Indian lands, "formed an unambiguous legal policy regarding squatters," through which land surveyors were expected to report cases of suspected squatting and squatters, if found guilty, were to be removed immediately (Harring, 1998a: 42). Further, in 1812 Upper Canada issued its Proclamation on the Indian Lands, which set penalties of 10 pounds for the first offense of squatting on Haudenosaunee lands, and penalties 20 pounds for the second offense and every offense after that. The proclamation also required that every non-Native person living on Haudenosaunee lands report to William Claus, Superintendent General of Indian Affairs (Harringa, 1998: 43).

repeated Crown promises (as well as Crown fiduciary duty) to the Haudenosaunee required that the Crown remove non-Native squatters on Haudenosaunee territory. But in practice, though the Crown prosecuted non-Natives when they squatted on *non-Native* lands, it put little time and resources into prosecuting non-Natives who squat on Native lands (Podur, 2006; Harring, 1998a: 54, 41). Instead, the Crown officials used the presence of squatters on Native lands to try to force surrenders from Native nations (Harring, 1998a: 54).[126] The motivations for doing so historically are not so dissimilar from the motivations for doing so today, i.e., to profit politically and economically from the dispossession of the Haudenosaunee Six Nations. Historically, Crown officials sought to profit politically by accommodating close to a million non-Native settlers moving into Upper Canada between 1790-1851 amidst a land shortage (Harring, 1998a: 41, 44 note 53);[127] to populate Upper Canada with white settlers (Ibid: 49);[128] and to placate a voting population of non-Natives hungry for "free" land and willing to fight bitterly against any

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And in 1837 the Upper Canadian Legislative Assembly passed a series of laws intended to punish squatters, including the 1839 Act of Provincial Parliament, 2nd Victoria, 15 (passed protecting unsurrendered Indian Lands) (Canada, Legislative Assembly, 1853: 1; Harring, 1998a: 97) --though, according to Harring, these same laws supposedly protecting Native peoples and their lands also treated Native peoples as dependents, and prohibited them from all sorts of things, including making agreements regarding the leasing or sale of their lands or the sale or lease of "timber, stone, hay, and soil" on those lands.

[126] "By the 1820s Canadian authorities were permitting squatter occupation of the Grand River lands as one element of a strategy to force the Six Nations to cede their lands to the crown. … in the legal chaos that followed …mere occupation of the land [was] sufficient to accord a substantial legal claim" on the land by non-Native squatters, under colonial law (Harring, 1998a: 61).

[127] According to this source, the population of Upper Canada increased from 10,000 in 1790 to 951,000 in 1851. Meanwhile, today Canadian and Ontario officials are seeking to accommodate three to five million new settlers amidst a potential labor shortage in the Greater Toronto Area (see above discussion of the conflict, this chapter).

[128] The source notes that the Upper Canadian government was "intent on occupying Upper Canada with settler/farmers" and thus was "unwilling to even pretend to enforce" laws against non-Native squatting on Native lands. Meanwhile, today the Canadian and Ontario governments seek to settle and develop Haudenosaunee lands with non-Native residents and businesses.

politicians who sought to enforce anti-squatting laws (Ibid: 42, 44).[129] Crown officials also sought to profit economically, and reasoned that the value of these lands, and surrounding lands, would be greatly increased once squatters did the heavy labor of cutting the timber, clearing the lands and making them ready for cultivation (Harring, 1998: 49). These same activities --which destroyed the subsistence value of the land for the Haudenosaunee by driving game away, destroying wild foods and plants and removing all timber without compensation to the Haudenosaunee-- immiserated the Haudenosaunee and (theoretically, at least) made them more easily coercible when land surrenders were demanded.[130]

Despite the horrendous losses to Native peoples of lands, subsistence and culture, all of these dispossessive activities were self-servingly and paternalistically justified as "benevolence" on the grounds that they were necessary for "civilizing" the "Indian Race" through forcibly assimilating

[129] Only whites could vote, and only property-owning whites could run for office; thus, only white concerns needed to be placated by politicians. When Mohawk John Brant won an election to the House Assembly in 1832 this was challenged on the basis that those who voted for him were mainly squatters or Indians, the former of which did not own property and the latter of which only owned property communally, and this did not count as owning property for the purpose of voting or holding office (Harring, 1998a: 57). See also: Canada, Legislative Assembly (1858: 121-123), which states: "it must be remembered in dealing with these lands that the sympathies of the Country at large are with the squatters." While Native people can vote today, Canadian and Ontario officials have sought to satisfy the much more numerous non-Native population, particularly those sectors of the population (such as the financial and business elite) whose livelihoods are based on the settlement and development of Native lands (see the first section of this chapter).

[130] Government reports that were concerned with this destruction (i.e., that squatters "clear cut thousands of acres of valuable oak forests and moved on") were generally concerned not because it cheated Native peoples of their resources, revenues, subsistence, and so forth, but because it "cheated lumber companies" of revenues, or it cheated settlers of better means and social standing "who cannot be expected to join in the squatting or settle on the interior lots afterwards." According to these reports, squatting was bad primarily because it meant that wealthy settlers and land speculators lost quality lands to "a poorer and inferior class of settlers" before the lands ever reached the market (Harring, 1998a: 43-44, 55). Similarly, the non-Native settlement and development (or resource extraction) on lands under Native claim today are seen to increase the value of the land and force Native nations into extinguishing their land, treaty and aboriginal rights to the lands with little or no compensation (see chapter 4).

them into white ways (Reid, 2004; Mathias & Yabsley, 1991; RCAP, 1996; Harring; 1998a: 41, 61).[131] For example, one Report in the Journal of the Legislative Assembly of Upper Canada (1858) argued that:

> The younger portion of the Indian Race may be led to form new and civilized habits, but in our opinion all that can be done for those now advanced in life, is, so far as may be possible, to give them the means of support in exchange for the land they occupy so unprofitably. (P. 121-23)

Another urged:

> That complete protection of such [Indian] property can only be looked for as the result of that change which shall assimilate the Indians with people accustomed from infancy to the idea of separate and individually appropriated property, where each is, under Law, the protector of his own possessions… (Canada, Legislative Assembly, 1847; Harring, 1998a: 41)

Other common stereotypes and alleged justifications at the time held that Native peoples were "improvident" and lazy people who "had a natural aversion to labour," were dependent upon government payment of annuities,[132] and were merely wasting the lands they held by refusing to put them to good use through clearing and cultivation (Harring, 1998: 54-55).[133] These same

[131] This same rhetoric is also widespread among non-Native residents and Canadian/ provincial officials today, though equally widespread is the outright denial that such lands belong to Native nations at all. Both forms of justification are clearly visible in the Caledonia conflict, as will be further demonstrated in chapters 4 and 6.

[132] Annuities are annual revenues owed according to treaty agreements relating to the sharing (or alleged surrender) of lands. "This reliance [on annuity payments] has doubtless had the effect of encouraging their natural indolence and improvidence; of keeping them a distinct people; of fostering their natural pride and consequent aversion to labour; and of creating an undue feeling of dependence upon the protection and bounty of the Crown." (Canada, Legislative Assembly, 1847; Harring, 1998a: 54). Of course, the forcible transformation of Native peoples from independent sovereign peoples into a state of dependency had considerable strategic value for the British Crown, since by creating Native dependence upon the British Crown the latter was able to claim that Native sovereignty was subordinate to (and even subsumed by) British/Canadian sovereignty. See, for example, Lenzerini's (2006: 157-59) discussion of sovereignty as it was formulated in early international law.

[133] This was an entirely false characterization of Haudenosaunee and other Native peoples who were highly efficient at agricultural (remember, it was Native people and their generosity and abundance of agricultural produce that helped the first several European settlements survive).

stereotypes and civilized/uncivilized dichotomies were also used to portray settlers who illegally squatted on Native lands –and destroyed Native subsistence-- as "honest and hard working-farmers," and to portray Native peoples who complained about illegal squatting as scheming victimizers.[134]

It was against this background and amidst these "justifications" that Crown officials encouraged and/or refused to prosecute squatting on the Haudenosaunee's Grand River lands in the 1830s and 1840s. When repeatedly pressured by the Haudenosaunee to fulfill treaty promises and remove the squatters, the Crown engaged in a half-hearted campaign against the squatters on Haudenosaunee lands: paying the illegal squatters financial "compensation" for their alleged losses out of the Haudenosaunee trust funds (Canada, Legislative Assembly, 1853). Many of the squatters who received compensation to leave the Haudenosaunee lands later refused to leave and/or sought additional compensation on the basis that *they* had been "injured" by living in a "semi-wilderness state" that had deprived them of roads and markets (Ibid). Those who persisted were eventually awarded the right of preemption in November of 1840, meaning that they had first claim towards purchasing the lands upon which they had illegally squat (Ibid). Meanwhile, the Haudenosaunee were never compensated for the unpaid rents, for the loss of valuable resources, or for the wanton destruction of their lands and subsistence by the non-Native squatters (Ibid). Instead, they were forced to pay those who had squat illegally on their

[134] For example, illegal squatters were frequently portrayed as "innocent victims" who had fallen prey to scheming Natives who mislead the squatters into believing they could lease the land. Harring (1998a: 42-45, 49-50) notes that such accusations were "dishonest" and entirely unfounded, particularly given the fact that most squatters had no leases and knew they were squatting illegally.

lands for the destruction they had caused, and were in many ways forced to fund their own further immiseration,[135] something which was quickly used against them.

In 1840, after being ordered to obtain a surrender of Haudenosaunee lands, Chief Superintendent of Indian Affairs Samuel Jarvis wrote a letter to the Haudenosaunee Confederacy Council blaming them for the presence of non-Native squatters on their lands, insisting that the Crown could do nothing to remedy the situation, and accusing them of barring progress and posing a nuisance to the province and the public by keeping their land in a natural state.[136] Jarvis

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[135] Haudenosuanee trust funds were further used –without Haudenosaunee approval or often knowledge-- to fund the surveying of lands, the laying out of village sites, for roads and other "improvements" that were desired by non-Natives, and for various other activities of the Indian department, including the salaries of Indian Department officials. Further, Though Crown officials insisted on holding and managing Native trust fund accounts, Native peoples such as the Haudenosaunee were charged for this "service" –and were often charged at more than twice the rate of these services elsewhere [Canada, House of Assembly (1837: 392-402); Canada, Legislative Assembly (1858: 107)]. In other words, the Haudenosaunee were forced to fund their own colonial dispossession and near-destruction as a distinct people.

[136] Jarvis (1841a) wrote, in part:

> The Lieutenant Governor is of the opinion that very great difficulties will be found in any medium course between the expulsion of all intruders or non-interference, as experience has shewn that with all the anxiety to do justice, and with all the care exercised to prevent injury to Indian interests, the interference of the Indians themselves, continually, has created new difficulties, to which there seems to be no end, and yet the Government is expected to compromise its own character by adjudging what is right and wisely recommended by the Indians, or what, on the other hand, may be capriciously or corruptly counseled by them.
>
> The Lieutenant Governor is of the opinion that there can be no remedy found for the continuance of this unsatisfactory and embarrassing state of affairs while the lands remain general property under the circumstances which it is no reproach to the Indians to say that they cannot manage the estate for the general interests of the tribes.
>
> The Lieutenant Governor therefore considers that it would be very much for the benefit of the interests of the Indians if they surrendered into the hands of the Government the whole tract [except for a small, unidentified portion for their use] … which at present is not only unproductive to the Indians, but absolutely useless to them in every point of view, and which is considered by the public a bar to the improvement and prosperity of the districts in which it is situated, and in fact a nuisance which the public have a right to call upon Government to abate.

Harring (1998: 52 and 41) suggests that both the claim that Upper Canada could do nothing to remedy the situation, and the claim that the Haudenosaunee were, themselves, to blame for the

insisted that the only plausible course of action in response to repeated Haudenosaunee complaints about illegal squatters on their lands (Harring, 1998: 50-52, 41-42) would be for the Haudenosaunee Six Nations to surrender all of their land except a small plot, which would be reserved for their own use. Ten days later, after having received word that the Haudenosaunee were upset by the tone of his letter and by the Crown's repeated breach of its treaty agreements and fiduciary duty to the Haudenosaunee,[137] he wrote a second letter, insisting that his first letter had been "altogether misinterpreted" (Jarvis, 1841b). Arguing that he only wanted to "protect the true interest of the Indians," Jarvis repeated and elaborated upon the accusations in his first letter[138] and insisted that the Haudenosaunee must surrender to the Crown all but a tiny plot of their land. Jarvis gave the Chiefs three days time to document their agreement to this surrender --knowing full well both that the Chiefs were unlikely to agree to Jarvis' demands and that even if they had wanted to do so, it would have been impossible for the 50 or more Confederacy Chiefs

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mass presence of squatters were completely false. For example (41): "The government's professed inability to protect Indian lands belies both logic and reality, a fact the Six Nations pointed out at the time. No crime is more easy to detect than squatting, which, by definition, is open and prolonged." Further, (52) the Haudenosaunee had provided the government with a list of names and locations of squatters on their lands when they demanded their removal.

[137] Including treaty promises and fiduciary duty to remove illegal non-native squatters from Haudenosaunee lands.

[138] For example, while repeating the accusations that it was the Indians own fault that white people had illegally crowded onto their lands and claiming that nothing could be done to remove them, Jarvis also claimed that the Indians had taken large payments from non-Natives in pretended sales to them (large payments which the Natives were now "wholly incapable of ever refunding"). [Of course, these accusations were patently false (Harring, 1998a: 52)]. Jarvis further suggested that the Six Nations would benefit from the sale of their lands because the monies would be deposited into a fund for them that would earn interest and increase continually. He stated that he was not suggesting that any Native person should be forcibly removed from his/her lands, but that all lands not in use should be surrendered so as not to cause further injury to their non-Native neighbors. Finally, he made yet one more promise that, if the Haudenosaunee just agreed to this surrender of virtually their entire tract of land, the Crown would ensure "that any further trespass or intrusion, of any nature whatsoever, upon the reserved tract, whether committed without or with the approbation of the Indians, either singly or collectively, will meet with the strongest disapprobation of the Government, and that the party offending shall be immediately removed and punished according to the law." (Jarvis, 1841b).

(many of whom lived a great distance from the Haudensoaunee Grand River Territory) *and all of the people whom the represented*,[139] to come to a consensus on the matter within three days time. Stating that he would be at the Onondaga Council House in three days, Jarvis further threatened that if the Chiefs could not come to an unanimous agreement in favor of Jarvis' proposition, the Crown would take over the Haudenosaunee Six Nations affairs and do what it wanted with Haudenosaunee lands:

> I am informed, and believe from my own observations, that the above plan proposed meets with the approbation of the most intelligent, industrious and worthy of the Indians, and I am fully satisfied that their true interest requires its adoption.
>
> Those who are opposed to it must therefore reflect that any private division in the Council, from whatever cause proceeding, cannot prevent the Government from interfering in seconding the wishes of the industrious and from promoting the wealth and prosperity of the Nation as a body.
>
> In case any further divisions should take place in Council, and by declining amicably to meet the views of the Government, the Indians should continue to thwart the measures devised as most conducive to their interest, I am apprehensive that the Government will be compelled, however reluctantly, to take into their own hands the exclusive management of their affairs, and as Chief Superintendent it will be my duty, immediately upon my return, to recommend such a course, to prevent the public property of the Six Nations from being sacrificed to the avarice and rapacity of individuals. (Jarvis, 1841b)

[139] At the time, there were at least 50, and possibly as many as 88 chiefs living throughout the Haudenosaunee territories, of which the Grand River Territory/Haldimand Tract is but one, with the rest being located throughout Ontario, Quebec, New York State and even Wisconsin. For example, Holmes (2009b: 9), notes that there were 88 chiefs in January, 1845. As noted above in the brief background on the Haudenosaunee Confederacy, the Chiefs were literally representatives of the people and had no power whatsoever to make decisions regarding the alienation of lands. Williams (1982) further remarks upon the European colonists continual inability to comprehend this sort of non-hierarchical, democratic governance structure, and constantly wanted to portray and treat Haudenosaunee Chiefs (and Native chiefs in general) as princes with unlimited power over their people. This preference is likely both in part because of the European's inability to comprehend democracy at the time (Di Nunzio, 1987), but also the fact that pushing their agendas upon Native people would be much easier if they only had to convince one supreme power, rather than the entire populace –or, at least, if they only had to cut off the head of the sovereign in order to control the body, as was done with the Mexica (Aztec) and other Empires in South America.

Three days later Jarvis arrived as promised (threatened), but found only six people at the Onondaga Council House (not all of whom have since been confirmed to be Chiefs). Because most if not all of these men had been born and raised speaking their own Haudenosaunee languages[140] in a culture based on oral, rather than written history and in which Chiefs are servants of the people enmeshed in this traditional culture, it seems highly likely that none of these men could read the English document presented to them. Further, all of these men would have had understood that in Haudenosaunee culture the women are the titleholders to the land, decisions could be made without consulting all of the people, and the alienation of land was contrary to the Haudenosaunee Great Law.[141] Thus, though three-to-five of the men who were present at the longhouse on that day signed the document, they immediately protested that the document had been misrepresented to them, that they had not known what they had been signing, and that they were all opposed to the surrender.[142] Further, even if these men had all be Chiefs, the signatures of three-to-five men, at a time when there were fifty or more Haudenosaunee Chiefs,[143] does not constitute an agreement --particularly when all of these men, as well as the

[140] Each Haudenosaunee nation (Mohawk, Oneida, Onondaga, Cayuga, Tuscarora and Seneca) have their own language, though there is some overlap in the languages and some fluent speakers of one language can understand other languages).

[141] The alienation of lands is prohibited in the laws of most Native nations throughout North America, as is also true of the Haudenosaunee Great Law of Peace. On this point relating generally to Native nations, see McNeil (2001-2002); on this point relating specifically to Haudenosaunee law, see the above background on the Haudenosaunee, as well as Akwesasne Notes (2005).

[142] The Chiefs said the document was presented to them as some mandate from the Queen of England, not the officials of Canada, and that they had no choice in the matter (certainly this latter impression was Jarvis' intention, as per the threats to this extent in his January 15, 1841 letter).

[143] Holmes (2009b) notes that there were some 88 Haudenosaunee chiefs around 1844.

full Haudenosaunee Six Nations Council, immediately protested to Jarvis and petitioned the Queen to have the document invalidated (Jarvis, 1841c).[144]

The Haudenosaunee have continued to protest this fraudulent surrender since this date, and in 1843 the Governor General of Upper Canada acknowledged the invalidity of the document (McDowell, 2008: 113-14), as did Jarvis, himself, that same year (Jarvis, 1843) and again the following year (Holmes, 2009a),[145] and as did later Superintendent Generals of Indian Affairs (Canada, Legislative Assembly, 1853).[146] Despite these acknowledgements, Jarvis appears to have continued to impress upon the Haudenosaunee the belief that the surrender had been valid and mandatory (Jarvis, 1844),[147] and that the only matter up for discussion was *which* previously-undefined area of land would be reserved for the Haudenosaunee.

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[144] Though full Council of Chiefs requested that Jarvis present their petition to the Queen, it does not appear that Jarvis ever did so.

[145] Holmes is citing: Jarvis, Samuel P. Chief Superintendent of Indian Affairs to Six Nations Chiefs, February 7, 1844. LAC RG 10 Vol. 717 pp. 243 Reel C-13, 411.

[146] In this source, superintendent General of Indian Affairs R. Bruce acknowledged in July 1851 that the 1841 "General Surrender" did not obtain a surrender from the Haudenosaunee, though he also tried to imply that the document did authorize the Government to take over parts of the Haudenosaunee's affairs (which is inaccurate, since a fraudulent document cannot authorize anything). "This agreement having created great dissatisfaction, and been repudiated by a large majority of the Chiefs and Indians, never received the formal sanction of the Government." In addition, Bruce noted that, though he disagreed with the Six Nations' refusal to surrender their lands, the government had to pay the highest respects to the rights of the Indians, and thus "even when different from them in opinion, with reference to the precise extent of their proposed reserve, it felt constrained to yield to their ascertained wishes."

[147] In his draft letter, Jarvis notes that the Governor General had reviewed the Haudnosaunee's petition, and then proceeds to blame the Haudenosaunee for the over-abundance of non-Native squatters on their territories ("It is a fact which the Six Nations Indians cannot deny that three fourths of the people occupying their lands have been invited to purchase and settle on them by the Indians themselves and in many instances by the very Indians who now complain of the inconvenience which has been thus occasioned"). He further notes that the "surrender to the Crown of a large tract of their waste lands in 1841 was a wise measure and should have been strictly attended to by the Indians. The sale of these lands will in the course of a few years place the Indians in a sate of comparative affluence." Though it is unclear what final draft of the letter was ever sent (if any), this seems to be evidence that, still in 1844, Jarvis was giving no acknowledgement to the Haudenosaunee that the government had already acknowledged the

4) The Canadian and Ontario Governments' Arguments, and the Historical Fact Pertaining to the Hamilton-Port Dover Plank Road Land Claim and the "General Surrender" of 1841.

There are four general parts to the Canadian government's claims that the Haudenosaunee gave up (or the Canadian government obtained) all title and rights to the lands under protest in 2006. In this section I will first summarize the most detailed part of this claim. I will then briefly describe some of the laws and precedents relating to the surrender or extinguishment of Native rights and title to lands in order to further demonstrate that fallacious quality of this first part of Canada's claim. Finally, I will briefly explain the other three parts of Canada's claim on this land –and the insurmountable evidence that contradicts these arguments.

The Canadian and Ontario governments have persistently cited the purported "General Surrender" of 1841 as a legitimate document of surrender through which the British-Canadian government gained title to a huge portion of Haudenosaunee Grand River Territory. For example, in the Crown's 1996 Statement of Defense against the Haudenosaunee Six Nations lawsuit, the Canadian government stated:

> On January 18, 1841 the Six Nations in Council agreed to the surrender of all of their lands, with certain exceptions, with a view to those lands being disposed of for the benefit of the Six Nations.
>
> Following the surrender, a faction of the Six Nations sent the government petitions objecting to the surrender….(Canada, Attorney General, 1996, paras. 67 and 68)[148]

1841 surrender as invalid. After all, one would think that if the Haudenosaunee had been notified of this fact prior to this letter draft, Jarvis would not still be writing of the 1841 surrender as a wise move (since there would have been no surrender to speak of).

[148] On the protests of the Chiefs who signed once they learned what it was they had signed, see Jarvis (1841c). In fact, virtually all of the existing Haudenosaunee Chiefs protested and petitioned against this surrender. Not only did these chiefs number far more than the number of men who had signed the document, but they also were acting on discussions about the surrender that they had had in Council and in consultation with the Haudenosaunee people they represented. The representation by Canada of those protesting the surrender as a faction --and the

This assertion has been repeated again and again by the Canadian and Ontario governments. For example, it was a key point of contention between Natives and non-Natives during the 2006 protest, and more recently the Archives of Ontario --in consultation with the Ontario Ministry of Aboriginal Affairs and the Government of Canada-- made the assertion that:

> On January 18, 1841, the "Chiefs and Warriors of the Six Nations Indians" met in "full Council assembled at the Onondaga Council House" and agreed to surrender all of the remaining Haldimand Tract land for sale or lease, except for those parts of the Johnson settlement occupied by the Indians. (Ontario, Archives of Ontario, 2011)[149]

In their 1996 response to the Haudenosaunee Six Nations 1995 lawsuit, the Canadian government also argued that: "no Six Nations lands were sold without the consent of the Six

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implicit suggestion that everyone else was in favor of the protest—is of interest here, both because it is reflected in the Canadian government's rhetoric around the 2006 protest (labeling the Haudenosaunee Confederacy Council and the protesters as a faction), and because it is an outright lie. Those who protested the surrender were not a faction, they were the Haudenosaunee Council and people. And those who signed the document were not the Council, they were a faction (a tiny faction of people who days later stated that the document had been misrepresented to them, that they did not know what they had signed and that they were strongly opposed to any such surrender).

Just as historically Canada treated those few –however small in number—who went along with Canada's will as the legitimate leaders of the Haudenosaunee Six Nations, so in 2006 did Canada treat the colonially-imposed but virtually unsupported Six Nations Band Council as the legitimate leadership of the people. And just as historically Canada referred to the Haudenosaunee people and their traditional government as a mere "faction," so, in 2006, did Canada treat the Haudenosaunee protesters and their traditional government as a radical faction – though the hundreds of protesters who descended upon the site to halt the police raid on April 19th belies this suggestion. In fact, this has consistently been Canada's approach toward traditional Native governments within Canadian borders who refuse to go along with Canada's plans for taking Native lands, rights and resources and for forcibly assimilating Native peoples. This will be discussed in some more detail below, and in chapter 4.

[149] Though the Archives is clearly quoting something, it does not cite the source –which, regardless, is entirely incorrect in its assertion. The Chiefs did not meet on the matter in the mere three days given for them to do so, and they most certainly did not meet in "full council" nor agree to the document in "full council" on January 18, 1841. Instead, a mere handful of people –not all of whom have been confirmed to be chiefs—were present at the Onondaga Council House, some of whom signed the document, stating that it was misrepresented to them and they had not known what they were signing.

Nations Council" (Canada, Attorney General, 1996 at 103), and that the invalid 1841 surrender had been affirmed in an 1843 petition and an 1844 document containing the minutes of a council meeting:

> This Defendant says that the Six Nations consented to the sale of these lands. The consent was given after the Six Nations had thoroughly discussed the matter at various Council meeting between 1840 and 1844…. [T]he Six Nations consented to the sale of these lands at a Council meeting held on December 18, 1844. (Canada, Attorney General, 1996, para. 115)

The circumstances surrounding 1841 "General Surrender" document have already been discussed above and considerable evidence has already been provided to show that the proceedings of this attempted surrender were coercive; that the surrender document was misrepresented to those who signed it; that only a tiny handful of people (not all of whom have been confirmed to be Chiefs) signed the document --out of 50 or more Chiefs whose signatures would have been required; that the Haudenosaunee did not even have time to meet and discuss the issue;[150] and that the Upper Canadian government, itself, later admitted numerous times that the document did not actually obtain a surrender, was invalid, and as such, never received the formal sanction of the Upper Canadian government. All of these facts were available long before the Canadian government's 1996 Statement of Defense.

The 1843 petition upon which the Canadian government relies for "affirmation" of the 1841 "General Surrender" is actually a petition protesting that very surrender. At the time the Haudenosaunee wrote the 1843 petition, they had heard nothing back from their 1841 petition to the Queen of England (who likely never received it from Jarvis). They do not appear to have been informed that the government had denounced and agreed not to recognize the "General Surrender" of 1841 (as evidenced in Jarvis' draft letter of 1844). They were thus under the

[150] This is particularly true given the great distance away that many of their chiefs –and people— live from each other and the Onondaga council house on the Six Nations reserve.

impression –just as clearly Stated in Jarvis' January 15, 1841 letter-- that the government was taking their lands regardless of their opposition and protests, and that all they could do was plead to keep certain portions of their lands. As such, the Haudenosaunee wrote their 1843 petition in a tone of bargaining and pleading: they pleaded to retain certain of their lands (lands south of the Grand River, plus the various tracts near Brantford)[151] and attempted to leverage their pleading with the argument that the government had already taken --and/or the Haudenosaunee had already "given"-- the remainder of their lands, so they should at least be able to keep these (Holmes, 2009).[152] In other words, the document reveals the reality that had become all too clear to the Haudenosaunee –they were losing their lands to a government that took what it wanted, did not keep its treaty promises, had no consideration for Haudenosaunee traditional governing processes, and did not care that the Haudenosaunee protested or objected vehemently against these actions.

The 1844 document that the Canadian government also cites as an "affirmation" of the 1841 "General Surrender" is a very abbreviated summary of a meeting between the Haudenosaunee and Canadian officials which spanned a couple days (December 13th and 18th, 1844). This meeting summary, referred to as "meeting minutes," was written by an Upper Canadian colonial official who was part of an Indian Department contingent ordered to secure lands from the Haudenosaunee.[153] The "meeting minutes" do not detail the discussions during the meeting, and

[151] The Haudenosaunee had always made clear that they wanted to retain Oxbow bend, Johnson's settlement, Eagle's nest, the Mohawk Flats, Martin's settlement, and other tracts of land near Brantford, and to lease these lands to non-Natives for short, 21-year periods, so that they would have some annual revenues coming in from the land and, when the Haudenosaunee population grew, would be able to use it for their future generations.
[152] Holmes is citing: Petition of the Chiefs and Sachems of the Six Nation of Indians residing on the Grand River, undated ca. June 1843. Library and Archives Canada. Vol. 624, pp 241-245.
[153] Canada. Library Archives Canada. RG 10 Vol. 144, pp 83271-83279. Meeting minutes, Onondaga Council House, December 13 and December 18, 1844.

do not give voice to any points, arguments or statements made by the Haudenosaunee Chiefs at the meeting. Instead, it contains only the Crown's proposal as to which lands the Haudenosaunee will reserve for themselves, and an agreement that the Haudenosaunee can lease or sell the Brantford area lands that they had already expressed an interest in leasing in their 1843 petition. To this extent, the 1844 proposal by the Crown reflects a response to the pleas in the 1843 petition from the Haudensoaunee (in which the Haudenosaunee believe that their land is being taken from them without their consent and all they can do is plead and attempt to bargain to keep certain lands within the boundaries of their reserve). For example, the Crown is clearly responding to the 1843 petition pleas of the Haudenosaunee when it argues that the lands pleaded for in that petition are too much, and that the Haudenosaunee should satisfy themselves with keeping less than that.[154] (The Crown also slips the term "sale" into the agreement when it

[154] In their 1843 petition, the Haudenosaunee pleaded to keep all of the lands on the south side of the Grand River, as well as the various Brantford tracts of land. In this 1844 proposal, the Crown argues that –though the Haudenosaunee should have a free choice in this matter—it is not in their interest to keep such a large portion of land. The Crown instead argues that, instead of keeping all of the lands on the south side of the river, the Haudenosaunee can/should really only keep half (or less) of these lands –i.e., those within Tuscarora Township. For example:

> The Commissioner is instructed by Command of his Excellency the Governor General to bring under the reconsideration of the Chiefs of the Six Nations of Indians in Council the lands to be set apart as a territory for the future residence of them selves and their people and the leasing or selling of such parts of their lands on the Grand River known as Oxbow, Eagles Nest, Martin and Johnson settlements.
>
> While his Excellency is desirous that their choice should be free on the reserve as he does that it should be in all other matters connected with their own property yet he does not consider that their interest would be promoted in extending the tract to become their future [illegible] residence from the west side of the Plank Road to Burtch's Landing or that of leasing of the places aforementioned.
>
> But his Excellency believes that it would promote the welfare of the tribes by having the reserve confined to the Township of Tuscarora (according to the boundary about to be established. A sketch of which is herewith submitted). [No sketch is contained in this document]. (LAC RG 10 Vol. 144, pp 83271-83279. Meeting minutes, Onondaga Council House, December 13 and December 18, 1844).

By the time this Crown proposal had been made, the Haudenosaunee had been dealing with British-Canadian government officials for centuries, and knew full well that the language of

suggests that the Brantford tracts of land could be set aside for "leasing or selling" –though it is clear the Haudenosaunee only wanted to lease these lands. [155]). As a document responding to the 1843 Haudenosaunee petition, the 1844 proposal *does not* acknowledge the invalidity of the 1841 General Surrender, but proceeds *as if* that surrender was a done deal and *as if* the only issue

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"free choice" and "in their interest" was not meant literally, but was language of manipulation and coercion (note the extensive use of references to the Indian interest in the 1841 letters written by Samuel Jarvis to the Haudenosaunee, for example). A whole dissertation chapter (or dissertation) could be written on the manipulative use of language by non-native government officials historically and today, but that will have to be a work for another time.

[155] By slipping the word sale into the discussion, the Crown appears to be setting the stage for future fraudulent dispossession of even these lands. While the Haudenosaunee knew full well the difference between leasing and selling plots of land, and had always maintained that they wished to lease their land, not sell it, Crown officials –unbeknownst to the Haudenosaunee-- often treated leases as sales, and would grant title to land based on leases. Non-Native settlers, similarly, picked upon this and also treated leases –even short, 21-year leases—as sales, thus causing infinite problems for the Haudenosaunee when individual non-Native leaseholders subdivided and/or sold lands that had been clearly leased to them. See, for example, Journal of the House of Assembly of Upper Canada, 1836, November 8, p. 396, in which a number of non-Natives sought to have the government recognize their title to/ownership of land based on the fact that they had each obtained a lease from an Native person for 21-years or less. Others did not even had leases, only their word that they had gotten permission from individual Natives to live on and farm a particular area of land. Some of the leases had been confirmed at Indian Councils, while others had not, and some of them were purportedly confirmed by (deceased) Joseph Brant. The Assembly notes that they don't know whether Brant acted in good faith in confirming leases, but that they have not seen evidence that he did not. Further, they reason that and that the Six Nations would have to be bound by the acts of their agent, and so they hold that all leases purportedly confirmed by Brant would be sufficient for granting title. A number of people without this confirmation were also granted title (a matter discussed more thoroughly in future hearings of the Assembly) –despite the fact that all of these agreements were leases, not sales.

The after-the-fact treatment of Native leases as sales was so prevalent among non-Natives that even contemporary writers confuse the difference. For example, Sidney Harring, in his seminal book White Man's Law (1998 Toronto: University of Toronto Press) consistently treats the two different types of agreements as synonymous (and as sales), reflecting the historical attitudes towards Native land rights.

for debate was *which* previously undetermined lands will be reserved by the Haudenosaunee out of all of the lands being taken.[156]

Thus, clearly both the 1843 petition and the 1844 meeting minutes encouraged the Haudenosaunee to believe that their lands had been virtually all taken from them by a unilateral action of the Canadian government in 1841, and that the only thing the Haudenosaunee could do was attempt to save as much of this land as possible through pleas and bargaining attempts. Despite the obvious fraud and coercion, the Canadian government routinely uses these 1843 and 1844 documents as "evidence" that the 1841 "General Surrender" was valid. Yet, neither the 1843 petition nor the 1844 meeting minutes are documents of surrender. Neither document requests consent or affirmation of surrender, and in neither document do the Haudenosaunee explicitly agree to a surrender.[157]. The 1844 document does not even mention the word "surrender," nor does it use comparative terminology. Thus, rather than aiding in the legitimacy of an otherwise admittedly illegitimate document of surrender, both documents appear to represent an ongoing fraud perpetrated upon the Haudenosaunee.

What's more, despite the Canadian government's ongoing omission of historical evidence that the "General Surrender" of 1841 was illegitimate and invalid, it remains true that, even if the 1841 "General Surrender" document had not been declared invalid by the Upper Canadian government, it certainly would be declared as such by any honest judge in any of Canada's high courts today. To lend support to this assertion, it seems worthwhile to briefly review some of the laws and precedents relating to surrenders of Native lands and the extinguishment of Native

[156] There are a number of other problems with this document in relation to the Brantford tracts of land that the Haudenosaunee had repeatedly set aside for leasing, but here I will stay focused on the tracts of land under protest in 2006.

[157] Much less do they agree to it in a public meeting of the full Haudenosaunee Council that was advertised in advance and called for the explicit purpose of granting a surrender of land (a requirement under the Royal Proclamation of 1763, discussed further below).

rights on and/or title to these lands. After that I will even more briefly mention the other, much more easily refutable, aspects of Canada's claims to have obtained this land.

Under Canadian constitutional law,[158] the extinguishment of Native title, rights and/or interests on lands within Canadian borders can only be achieved in only two ways: 1) prior to 1982, through constitutionally-applicable (i.e., federal) legislation that expresses clear and plain intent to extinguish Native title and rights,[159] and 2) through a voluntary agreement with Native nations.

Legal Scholar Kent McNeil (2001-2002) has examined the various limits involved in the first method of extinguishment and has concluded that extinguishment under this method never occurred, because there are no known federal statutes that could have achieved it. Thus, a voluntary agreement with the relevant Native nation(s) is the only means through which Canada can legitimately claim to have obtained ownership to lands within Canada's borders under Canadian law.

[158] Which involves some highly problematic, and unfounded, assumptions of Canadian sovereignty over First Nations lands and peoples. These assumptions and their fictitious nature will be discussed more in chapter 5.

[159] In *R. v. Sparrow* [1990], the Supreme Court of Canada held that the "existing rights" protected by section 35(1) of Canada's Constitution Act, 1982, includes those rights that had not been extinguished prior to 1982, either through agreement or through federal legislation expression a clear and plain intent to extinguish Native title and rights. For more on clear and plain intent, see: *R. v. Sparrow* [1990] at 1099 and *Calder et al. v. Attorney-General of British Columbia*, [1973] at 404. Only the federal Parliament (from 1931-1982) or the Imperial Parliament (possibly up to 1860) have constitutional authority to interfere with property rights, the federal executive branch does not (McNeil, 2001-2002: 310-11, 315, 320, 322, 324). Thus, provincial legislation could not (cannot) achieve the extinguishment of Native title or rights (McNeil, 2001-2002; Lambert, 2009). McNeil (2001-2), however, points to a disturbing possibility that title can also be extinguished in courts, as was the case in *Chippewas of Sarnia Band v. Canada (Attorney General)* (2000 and 2001).

However, not all purportedly voluntary surrenders are equal, and legal scholars,[160] government reports,[161] and even the Supreme Court of Canada[162] have increasingly recognized that the English/written versions of treaties purporting to obtain surrenders from Native nations frequently did not reflect the oral agreements made between Native nations and Crown officials, nor did they reflect the understandings or intentions of Native nations who had entered into them. In fact, it has become clear that in a large number of treaties of purported surrender, the intentions of many Native nations was not to surrender or alienate land at all, since the alienation of land is prohibited by the traditional laws of most (if not all) Native nations throughout present day Canada (McNeil, 2001-2002: 304-08 and corresponding notes; Venne, 2002; Hutchins, 2009; Royal Commission on Aboriginal People, 1996: 459; Pape, 2009).[163] Instead, history has

[160] McNeil (2001:305-7 and accompanying footnotes); Macklem (2002); Hutchins (2009); Pape (2009); Venne (2002).

[161] Reference here is to the Hon. Sidney Linden in *Report of the Ipperwash Inquiry* (Queen's Printer for Ontario, 2007), Vol. 2, pp. 109-110. Also see: Royal Commission on Aboriginal Peoples (RCAP) op cit. (1996 at 459).

[162] For example, see: *R. v. Badger*, [1996]; *R. v. Marshall*, [1999]; *Mitchell v. Peguis Indian Band*, [1990]; *R. v. Paulette* [1977] (all of which are also discussed in McNeil, 2001-2002, who also provides an overview of relevant lower court rulings on this topic).

[163] Under these traditional laws of Native nations, land is seen not as a commodity that can be bought, sold, traded or given away, but as a sacred gift given by the Creator not only to the present generation of people, but to the past and future generations, as well as to all plant and animal life –all of which has an equal right to the land that nurtures it. Hutchins has noted that this has also been recognized by the Inter-American Court (Hutchins, 2009: 455-6). See also: Akwesasne Notes, 2005 on these aspects of the Haudenosuanee Great Law of Peace. Thus, as legal scholar Kent McNeil has noted, since "Aboriginal parties to treaties would presumably have acted in accordance with their own laws, they cannot have intended to surrender their entire interest to the Crown if that would have violated these laws." (McNeil, 2001: at 307. But see: 304-8). See also: Hutchins (2009), who further notes:

> So to suggest that First Nations negotiating with Crown representatives for recognition, protection and security are not only ceding, releasing and surrendering their territory as a "fungible commodity" (the term used by Chief Justice Lamer in Delgamuukw) in European eyes, but in so doing we also severing themselves from their systems of Aboriginal law and the elements of the practices, customs and traditions encompassed in that body of law is, I would submit, a most improbably assertion and one that has never been satisfactorily explained through Canadian jurisprudence. (P. 447)

shown overwhelmingly that Native nations intended to share their lands with newcomers, and that this is the understanding many Native peoples had when making treaties with Crown officials. As Justice Sidney B. Linden noted in the Report of the Ipperwash Inquiry (2007):

> Every treaty in Ontario supported the expectation that treaty lands outside of reserve[s] would be shared. Promises made by Crown representatives encouraged these expectations, but despite these promises, colonial and Canadian authorities referred to these lands as "surrendered lands." … Although, in making treaties with the Crown [Native nations] agreed to give up their *exclusive* title to these lands, they never intended to abandon them. They continue to regard these lands as a major source of their sustenance, and as fundamental to their identity. The promise of continued access to these lands was a crucial condition of their consent to the treaties. (P. 109-110)[164]

[164] In fact, the words "cede, release, surrender" and so forth are also not translatable into many Native nations. See, for example: Venn (1997); Cardinal & Hildebrandt (2000:58), both of whom found that the Elders had difficulty understanding the meaning of the words "cede, release, surrender" and, according to the latter source, were incredulous and in disbelief once these terms were explained to them.

Additional evidence that Native nations did not intend to alienate land, but instead to share it with the new immigrants, is also found in the practice many Native nations had of retaining hunting, fishing and other rights on the lands supposedly alienated from them. Agreements over the retention of such rights frequently –but not always-- made it in to the written/English versions of treaties, further demonstrating that the Native understanding and intention behind these treaties was that all parties agreed to share the lands. Implicit in these agreements to share was the presumption that all people would refrain from behaviors that destroyed the lands or made them uninhabitable for present or future generations, as well as for plant and animal life – and this understanding also sometimes found its ways into the written/English forms of treaties through promises that Native nations would be able to continue their way of life.

Canadian courts have increasingly recognized the intentions of Native nations to share –not surrender—their lands, and to retain rights to continue their way of living upon them. For example, the Supreme Court of Canada found in the Mikisew Cree [2005, op. cit.] case that despite a written treaty of surrender for the Mikisew Cree lands (Treaty 8) which had provisions specifically allowing the Crown to take up lands within the treaty area for various purposes, the Mikisew Cree had clearly intended to retain their rights to hunt, trap and fish throughout these traditional territories, and thus the Crown was required to consult with and accommodate the Mikisew Cree before engaging in activities that would adversely impact their rights. The treaty, the Court held, was merely a beginning, and not an ending to the Crown's fiduciary duty to the Mikisew Cree. Mikisew (2005 para 54); see also: Hogg (2009: 14-15); Hutchins (2009: 453). See also: *Halfway River First Nation v. British Columbia (Ministry of Forests)* [1999] 4 C.N.L.R. 1 at para 134 (cited in McNeil, 2001: p. 308 note 29).

Crown officials apparently routinely took advantage of these perceptions of Native peoples and regularly (and even egregiously) misrepresented the written versions of treaties to Native peoples in treaty negotiations.[165] Because of this, in more recent years, Canadian Courts have recognized the discrepancies between the written/English versions of treaty agreements and the oral agreements that were made by holding: that treaties must be "interpreted as the parties, especially the Aboriginal parties, would have understood them at the time;"[166] that treaty promises have to be placed "in their historical, political, cultural contexts to clarify common intentions of the parties and the interests they intended to reconcile at the time;"[167] that any "ambiguities or doubtful expressions in wording of a treaty must be resolved in favour of the Indians;" that "any limitations which restrict the rights of Indians under treaties must be narrowly

[165] For example, an examination of the oral agreements and negotiations around Canada's numbered treaties --purported treaties of surrender-- reveals "not one reference" to the alienation of land in treaties 1-7, despite the fact that the written/English version of treaties claim Native nations ceded, released and surrendered their lands [Hutchins, 2009 (citing Morris, 1880). See also: and McNeil (2001:305-7 and accompanying footnotes); Venne (2002). For the similar misrepresentations in Treaties 8-11, see: *R. v. Paulette* [1973] 6 W.W.R. 97 (N.W.T.S.C.), in which Morrow J. remarked: "…it is almost unbelievable that the Government party could have ever returned from their efforts with any impression but that they had given an assurance in perpetuity to the Indians in their territories that their traditional use of lands was not affected" (quoted in Macklem, 2002)]. Instead, the oral negotiations and agreements were full of assurances by the Queen (made by officials on her behalf) that she would protect the Native peoples from anything that would adversely impact their way of life, that she would not take anything from them that would do so, and that the land was large enough for all to share [Hutchins (2009: 436). See also: Venne (2002), McNeil (2001). Further, some of these negotiations made no mention of land at all. For example, according to speeches given around Treaty Seven, and according to Elders who were alive when the treaty was negotiated, the entire purpose of the agreement was to establish peace and to address problems internal to the five Native nations that were a party to it. As Hickey et. al. (1987: 105) note: "Not one elder mentions that the treaty had anything to do with giving up land or sharing it with white people. Rather, Treaty Seven is an agreement that was made to establish peace, to stop Indians from killing each other, and to put an end to the disruptions caused by liquor." See also, Harring (1998: 27), who notes that British colonists drafted treaties in English so they could evade giving real interpretations of them and could cheat indigenous peoples.

[166] McNeil (2001: 307); *R. v. Badger* [1996]; *R. v. Sioui*, [1990]; *R. v. Marshall* [1999]; *Mitchell v. Peguis Indian Band* [1990].

[167] See also, Feder and Isaacs, (2007) in their discussion of *R. v. Morris*.

construed;"[168] that "treaties and statutes relating to Indians should be liberally construed and uncertainties resolved in favour of the Indians;" and that "Indian treaties 'must therefore be construed, not according to the technical meaning of its words to learned lawyers, but in the sense in which they would naturally be understood by the Indians.'"[169] Further, courts have allowed the use of Native oral histories as evidence –on equal footing with written documents-- in court, thus recognizing that written treaty documents were often prepared in advance (to achieve specific Crown aims that may or may not have been discussed verbally) and were, from the perspective of Native nations, of little relevance in negotiations with the Crown.[170]

In the context of these court rulings, it is clear that the "General Surrender" of 1841, as well as the 1843 and 1844 documents would have to be considered in the historical, political and cultural contexts of the time, which would show a long history of fraudulent, misrepresentative,

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[168] *R. v. Badger* [1996] at para 41. See also: O'Reily (2009: 387) and Hutchins (2009: 444-45).
[169] See also Hall (N.d.), on the Supreme Court of Canada ruling in *R. v. Sioui* [1990].
[170] *R. v. Badger* [1996] at paras. 52-56; Hutchins (2009: 447-8). Hall (N.d.), further notes that the force of treaties "lies in what was actually said, often in aboriginal languages, at the time of negotiation." At least one former government official has cited this precedent (of admitting evidence from native oral histories into court proceedings) as a potential reason for the Canada's government's constant stalling when it comes to resolution of outstanding Native land claims. As the former Commissioner of Canada's Indian Specific Claims Commission and Carlton University Professor, Jane Dixon-Gilmore, noted:

> One of the most important forms of evidence that communities can bring to vindicate their claims is the testimony of elders. And I sometimes fear that the government is only too well aware that, if they just wait a little longer, the corporate memory of communities dies.

Dixon-Gilmore, quoted in: Aboriginal Peoples Television Network (APTN). 2011. Ottawa stalling on claims tribunal so elders die out: ex-commissioner. APTN National News. May 18. [video and blurb, available: http://aptn.ca/pages/news/2011/05/18/ottawa-stalling-on-claims-tribunal-so-elders-die-out-ex-commissioner/. In this sense, the Canadian land claims process, itself, could be seen as coercive, as Epstein (2002: 51-52) has noted:

> We should note that land claims negotiations themselves are usually the result of unwanted incursions or development activities on indigenous lands, which force indigenous peoples to reach a land claims settlement or face the consequences of development activities which proceed with or without consent or the indigenous peoples. Insisting on surrender under these circumstances is a clear instance of duress.

and coercive dealings on the part of the Upper Canadian government and/or Upper Canadian Indian Department officials.[171] These documents would also have to be interpreted according to Haudenosaunee understandings and intentions,[172] the former of which demonstrates that the Haudenosaunee were clearly coerced and mislead, and the latter of which was always for the Haudenosaunee to retain their lands. Any doubt to this intent, further, would have to be resolved in favor of the Haudenosaunee, and Haudenosaunee oral histories can demonstrate beyond a shadow of a doubt that it was always the Haudenosaunee intent to retain –and merely lease out-- the Grand River lands that were under protest in 2006. As Cayuga sub-Chief Leroy Hill has noted on the matter:

> We know the government, uh, doesn't have a document where Six Nations agreed to sell that [Kahnonstaton]. They don't have that document where Six Nations agreed to sell that parcel of land in Caledonia. They don't have the agreement. What they're doing is, they're analyzing discussions and minutes in meetings and saying, "Look at, he said this..." That's not how our government works. You can say anything in a meeting. That's --minutes in a meeting is altogether different from agreeing to sell you something. Where's the agreement? What are the terms and conditions? Where did the money go? They cannot produce that. And we know it.
>
> … [W]hat Six Nations knows is that we agreed to lease that land along, along that highway. … We agreed to lease it, short term. And the thinking of our chiefs back then was that, "We'll get these non-Natives to come in here and clear up some parcels of land for farming then kick them out once we need to expand." That was the thinking. "And we'll collect rent. They can, they can clear the land for farming, and we'll, we'll collect rent. When we need to expand, we'll expand." (Ahooja, 2008b)

Despite the numerous court rulings that would force an interpretation of these historical documents in the Haudenosaunee's favor, were the case to be resolved in court, the Canadian

[171] The above discussion, and in particular some of the above notes, provide ample evidence for this assertion. Much more evidence on the Upper Canadian government's fraudulent dealings with Native peoples can be found in the history surrounding virtually all other tracts of Haudenosaunee Grand River lands, as well, but such an examination is beyond the scope of this dissertation and will have to be reserved for future work instead.

[172] Haudenosaunee understandings, and Native understandings more generally, will be discussed more thoroughly in Chapter 3.

and Ontario governments have persisted in pushing for extremely narrow interpretations of these documents that rest on overly-legal technicalities so that they can continue claiming that the Haudenosaunee legitimately surrendered their lands in 1841 (and "affirmed" this decision in 1843 and 1844). This problematic gap between Canadian Supreme Court rulings and Canadian and provincial government practice –which will be further examined in Chapter 4-- has been remarked upon by scholars such as Anthony Hall (N.d.), who has noted:

> In spite of the high constitutional character of treaties in Canada, these deals were often viewed cynically by those non-Indians responsible for both making and implementing these agreements as relatively cheap and expedient ways to ease natives off most of the lands of Canada so that these resources could be opened for exploitation by other groups and interests. The tendency on the part of federal and provincial governments so far has been to continue this cynicism by interpreting Treaties as narrowly and legalistically as possible, while holding to the position that natives "ceded, surrendered and yielded" all their Aboriginal rights and titles to their ancestral lands through these instruments.
>
> This narrow and one-sided view of treaties essentially as real estate deals by which native groups sold all their interest in vast parcels of land for small original payments and small continuing payments - usually $5 per treaty Indian per year - has produced a huge schism of perception. On the one hand is the view of treaties as legal instruments that extinguished Aboriginal rights. On the other hand is the view of treaties as instruments of relationship between peoples who agree to share the lands and resources of Canada as co-existing but relatively autonomous communities. Seen from this latter perspective, treaties didn't extinguish rights but rather confirmed rights through Crown recognition that Aboriginal peoples have the capacity to make and enforce their own laws and thus to act as self-governing participants on the international stage. Bridging the gap between these 2 views of treaties, either as a solvent or as a confirmation of Aboriginal rights, poses a huge challenge to the people and law makers of Canada.

The three other arguments made by the Canadian (and Ontario) governments regarding the land under protest in 2006 are considerably more transparent, and require only an abbreviated consideration here. The first of these three arguments is that there are no outstanding debts and obligations owed to the Haudenosaunee by the Canadian government,[173] and that, if there are

[173] In Canada's legal argument against the Haudenosaunee Six Nations in 1996, and in response to the Haudenosuanee protest in 2006, Canada argued that, since it was not in existence prior to

outstanding debts and obligations, the Ontario government is responsible for them, not the Canadian government. Not surprisingly, the Ontario government says that it is the Canadian, and not the Ontario, government that is responsible. The latter actually makes the more accurate case. Under the Constitution Act of 1867, s. 111, the Canadian government inherited all of the outstanding debts and liabilities of the British Crown –including debts and liabilities to Native nations.[174] And under section 91(24) of that same Act, the Canadian government is designated as the sole Canadian governing body with jurisdiction over matters relating to Indians and Lands reserved for Indians (Canada, Constitution Act, 1867; Wilkins, 2002). This matter will be addressed in more detail in Chapter 4.

1867, it could not have been in a fiduciary relationship with the Haudenosaunee Six Nations before that time; and thus, it could not be held accountable for any obligations, debts or liabilities owed to the Haudenosuanee Six Nations that arose before 1867. [Attorney General of Canada (1996), Coyle (2006)]. However, elsewhere it has been acknowledged that Canada did, indeed, have a fiduciary responsibility to the Haudenosaunee (Archives of Ontario, 2011).

[174] Section 111 of the Act states that "Canada shall be liable for the Debts and Liabilities of each Province existing at the Union." In other words, Canada inherited the liabilities of the British Crown (and/ through) the provinces, though there were a few limits to this inheritance. One of these limits was that, when it came to the debts of Ontario and Quebec, who were large debtor provinces at the time of Confederation, section 112 of the Act limited the amount of these large debts inherited by Canada to $62,500,000. Any debt above and beyond this $62 million that was held by either Ontario or Quebec at the time of Confederation remained the liability of Ontario or Quebec. However, under section 91(24) of the Act, Canada is the sole Canadian governing body with jurisdiction over "Indians and Lands Reserved for the Indians." This means that only the federal government –and not the provinces—can hear the merits of, determine the validity of, and negotiate, litigate, or in some other way resolve the outstanding obligations, debts and liabilities to Native nations, whether these debts accrued before or after Confederation. Thus, Canada cannot pass on to the provinces any outstanding obligations, debts or liabilities owed to First Nations, because these clearly fall under sole federal jurisdiction. In fact, the Canadian government had to be well aware of this fact both in 1996 (when they filed their statement of defense) and 2006 during the Haudenosaunee protest, because in 1991 the Canadian government acknowledged as much when it reversed itself and began to allow Native nations to file pre-confederation claims through Canada's specific claims process --thus acknowledging that it was responsible for these claims. Prior to 1991, pre-confederation claims could not be heard. On this reversal, see, for example, Six Nations of the Grand River 2006, page 5; and Six Nations of the Grand River 2008, page 2

The second of these three additional arguments is the Canadian government's assertion that the Royal Proclamation of 1763, which mandated that certain procedures be adhered to in obtaining surrenders of Native lands was 1) a unilateral act that Crown officials did not have to adhere to, 2) repealed by the Quebec Act of 1774 (Canada, Attorney General, 1996 at 7-10). The momentum behind the creation of the Royal Proclamation of 1763 was the desire and necessity to quell disputes between Native nations and the Crown, whose subjects had been encroaching upon Native territories without Crown sanction through squatting, shady and fraudulent dealing, and other activities aimed at gaining Native lands for the purpose of speculation/ profit. These activities led to an almost infinite number of grievances voiced by Native peoples against the Crown, as well as to a constant threat of the outbreak of hostilities on the part of disgruntled Native peoples. Through extensive consultation with numerous Native nations,[175] the parties were able to come to an agreement upon a boundary line separating Native from non-Native territories. In its attempts to mitigate the grievances of Native nations and prevent the creation of future grievances, the Proclamation prohibited non-Natives from settling on or purchasing territories on the Native side of the boundary, and further laid out a number of rules and regulations for the legally acquiring Native lands. Thereafter, lands could only be legitimately acquired under British law by the Crown or Crown agents, in public meetings with the Native nation(s) in question that had been called specifically for the purpose of discussing a surrender of lands, and had been publicly advertised well in advance as being meetings that would take place

[175] For example, see: Borrows (2002), who argues that the Royal Proclamation of 1763 can only be understood when examined together with the Treaty of Niagara of 1764. Borrows also argues that "the full legal consequence of the Royal Proclamation is to bind the Crown to ensure that Aboriginal and treaty rights of the First Nations, including their right to govern themselves, are not undermined," (quoted in: Asch (2002: xiii). See also, Nammack, 1969, p. 93 and Good, p. 6, note 12, who both note that the Royal Proclamation was a response to grievances voiced by the Haudenosaunee

for that specific purpose.[176] Though the document was intended to regulate only the behaviors of subjects of the Crown (which, it recognized, Native peoples were not), and was intended to prevent disputes between Native peoples and the colonists, the Crown both wanted and needed the agreement of Native nations in the determination of the Proclamation's boundaries, and in determining and agreeing to many of the other provisions in the document. Further, as a document created out of negotiations and agreements between the Crown and dozens of Native nations, the Proclamation established a fiduciary responsibility on the part of the Crown to police its own subjects and prevent unauthorized encroachments into the lands of Native peoples (Hall, N.d.; *Guerin v. The Queen*, [1984]). Thus, the Proclamation is a document that depended upon negotiations with, and the agreement of, a large number of Native nations –all of whom expected the Crown to fulfill its duty to them as was established in the Proclamation.

The Canadian government's claims that the Proclamation was not binding nor not in effect when Haudenosaunee lands were taken were made to allow that argument that, if the Proclamation was no longer in effect and/or Crown officials were not bound by its terms, then purported surrenders might be considered valid even if they were obtained through questionable means. In fact, one lower court had previously made this argument (claiming that the Royal

[176] These regulations were beneficial to Native peoples in preventing government officials or random non-Native people from finding any Native person and getting him (through intoxication, bribes or trickery) to sign a document purporting to surrender lands over which he had no authority –a practice that was quite common prior to the enactment of the Proclamation. Though numerous secondary sources report that the British Crown's rules and regulations for land transfers were rarely (if ever) followed (Woo, 2003; Akwesasne Notes, 2005; SNGR 2006a; SNGR 2006b; Nammack, 1969; Good, 1994: 7 note 14; Harring, 1998a: 28; Harring. 1998b), the Proclamation at least theoretically offered some legal recourse to Native nations who were wronged in this way. Thus the Proclamation has been referred to, even by bodies of the Canadian government, as the "Indian Bill of Rights" with the force of a statute analogous to the Magna Carta (Royal Commission on Aboriginal Peoples, 1993, pp. 15-16). See also, Paul (N.d.), which notes that the Royal Proclamation of 1763 "was regarded by the Indians as their charter."

Proclamation of 1763 had been repealed by the Quebec Act of 1774)[177] and a judge in the same court later relied on parts of the argument when he justified dispossessing Native peoples of their lands, that they unquestionably held legal title to, on the basis that their rights had been extinguished by the adverse possession of non-Native peoples settled on their lands.[178] However, the Canadian government's arguments are not supported by the existing evidence. For example, claims that the Proclamation was a unilateral document are historically inaccurate, as are claims that the Proclamation was not binding on colonial authorities. As McNeil (2001-2002: 320) has pointed out, the Proclamation was part of Imperial legislation, which was binding on all colonial officials and could not be altered or repealed by local legislative bodies. And even if parts of the Proclamation were repealed by the Quebec Act of 1774, the parts of the Proclamation relating to Indian affairs could not have been repealed or altered by colonial officials, since Imperial authorities retained control over Indian affairs in Canada until at least 1860,[179] and perhaps until as recently as 1931.[180] Further, there is a virtually insurmountable

[177] McNeil, 2001-2002, p. 320, citing: *Ontario (Attorney General)* v. *Bear Island Foundation,* [1989] 2 C.N.L.R. 73 at 85-88,68 O.R (2d) 394 at 410-13.

[178] McNeil, 2001-2002, pp. 320-21, (citing: *Chippewas of Sarnia v. Canada (Attorney General)* (2001),51 O.R. (3d) 641, [2001] I C.N.L.R. 56 (C.A.), leave to appeal to S.C.C. refused [2001] 4 C.N.L.R. iv., at paras 185-219). Though McNeil notes that in this case, the court did not specifically rule on the correctness of this assertion. Further, there was considerable disagreement on this point among the different judges who heard different stages of this case, and both a motions judge and the Ontario Court of Appeal noted that the Chippewas land rights had not been extinguished by the Upper Canadian government because either they did not have the authority to do so (motions judge), or they did not demonstrate the requisite intent to do so (motions judge and Court of Appeal). [[However, the court failed to cite the provision of the Quebec Act that allegedly repealed the Proclamation (Reynolds, 2009, pp. 100-101), and in this same case the Supreme Court of Ontario argued that the Royal Proclamation of 1763 was in effect in the 1840s (McNeil, 2001-2002: 329).]]

[179] McNeil (2001-2002: 320) notes that "the Imperial government retained control over Indian affairs in the province of Canada until 1860 [which] probably would have prevented the legislative assembly in the province from enacting statutes prior to that time that extinguished or authorized the extinguishment of Aboriginal title." This was also corroborated in the Chippewas of Sarnia case (Ontario, 1999) where Campbell J noted that the "1834 and 1859 statutes could

body of evidence that the Royal Proclamation of 1763 continued to be in effect: for example, the Proclamation has been affirmed and/or cited in British and Canadian law consistently long after the 1774 Quebec Act, including in 1793,[181] 1796,[182] 1797,[183] 1803,[184] 1805,[185] 1812,[186] 1835,[187] 1839,[188] 1847,[189] 1858,[190] 1888,[191] 1993,[192] and the 2000s.[193] In fact, the Royal Proclamation continues to play an important role in both understanding Native land titles and in the formulation of new treaty agreements. Evidence of this can be found in Canada's own *Charter of Rights and Freedoms* (1982) section 25, which states that the guarantees in the Charter:

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not apply to Indian lands because Indian rights were "within the exclusive imperial authority and beyond colonial legislative power" (also quoted from McNeil, 2001-2002, p. 321).

[180] McNeil (2001-2002: 324) notes that, though s. 91(24) of the British North America Act of 1867 (also known as the Constitution Act of that same year) gave Canadian federal authorities jurisdiction over "Indians and Lands reserved for Indians," "this jurisdiction could have been subject to provisions of Royal Proc of 1763 prior to Satute of Westminster of 1931."

[181] The Simcoe Patent of January 14, 1793 (applying specifically to Six Nations land granted under the Haldimand Proclamation).

[182] Public Notice May 5, 1796 (leases had to be sanctioned by the crown first) (SNGR, 2006a: 3).

[183] March 10, 1797 directions to President Russell (Ibid).

[184] April 17, 1803 speech by William Claus (that Proclamation of 1763 was still in effect) (Ibid).

[185] Public Notice April 10, 1805 (Ibid).

[186] Proclamation February 1, 1812 (Ibid). In fact, in its statement of defence the Canadian government did recognize that the similar, and less often cited, Governor's Instructions from 1812 were binding on the Crown, but it attempted to make the argument that: "a court is not bound to enforce strict compliance with [this] policy," (Attorney General of Canada, 1996: at 106).

[187] Public Notice of November 20, 1835 (SNGR, 2006a: 4).

[188] Act May 11, 1839 (Ibid).

[189] A report in Appendix I. to Journals, House of Assembly, Canada, 1847, headed "Title to Lands and Tenure of Land," cited in Paul, Daniel, op. cit.

[190] Journal of the Legislative Assembly, 1858, App A21, REPORT, page 121-123-

[191] *St. Catherine's Milling v. Queen* (1888).

[192] Royal Commission on Aboriginal Peoples (1993: 24), which notes that the Quebec Act did not replace the Royal Proclamation of 1763, because the latter contained "a saving provision ensuring that the restoration of French law would not have harmful effects on 'any Right, Title, or Possession derived under any grant, Conveyance, or otherwise howsoever, of or to any Lands within the said Province'."

[193] In the *Chippewas of Sarnia* (2001) case, the Supreme Court of Ontario argued that the Royal Proclamation of 1763 was in effect in the 1840s (see also: McNeil, 2001-2002: 329).

> of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including
>
> (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; …

Thus, clearly the Royal Proclamation of 1763 has continued to play an important role in Canadian law. But even if the Royal Proclamation had been repealed (which is unlikely), the Canadian government is still bound by the recent high court rulings already mentioned --rulings requiring that treaties be placed in their historical, political and cultural contexts and interpreted in the terms Native peoples would have understood at the time, as may be evidenced through Native oral history, and according to the intentions of both parties; and that ambiguities or uncertainties be resolved in favor of the Native peoples, that any limitations on Native rights be narrowly construed, and that treaties be liberally construed in favor of the affected Native peoples.

The third additional argument that the Canadian government made in an attempt to get around accountability to the Haudenosaunee for violations of lands, resources and treaty rights is the argument that the Haldimand Proclamation was not a treaty but a unilateral document to which the Canadian government could adhere, or not adhere, at will. Though the historical facts surrounding the Haldimand Proclamation clearly demonstrate that it was recognized by Upper Canadian courts as a binding treaty until the early 1800s,[194] after this time, shifts in international law, accompanied by historical revisionism, led some Canadian courts to accept this argument as factual. These shifts in domestic and international legal attitudes towards the rights of Indigenous peoples will be discussed in Chapter 5, where it will be shown that the faulty and ahistorical nature of these arguments, as well as the arguments made by the settler state

[194] See the above discussion on the Haldimand Proclamation, and the accompanying notes.

governments forming the old British Empire (including the United States, Canada, Australia and New Zealand), are fatally flawed.

5) Motivations Behind the 2006 Haudenosaunee Protest

Clearly the loss of lands that had been set aside for future Haudensoaunee generations was a major motivation behind the protest. In 2005 and 2006, construction projects were underway in three cities bordering the reserve, of which the Caledonia site was only one. There were also several other reasons behind the 2006 protest; and even if the Canadian and Ontario governments wanted to hold fast to their position on the 1841 "General Surrender," they should not have been willing or able to ignore these other issues. The first of these other issues was Native nations' international human rights and domestic rights to consultation and accommodation. These rights were being thoroughly ignored in the approval of construction projects and the mandating of settlement and development quotas on lands under registered claim by the Haudenosaunee Six Nations.

A states' duty to consult Indigenous peoples prior to making decisions that might affect them is "firmly rooted in international human rights law," and "derives from the overarching right of indigenous peoples to self-determination" (UN Human Rights Council, 2009). But states have more than just the duty to consult Indigenous peoples prior to making decisions that might affect their rights: international human rights law has increasingly integrated and come to depend upon a higher standard of Free, Prior and Informed Consent (FPIC).[195] In fact, FPIC is a human rights

[195] A few of the international human rights bodies and reports that have recognized FPIC as an international human right include: UN Committee on Economic, Social and Cultural Rights (2009); International Labor Organization (1989: art. 4); UN Commission on Human Rights (2006, at 4, para. 11); United Nations Declaration on the Rights of Indigenous Peoples (2008:

standard that Human Rights Council members are required to uphold (Joffe, 2010: 190; Gunn, 2007:82), and Canada was either lobbying to be on, or actually sitting on this Council in 2006 when Haudenosaunee people were demanding that Canada fulfill its duties to consult with them under Canadian law.[196] And while the Canadian government has come under increasing criticism in recent years for its ongoing violations of the international human rights of indigenous peoples,[197] the duty to consult and accommodate Native nations prior to planning projects that might affect their outstanding land, treaty and aboriginal rights is also enshrined under Canadian law through various Supreme Court of Canada rulings –some of which had just been handed down in the year before the 2006 protest.[198] Further, in recognition of the excessively slow land claims and court processes in Canada, the Supreme Court ruled that the Crown (the Canadian and provincial governments) have the duty to consult regardless of whether First Nations claims to land title or outstanding rights have been proven in court (*Haida Nation*, 2004: para 53).

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articles: 10, 11(2), 19, 28(1), 29(2), 32(2)); United Nations Development Group (2008); UN Committee on the Elimination of Racial Discrimination (1997: Annex V at para 5).

A number of states have also implemented FPIC, or recognized indigenous collective rights to their lands. Recently Columbia's Constitutional Court unconditionally affirmed Indigenous Peoples rights to FPIC (Intercontinental Cry, 2011), and the Constitutional Court of Guatemala recognized an indigenous community's collective property rights to their lands, and ordered the Guatemalan government to "take the necessary measures for issuing and land title to the community." (Indian Law, 2011). In addition, early reports back from two court rulings in Argentina (Scandizzo, 2011) suggest that courts in that country have also upheld the right of Indigenous peoples to consultation as defined and outlined in the International Labor Organizaiton's Convention 169 on the Rights of Indigenous and Tribal People (op cit., articles 6, 7, 15), as well as the Declaration on the Rights of Indigenous Peoples (op cit., articles 10, 19, 29, 32).

[196] Canada was on the Human Rights Council from June 2006-June 2009 (see: UN Human Rights Council. *Membership of the Human Rights Council* (2006-2012)).

[197] Two of the most recent of these criticisms can be found in: Joffe (2010) and UNCERD (2012). A more thorough discussion of this topic can be found in Chapter 4.

[198] Haida Nation v. British Columbia [2004]; Taku River Tlingit First Nation v. British Columbia, [2004]; Mikisew Cree First Nation v. Canada, [2005].

Prior to initiating their protest, the Haudenosaunee knew full well that the Canadian and Ontario governments were violating their rights to consultation under Supreme Court of Canada rulings and international human rights laws. To this extent, they had involved themselves in numerous activities aimed at getting the Canadian and Ontario governments to fulfill this duty to consultation and accommodation prior to approving or mandating settlement and development projects on lands under Haudenosaunee claim. The fact that they were not successful, and that both Canadian and Ontario governments demonstrated a determination to disregard, ignore and egregiously violate Haudenosaunee international human rights and domestic rights, was a major motivation behind the 2006 protest. The Haudenosaunee knew they were in the right, both in this regard and in regard to the 1841 "General Surrender."

Another issue motivating the 2006 protest was that of self-government. In 1924, in response to the Haudenosaunee's attempts to draw international attention to Canada's ongoing violations of their rights, the Canadian government outlawed the traditional Haudenosaunee Confederacy Council and forcibly imposed upon the Haudenosaunee a federally funded, created and controlled system of government. The Canadian government justified the move in the name of "democracy," but it was more apparently an anti-democratic maneuver for the purpose of silencing the Haudenosaunee and limiting their abilities to hold Canada accountable for violations relating to their land, resource, treaty and trust fund rights.[199] Though the forcible

[199] After raiding homes, arresting several chiefs, and breaking into the Haudenosaunee Confederacy Council's council house where the RCMP broke opened a safe and stole several Wampum belts (treaties), the RCMP built a barracks on the reserve and announced that a "free election" would be held to determine the new government. According to Cayuga sub-Chief Leroy Hill, this action by Canada was seen as being so illegitimate among the Haudenosaunee people that only 13 or 14 people voted in the election (with several voting twice to cast a total of 27 votes) (Ahooja, 2008a). The irony, of course, is that the Haudenosaunee Confederacty Council is one of the oldest, longest-standing, continually existing participatory democracies on earth. And, like other Native nations, it served its people far more democratically than the

imposition of colonial systems of government upon Native peoples is technically legal under Canada's Indian Act, (Canada, Indian Act, 1985; Mathias & Yabsley, 1991), it is an egregious violation of the international human right of all *peoples* to self-determination.[200] This international human right is one of the founding purposes of the United Nations, as recognized in

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colonial that was forcibly government imposed upon it. Despite this, Native Lands, Inc. researcher Phil Monture has pointed out that the Haudenosaunee were experiencing a number of problems with self-governance at the time the RCMP raided the Six Nations reserve. These problems include various allegations of corruption among some of the traditional chiefs, and Monture points out that there was already pressure for change among some of the Haudenosaunee themselves. Yet, a forcibly-imposed system of government of Canada's own design was clearly not what was desired, as demonstrated from the numbers of people who participated in the first (and in all subsequent) Band Council election(s) (Conversation with Phil Monture, May, 2012).

More generally on the point about participatory democracy in Native nations' traditional systems of governance, Bradford Morse (quoted in Canada Senate (2010) has noted:

> My experience and understanding is that, prior to the *Indian Act*, or where the *Indian Act* regime is not applied, First Nations were global leaders in democracy. Democracy in my mind does not mean elections with ballots; it means the voice of the people in the selection of their leaders and in the decision-making of governments. First Nations were extraordinarily democratic… (32)

Conversely, Indian Act governments in general have been recognized to be virtually the opposite in terms of democracy and/or accountability to their communities, as Menno Boldt noted in the same hearing (Canada Senate, 2010: 69):

> Any analysis of power in Indian communities must take into account the important fact that virtually all authority and funds of band/tribal councils come through [Canada's Department of Indian Affairs and Northern Development (DIAND)]. Thus, although band/tribal chiefs and councillors must seek the vote of their people, their mandate to govern comes from DIAND. This puts elected Indian officials (chiefs and councillors) and the appointed bureaucrats in an inevitable position of political subordination to DIAND officials, rather than to the people who elect and appoint them. As a consequence of this historical status, Indian leaders' responsiveness and accountability to their people has not been institutionalized.

Or as Senator Gerry St. Germain has also noted (quoted in: Gooder & Powless, 2010: 1):

> Under the Indian Act, electoral accountability primarily lies between the elected officials and the minister of Indian Affairs, not between the elected officials and the citizens.

[200] Article 1 of both the *ICCPR* and the *ICESCR*, *supra* note 1, state that "[a]ll peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." See also: Anaya, *supra* note 22 ("The Human Rights committee has confirmed that the self-determination provision in article 1 has bearing upon the obligations of states toward indigenous peoples under the covenant[s]"); *Vienna Convention*, articles 26 & 27, *supra* note 8

the United Nations Charter (1945, article 1; see also: Harvard Law School, 2010) and is also widely considered to be customary law (law that is binding on all states regardless of whether a state has become party to a particular agreement).[201] It has even been considered as such a foundational human right as to be a prerequisite to the exercise of all other human rights, and thus to be a peremptory norm (a norm from which no derogation is permitted), or a part of *jus cogens* (the "compelling law" that all countries must follow).[202]

Canada's problematic record of violating the international human rights of indigenous peoples has been well recognized. Perhaps less recognized is Canada's violation of its own laws pertaining to the rights of indigenous peoples. For example, the right of self-determination for indigenous peoples has also been at least partially recognized by the Canadian government as a right that is protected under section 35 of Canada's Constitution (Canada, Minister of Aboriginal Affairs and Northern Development, 1995; Joffe, 2010: 180, note 328).[203] Despite this recognition, the Canadian government has sought to drastically limit the right of Native nations to self-determination (Canada Minister of Aboriginal Affairs and Northern Development, 1995), ignoring the fact that human rights are "inherent and inalienable" rights (Universal Declaration of Human Rights, 1948, preamble) that cannot be limited or restricted by states or other

[201] *Reference Re Session of Quebec* [1998 at 114] (self-determination is a part of customary international law), Joffe (2010: 133), Anaya (2004: 97-98), D'Amato (1997: 136-138) (on the 1975 Helsinki Accords having become customary international law).
[202] Human Rights Council (2009 at 41) (self-determination is a prerequisite to all other human rights); Joffe (2010: 132-33); Anaya (2004: 75); Lâm (2006 at 155) (self-determination is a peremptory norm, or part of *jus cogens*).
[203] Some have been more cautious in asserting that the right to self-government is recognized and protected by section 35(1) of the Constitution, noting that this issue has not been specifically addressed by Canadian courts (Macklem, 1982/2001: 117; RCAP, 2010: 38).

parties.[204] Thus, the Canadian and Ontario governments' persistent refusal to recognize the Haudenosaunee Confederacy Council, or to engage in nation-to-nation negotiations with this governing body, is a persistent, ongoing violation of the Haudenosaunee right to self-determination. This, too, was a major motivating factor behind the 2006 Haudenosaunee protest in Caledonia.[205]

A final motivating factor in the 2006 protest that must be mentioned is the combined issue of sovereignty and jurisdiction. The Haudenosaunee Confederacy, like many other Native nations in North America, was recognized as a sovereign, independent confederacy of nations by Europeans who came to the Americas in search of lands and riches (Berman, 1992: 128-29, 133; Cote, 2001: 15-16; O'Reilly, 2009: 377-78, 387; Gunn, 2007: 66; Harring, 1998: 10; Kades, 2008, note 75; Johnston, 1986: 14; Williams, 1982: 3, 5, 58, 62; McNeil, 2001-2002: 10; Borrows, 1999). This sovereign, independent status was immortalized in nation-to-nation treaties between these European nations and the Haudenosaunee,[206] and the Haudenosaunee insist that they have never surrendered this sovereign nation status –whether willingly or otherwise—and can, therefore, be nothing less than a sovereign nation today.[207] Thus, according to the

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[204] "In international human rights instruments, human rights are recognized as inherent and inalienable. They are not defined as contingent on State-co-operation or as requiring joint exercise with the State," Joffe (2010: 181).

[205] It is also a violation of numerous other human rights of the Haudenosaunee, and these issues will be considered in more detail in Chapter 4.

[206] Such as the Two-Row Wampum and the Covenant Chain treaties of friendship and non-interference (Berman, 1992; Lyons, 1992; Akwesasne Notes, 2005).

[207] "[W]e never surrendered to anybody. Never have. 1924 comes along and an elective system was imposed on us. One of those reasons why they imposed that elected system on us is because they did not want to give us an accounting of money --our money-- up and down the tract that was embezzled from us. That money was taken and never benefited Six Nations the way our ancestors intended it to be. We entered into an agreement of leases and sales to be held in trust by the Crown for the benefit, for the perpetual benefit of our people, for our health and our welfare. Instead it was used to build institutions from McGill University to the railway that cut across Canada, all sort of things, built Canada's infrastructure on Six Nations' money. And today

Haudenosaunee, all matters of disagreement between the Haudenosaunee and non-Native governments in Canada –whether these governments are local, provincial or federal—need to be resolved through nation-to-nation negotiations with the federal government.

Though Canadian law does not recognize Native sovereignty, under s. 91(24) of the Canadian Constitution Act of 1867, the federal government is the sole Canadian governing body that has jurisdiction over matters relating to "Indians or Lands reserved for Indians." Thus, under Canadian law, the federal government should have been involved in negotiations with the Haudenosaunee in order to resolve the various problems experienced by the Haudenosaunee in relation to their treaty, land, consultation, self-government and other human rights. What's more, under international law, the justifications used by Canada (as well as the United States, Australia and New Zealand) for allegedly asserting sovereignty over Native lands and peoples have become increasingly problematized, with several international human rights bodies calling for the nullification of all laws that rest upon these justifications. For example, the United Nations Economic and Social Council (1989) has condemned the legal justifications relied upon by Canada and these other settler states as having "no legal standing," and proclaimed that any laws or precedents based upon these concepts must be called into question and adjusted accordingly:

> The concepts of 'terra nullius', 'conquest' and 'discovery' as modes of territorial acquisition are repugnant, have no legal standing, and are entirely without merit or justification to substantiate any claim to jurisdiction or ownership of indigenous lands and ancestral domains, and the legacies of these concepts should be eradicated from modern legal systems. (Para. 40b at 10)

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we have to go out there and we're told, "you're no good Indians, you're living on the tax payers...." (Mohawk Chief Allan MacNaughton, quoted in: Hughes, 2007) .There is considerable evidence, and compelling legal argumentation, that supports this assertion of sovereignty. See for example the discussion in Chapter 5.

Aside from its longstanding history of relying upon "legal fictions" to justify its claims to sovereignty over Native peoples, for more than a year prior to the 2006 protest, the federal government consistently refused to engage in discussions with the Haudenosaunee (discussions that might well have prevented the protest). It also refused to get involved with discussions surrounding –or acknowledge its responsibility and sole jurisdiction to resolve— the 2006 protest until two months into the protest (when a failed police raid and mobs of angry non-Natives finally forced the federal government's hand on the issue –at least temporarily[208]). This issue of sovereignty will be examined more thoroughly in Chapter 5.

In the face of these numerous, ongoing violations of land, resource, treaty and human rights (which will be examined more thoroughly in Chapters 4 and 5) motivating the 2006 Haudenosaunee protest, the remainder of this dissertation will be focused on understanding how it is that 1) Supreme Court of Canada rulings, Canadian Constitutional law, and international human rights laws that the Canadian government is legally bound to uphold can be so persistently, egregiously, and discriminatorily violated for one category of people within borders of Canada; 2)

the vast majority of non-Native Canadians sit back and say nothing while this happens; 3) such large numbers of non-Native Canadians are either passively complicit in these abuses, or are active supporters and/or promoters of them; 4) in their complicity or active support and promotion of these ongoing constitutional and international human rights violations, large numbers of non-Native Canadians persist in ignoring outright Haudenosaunee grievances, and –

[208] Though these events forced federal involvement in discussions/negotiations with the Haudenosaunee traditional government aimed at resolving the protest, federal efforts to this extent were short lived, and ended almost as soon as large-scale public attention aimed at the 2006 protest and conflict dissipated. Three years after the initial start of these talks, it seems fairly safe to say that there have been no real talks between the federal government and the Haudenosaunee Confederacy Council for more than a year, and likely closer to two years.

despite mounting evidence supporting the Haudenosaunee grievances-- justify their purposeful ignorance through negative (and sometimes outright racist) characterizations of Native peoples as exaggerators, sore losers, opportunists, criminals, liars, terrorists, and so forth. In order to best answer these questions, the next two chapters will take a brief detour from the specific story of Haudenosaunee land claims, and will venture into an examination of problematic patterns of thought and behavior that are inherent in the western worldview and that, I argue, can account for a large potion of this willful ignorance and denial of the ongoing abuses and violations that have been, and continue to be perpetrated against the Haudenosaunee, as well as Native peoples throughout Canada.

Chapter 2:

The Long History of Trauma and the Psychopathology of Western Society

> *It may perhaps seem at first sight an unnecessary complication to investigate the genesis of each historical formation. But since every historical phenomenon, human attitudes as much as social institutions, did actually once 'develop', how can modes of thought prove either simple or adequate in explaining these phenomena if, by a kind of artificial abstraction, they isolate the phenomena from their natural, historical flow, deprive them of their character as movement and process, and try to understand them as static formations without regard to the way in which they have come into being and change? … The psychogenesis of the adult makeup in civilized society cannot, therefore, be understood if considered independently of the sociogenesis of our 'civilization'. By a kind of basic 'sociogenetic law' the individual, in his short history, passes once more through some of the processes that his society has traversed in its long history.*
>
> *~ Elias 1998, 43, 42*

> *We are not less the offspring of our ancestors because their bodies have been buried. Our society, like all others, is the product of its entire antecedent history, with all the human generators thereof. …. Despite the real pitfalls of historical moralizing, the logic seems plain that what we approve in past conduct will be repeated in the future.*
>
> *~ Jennings 1976, vii*

> *If you know your history,*
> *Then you would know where you're coming from.*
> *Then you wouldn't have to ask me,*
> *Just who the hell do I think I am.*
>
> *~ Marley 2002*

In his work on the "civilizing process," Norbert Elias argued that this process, as it occurred in the history of any society, is passed down to each individual in that society through the socializing process. In this latter process, the whole history of one's society and culture is reproduced, in abbreviated form, and internalized in the individual (Elias, 1998: 41-42, 53-54). Thus, what each person does in any given situation is not simply a product of the choices that a person makes in the moment, i.e., it is not merely a produce of responses personal, innate feelings of pleasure or displeasure (Elias, 1998: 53). Rather, these choices reflect the imprint of

society on the inner self, and must be contextualized within the historical sociogenesis of one's society, as well as the manner through which these processes were reproduced by others, and internalized by the individual, in his or her lifelong socialization process (Elias, 1998: 41-42, 53-54). According to Elias, these sociohistorical processes are so fundamental to the development and operations of society and the individuals within it that they should be considered as "a fundamental law of sociogenesis and psychogenesis" (Elias, 1998: 54).

Though these sociohistorical patterns are of such fundamental importance in determining all that a society and its members are and do, Elias (1998: 49-50) also notes that once these patterns are established in a given society, they no longer remain in the consciousness of that society or its members. For example, though they generally believe Western society to be superior to other societies and cultures, few Westerners would link this belief to their own sociohistorical "civilizing" process; nor would they link to these processes their "ritualized or institutionalized feelings" of disgust, shame, displeasure, fear, or distaste that are often provoked by the behaviors of Westerner or non-Westerner "others" who were differently socialized (Elias, 1998: 53-54). Both of these unconscious processes can be observed in recent comments made by Oprah Winfrey on her recent tour of India. When Winfrey managed to offend a whole country with her remarks on international television that "I heard some people in India eat with their hands still?" (Sergio, 2012; Sen, 2012), she was, unfortunately, unconscious of the sociohistorical processes linking Western assumptions of superiority to the "rise of the fork" in Western society (Elias, 1998: 51-54). As a result, she generalized to the whole world her own society's preferences, and her own society's views of "progress" and "civilization." In her obliviousness to these sociohistorical processes, she failed to predict the offended response that she would provoke

among an entire nation, enraged that it needed to defend its own equally valid traditions against Western ignorance (Sergio, 2012; Sen, 2012).

Like Oprah, many non-Native residents responding to the 2006 Haudenosaunee protest were unconsciously reproducing patterns of thought and behavior that had long ago been established in Western society and into which they had been socialized. The impact of these processes of sociogenesis and psychogenesis is profound, and since these processes are constantly, unconsciously reproduced, "so long as the structure of human relations is not fundamentally altered" (Elias, 1998: 53), it should be clear, as Elias argued, that we need to understand these past processes –and bring them to consciousness—if we are to understand our own societies and the behaviors of individuals within them (and especially if we wish to change them). To this extent, this chapter will provide an overview of some of the problematic patterns of thought and behavior that have long been prevalent in Western society for the purpose of gaining a better understanding of the range of non-Native (government and resident) responses to the 2006 Haudenosaunee protest (which will be examined in chapters 4 and 6). Once identified, many of these problematic patterns of thought and behavior will be traced back to various points in the history of Western society.

Aside from identifying these patterns, I argue that many of the sociohistorical processes associated with these problematic patterns of thought and behavior –as with the Western "civilizing process" as a whole-- were highly traumatizing to individuals and to Western society in its entirety. As such, many of the problematic patterns of thought and behavior that arose out of these processes reflect various attempts to cope with these repeated, severely traumatizing events, often through repression and denial rather than through acknowledgement and healing. Western society's failures to recognize these events as traumatizing and/or to "work through,"

resolve, and heal from these past traumatic events, has resulted in massive, societal and individual, transgenerational trauma, and has led to the institutionalization and ritualization of unhealthy, and even psychopathological, coping mechanisms. These coping mechanisms have been so widespread in Western society for so long as to constitute not only integral parts of Western society and the Western cultural worldview, but to form the very essence of this society and cultural worldview, and the very foundation upon which these have been built. Their understanding is, therefore, of utmost importance in understanding how and why many (but not all) non-Native residents responded to the 2006 Haudenosaunee protest in the unhealthy ways that they did, as will be discussed further in chapter 6. However, it is important to note, here, that the argument that follows here and in chapter 6 is not that the *people* are psychopathological, it is that their *society* is.

PROBLEMATIC PATTERNS OF THOUGHT AND BEHAVIOR IN THE WESTERN CULTURAL WORLDVIEW

> *[T]he understanding of the racial question does not ultimately involve understanding by either blacks or Indians. It involves the white man himself. He must examine his past. He must face the problems he has created within himself and within others. The white man must no longer project his fears and insecurities onto other groups, races and countries. Before the white man can relate to others he must forego the pleasure of defining them. The white man must learn to stop viewing history as a plot against himself.*
>
> *~Deloria 1969, 175*

> *In* Hitler's Willing Executioners *Daniel Goldhagen asks, How could average, everyday ordinary churchgoing Germans, who we all know were fully acculturated twentieth-century Western civilization people, get u in the morning, walk outside, shoot women and children in cold blood, and then come back in the evening and have supper as though they were doing nothing more than making widgets? How could people act in such a cold-blooded manner? Well, all we have to do is follow the real story of Western civilization and we'll see that there has been episode after episode of people getting up in the morning, going out and murdering people."*
>
> *~ Mohawk 1997*

In his new book, *Civilization: the West and the Rest*, Niall Ferguson (2011) argues that Western civilization came to dominate the world because it developed of six "complexes of institutions and associated ideas and behaviors" that other societies and cultures lacked: competition, science, medicine, property law, consumption and the Western work ethic (Ferguson, 2011: 12). Though Ferguson presents his book as being "not a history of the West but a history of world, in which Western dominance is the phenomenon to be explained"(p. xxv), he quickly dismisses the bulk of non-Western human societies and their histories as irrelevant,[209] and approaches his topic in the same Western-centric fashion as generations of Western scholars before him.[210] As such, Ferguson fails to interrogate one of the basic assumptions made by Western-centric thinkers – i.e., the assumption that, because Western society launched imperialistic, colonial, and genocidal ventures that decimated entire populations and cultures in the pursuit of wealth and world domination, it must be true that all societies would have wanted to do this, but were simply incapable of doing so due to inferiority or weakness.[211] This assumption is illustrated early on, as Ferguson asserts in his preface that his book "offers a meta-narrative of why one civilization transcended *the constraints that had bound all previous ones,*" which had been "incapable of providing their inhabitants with any sustained improvement in the material quality of their lives" (pp. xxv-xxvii [emphasis added]). But in failing to interrogate this assumption (or even recognize

[209] Ferguson notes that the earth's population today makes up less than 7% --or 1 out of 14-- of all human beings who have ever lived, and wisely warns his readers that "we ignore the accumulated experience of such a huge majority of mankind at our own peril"(p. xix. See also pp. xviii-xx). However, he quickly dismisses the bulk of this accumulated experience (and the rich oral histories of surviving indigenous societies) when he argues that history is only concerned with civilizations "because without written records the historian is thrown back on spearheads and pot fragments, from which much less can be inferred" (p. xxvii).
[210] Including the Sociology greats: Max Weber, Emile Durkheim and Karl Marx.
[211] See, for example, Ferguson: "[I]t was not just Western superiority that led to the conquest and colonization of so much of the rest of the world; it was also the fortuitous weakness of the West's rivals"(p. 13).

it as an assumption) Ferguson fails to recognize that he is projecting the dominant cultural values of the present onto past (as well as present-day) non-Western societies. In other words, he is engaging in the cultural-centric historical revision, common among dominant groups, that was recognized and problematized by Stanley Diamond (1974) decades before, when he noted that: "as civilization accelerates, its proponents project their historical present as the progressive destiny of the entire human race" (p. 1).

While certainly it is true that the Western world spent centuries developing the mentality, the behavior patterns, and the most efficient and effective technology and techniques for conquering, dominating, destroying, massacring, and exploiting lands and peoples all around the world, it is not at all the case that the bulk of humanity or the vast majority of human societies had ever desired or attempted to achieve such goals. In fact, evidence to the contrary abounds.[212] For example, despite the general assumption that other societies were simply too weak or too inferior to the West to achieve world dominance, the technologically more advanced Chinese sailed around the world at least as early as 1424 --more than half a century before Columbus. They did so not for the purpose of dominating, colonizing, enslaving, massacring and/or forcibly exploiting other lands and peoples, but for the purpose of establishing networks of mutually beneficial trade with the peoples of Africa, the Americas, and Australia. The type of atrocities and destruction characteristic of Western ventures was nowhere a part of the Chinese mentality or behavior in their own ventures (Menzies, 2004).[213] And contrary to Ferguson's assertions that non-Western cultures were simply "incapable of providing their inhabitants with any sustained

[212] As Diamond (1974: 18) notes, "Whatever else we may say about men as political beings, it is clear that the great majority of them have viewed the exercise of political power as either irrelevant to, or destructive of their daily concerns."
[213] Ironically, in their travels around the world the Chinese avoided Europe entirely, viewing Europeans as backward people who had nothing of value to offer in trade.

improvement in the material quality of their lives," throughout the Americas the majority of human societies were self-sufficient and self-sustaining societies whose members enjoyed a higher quality of life than many Europeans at the time (Mann, 2005; Diamond, 1974; Drinnon, 1990; Canny, 1979; Williams, 1982; Jennings, 1976; Mohawk, 1992: 143-45). In fact, the disparity between the quality of life among Native peoples in the Americas and the European colonists who settled there was so great that colonists constantly fled to live among Native societies, and even colonial efforts to impose martial law and/or to hunt down and execute deserters (as a warning to the rest of the colonists) failed to deter further desertion (Drinnon, 1990: xxv, 30; Canny, 1979: 30-34). This sort of widespread desertion from European colonial ventures to Native societies was not limited to European ventures in the Americas, but was also a factor in Ireland and, more generally, everywhere Europeans had an opportunity to closely interact with members of indigenous societies (Diamond, 1974; Canny, 1979). Meanwhile, Native peoples persistently refused not only to live in European settlements, but to adopt virtually any aspects of European culture; and they did so not because they were unable to comprehend the vastly superior world of the European, but because their own cultural worldviews existed in complete opposition to many, if not most, European patterns of thinking and behaving in the world.[214] (This included the shocking and appalling European practice of attacking and indiscriminately massacring entire villages[215]). As Black Elk (1983) notes:

[214] Rousseau was among those who observed this phenomenon, noting that:

> It is an extremely remarkable thing for all the years that Europeans have been tormenting themselves to bring the savages of the various countries in the world to their way of life that they have not yet been able to win over a single one, not even with the aid of Christianity; our missionaries sometimes make Christians of them, but never civilized men. Nothing can overcome the invincible repugnance they have of adopting our morals and living in our way. If these savages are as unhappy as it is claimed, they are, by what inconceivable depravity of judgment do they constantly refuse to civilize themselves by imitating us or to learn to live happily among us—whereas one finds in a

> Now, none of these "enlightened" Europeans ever got around to asking the savages whether there might, in fact be a *reason* why Natives fancied using stone tools and such. … And so it has become a tradition in Europe to view virtually everyone else as underdeveloped, backward…. The standard of measure seems to me to be that the more compulsive a culture can become in terms of gathering up and rearranging material, the more "advanced" it is considered to be. The more relaxed, at peace, and willing to leave material things (beyond real needs) alone a culture can be shown to be, the more "backward" it is considered. … I mean, *consider* the implications of a tradition which compels its people to march across half a continent, engage in a major war to steal the land from my people, engage in genocide in order to preserve their conquest, and all primarily so they can dig gold out of a small portion of that land, transport it back across the continent, and *bury* it again at Ft. Knox! The virulence of the disease Sitting bull spoke of is truly staggering (P. 143-45)

Ferguson is not unique among Western scholars in his one-sided, self-congratulatory glorification of Western society, his downplaying of its more problematic aspects,[216] his warnings against "romanticizing" (i.e., finding anything good about) non-Western cultures, and/or in his complete disregard for non-Western, non-Empire forms of human societies –i.e.,

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> thousand places that … Europeans have voluntarily taken refuge among these natives, spent their entire lives there, no longer able to leave such a strange way of life…. (quoted in Diamond, 1974: 24-25).

See also: Drinnon (1990), Means (1983), Deloria (1972), Mohawk (1992), Mann (2005).

[215] Mann (2005: 60) notes Native peoples' "unwillingness to match the European tactic of massacring whole villages," and more generally writes about the incompatibility of European ways with Native cultures. Jennings (1976: 147-170) compares Native forms of warfare to European forms of warfare; and Black Elk (1983: 141-42) mentions that Native societies treated warfare more as a sport, in that they did not wantonly slaughter other peoples.

[216] For example, Ferguson appears to present the massive-scale genocide perpetrated upon the indigenous peoples of Africa, the Americas and Australasia as having been a conquering and conversion to the Western way of life that was "achieved ultimately more by the word than by the sword" (p. 5). At the same time, he criticizes the West's ongoing conquests via the war in Afghanistan and Iraq not on the basis that both are immoral wars causing incalculable destruction of innocent lives, homes and infrastructure, but on the basis that there is not *more* manpower, enthusiasm, and funding for the wars (pp. xvi-xvii). He also argues that the "days of Western predominance are numbered" --not because Western society is an unsustainable society that has destroyed its own economies and is destroying the planet and all life on it, but because "the Rest" have now adopted Western ways (once monopolized by the West), and the latter "has literally lost faith in itself."(Quoted from the dust jacket description of the book).

the bulk of all human societies that have ever existed.[217] By persisting in this blindly self-aggrandizing, and solipsistic form of analysis, Ferguson (like Western scholars more generally) also –and perhaps more importantly-- fails to question the *mentality, morality and wisdom* of a culture that both desired and proceeded to engage in what was perhaps the most massive campaigns of genocide and atrocities the world has ever known–killing as efficiently and effectively as the technology would allow at the time, all in order to further its greed for wealth and power.[218] Yet this, above all else, is what needs to be interrogated, particularly since the morality, mentality and wisdom of Western culture has changed very little since that time, while its capacity for destroying all life on the planet has increased exponentially.

The rest of this section will be concerned with examining some of the problematic patterns of thought and behavior endemic to the Western cultural worldview. In the spirit of departing from the widespread, longstanding self-aggrandizement of Western culture, much of the following discussion will be somewhat critical of these patterns of thinking and behaving in Western society and the Western cultural worldview, and will focus on creating a framework for Western

[217] In almost the same breath that Ferguson dismisses the bulk of humanity's historical experience, he warns his readers against "the temptation to romanticize history's losers" (p. xxvi), which, given his dismissal, appears to be an effort to discourage any examinations of these other societies: finding anything good about them at all is immediately equated with "romanticizing" them.

[218] "Nothing was more destructive of man than the early settlements on this continent." (Deloria, 1969: 177-78). "The destruction of the Indians of the Americas was, far and away, the most massive act of genocide in the history of the world" (Stannard, 1992: 3). Stannard holds that 8 million Native peoples were killed within the first 21 years of Columbus' appearance in the Caribbean, and that 90-95% --or about 19 out of every 20-- of the tens of millions (if not more than a hundred million –see Mann [2005: 102]) of people living in the Americas at that time were killed over the proceeding centuries. Mann (2005: 101) further cites a mortality rate of 95% in the first 130 years of European "contact"/invasion. Both Mann (2005: 102) and Stanndard (1992: 33) state that central Mexico, alone, had a population of more than 25 million. While many accounts of Native population decline downplay the role of human violence in this mass genocide, other accounts do not. In addition to the above sources, see also: Hanke (1959), Todorov (1982), Drinnon (1990), Mohawk (2000 & 1997), Trudell (2003 & 2001, track 18).

society's critical self-reflection –a long-avoided pattern that is desperately needed in this time of unprecedented extinction and destruction. As will be demonstrated, many of these patterns, on their own or in interaction with other patterns, involve self-reinforcing rationalizations that have long kept westerners from critically and realistically evaluating the true impact of their society on themselves and the rest of the world.

Before beginning, it seems worthwhile to make two quick notations. First, because all of these patterns overlap, interrelate and reinforce each other, the full impact of any one of them cannot be fully understood without also understanding all of the other patterns and their interactions and interrelations. As such, it is difficult to separate and isolate these problematic patterns from each other and/or from the context of their cultural worldview. However, since the separation of individual phenomena from the contexts in which they occur and from other phenomena to which they are inextricably bound, and the examination of these extracted and decontextualized phenomena in isolation, is a fairly long-standing requirement of academic, scientific and other work within the Western cultural worldview, I will do my best to draw out certain of these patterns that are of predominant interest in this story and to examine them separately.

Second, it seems worthwhile to note that, because the Christian church was such an influential force in the history of the West and in the formation of the Western cultural worldview, many parts of this examination will be concerned with various actions and/or trends within or by the Christian church which contributed to these less than positive patterns of thinking and behaving in the Western worldview. The focus on, and criticism of, the many immoral undertakings by the Christian church is not intended as an attack on or a blanket dismissal of Christianity, Christians, or any derivative religion and its members. Certainly, many constructive and positive

initiatives have been undertaken by Christians (though it is somewhat less clearly the case for the institutionalized Christian Church as a whole). Therefore, in all of the following discussion, it is only my intent to begin the above-mentioned process of critical self-reflection, something which, though fairly uncommon within Western society, is urgently needed and should not be seen as contrary to the interests of the majority of people, groups, and religions within any society. As a prominent Christian leader once noted, in a statement that applies equally well to Western society as it does to Christianity:

> If you want to make religion a constructive force in society, religions must begin with an honest admission of those moments when they haven't been a constructive force, when they've been a destructive force. And the thing that frustrates me to no end is when religious leaders get up and give the impression that religion has always been on the side of good and virtue. It hasn't. Let's be honest (Father John Pawlikowski, President, International Council of Christians and Jews, quoted in: Carroll, 2007).

Indeed, let's be honest.

Social Relations of Domination

> *[D]omination is increasingly a matter of colonizing the internal world of the dominated classes, a feat that cannot be accomplished by force but only through messages, codes and the dissemination of images and information. … Put simply, domination requires the establishment of an entire way of life as standard and expected, the identification of the dominated with the dominators, and the subtle establishment of the prevailing ideology as natural and inevitable, indeed commonsensical. When domination reaches the internal world of the actors, resistance is almost unthinkable. …[T]he power holding people to the existing system is deep and multileveled, and… we often obey as a matter of reflect for the simple reason that our very identities are formed by the dominant framework to the extent that we are powerless to do anything else.*
>
> *~ Litowitz 2000, 524, 528, 529*

> *The methods of establishing control over another person are based upon the systematic, repetitive infliction of psychological trauma. They are the organized techniques of disempowerment and disconnection. Methods of psychological control are designed to instill terror and helplessness and to destroy the victim's sense of self in relation to others.*
>
> *~ Herman 1992, 77*

You cannot enslave a mind that knows itself, that values itself, that understands itself.

~Wangari Maathai, quoted in Hytrek 2012, 87

Social relations of domination are not unique to Western culture. Expressed through hierarchical social relations in which a relatively small portion of the population exercises military, political, economic, social, religious and/or other forms of control over the remainder of people within a given area, social relations of domination have been present in many cultures and societies throughout history, and have been present in every large-scale society that has existed. Such relations are foundational elements in the Western cultural worldview, in large part because Western culture is a result of, and has been built upon, the conquest, destruction and homogenization of other cultures. This was true throughout the Mediterranean by the rise of the Greek city-states, where successive waves of conquest for trade, wealth, and/or power had completely destroyed local cultures and made any continuity of culture impossible (Mohawk, 1997). This was also true throughout Western Europe by the late Middle Ages, when centuries of Crusades, Inquisitions and witch-hunts successfully, and quite purposefully, destroyed virtually all of that remained of these cultures;[219] tortured and killed (as heretics, heathens, witches, etc.) all who resisted; and consolidated all people under the centralized, hierarchical domination of monarchs and the Church. This was true during the European invasion and colonization of much of the world from the fifteenth to nineteenth centuries, when (often privately-funded) explorers plundered indigenous peoples for land, resources, slaves, and anything else that could be turned into fame and fortune; and when missionaries moved in an attempt to convert (not infrequently by force) whoever remained after the plunder. And this remains true today, as Western societies

[219] There are still some remaining pockets of indigenous peoples in Western Europe who have managed to continue their traditional cultures, such as the Sami people in northern Europe, who live in areas inhospitable enough as to not have been appealing to would-be conquerors.

continue to rely on the forcible exploitation of land, resources and labor abroad, and Western settler states, intent on existing or expanding through the forcible expropriation of indigenous lands and resources, continue policies and practices at home that perpetuate the disruption and destruction of the remaining indigenous cultures.

Universalism: Acceptance, Domination, and Rejection

> *Every culture, every class, every century, constructs its distinctive alibis for aggression. …[T]raditional reasons why certain pugnacious activities are appropriate, ethical, even commanded by nature, amounts to a recognizable cultural style.*
>
> *~ Gay 1993, 35*

> *[In hierarchical social relations of domination] each new class which puts itself in the place of one ruling before it, is compelled, merely in order to carry through its aim, to represent its interest as the common interest of all the members of society, that is, expressed in ideal form: it has to give its ideas the forms of universality, and represent them as the only rational, universally valid ones.*
>
> *~ Marx 1972, 138*

With some exceptions,[220] the homogenization or transformation of culture throughout the ancient period and the early Middle Ages was not the purpose of the successive waves of conquest that destroyed local cultures of Western Europe (Diamond, 1974; White, 1961).[221] Even though some of these early campaigns of organized, armed aggression were undertaken for the purpose of the expansion of societies that had outgrown their own territories, or the expansion of the power of an aspiring king or emperor, they were also just as frequently undertaken for the sole

[220] Such as the Moorish attempt to conquer the Franks in the early Middle Ages, and likely there are earlier examples as well.

[221] "[C]ivilizations other than that of the contemporary West have been ethnocentric, imagining themselves to represent the height of human achievement. The Egyptians, Chinese, Greeks, medieval Islam, the Romans, the Feudal European church, all defined themselves as peerless, a notion that was concentrated in but by no means confined to the upper strata of their respective societies. But the purpose of imperialism, as engaged in by pre-industrial societies, was political and economic control. Other cultures may have been judged strange or inferior, but it was not explicitly assumed that the imperial mission was to transform society in the image of the dominant power, even when that occurred to some degree" (Diamond, 1974: 36).

purpose of plundering wealth and resources, and possibly capturing humans as slaves. Peoples conquered by expanding societies were often able to continue practicing their own cultures and religions (or what remained of them), so long as they paid taxes or whatever else was required to the conqueror(s). This was true under the Roman Empire, where conquered peoples, particularly those in the rural and outlying regions, often continued to practice their own cultures, follow their own laws, and worship their own gods through their own forms of religion --so long as, or to the extent that, these were not seen as a threat to Rome, and so long as they also made sacrifices to the Roman Gods and fulfilled the other requirements of Empire (Keal, 2003: 69; Tigar & Levy, 2000: 27-28, 34-37; Osborne, 2006: 114-17; Mohawk, 2000: 48, 52-61). Though Roman society did have some provisions allowing for former enemies to become citizens of Rome, or for non-Romans to make claims generally reserved for citizens under Roman law, the universalism present in the Western cultural worldview can be best attributed to Christianity.

One of the earliest interpretations of the teachings of Jesus Christ envisioned two distinct forms of universalism that the Western cultural worldview has long since conflated and been unable to separate. The first was a universalism that accepted anyone and everyone who wished to be included in the Christian Church. Many Christians at the time were opposed to this sort of universalism, since it opened the religion to non-Jews. The second was a universalism that was applied to everyone who joined Christianity and, later, even to people who did not. Under this second type of universalism, first envisioned by Paul, all Christians were required to follow a single doctrine which dictated how people were to worship and what rules people were to follow. This was a universalism of domination and, for Paul, failure to follow this code of behavior and thought would result in ejection from the Church, as well as eternal damnation. In other words, this was a universalism of judgment and rejection for the slightest deviation from domination.

Though, as Osborne (2006) wrote, "[t]here was no obvious reason why Christian communities should not practice their religion in their own way… Paul was determined that this should not happen"(p. 117. See also pp. 118-19).

It is unclear whether Paul noticed the contradictions in positing, on the one hand, an accepting and inclusive religion that allowed people of any social class or circumstance to join and, on the other hand, a judgmental and rejecting religion that ejected people outright for deviations in thought or deed from the expected protocol. If he did, that didn't stop him from creating rules in his doctrine of a universally-accepting religion that were not universally accepting at all. For example, at a time when women were working in virtually all professions and holding positions of status in both Roman society and the early Christian church, Paul created rules of sexual behavior which deemed women as temptresses who should thus be submissive and quiet in church (Osborne, 2006: 118).

Regardless of what Paul thought (or didn't think) about these contradictions, they likely didn't matter much during the early years of Christianity. During its first few centuries, when followers of Christianity were periodically persecuted, there were so many different sects --each with its own ideas and practices regarding worship under the Christian faith—as to make unlikely Paul's vision of uniting (or, perhaps, conquering) all followers under a single doctrine (Osborne, 2006: 113-33). This changed, however, with the religion's legalization and then institutionalization as the official (and only legal) religion of the Empire (Mohawk, 2000: 64). With this, the religion was transformed from the egalitarian reform movement that had originally "exhibited an ability to respect women, nature and people of varying cultures"(Mohawk, 2000: 64), to a hierarchical and authoritarian tool of empire-building (or preservation) that quickly became oppressive towards various categories of people and life (Mohawk, 2000: 64, 66-70;

Osborne, 2006: 122). Women were deemed unclean, their sexuality a threat to male spirituality, and they were expelled from church ritual duties (Mohawk, 2000: 64, Federici, 2004: 37). Peoples of other faiths were "demonized as agents of Satan whose objectives were … the conquest of the minds of all people," and the Church set out on its own such conquest, punishing the practice of other religions under penalty of death (Mohawk, 2000: 64). And even the natural world was reconceptualized, under Aristotelian ideas incorporated into Christianity around the fourth century B.C.E., as a hierarchy of living creatures created for the use and abuse of humans (Serpell, 1999: 44).[222] As these views became institutionalized in the religion, the universalism of acceptance and inclusion became deeply intertwined with the universalism of domination, judgment and rejection. The Western cultural worldview has not been able to separate these two concepts since.

Dualism, Separation, and Alienation

> *Newton "revolutionized" physics and the so-called natural sciences by reducing the physical universe to a linear mathematical equation. Descartes did the same thing with culture. John Locke did it with politics and Adam Smith did it with economics. Each one of these "thinkers" took a piece of the spirituality of human existence and converted it into a code, an abstraction. … Hegel finished the process of secularizing theology –and that is put in his own terms; he secularized the religious thinking through which Europe understood the universe. Then Marx put Hegel's philosophy into terms of "materialism." That is to say, Marx despiritualized Hegel's work altogether. Again, this is in Marx's own terms. And this is now seen as the future revolutionary potential of Europe. … Christians, capitalists, Marxists, all of them have been revolutionary in their own minds. But none of them really mean revolution. What they really mean is a continuation. They do what they do in order that European culture can continue to exist and develop according to its needs. … [E]very revolution in European history has served to reinforce Europe's tendencies and abilities to export destruction to*

[222] The idea of the separation of man from all other living things and the natural world was also a part of Paul's doctrine, which, along with the separation of man from woman, he had adopted frmo the Old Testament, reportedly in an attempt to make the religion more appealing to Jews (Osborne, 2006: 118-119).

> *other peoples, other cultures and the environment itself. I defy anyone to point to an example where this isn't true.*
>
> *~ Means 1983, 21, 26, 24*

> *Nothing can be truly understood except in relation to everything else. Thus, the universe can be understood as a total of all its parts, but the understanding of any of the parts does not produce an understanding of the universe. In fact, unless the interaction of the universe is understood, a true understanding of any single part within it can never really be arrived at.*
>
> *~ Black Elk 1983, 147*

Social relations of domination always necessarily involve some degree of dualism and separation. One can only be dominant in relation to others who are subordinate, and one can only be superior in relation to others who are inferior. But dualism and separation in Western culture developed historically into a much more extreme form than that which was practiced, or even contemplated, in many other cultures, including large-scale, hierarchical societies. For example, Mies (1986) (relying heavily on Merchant [1989]) argues that, while patriarchal societies in China, India, and Arabia exhibited some separation between man and woman, human and nature, and conquerors and conquered peoples, this separation was nowhere near complete:

> In the old patriarchies (China, Indian, Arabia), men could not conceive of themselves as totally independent from Mother Earth. Even the conquered and subjected peoples, slaves, pariahs, etc., were still visibly present and were not thought of as *outside* the *oikos* or the 'economy' (the hierarchically structured social universe which was seen as a living organism). And women, though they were exploited and subordinated, were crucially important as mothers or sons for all patriarchs (P. 74-75)

Some supporting evidence for these assertions can be found in Menzies (2004), who notes that the Chinese sailed around the world at least as early as 1421 for the purpose of establishing mutually beneficial and respectful trade relations with the coastal peoples of Africa, North and South America, and Australia. In establishing these mutually respectful relations, the possibility of dominating and subjugating other peoples was nowhere a part of the mentality or actions of the Chinese. Similarly, White (1961) has argued that while colonization in ancient Greece

changed local cultures, often making them dependent upon the city-states that colonized them, the main point of this colonization was to establish trade relations. As such, colonies were often not undertaken in areas where there was considerable opposition among local cultures. The idea that colonized or conquered peoples were not conceptualized as being completely separate from the conquering peoples is also present to some extent in the works of Diamond (1974: 5), Mohawk (2000: 48), and Keal (2003: 69).[223] And according to Serpell (1999) the idea that humans were connected to the natural world and needed to treat animals with an ethic of respect and avoid their unnecessary suffering had been a consistent fixture in human societies for over 500,000 years, and "[i]n all of the ancient agrarian civilizations –Greece, Egypt, Mesopotamia, Assyria, and Indian—the killing of animals in a nonsacrificial manner was considered a crime morally equivalent to manslaughter" (pp. 44-45).

Merchant (1989), Mies (1986: 74-75), and Mohawk (1997) all suggest that the change --this separation-- in Western society took place in the modern era, with the rise of science and technology, and with the beginning of European expansion around the world. But this separation actually developed in a much earlier period --the end of the fourth and beginning of the fifth centuries—when St. Augustine integrated the ideas of Paul and Aristotle into his writings and the teachings of the Church.[224] It continued throughout the early Middle Ages and into the

[223] The former of whom notes: "In the beginning, conquest and domestic oppression were indistinguishable. As the earliest societies that bean to consolidate as states expanded territorially, local peoples were conquered and incorporated as lower-class subjects or slaves into the evolving polity. We find this pattern everywhere…."(p. 5).

[224] Osborne (2006: 122) notes that previous scholars –both in Greece and Rome-- had integrated the ideas of Aristotle and other Greek philosophers (as well as ideas from other cultures) into Christianity. Likewise, Serpell (1999: 45) does not specifically attribute this shift to Augustine, but states that these changes took place around the 4th century with the integration of Aristotle's writings into the religion. However, Osborne (2006) also notes that "apart from the Bible, Augustine's *City of God* was the most widely read book in medieval Europe"(p. 114), and Mohawk (2000: 68-70), Serpell (1999: 45), and Osborne (2006: 113-133) have attributed the

present.[225] As already noted above, the ideas adopted and promoted by Augustine included the idea that women were inferior to men and, as tempters of men, were unclean and even unholy; that some people (perhaps the majority of people) were natural slaves; that people of other faiths were suspect, if not evil; and that the natural world existed for the use and abuse of human beings.

However, Augustine moved beyond the separations in Aristotle's philosophy, and set the stage for much of the brutality, inhumanity and dehumanization that was to come in later centuries when he promoted two additional ideas. The first was the idea of the existence of a separate class of humans. Augustine argued not only that some humans were natural slaves, but that some people, like dwarfs, giants and wild men, if they existed, were not human at all, or at least were not descendants of Adam (Drinnon, 1990: 51). With this argument, Augustine demonstrated a willingness to dehumanize categories of people he had never before encountered, investigated, or spoken to, simply on the basis of a hypothetical difference in appearance and/or in life style. The second was a combination of the ideas that "an abstract entity called 'evil'" existed in opposition to that entity called 'good' (Osborne, 2006: 127, 129); that all of humanity was inherently evil, as evidenced by the sins of Adam and Eve; and that an omnipotent and

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promotion of various of the above-discussed ideas to Augustine. So I have here attributed to him the integration of these ideas into Chirstianity. He was not the first writer to introduce many of these ideas into Christianity, but he was likely the most influential in his time and throughout the early Middle Ages. Though there is some evidence that many of the ideas integrated into the Bible were borrowed from other cultures, at this point in time these ideas, adopted into Western thinking, also became Western ideas.

[225] On the regulation of women and sexuality being propagated in the teachings of the Church throughout this period, see Federicci (2004: 37-38). Similarly, Serpell (1999) presents the shift away from humane treatment of animals, which began in the fourth century, as a shift that continued throughout this period and into modernity. In addition, as mentioned in the note above, Augustine's book *City of God* was the second most popular book read throughout the early Middle Ages, next to the Bible –which suggests that these ideas continued to have considerable relevance, though circumstances of the period prevented their implementation on the scale that science and technology has made possible today.

vengeful God had divided humanity into 'the good' (those select few who were sent to earth to do special works, lived in the City of God/ Jerusalem and were predestined to survive judgment day[226]) and 'the evil' (those who lived in the city of Evil/ Babylon, and were predestined to be destroyed on judgment day) (Mohawk, 2000: 69; Osborne, 2006: 130-32). Because good and evil was in every human, a person, according to Augustine, needed "to live through the good in his soul and mind," and separate himself from the evil of his "thoughts, deeds and desires of flesh," which could then be made inert (Osborne, 2006: 132, 127; see also, 113-33). And because man's fate was already predestined, "the role of the true Christian was to fear God, to suffer, and to await his judgment" (Osborne, 2006: 132), while living in unquestioning submission to the Church authorities –the only humans on earth who could influence the outcome (Mohawk, 2000: 68-69).[227]

Thus, through this logic, Christian man was to actively strive to separate himself from, and repress, significant parts of himself –i.e., those parts deemed evil, and those parts constituting his free will. The latter was to be replaced by the absolute submission to other human beings. Because Augustine saw these human beings (Church officials) as having a special ability to communicate with and interpret the word of God, Christian man was also separated from, and subordinated to, them, and thus the Church (Mohawk, 2000: 70).[228] Hence, in addition to Christian man's separation from woman, non-Christian peoples, and the natural world; by the early fifth century Christian man was also separated from himself, the Church was separated from Christian man, and the word of God was separated from God.

[226] Presumably, of the two categories that Augustine created, he saw himself falling into this one.
[227] With these arguments, St. Augustine successfully had the proponent of free will, Pelaguis, excommunicated from the Church.
[228] In some cases only Church authorities were allowed to read the Bible.

Universal Intolerance, Dehumanization and Rewriting "the Word of God"

> *'[T]here may not be so much difference between the anti-Semite and the democrat. The former wishes to destroy him as a man and leave nothing in him but the Jew, the pariah, the untouchable; the latter wishes to destroy him as a Jew and leave nothing in him but the man, the abstract and universal subject of the rights of man and the rights of the citizen.' In both cases the oppressor is unwilling to recognize and accept a human difference. What the self-righteous person cannot tolerate is inaction toward evil. "To live and let live" is, for him, not a prescription for decent human relations but a pact with the devil.*
>
> *~ Szasz 1970, 272 (quoting Sartre, 1977: 57)*

> *They see only one truth: their truth. Human beings must become like them, think like them and adopt their values, which they insist are universal, or be banished from civilized society. All other values, which they never investigate or examine, are dismissed.*
>
> *~ Hedges 2009, 7*

> *Bombs over Baghdad*
> *New World Order is an Old World lie.*
> *Fighting for "peace," watch them all die.*
> *Dragging in God, as they turn violent*
> *God says nothing. He just remains silent.*
>
> *~ Trudell 1992, track 6*

If the institutionalization of Christianity made the Church a tool of Empire-building, the fall of Rome made it an inheritor of Empire –both in the Church's ideological (re)interpretation of Scripture, and in its continued accumulation of authority and material wealth throughout the early Middle Ages (Tigar & Levy, 2000: 40-41, 43, 104; Osborne, 2006: 122).[229] Aspects of the mentality of Empire survived the decentralization of Western European society (and the decentralization of the Church) as the Church became a feudal lord that collected homage from

[229] In the same pages, Tigar & Levy also note that in its appointment of Charlemagne as Emperor of the Holy Roman Empire, the Church established the mythical belief that "the Roman Empire had been prophesied in Scripture… [and that] the Church temporal was logically, historically, and as veritably as the Scripture, the successor to the Roman Empire, a view maintained by men as diverse in time and temperament as Pope Leo III and Dante." Similarly, on Osborne notes that "there was a serious strand of Christian thinking that saw the building of the empire as the necessary precursor to Christ's arrival on earth –Christiainty began to absorb the history of empire into its own story."

tillers, nights, petty nobles and lesser lords, and amassed extensive land and wealth from donors or later through Church-sponsored conquests, making it one of the largest landowners in Europe, as well as the dominant ideological force of the period (Federici, 2004: 33-34; Mohawk, 2000: 67; Osborne, 2006: 113; Tigar & Levy, 2006: 35-36, 40, 42, 49). In its pursuit of further consolidating Church power, those with exclusive access to the "word of God" began making a number of adjustments to this word, which were adopted into Church doctrine and practice.

Aspects of the mentality of Empire, and the aspirations of empire-building combined in ways that created a new form of universalism: a universal intolerance. Whereas, under the writings of Augustine and Paul the universalism of acceptance and inclusion opened the religion to all who willingly converted, within a few centuries of the fall of Rome the Church was engaged in attempts to make conversion mandatory –sponsoring conquests by Charlemagne and the Normans, as well as later Crusades, Inquisitions and witch-hunts (Mohawk, 2000: 70, 79, 81, 23; Tigar & Levy, 2000: 40).[230] And whereas, under these same writings, the universalism of domination and rejection contained in Church doctrine was applied to all Christian converts, within this same period the Church began actively applying Church doctrine to non-converts. To both of these ends, the sixth century plague was blamed on the failure of non-Christians to follow Church doctrine, the Church claimed jurisdiction in secular courts over all matters related to the welfare of the soul, heresies were attacked, skeptical questioning was suppressed, libraries were burnt, and laymen were forbidden to read the Bible (though most were illiterate anyway). The Church began sponsoring missions to bring Church doctrine to various parts of Western Europe, as well as sponsoring conquests, Crusades, Inquisitions and witch-hunts to forcibly

[230] On the appointment of Charlemagne as emperor of the Holy Roman Empire, Tigar & Levy (2000:40) note that: "The Empire, built by extraction of homage from lesser lords, had little claim to be holy, and no claim at all to be Roman. Within a few years after Charlemagne's death in 814, it also had ceased to be an empire."

convert, punish, terrorize or murder those who refused (Mohawk, 2000: 71, 79, 81, 83; Tigar & Levy, 2000: 40-41; Berman, 1983: 27, 52-68).[231] The extension of Church doctrine –and judgment—to even those who had not chosen to follow the religion, combined with the separations created by the Church between Christian man and himself, his God, and everything else, created a new sort of universalism that reinforced these separations: i.e., a universal intolerance towards non-Christians, and towards all who were not behaving or thinking according to the expectations of Church doctrine.

The mentality of Empire and aspirations of empire-building also brought about several other changes. For example, though Paul had originally preached equality, charity, inner contemplation, and faith as the bases for salvation, and had argued that material poverty, rather than wealth, power, or status led to spiritual richness, the Church had become one of the major institutions now engaged in the daily exploitation of the poorest majority of society, as well as the suppression of peasant revolts against its military-dictatorship style of exploitation (Osborne, 2006: 117-18; Federici, 2004: 33-34; Tigar & Levy, 2000: 49-50; Mohawk, 2000: 79). Both Paul and Augustine had also preached that charity and arbitration, not litigation, should be practiced in disputes, but the Church sponsored a continuous legal learning throughout the early Middle Ages and by the end of the period it had produced a number of legal manuals that combined Canon and Roman law into a "divine" law, attempting to assert its jurisdiction over commerce

[231] The latter source (Berman, 1983: 27, 52-68) notes that many of the peoples of western Europe welcomed at least some aspects of the teachings of the Church as they were presented to them, arguing that: "when Christianity first came to the Germanic peoples of western Europe, it was presented as an otherworldly faith, concerned with the sacred and the saintly and having relatively little to say to the existing military, political and economic power structure, except to devalue it." However the The History Channel (2007) notes that many tribal leaders were beheaded or otherwise murdered in Charlemagne's conquest of forcible conversion. See also Mohawk (2000: 79).

and other secular concerns as a means of consolidating its power and its empire (Tigar & Levy, 2000: 42-44, 49-50, 102-104).[232]

Church doctrine had also long forbidden usury and had looked upon the lifestyle of merchants as immoral (Tigar & Levy, 2000: 42-46, 102, 104), but Roman law promoted and protected the interests of merchants. Throughout much of the period, when trade was virtually non-existent and the wealth and power of the Church was deeply invested in maintaining the feudal hierarchy, the Church continued to oppose merchant trade –not, according to Tigar and Levy (2000), because it went against Church doctrine, but because it threatened social stability and thus Church power: "If ancient doctrine taught that trade was sin, the new political reality taught that traders threatened the feudal system" (p. 49). However, the Church, itself, participated in usury as thousands of Church officials, including the papacy, acted as creditors and debtors to the rising merchant class. As the latter rose and its accumulated wealth increased, Church officials recognized the value of merchant wealth in building "cathedrals and universities and liv[ing] in the style to which they had become accustomed," and employed considerable legal talent in sifting through the Church's legal doctrine to find a way around even the most onerous of these prohibitions (Tigar & Levy, 2000: 49, 45, 46).[233]

While all of these revisions in "the word of God" had adverse impacts on life in the early Middle Ages (impacts which have reverberated throughout the centuries), perhaps the most destructive of the revisions during this time period came in the Pope Urban's 1095 decision to

[232] Here I am using Berman's (1983: 14) timeline, which places the end of the early Middle Ages/ Dark Ages, around 1050-1100.

[233] "More legal talent was spent in devising a way around these prohibitions than in drafting their terms, particularly as the Church's position as creditor grew. … The merchant had no need to defy the Church's proscriptions and thereby risk his soul: there was enough written doctrine on in the Church's own storehouse to find a way around the most onerous proscriptions. The Church was especially likely to tolerate evasion on the part of the wealth, since it stood to benefit when they succeeded in business." (Tigar & Levy, 2000: 46)

mobilize a Crusade of pillage and plunder against non-Christians (primarily Muslims). Claiming to speak the will of God, but mostly speaking on behalf of the Church's greed for wealth and power,[234] Urban called upon any who would volunteer to unite and attack the "accursed race," "wicked people," "unclean nations" and "infidels," who "worship[ped] demons," and had "invaded the lands of these Christians" (the "race chosen and beloved by God)." Urban further alleged that these non-Christians had destroyed or appropriated the Churches and defiled the alters, committed unmentionable acts of rape against women, as well as acts of murder, torture, enslavement and various atrocities against the eastern Christians (Tigar & Levy, 2000: 65-66; Mohawk, 2000:83; The History Channel, 2000; Munro, 1895: 5-8; Halsall, 1997; Gerish, N.d.).[235] After reminding his audience of the over-population and lack of fertile land in western Europe,[236] promising a utopia in the holy land, and encouraging would-be Crusaders to enrich themselves by conquering and dividing up the Turk's land and wealth amongst themselves, the Pope further promised eternal salvation to all who died in battle (Mohawk, 2000:81-85; The History Channel, 2005; Tigar & Levy, 65-67).[237]

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[234] Urban primarily wanted to open markets in Jerusalem to Christian merchants, end the private wars and looting by knights and nobles which targeted merchants and hurt trade, preoccupy this group with another endeavor outside of western Europe, and unite western Europe under a new, common Christian European identity headed by church leadership; though, as Tigar and Levy (2000: 65-66) point out, "[t]here were religious reasons for undertaking the Crusades as well." (See also: Mohawk, 2000: 83-85; The History Channel. 2005).

[235] The exact wording of Urban's 1095 speech did not survive, but numerous versions of the speech exist, recreated through first person accounts (all written sometime later) and/or from correspondence after the Crusaders captured Jerusalem and reflected on the purposes of the Crusade. For several different versions of this speech see Halsall (1997).

[236] "Let none of your possessions detain you, no solicitude for your family affairs, since this land which you inhabit, shut in on all sides by the seas and surrounded by the mountain peaks, is too narrow for your large population; nor does it abound in wealth; and it furnishes scarcely food enough for its cultivators." (Quoted in: Munro, 1895; see also: Mohawk, 2000: 83)

[237] Tigar & Levy (2000: 66-67) suggest that promises of salvation, along with the call to arms, were primarily directed at knights and petty nobles –the class of people who had been robbing merchants and/or charging them large fees to traverse their lands.

By commanding a holy war, allegedly in the name of God, Urban and successive Popes engaged in what one might today call Orwellian double-speak, transforming some of the most fundamental aspects of Church doctrine that were to be followed at all times --i.e., the ten commandments-- into a list of items that were really only to be followed some of the time. The God who forbid murder, stealing, and coveting anything that belongs to another, and the God who commanded that all should love their neighbors, was transformed into the God who commanded murder, coveting, and stealing; who promoted a hatred of non-Christian others; and who now promised salvation for all who committed these very offenses (The History Channel, 2005; Mohawk, 2000: 82-83).[238] Similarly, the God who punished "us"(Westerners, Christians) for transgressions against Church doctrine became a God who punished "them"(non-Westerners, non-Christians) for everything, and for simply being something other than Christian. Further, though not apparent to the general population at the time, the God who frowned upon usury and trade became the God who commands wars in the interest of merchants and usurers; and the religion that had promoted faith, charity, and personal reflection became the religion that promoted trade, commerce and material wealth. As Tariq Ali stated:

> If there had been no Islam, just east and west Christianity, exactly the same thing would have happened, but they would have had to find a different ideology. They probably would have said 'These are not proper Christians, we're the true Christians' like religious fundamentalists of all hues say. (Quoted in: The History Channel, 2005)

The Pope's speech furthered the separation between Christian men and everything else. Playing upon the separation between man and woman, adults and children, and humanity and beastliness (which included both animals and nature) (Gerish, N.d.), the Pope created a degraded

[238] Depending upon one's point of view, the Pope also broke the commandment forbidding the bearing of false witness against others through his propagandic speech against the Turks/ Muslims, which greatly exaggerated the mayhem and atrocities committed by the Turks.

image of the Turks/Muslims as peoples so inferior as to constitute an exception to God's commandments against killing, stealing, coveting, and so forth. Not only did they now constitute an exception to these commandments, but God (according to Urban) had mandated that Christians commit these forbidden acts against the Turks/Muslims and had promised immediate forgiveness of all sins of, and eternal salvation for all who died in, the fight (Halsall, 1997: version 1).[239]

Not surprisingly, the permissions and command to commit atrocities against Muslims was immediately translated into permission to commit murder, plunder and other atrocious acts against any and all "other" people –including Jews and even other Christians (Gerish, N.d.),[240] as Crusaders with permission to dehumanize others did so to everyone who was not them. Before they even left Western Europe, Crusaders massacred at least (and likely well over) a thousand Jews living along the Rhine River, and took their belongings to fund their participation in the first crusade (Carroll, 2007). Every "subsequent crusade would be prefaced with a pogrom, or massacre, of Jews" (Mohawk, 2000: 84-86). Jews, Christians and Muslims, women, children and elderly were all indiscriminately killed in cities along the path of the Crusaders: everyone was killed in Antioc and Maarat an-Numan, and after slaughtering 20,000 people in the latter

[239] "All who die by the way, whether by land or by sea, or in battle against the pagans, shall have immediate remission of sins. This I grant them through the power of God with which I am invested. O what a disgrace if such a despised and base race, which worships demons, should conquer a people which has the faith of omnipotent God and is made glorious with the name of Christ!" (Quoted from: Halsall, 1997 version 1)

[240] Who notes that eastern Christians, as victims of Muslim enemies who were so hypermasculine (and beastly) as to tarnish everything they touched. They were also, alternately, presented as effeminate –closer to humanity because of their Christianity, and in need of saving by Christian men, but not truly human because they were feminine. The same source also points out that though Western Christian men were considered human, the private wars they had previously been waging within because Western Christendom caused them to be presented as "more like animals than they should be" were they not warring against fellow Western Christians (Gerish, N.D.: 4-5).

location Crusaders reportedly boiled or roasted and ate the bodies of adults and children who had been killed. The Crusaders also attacked villages that were entirely Christian, and reportedly chopped babies into pieces, roasted and ate them in Nicea. In Jerusalem, the Crusaders slaughtered some 30,000 Muslims, burned Jews in their synagogues, and interpreted their success in taking the city as God's will, and a sign that God was on their side. The various claims among Crusaders to have had visions and/or to have found 'holy relics' were also interpreted as signs that God was on their side, and that the indiscriminate slaughter, atrocities and cannibalism were all acts done with the approval of, and under the guidance of God (Mohawk, 2000:85-86; The History Channel, 2005).

Thus, the pattern set forth by the Church of rewriting the word of God, coupled with the various conflated forms of universalism and the numerous separations between Christian man and the rest of the world gave way to the creation of a new form of separation that has also, long since, characterized the Western cultural worldview: our separation from reality.

Cultural Amnesia, Speaking for God, and Magical Thinking

> *I believe that philosophy was used by Western civilization to obscure the act of plunder by cloaking it in fancier terms. Aristotle could have said, 'We're evil exploiters, and we're going to conquer these people; we have the arms to do it, and we're going to do it without any bad conscience whatsoever because we have the power and we can get away with it.'*
>
> *He could have said that, but he didn't. Instead, he developed a rationale for one culture ruling another. What he said was, 'We're a community of very bright people, and we need someone to do all the drudgery. We'll make these other folks do it because if they don't, we real bright people won't have any time to sit under a tree and think about how smart we are. We'd have to be hoeing the garden, washing the dishes, and all the rest. But we need time to think, and if we think long and hard enough, we'll come up with all the answers.'*
>
> *~ Mohawk 1997*

> *The decline of magical thinking is hard to reconcile with the obsessive-compulsive neuroses that Freud identified as a central process in the personality*

of modern Western man. Correlatively, magical thinking is replacing religion in the Western consciousness, rather than the other way around.

~ Diamond 1974, 45

"[T]ruth" changes so fast in European minds; [their] answers … are only stop-gaps, only temporary, and must be continuously discarded in favor of new stop-gaps which support the mathematical models; which keep the models alive.

~ Means 1983, 21

The revisions to Church doctrine during the early Middle Ages would probably not mark the first time in the history of human society that the pursuit of wealth and political power motivated the manipulation of laws, religious doctrine, and/or history. It would, however, mark the development of an important pattern in Western society, one that would drastically impact the direction in which the Western cultural worldview developed in the future. This pattern of rewriting of history, law and religious doctrine to justify the pursuit of wealth, power and empire-building reappears again and again throughout the history of Western society, and it has had far-reaching and devastating consequences for all of humanity, the effects of which we continue to experience today.

Throughout the history of Western society, this pattern has gone hand in hand with another pattern: widespread willful amnesia. Though there were a number of factors that prevented challenges to these doctrinal changes in the early Middle Ages (some of which are described above), such factors are no longer present --or required-- today. Yet, despite the fact that Westerners have long had the freedoms to remember the past and challenge the revised and illegitimate versions of history, religion, law and/or reality that are presented to us,[241] we continue to follow in the pathways of our ancestors by willfully adopting erroneous beliefs regarding the world around us and the consequences of our actions (or those of our leaders) in

[241] How long we, in the US, will continue to have these freedoms is another matter, given the 2011 National Defense Authorization Act which will allow all present and future leaders of the country to indefinitely detain anyone who challenges their actions or their versions of reality.

this world. When Western leaders rewrite history, the law, or religious doctrine in their pursuit of empire-building and of political or financial gain for themselves or the classes they represent, large numbers of people willfully discard from memory all versions of history –and even the present-- that conflict with these new, official versions. They blindly support –or are at least indifferent to-- the new "truth," and often engage in rabid verbal rhetoric or even physical attacks against all who challenge this alleged "truth."[242] In North America, the majority of the people go along with whatever version of history, law, religion or "facts" that Western leaders are endlessly promoting at the time. Thus, history, the law (including the US and Canadian Constitutions) and religious doctrine are rhetorically rewritten again and again to favor whatever the new political fad is being promoted at the time and/or to turn the masses against whatever new target has been selected for war.[243]

The willful cultural amnesia of Western society, combined with Western leaders' persistent revision of history, law, and religious doctrine, has contributed to other problematic patterns in

[242] Many such attacks were repeated over and over again in response to the opposition to the wars in Iraq and Afghanistan. The new version of "truth" created by Western leaders (particularly in the U.S.) blamed Afghanistan, and Iraqi president Saddam Hussein, for the September 11th attacks that were perpetrated by a handful of extremists. Such irresponsibly inaccurate rhetoric, and the immoral actions it sought to justify, served to condemn hundreds of thousands of Afghans and Iraqis to loss, suffering, torture and death. US leaders further presented a new, official version of history which claimed that "Muslims" (not just extreme, fundamentalist Muslims) hate us for our "freedoms" (rather than for the past several decades of CIA intervention, economic sanctions, militarily-imposed no-fly zones, and U.S. support and control of CIA-backed dictators, etc., etc.). Meanwhile, new versions of these "freedoms" were created which did not include freedom of speech, freedom to protest, or even freedom to travel, drive or ride the subway unmolested by police. Within the U.S., assertions of these sorts of freedoms now stand in as signs of being "against us" and for "them," of being unpatriotic, of sympathizing with terrorists and of perhaps even being a terrorist oneself.

[243] Since the end of World War II, in particular, the United States government has never ceased to be at war –whether officially and overtly, or unofficially and covertly. The targets have changed, but the persistent drive to dominate and exploit other peoples for the political and financial ends of the US government and its corporate leaders has not, except in its increase in intensity and overtness.

Western culture: magical thinking and purporting to speak for God. Though these two patterns frequently overlap and in many ways resemble each other, they are not always one and the same thing. Magical thinking occurs in all kinds of ways throughout Western society without making any reference to God.

It is important, in this brief discussion of magical thinking trends in the Western culture, to differentiate the Western pattern of magical thinking, and its origins, from the accusations of "magical thinking" that Western academics (particularly Anthropologists) have generally been leveled against so-called "primitive" societies. The type of so-called "magical thinking" that arises from one's *connection* with all things, in which one finds answers to questions, gains valuable wisdom, or even receives messages or visions through meditation or self-reflection, is a process that has been honored in virtually every religious system and culture around the world throughout history. The Christian religion is no exception. The original teachings of Christianity promoted this type of inner contemplation as the means to salvation, and the Church still sometimes designates acts as miracles or people as saints. Regardless of anyone's views on these designations and on the existence of miracles or saints, the acts and people that are generally so-designated are those that have been beneficial to other people in some ways. Thus, this type of thinking, even for those who disagree with it, is far more constructive than destructive. And the type of meditative reflection and self-reflection that corresponds to this way of thinking --whether interpreted as meditative self-discovery or messages received from an other-worldly power—similarly result in constructive revelations and actions. For example, this type of meditative reflection and self-reflection can provide individuals and groups with new ways of thinking about and/or being in the world around them, and/or can provide them with new ways to survive adversity and trauma (including the adversity and trauma of totalitarian

domination, disconnection, and repression). Thus, these forms of thinking are not destructive and they do not deviate from the basic, shared, moral proscriptions held by the vast majority of humanity throughout human history. Instead, they generally result in (or are aimed at) healing and making whole that which has been fragmented, degraded, or traumatized, or are aimed at protecting against threats of trauma and destruction.

In contrast, the type of magical thinking of concern here is that which often arises as the result of the destructive processes of Western society, and which preys upon people's insecurities and psychological despair by promoting a continuation or escalation of destruction. This type of magical thinking frequently constitutes a maladaptive way of coping psychologically with the adversity and trauma that is inherent in various destructive processes of Western society. Siding with the perpetrator of crimes or oppressions is an example of one such maladaptive coping mechanism that will be discussed in a later section. Chris Hedges (2002) discusses another example of this type of magical thinking, and of one of its many root causes in western society:

> Economic dislocations bring with [them] destruction of communities, destruction of families, substance abuse, domestic abuse, all of the attendant problems that come when communities break down, and people retreat from this reality based world –which frankly almost destroys them, almost has destroyed them—into a non-reality based belief system. And all totalitarian systems are non-reality-based systems: a world of magic, of historical inevitability, a world where god intervenes on your behalf. (P. 104)

David Harvey (2003) further discusses economic dislocation, and other forms of dislocation, as being an inherent part of capitalism, and thus Western society, in his discussions of accumulation by dispossession.

One of the most destructive forms of magical thinking involves the claim to have a message from God which is used to justify the infliction of pain and suffering upon other people or life forms, and which clearly transgress the most basic moral principles that are shared by most

religions and by virtually all cultures in the world –i.e., proscriptions against killing, stealing, lying, abusing, exploiting, and so forth. This type of magical thinking abounded during the Crusades and was influenced to some extent by the economic dislocation of people living in Western Europe in the early Middle Ages. During this time, Western Europe was plagued by famine, sickness, and continual warfare and conquest. All of these were referenced and utilized by Pope Urban II in his statements regarding the misery and suffering of the peoples of Europe. These references were used first to remind people of their own misery, and then to unite and mobilize them around an immoral and Utopian (Mohawk, 2000) series of wars by appealing to their self-interest:

> Let none of your possessions detain you, no solicitude for your family affairs, since this land which you inhabit, shut in on all sides by the seas and surrounded by the mountain peaks, is too narrow for your large population; nor does it abound in wealth; and it furnishes scarcely food enough for its cultivators. Hence it is that you murder one another, that you wage war, and that frequently you perish by mutual wounds. Let therefore hatred depart from among you, let your quarrels end, let wars cease, and let all dissensions and controversies slumber. Enter upon the road to the Holy Sepulchre; wrest that land from the wicked race, and subject it to yourselves. That land which as the Scripture says "floweth with milk and honey," was given by God into the possession of the children of Israel. Jerusalem is the navel of the world; the land is fruitful above others, like another paradise of delights. (Robert the Monk's account of the Pope's speech, quoted in Halsall, 1997)

And:

> The possessions of the enemy, too, will be yours, since you will make spoil of their treasures and return victorious to your own; or empurpled with your own blood, you will have gained everlasting glory. For such a Commander you ought to fight, for One who lacks neither might nor wealth with which to reward you. (Balderic of Dol., quoted in Halsall, 1997)

This call to arms, presented as a call commanded by God for all to engage in ruthless slaughter and plunder of other people, launched Christian Crusaders into a mentality of magical thinking, in which they believed that they could do no wrong because all that they did or thought was

approved of and supported by God.[244] Spurred by the Pope's call, the Crusaders took the initiative to go beyond even what the Pope requested, massacring Jews up and down the Rhine River and making spoil of their treasures in order to fund their march to fight the Muslims (Carroll, 2007). They indiscriminately slaughtered people in their path of all religions and ages because they believed they were fighting a holy war. During difficult times when their beliefs to this extent wavered (such as when it appeared that their own lives were in danger at Antioc), some among them would claim to have 'uncovered' various relics that were claimed to be holy relics --and thus signs that their massacres and atrocities were supported and called for by God, and that God was fighting with them against their enemies.

Almost a millennia later, Western leaders still invoke God when calling for crusades against "Godless communists," "narco-terrorists," and other alleged incarnations of "evil" –such as George W. Bush's call for a crusade against Muslim extremists, in which he claimed that he was acting on instructions from God, who was on "our" side (MacAskill, 2005).[245] Not surprisingly, these calls to war –spurred on by the alleged discovery of weapons of mass destruction, rather than alleged holy relics-- have led to the justification of indiscriminate murder and atrocities against the populations of Afghanistan, Iraq, Pakistan, Sudan, Libya, and so forth, as well as against Arab, or "Arab-looking" people throughout Western society. Whereas trauma of

[244] Of course, many scholars today have noted the wide variety of secular motivations for the Pope's call for a crusade, none of which were holy, and virtually all of which egregiously contradict the most fundamental religious and moral teachings regarding how Christians are to treat other people. Some of these motivations have already been discussed above. See also: (Tigar & Levy, 2000: 65-66, 68; Mohawk, 2000: 83-85; The History Channel, 2005)

[245] "President Bush said to all of us: 'I am driven with a mission from God'. God would tell me, 'George go and fight these terrorists in Afghanistan'. And I did. And then God would tell me 'George, go and end the tyranny in Iraq'. And I did. And now, again, I feel God's words coming to me, 'Go get the Palestinians their state and get the Israelis their security, and get peace in the Middle East'. And, by God, I'm gonna do it." (Former Palestinian foreign minister, Nabil Shaath, quoted in: MacAskill, 2005).

repeated conquests and economic dislocation were factors in the original Crusades, trauma from the 9/11 attacks and politically-induced fear and paranoia induced widespread fanaticism favoring the wars in Afghanistan and Iraq. In both cases the underlying motivation for the crusade has less to do with God than it has to do with plundering wealth from other people, politically dominating a strategically-positioned territory and its resources, and uniting and consolidating Empire. The most fundamental aspect of this form of magical thinking –in purporting to speak for God when calling for the commission of atrocities against other people— is that it knows no moral boundaries. It is completely divorced from the moral prescriptions of virtually all religions and cultures, which prohibit killing, theft, torture, abuse, exploitation, and so forth.

Other forms of magical thinking abound in Western society, most of which are far less destructive than those claiming God has endorsed and commanded mass atrocities, but which are still, nonetheless, destructive. Virtually all of the various expressions of Western magical thinking have arisen out of the separation from, and universal intolerance of, other people, the natural world, and oneself,[246] as well as from the resulting experiences of alienation, despair and various other psychological difficulties. Often these very psychological difficulties arise, themselves, from our separation, alienation and intolerance. In these separations, we have lost touch with the cycles of life. Our consumer culture worships youth (which sells products), while the elderly are discarded, ignored and forgotten. In denying parts of ourselves, and basic aspects of life, we flock to anti-aging cures which are supposed to make us look younger, live longer, and appear more desirable in consumer culture's image. The same can be said for a variety of

[246] Having lost all of these connections, it is little surprise that Western society has, in many ways, also lost some connections with morality; and it is little surprise that individuals in western society routinely experience despair, isolation, alienation, and other psychological difficulties which make them susceptible to various types of destructive magical thinking.

other self-help programs and products which promise amazing results through unrealistic means. Since consumer culture only recognizes our worth as human beings in our surface appearances, or in what we own, rather than reject this culture, our alienation and disconnect from ourselves and the world around us drives us to consumer various material items that we don't need and only use temporarily (until these are out of fashion, which will be almost immediately) in a desperate attempt to demonstrate that we have worth as human beings. And when we become exhausted from our perpetual and losing mobilization to prove our worth as human beings through material consumption and various "cures," we fall into even greater despair, and experience even greater psychological difficulties, as all that we have attempted to separate, repress, and reject bubbles up from our subconscious, reminding us of the symbolic violence that has been done to our lives and our relationships with the world around us, with others, and with ourselves. Meanwhile, another ready-made, magical cure awaits us in the various medications for depression, ADHD, ADD, panic and anxiety disorders, and the scores of other 'disorders' that have been created in, and are largely unique to western society. In the despairing chaos that is western society, it's little wonder that doomsday cults and other forms of magical escapism abound.

Projection, Inability to Respect Difference, Lack of Empathy and Incapacity for Critical Self-Reflection

> *Islam is accused of violence as if Christianity is innocent.*
>
> *~ Caroll 1997*

> *[Freud] argued that so far as they are not justified by real exploitation or real persecution, people making an enemy will adopt the psychological maneuver of projection. They defend themselves against their unacceptable thoughts or wishes by expelling them from their own mind to the outside world, onto the convenient Other. This mechanism provides a highly supportive way of living with one's failings; it permits the denial that one is subject to these failings in the first place*

> *and then opportunely rediscovers them in strangers or adversaries, real or imagined … Once the transposition from self to others has been made, the search for villains is bound to prove an agreeable diversion from self-reproach. And the aggressive acts that follow are likely to be all the more furious because a certain measure of uneasiness may be surging up from the depths. Can it be that one is no better than one's victims? It is a terrible thought, to be kept at bay.*
>
> *~ Gay 1993, 69-70*

> *Admission of fundamental incorrectness in anything has never been demonstrated to be a European cultural characteristic. A way must be found out of such an impasse.*
>
> *~ Black Elk 1983, 157*

The ideological separation between good and "evil" parts of ourselves, combined with the universal intolerance of the Church, both contributed to and utilized our individual and institutionalized separation from reality. In order to escape the negative parts of themselves, our Western Christian ancestors had to constantly repress and/or attack aspects of who they were. Unable to fully eliminate these aspects in themselves that exist in every human being, they engaged in the next closest thing: psychologically projecting these undesirable aspects of themselves onto other people. By psychologically projecting onto external others what they hated and despised within themselves, they alleviated some of their (consciousness of their) own anxieties relating to their inability to eliminate the "evil" within. The evil within became the evil in "them," and their anxiety, which remained, could be partially alleviated by avoiding, attacking, dominating or killing the targets of their projections –and thus symbolically conquering the undesirable aspects of themselves and achieving a form of pseudo-salvation. But because they could never really be freed from these undesirable aspects of themselves, their attacks upon the targets of their projections –even when these attacks resulted in death and near extermination of those targets-- could only ever result in temporary alleviation of their anxiety, fear, hatred, despair, and/or in temporary pseudo-salvation. This is because, even if the old targets were completely exterminated, the undesirable parts that they were trying to repress,

attack, and exterminate within themselves remained, as did their need to engage in psychological defense mechanisms for denying these aspects of themselves and dealing with their anxiety related to the existence of these suppressed aspects. Thus, new targets would be needed for these psychological mechanisms of separating, repressing and rejecting entire aspects of who they were, and who all human beings are. In this way, Tariq Ali's remarks on the Crusades ring true on many levels, and are worth repeating:

> If there had been no Islam, just east and west Christianity, exactly the same thing would have happened. But they would have had to find a different ideology. They probably would have said: 'These are not proper Christians, we're the true Christians,' like religious fundamentalists of all stripes say. (The History Channel, 2005)[247]

Thus, the violence perpetrated upon other peoples –heretics and non-Christians during the early Middle Ages and then the Crusades—was primarily a result of the violence that Western Christians were first required to commit against themselves when they were indoctrinated (voluntarily or by force) into the Church's universalisms of domination, rejection, and intolerance, as well as the attempted separations between themselves and other people, the natural world, their God and even various aspects of themselves. In attempting to maintain these separations and forms of intolerance, Western Christians constructed an extremely fragile cultural worldview that was threatened by all non-Christians, as well as by other Christian peoples who were not actively engaged in the same symbolic self-flagellation against various parts of themselves. Seeing these other people accept within themselves those human aspects that Western Christians were so vehemently attacking and denying in their own persons was threatening to Christians. It was also threatening to their cultural worldview, which held that

[247] Likewise, David Loy (2002) has remarked on the recent war on terror: "If there were no Afghanistan, it would have needed to be invented. (Perhaps it was? Evidently most of the September attackers, like bin Laden himself, were from Saudi Arabia, which has been a major source of support for al Queda. But there was no talk of attacking Saudi Arabia)." (p. 260)

such parts of oneself (if not rejected, suppressed and projected onto others) would lead to eternal damnation. Because of their attacks on themselves, and their attacks on others (in a futile attempt to save themselves from attack), these Christians had already become engaged in perpetration even before they set out on their various Crusades. It is thus no wonder that they displayed a complete lack of empathy for those against whom they committed murder, plunder, abuse, torture and other atrocities –and thus a complete lack of morals (except for those pseudo-morals present in their episodes of magical thinking). They had been conditioned and compelled to both ignore and attack the pain and suffering of others because they were first, and perhaps primarily, ignoring, repressing and attacking the pain and suffering of themselves. As McFarlane & van der Kolk (2006) have noted in their clinical work around trauma and post traumatic stress disorder, in order for people to be able to confront and face the pain and suffering of others, they must first be able to do so for themselves. The failure to be able to do the first is a result of a failure to do the second:

> Clinical work has taught us that the ability to tolerate the plight of victims is, at least in part, a function of how well people have dealt with their own misfortunes. When they have confronted the reality of their own hurt and suffering, and accepted their own pain, this generally is translated into tolerance and sometimes even compassion for others. Conversely, as long as people deny the impact of their own personal trauma and pretend that it did not matter, that it was not so bad, or that excuses can be made for their abuses, they are likely to identify with the aggressors and treat others with the same harshness with which they treat the wounded parts of themselves. Identification with the aggressor makes it possible to bypass empathy for themselves and secondarily for others. (P. 36).

This behavior pattern has been a part of Western society for so long that most of us project "undesirable" parts of ourselves onto others on a daily basis without having a clue that this is what we are doing, and often without being able to recognize or believe it if someone pointed it out to us. When we look at someone we don't know and decide that we don't like his/her for various reasons, we are engaging in projection. When we stereotype groups of people and

negatively judge individuals from these groups for the characteristics that we imagine they have, we are engaging in projection. Often when we feel slighted or envied by strangers, co-workers, or acquaintances, we are engaging in projection. We engage in projection on a routine basis with our acquaintances, family members, close friends and intimate partners. And while projections can sometimes result in sympathy for or empathy with others, such as when we care for others during their difficult times and imagine their suffering, the predominant occurrence of projection in Western society is negative –i.e., the type of projection that allows us to hate, dislike, dismiss and perhaps even verbally or physically attack other people for the motives, thoughts, ideas, characteristics we imagine them to have, or even the things that we imagine they are doing.

When, as individuals, we act upon these projections without realizing that they are projections, our actions can have embarrassing, insulting and destructive consequences for our interpersonal relationships or careers. When, as groups or societies, we act upon these projections without realizing that they are projections, our actions can have much more destructive, deadly, and even genocidal consequences for those targeted in these projections. They also have dire consequences for those doing the targeting, since the action of victimizing others furthers their detachment from themselves, others, and the world around them, and potentially deprives both victims and victimizers of personal identity and a sense of community (Kelman, 1973: 51-52).

There are two other patterns in the Western cultural worldview that are closely related to these patterns of separation, intolerance, and projection: our inability to tolerate difference, and our incapacity for critical self-reflection. By projecting the rejected parts of ourselves onto others, we become intolerant of difference. In our intolerance, we are unwilling to treat peoples or cultures that are different with respect. And since these separations and all other patterns in

Western society stem from social relations of domination, we can't comprehend different people or cultures as being equal: they must be either inferior or superior to us (See for example, Keal, 2003: 56-61 and 185-216). Further, since, in our universal intolerance, we see everything that is not like the idealized parts of ourselves as inferior, this is also how we see those people or cultures that do not represent these ideals. (Though, in many ways, these peoples or cultures cannot represent our ideals, not only because they have different ideals, but also because we project all the negative parts of ourselves onto them.) Moreover, since this imagined "inferiority" (i.e., difference) triggers our own anxieties about the existence of repressed and rejected parts of ourselves, we are almost psychologically incapable of just letting the difference be. Instead, we have to change it, dominate it, repress it, punish it, kill it or in other ways "improve upon" it (all in order to avoid acknowledging that "it" is really us). We frequently do so by attempting to force other people to conform to our religion, our cultural worldview and our way of life, and thus to share our psychological impairments. Frank Black Elk (1983) has made a similar observation regarding Christians, Capitalists and Marxists:

> are all proselytizers; that is, seeking to gain recruits, more recruits. All of them want me to change; none of them care to support who I am. … I, and my people, are just so much more material to be accumulated and rearranged into something we weren't and never wanted to be. (P. 146)

With all of these cultural patterns and psychological defense mechanisms built up around us to prevent us from fully realizing who we are as human beings and in relation to others and the world around us, it is little wonder that we have a difficult time *seeing* these patterns. Thus, another characteristic of the Western cultural worldview is a virtual incapacity for critical self-reflection. It is not that we are biologically unable to engage in these self-reflective processes; it is that we are culturally conditioned –by layers and layers of psychological defense mechanisms passed down through the generations-- not to do so. Many of us don't even realize that there is

anything to critique, since we don't see the patterns that we engage in on a daily basis at the individual, group and societal levels (and since we are so busy projecting undesirable parts of ourselves onto others, and then trying to "improve" these others). If we do not see these cultural patterns and/or parts of ourselves that we have rejected, individually and/or as a cultural collective, then it is impossible to address, correct, or otherwise improve upon who we are as individuals or as a cultural collective. Instead of actual personal or cultural growth, we reinforce our individual and cultural pathologies of projection, separation, intolerance, domination, rewriting history, collective amnesia and magical thinking--- cultural patterns which are always reinforced only to the detriment of ourselves, other peoples and all life on the planet.

Scapegoating and Human Sacrifice

> *To be sure, men have always had their methods of producing deviants, enemies, subhuman humans. But only in the modern world has betrayal of the Other become exalted as the supreme proof of loyalty to the group. … Only through participating in the ritual destruction of the Other, only through committing existential cannibalism, is man admitted to membership in the modern State. …. It follows that man's refusal to sacrifice scapegoats –and his willingness to recognize and bear his own and his group's situation and responsibility in the world—would be a major step in his moral development. …. [O]ur ancestors were, and we remain, existential or spiritual cannibals. As a rule, we live off the meaning others give their lives, validating our humanity by invalidating theirs. …. Can we create meaning in our lives without demeaning the lives of others?*
>
> *~ Szasz 1970, 283-286*

> *If only it were all so simple! If only there were evil people somewhere, insidiously committing evil deeds, and it were necessary only to separate them from the rest of us and destroy them. But the line dividing good and evil cuts through the heart of every human being. And who is willing to destroy a piece of his own heart?*
>
> *~Alexander Solzhenitsyn, quoted in Loy 2002*

Scapegoating and human sacrifice have existed in a number of different cultures throughout history and, despite the widespread refusal of Westerners to acknowledge the presence of the latter, both have remained prominent practices in Western society. Both of these practices are so

important and fundamental to who we are within our Western cultural worldview that one could even argue, as I am here, that they are indispensable, and that, without them, we would have no collective identity and nothing to unify us as anything more than "a violent conglomerate of individuals, not a people" (Deloria, 1969: 185).[248]

Though some Westerners have preferred to attribute scapegoating and various forms of sacrifice to "savage" or "primitive" peoples (for illustration, see Frazer, quoted in Szasz, 1970: 260),[249] scapegoating is so prevalent in Western society that that examples of its recognition abound. For example, from the beginning of its study as a discipline, Sociologists have implicitly recognized the existence of scapegoating in their recognition that deviance performs essential functions in (Western, industrialized, hierarchical[250]) society. Durkheim found that

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[248] "All the white man has succeeded in creating in his time on this continent had been a violent conglomerate of individuals, not a people." Admittedly, this may be less the case for Westerners in Europe than it is for Westerners living in settler-states throughout the European Diaspora. The difference might only be in degrees, however, and this topic will taken up indirectly in the next sub-section on individualism.

[249] From Frazer's 1922 study of magic and religion (*The Golen Bough: A Study in Magic and Religion*):

> The notion that we can transfer our guilt and sufferings to some other being who will bear them for us is familiar to the savage mind. It arises from a very obvious confusion between the physical and the mental, between the material and the immaterial. Because it is possible to shift a load of wood, stones, or what not, from out own back to the back of another, the savage fancies that it is equally possible to shift the burden of his pains and sorrows to another, who will suffer them in his stead. (quoted in: Szasz, 1970: 260)

Similarly, Keal (2003), Todorov (1982) and others have remarked upon the attitudes of Europeans towards Native nations that engaged in ritual human sacrifice

[250] It is important to keep in mind that many Western Sociologists have long made generalizations about their culture and then applied these generalizations to all other cultures. The necessity of deviance in society is one such instance of ethnocentrically projecting the dynamics of western society onto other cultures, particularly when we consider that most Native cultures in the Americas, prior to the European invasion, had no police forces, and were without repressive forms of government. As Forbes (2008) remarks on the contrast between Native non-Native "civilizations":

> [A] civilization is (it would appear) a society in which there are so many evil or violent or dishonorable people that the police, soldiers, and other armed forces of control must almost equal the total population in numbers.

deviance clarifies moral boundaries, affirms that the cultural norms and values of the group defining deviance are seen as "good," and affirms that those violating these norms and values are seen as the opposite of good. In this way, deviance unites people within a given group around these shared common norms and values and (more importantly) against those who have been labeled as violators of the moral boundaries of the group, i.e., as "deviant"(Durkheim, 1982; Garland, 1990: 23-46) In support of Durkheim's assertions, Kai Erikson (2005) found that, though certain deviant behaviors were virtually eliminated over time, the Puritans of Massachusetts Bay colony defined a steady portion of their population as deviant by defining new acts as deviant, and thus making examples of how not to behave for the rest of the colony. Likewise, both Thomas Szasz (1970)[251] and Howard Becker (1963)[252] have found that deviance is not the related to the act that a person commits, but is a consequence of the label that is placed upon a person by the society in which he lives (or, one might add, is placed upon another society or culture by a society or culture that wishes to oppose it, for whatever reason). In other words, Western society's requirement that its members create (and then destroy via sacrifice) scapegoats in order to form a collective identity (in which we define ourselves as "good" by rejecting others that we have defined as "bad" and "evil"), has been well observed by Western scholars. So has

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> On the other hand, I believe that *a true civilization is a society where people are "civil"; that is, where they behave so well toward each other that they do not need police or other armed systems of control.* (P. 46, emphasis in original).

[251] "[D]eviance is not, as is often erroneously believed, a defect exhibited by, or contained in the personality of, an individual actor…; it is, instead, an inevitable consequence, and indeed an integral part, of the construction of social compacts or groups" (Szasz, 1970: 279).

[252] "[*S]ocial groups create deviance by making rules whose infraction constitutes deviance,* and by applying those rules to particular people and labeling them as outsiders. From this point of view, deviance is *not* a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an 'offender.'"(Becker, 1963: 9, emphasis in original).

the tendency to ensure conformity to desired patterns of behavior by creating a fear of the punishments associated with non-conformity.

Sociological studies of deviance are not the only place where implicit examples of scapegoating are found. These examples also abound in our every day experiences, and are prevalent in instances and expressions of nationalism, racism, sexism, xenophobia, homophobia, campaigns against Native treaty rights, and all forms of anti-s and -isms. Scapegoating is present in small towns or rural communities, as well as large cities. We encounter it in our workplaces, in our circles of friends, and even in our families.[253] In particular, we find forms of scapegoating in political campaigns at local, state and national levels, where demonizing various groups of people, and even declaring domestic "wars" upon them has long been a tool for unifying large sections of the population in order to consolidate one's support and power as a candidate (or incumbent).[254] Scapegoating is always present, often on numerous levels, in any war, and it often seems that the more hateful the propaganda produced against the "enemy" or various "enemies," the more solidly the support for the war congeals, the more the pressure to conform with this support, and the more vehement the rejection of those who speak out against this scapegoating.[255]

Thus, though many Westerners might be reluctant to admit it when they, themselves, are engaged in scapegoating (and, in fact, might not even recognize it in these instances, given the

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[253] See, for example: Laing, R.D. 1972. *The Politics of the Family and Other Essays*. New York: Vintage Books.

[254] A number of scholars have written on this process in relation to the drug war, the war on terror, the red scare, McCarthyism, and so forth. One excellent study on the topic is John Helmer (1975) *Drugs and Minority Oppression*, which details the various wars on drugs in the United States, situating them within economic turmoil, political opportunism, and scapegoating of various minority groups.

[255] A recent example of this in the US can be found in George W. Bush's attempts to silence opposition to the "war on terror" by asserting that people and countries "are either with us or against us"(and implicitly, for the terrorists), (*CNN*, 2001).

general lack of critical self-reflection in Western society), most today would accept and admit that scapegoating is widely practiced in Western society today. And though some might still cling for comfort to the unrealistic idea that "savage" or "primitive" societies have engaged in more --or worse-- forms of scapegoating, others will readily admit that, not only is scapegoating practiced all around us, all the time, in Western society, but participation in scapegoating, in many instances, has become mandatory. As Thomas Szasz (1970) has noted, "[t]o refuse to persecute the socially accredited scapegoat is interpreted as an attack on society itself" (p. 288).

Like scapegoating, human sacrifice is also widespread in Western society. However, it is rarely recognized for what it is, and most Westerners would deny that such a thing exists within their culture because they prefer to imagine that it is more advanced and sophisticated than other cultures. This failure to recognize the presence of human sacrifice is a reflection of many of the problematic cultural patterns already identified above, including separation and projection, the inability to tolerate difference, and the inability to engage in critical self-reflection. For example, Keal (2003) notes complete lack of critical self-reflection among Spaniards, who viewed as inferior Native South American cultures that practiced human sacrifice (killing hundreds of people a year), but thought nothing of torturing and massacring hundreds of thousands of Native South Americans for gold or for fun:

> Ultimately the Spaniards were apparently incapable of comparing themselves in a negative way with the Indians. They were, for instance, repulsed by the highly ritualized killing involved in sacrifice, but were totally uncritical of the random massacres perpetrated by themselves. (Pp. 60-61. See also: Todorov, 1982)

Forbes (2008) has made similar observations:

> Various terms, such as "wild," "savage" and "barbarian" have been used frequently to refer to violent, crude, brutal, cruel, destructive and aggressive behavior. Ironically, such terms have often been used by European writers to refer to non-European peoples whose customs were different and therefore (because of that element of difference) called "wild" or "savage." The irony

> stems from the fact that few, if any, societies on the face of the earth have ever been as avaricious, cruel, violent and aggressive as have certain European populations. (P. 23)

Further examples of this lack of critical self-reflection abound throughout Western society, including in the present alleged wars "on terror," in which the number of innocent civilians slaughtered, maimed, and tortured at the hands of U.S. troops is hundreds of times greater than any death or suffering caused by alleged terrorists. The victims of the former are frequently referred to by administration officials as "collateral damage," which is clearly a modern euphemism for human sacrifice, though the existence of human sacrifice continues to be vehemently denied (at least in mainstream society).[256] not in Christian fundamentalist circles).

Despite these general impairments in Western culture, critical self-reflection does occasionally surface. To this extent, some scholars have acknowledged the existence of human sacrifice in ritualized and non-ritualized forms in Western society, such as in the death penalty (Harding, 2000; Smith, 2000)[257] and in war (Gaston, 1961),[258] while others have argued that

[256] This denial is less clear in Christian fundamenalist circles. See, for example, the 2009 film *Waiting for Armageddon*, which documents the push among Christian fundamentalists for escalating war against Muslims in the Middle East. According to their fundamentalist doctrine, these Christians believe that the death and destruction of Muslims is a sign of –and will cause— the Rapture, in which they will be called by God to everlasting salvation in heaven while the rest of humanity suffers and burns on earth. (And, in some cases, is slaughtered by these saved Christians, who return to earth with Jesus, armed with swords, and proceed to massacre everyone who is not saved for some reason or another).

[257] The former source notes:

> The ritual slaughter of humans for sacrificial purposes has an ancient provenance. Few members of modern society would be inclined to believe that killing humans for sacrificial purposes continues. Of those, most probably envision it only being practiced by individuals who belong to "uncivilized," or non-"First-World" cultures. Upon closer scrutiny, however, it becomes apparent that this is a misconception because the past and present practice of capital punishment includes a thinly disguised manifestation of the ritualized killing of people, otherwise known as human sacrifice. (Harding, 2000: 175-176)

cannibalism (at least symbolic cannibalism) is still widespread in Western society (and cannibalism, of course, presupposes human sacrifice) (Szasz, 1970: 284-88; Forbes, 2008). A few scholars, arguing that human sacrifice is basically the rationalized, ritualized killing of human beings by social institutions, insist that there is "hardly any form of violence cannot be described in terms of sacrifice" (Harding, 2000: 182, 177; Girard, 1977: 1, 306).

Given this view of institutional ritual controlled by the authorities in a hierarchical society, it is easier to see how all forms of state or state-sanctioned killing could fall into the category of human sacrifice. This becomes even more clearly the case when we consider the religious characteristics of Western secularism, such as the worship of consumption and material goods, a blind faith in the ability of science and technology to solve all of the world's problems, and an unfounded belief that all that Western society is and does constitutes human "progress" towards a future utopia with Western society leading the way to progress and utopia (Mohawk, 2000 & 1997; Means, 1983: 21-22; Black Elk, 1983; Diamond, 1974: 39, 41; Szasz, 1970: 275; Mies, 1986: 74-76). We now kill our sacrificial victims at the altar of Western progress, science, technology, and material accumulation. We do so not to bring them closer to us or to bring ourselves closer to a spiritual God, as have other societies before us (Szasz, 1970: 260-89).[259] Rather, we do so to expel negative aspects of ourselves that are projected onto others, so that we

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[258] "On an ethnological plane, war may be considered a destruction rite involving (1) wanton economic destruction, and (2) human sacrifice" (quoted from the abstract). Possibly also see: Horowitz (1991).

[259] See Szasz, p. 260-289 reports that in some historical societies the humans sacrificed in rituals were treated extremely well by the whole society before and during the sacrifice ritual, which was conducted to bring the society closer to God and/or the sacrificed; though in other historical societies the sacrificed was despised or tormented prior to or during the sacrifice ritual). See also: Forbes (1992). Others have argued that human sacrifices were not done for the purpose of getting closer to the victim, and involved ritualized torture of the victim prior to sacrifice (Harding, 2000; Smith, 2000).

can be unified in our imagined goodness as we pursue unending consumption and material accumulation at the expense of other peoples and other life on the planet.

In this way, war and capital punishment are not the only forms of ritualized human sacrifice. All forms of imperialism and colonialism, whether undertaken through traditional military means or modern, economic ones, constitute forms of human sacrifice. Further, human sacrifice can be constituted in any instances in which state authorities or corporate elites purposefully engage in behavior that results in the death of other people. But it could also be constituted in some forms of non-lethal punishment. Police brutality and military training can also constitute forms of human sacrifice, the former of which involves a ritual through which men and women are trained to sacrifice themselves for the goals of politicians and wealthy elites. Penal sanctions against innocent young black men for the assault, rape and/or murder of privileged white women (such as the Central Park jogger) can also be characterized as human sacrifice, as whole sections of the lives of the wrongfully punished are lost in prison. Likewise, the evictions of millions of people from their homes, jobs and access to subsistence has taken on new heights during the recent financial crisis, could constitute a form of human sacrifice, as can all forms of economic dislocation that leaves victims with nothing so that the wealthy few in society might accumulate even more. In this latter form, the "society" benefiting from these repeated, ongoing sacrifices consists of only the smallest handful of elites, leaving the rest of us as potential sacrificees. Jack Forbes (2008) has linked all of these forms of sacrifice together, and has gone so far as to refer to these not simply as human sacrifice, but as cannibalism without ceremony:

> Cannibalism, as I define it, is the consuming of another's life for one's own private purpose or profit. … The deaths of tens of millions of Jews, Slavs, etc., at the hands of the Nazis, the deaths of tens of millions of blacks in slavery days, the deaths of up to 30 million or more Indians in the 1500s, the terribly short life spans of Mexican Indian farm workers in the US, and of Native Americans generally today, the high death rates in early industrial centers among factory

> workers, and so on, all clearly attest to the fact that *the wealthy and exploitative literally consume the lives of those that they exploit*. … It is simply raw consumption for profit, carried out often in an ugly and brutal manner. There is no respect for a peon whose life is being eaten. No ceremony. No mystical communication. Only self-serving consumption. (P. 25).

Hence, perhaps the only differences between what is generally considered to be human sacrifice by Westerners and the various forms of human sacrifice that routinely occur in Western industrial society involves 1) who is doing the sacrificing and 2) the sheer number of victims killed and/or dispossessed of their livelihoods. In terms of the latter, Western society is the undisputed leader of the practice, historically and today. The Inquisition provides an excellent illustration of this, and will carry us into the discussion on primitive accumulation, or taking more than is needed.

Accumulation by Dispossession, or Taking More Than Is Needed

> *European states are like stomachs, requiring a [constant] diet of infidels.*
>
> *~ Gay 1993, 68*

> *Anger and violence are not the only smokescreens for fear. Different fears call for different smokescreens. Probably the most common one is the security to be gained from obtaining and using power. Money and property might be called congealed power. Of course a certain amount of such congealed power is necessary to live, especially in today's hyper-commodified world, but when their pursuit has become the main goal of life, that life is dominated by disguised fear. The fact that this psychopathology is now so widespread and acceptable does not make it any the less problematic, of course; it just indicates a psychopathological society.*
>
> *~ Loy 2002*

Previously in the chapter Tariq Ali was quoted in his observation that, had there been no Islam, the Crusades would still have occurred, just under slightly modified justifying ideology (quoted in The History Channel, 2005). As history has shown, Ali couldn't have been more correct in his

observations. Aside from aiding in the slaughter of Jews[260] and ignoring the indiscriminate slaughter of non-Western Christians (and Muslim women and children) during the first Crusade, the Church became involved in an official Crusade against Western Christians in 1209, when Pope Innocent III launched the Albigensian Crusade against Cathars from the town of Albi in what is now the south of France (Federici, 2004: 33 note 16). The Church had battled against heresy from the early to late Middle Ages, but this seems to have marked the first official war on Western Christians who did not conform to official Church doctrine. However, it was definitely not the last.[261] Just over two decades later, with the Crusades still ongoing, Pope Gregory IX launched the Inquisition, an institutionalized war on heretics –i.e., everyone who did not strictly conform to official Church doctrine—which was created for the purpose of exterminating the Christian Cathars and Waldenses who preached against the corruption of the Church Federici, 2004: 33 and note 16).

Anyone examining the above-discussed patterns in the Western cultural worldview, including the widespread entrenchment of the patterns of projection, scapegoating and human sacrifice, would be hard pressed to come to a different conclusion from Ali. But in addition to these above-discussed patterns, there was another reason why the Crusades and the domestic wars that followed were inevitable: the drive for accumulation by dispossession by Church (and, increasingly, secular) authorities driven by the mentality of Empire-building. As previously noted, the underlying purposes of the Crusades were to consolidate the wealth and power of the

[260] According to Jacoby, not only did Bishops refuse to protect Jews who had not converted to Christianity from the Crusaders, but priests actually led the Crusaders into the Jewish neighborhoods so they could kill the Jews (Carroll, 2007).
[261] For example, in 1234 the Bishop of Breman called for a crusade against his tenants who refused to pay tithes (Federici, 2004: 34), and other examples can readily be found.

Church[262] by taking for the Church land, wealth, and souls possessed by other people but imagined --through magical thinking and a disconnection from reality-- to belong to the conquering Crusaders and Christendom. This pattern of taking what belongs to others –here referred to as the processes of accumulation by dispossession, [263] or of taking more than is needed—is a part of the mentality of Empire which had already been a long-established pattern in the Western cultural worldview by this time. It was during the Inquisition that this pattern really rose to prominence, allowing for the accumulation of land and wealth on an unprecedented scale, and paving the way for exponentially more accumulation by dispossession during the later period of imperialism and colonialism. Because this pattern is perhaps one of the pentultimate problematic patterns in Western society, a quick overview of the events surrounding the Inquisition is worthwhile.

As mentioned above, by the time of the Crusades, the Church was already well-entrenched in these patterns of taking more than is needed, and doing so at the expense of other people. The Church had been silent on slavery once it became a state religion under the Roman Empire, and this silence continued long after the fall of the Empire, as did slavery (Federici, 2004: 23; Tigar & Levy, 2000:36).[264] The Church was also a major participant, and a major institutional power in the daily exploitation of serfs under the manorial system which treated serfs and their possessions as little more than property of the manorial lord (Federici, 2004: 33-34, 23-25;

[262] The main motivations for the Crusades have been said to be securing and expanding trade networks, ending attacks on merchants, and uniting western Europe under a common Christian identity headed by the Church –all of which were objectives that were in the interest of the Church and its solidification and expansion of empire (Tigar & Levy, 2000: 65-66, 68; Mohawk, 2000: 83-85; The History Channel, 2005).
[263] Following Harvey's (2003: 137-82) definition of the term.
[264] Slavery continued through at least the seventh century, and was never fully abolished according to Federici (2004).

Mohawk, 2000: 67, 78; Tigar & Levy, 2000: 49-50, 38-39; Osborne, 2006: 117-18).[265] But the Church was also responsible for numerous additional constraints on and exploitations of the serfs, as Federici (2004) notes:

> By the 11th century the Church had become a despotic power that used its alleged divine investiture to govern with an iron fist and fills its coffers by endless means of extortion. Selling absolutions, indulgences and religious offices, calling the faithful to the church only to preach to them the sanctity of the tithes, and making of all sacraments a market, were common practices from the pope to the village priest, so much so that the corruption of the clergy became proverbial throughout Christianity. Things degenerated to the point that the clergy would not bury the dead, baptize or grant absolution from sin unless it received some compensation. Even the communion became an occasion for a bargain, and "[I]f an unjust demand was resisted the recalcitrant was excommunicated, and then had to pay for reconciliation in addition to the original sum."(P. 34; see also pp. 25-28; The History Channel, 2005b)

Sometimes the tithes charged by the Church equaled as much as one-tenth of a serf's income, and Church lawyers and administrators reportedly lived like princes as the masses of serfs and peasants struggled to survive (Federici, 2004: 27). Though the Church continued to preach about the virtues of an impoverished lifestyle, many Church officials had practiced anything but this. Instead, these teachings were intended to maintain the Church's privileged position in two ways: first, by extracting further wealth from rich lords and nobles who were attracted by guarantees of salvation through impoverishment, and second, by keeping serfs docile amidst the exploitation they suffered at the hands of their feudal lords and the Church, itself (Federici, 2004: 34 note

[265] Serfs were required them to get permission from (and pay a fee to) their lord for marriage, trade, travel, transmitting land to future generations, and many other basic aspects of life, and feudal lords exercised numerous "rights" over serfs' property and persons, including the "right to the first night," or the right to sleep with the wife of a newly-wed serf on their wedding night. Despite these various constraints upon their lives, Federici (2004) argues that serf women had more freedom under the manorial system than they later came to have once "freed" to labor under capitalism.

19).[266] Thus, the Church's sole authority to commune with God, and its ability to revise history, law and Church doctrine, had left it in an immensely powerful position by this time, materially and hegemonically.

In response to the often unbearable exploitation of the manorial system, and the pervasive corruption and inflammatory, hateful preaching of Church officials, various popular movements arose in the 11th, 12th and 13th centuries –generally categorized under the Millenarian movement or the Heretical movement-- which condemned the corruption of the Church and sought to create an entirely new set of social relations. While the Church preached (hypocritically) about apostolic poverty, many of these sects practiced it. They also opposed hierarchical and exploitative social relations and many actively worked towards the creation of communal forms of life that rejected all forms of authority, resisted commerce and trade, and challenged Church and secular authorities. The Cathers, a heretical sect, tolerated other religions, provided safe havens for Jews, treated women as equals, and created networks of schools, safehouses and self-defense (Federici, 2004: 31-35, 38).[267] Like most of these movements and sects, the Cathars challenged secular and Church authorities, arguing that God did not speak through corrupted clergy, that sacraments were not valid when administered by such clergy, that Purgatory was

[266] "[T]he Church exalted poverty as a holy state and engaged in distributions of alms, trying to convince the rustics to accept their situation and not envy the rich. … The exaltation of *sancta pauperas* ("holy poverty") also served to impress on the rich the need for charity as a means for salvation. This tactic procured the Church substantial donations of land, buildings, and money, presumably to be used for distribution among the needy, and it enabled it to become of the richest institutions in Europe. But when the poor grew in numbers and the heretics started to challenge the Church's greed and corruption, the clergy dismissed its homilies about poverty…" (Federici, p. 34, note 19).

[267] "[I]n the Church women were nothing, but here they were considered equal; they had the same rights as men, and could enjoy a social life and mobility (wandering, preaching) that nowhere else was available to them in the Middle Ages. In the heretical sects, aove all among the Cathars and Waldenses, women had the right to administer sacraments, preach, baptize and even acquire sacerdotal orders." (Federici, 2004: 38).

merely an invention of the clergy seeking to extort more wealth by selling indulgences, and that people should not pay the tithes charged by the Church, because material aspects of worship did not matter, only inner belief did. The Cathars further argued that they were the "true" church because they were not corrupted like the Catholic clergy (Federici, 2004: 31-35).

Despite some of the various oddities of the different Millenarian and Heretical movements,[268] they had widespread appeal among groups from all sectors of feudal society. But they were particularly popular among the impoverished urban and rural masses. The heretical movement was one of the most popular because it addressed (and opposed) both the ideological and material conditions forced upon the masses at the time. In this regard, the heretical movement, in particular, has been credited as providing the organizational structure for much of the social unrest that had been fomenting, and that would continue to intensify over the next few centuries (Federici, 2004: 33).[269]

By the end of the early Middle Ages, and likely long before that, many serfs throughout Western Europe were involved in what James C. Scott (1990) has termed the arts of resistance. Peasants asserted that they were free men, not serfs; serfs avoided taxes and fees by refusing to bake bread, grind grain, or engage in other subsistence activities in the lord's facilities (which they were required to use, then taxed for using); and workers fled feudal manors and took up residence in the towns. Other peasants and workers who remained in the feudal manor often refused to show up to work the lord's fields, or showed up late and took numerous breaks so that

[268] See Federici, pp. 21-59, who mentions the various self-flagellative, apocapyptic, and/or prophetic characteristics of some of the Millenarian sects, and of the broad range of sexual beliefs among the heretical Cathars --from complete abstinence and refusal to consume any (animal) food that was the result of procreation, to beliefs that sexual intercourse was necessary as the best way to achieve innocence. Characteristic of their tolerance for other religions, the Cathars tolerated this broad range of beliefs and practices among their own.

[269] Federici (2004) has referred to the heretical movement as "the most important oppositional movements of the Middle Ages"(p. 33).

the crops were not harvested. While Church and secular authorities likely viewed these behaviors as a low-level rebellion, many peasants and serfs likely viewed them as mere assertions of their rights, though many among the latter also participated more outright rebellions, such as the 1251 uprising in which peasants and town workers burnt and pillaged rich neighborhoods and demanded better working conditions (Federici, 2004: 26-29, 32). These latter actions were more the exception than the rule among peasants and workers, and though they may seem extreme, in the context of the indiscriminate slaughters promoted in the ongoing Church-ordered Crusades, and the new assaults that arose in the Inquisition, these actions could be argued to have fit neatly into the range of acceptable social behavior at the time. The main difference, of course, being that they were not ordered by the wealthy or powerful, but were levied against them.

Under the Crusades the Church had called for and led a series of, often indiscriminate, attacks against everyone who was not Western Christian. Sensing the increasing threat to its hegemonic and material powers posed by the Millenarian and Heretical movements, the Church now began to focus its attacks on everyone who was not obedient to Church doctrine. To this extent, it began charging virtually every form of social or political resistance with heresy. It rewrote Church doctrine, which once viewed poverty as apostolic and virtuous. Now only voluntary poverty was virtuous and "deserving" of salvation and help from the Church, while all other forms of poverty were suspicious or even indications of laziness (Federici, 2004: 34 note 19). Public preaching was also outlawed by anyone who did not first obtain a license from a local bishop, and measures were taken to confiscate the property of anyone accused and convicted of heresy. To simplify this dispossession process, Pope Innocent III revamped the legal system that had required accusers to prove their claims against the accused, or face punishment themselves.

Wanting to encourage, rather than hinder would-be accusers, he created a system that allowed secret accusations and that accepted "sufficient belief" in place of proof (The History Channel, 2005b). The Church also modified its stance on the death penalty, granting secular authorities the moral authority to judge, draw blood, and execute people, so long as they did so "justly." Eventually, by the mid-13th century, the Church had endorsed the use of torture (which it rationalized as benevolence) on accused heretics, leading to the production of numerous torture manuals, as well as torture fanatics who enriched themselves through repeated claims to have found fictional devil-worshiping sects and tortured 90% of their accused into making confessions (Federici, 2004: 35, 33; The History Channel, 2005b).

With these tools in hand, early in the 13th century, a Crusade was called against the Cathars in Albi, and soon an Inquisition was called targeting the Waldenses, the Cathars and all suspected heretics. In the early stages of these attacks, the meetings of both groups were raided by Church and secular authorities, some of whom executed meeting attendants on the spot. After these repeated attacks forced the groups to go underground and made them more difficult to find, the Pope decided that on-the-spot executions were less helpful to the Church than capture, torture, and forced confessions, which would save at least some souls of the accused. In this way, over the next 150 or so years, the Church and its secular allies succeeded in annihilating the Cathars and Waldenses, and eradicating nearly every trace of their doctrines throughout Europe (The History Channel, 2005; Federici, 2004: 33 and note 17). But they did not succeed in eliminating heresy altogether; nor did they succeed in eliminating the growing dissent and rebellion among rural and urban workers of all types, which came to resemble "true wars" by the 15th century

(Federici, 2004: 44, 25).[270] This dissent and rebellion was seen as a further threat to Church and secular wealth and hegemony, and it increasingly attracted the eye of the Inquisition, turning the Church-secular alliances in the war against heresy into an all out class war to protect the wealth and power of the few through the slaughter of the accused masses (Federici, 2004: 33-34).

The crackdown of authoritarian intolerance against worker and peasant dissent was accompanied by increased religious persecution against Jews, Muslims, and dissenting factions within the Church, [271] as well as against women, animals and the earth (Carroll, 2007; The

[270] Throughout the 14th century various forms of resistance and rebellion abound. The famine of 1315-22 and the first round of plague from 1347-52, which eliminated over a third of the population of Europe, created a tremendous labor shortage that served as an additional impediment to secular and Church accumulation, and an additional lift for workers' power. Secular authorities responded to these challenges with new oppressive measures, such as freezing wages and creating a maximum wage, mandating work by all able-bodied people and enforcing this mandate through a capitation tax, forbidding workers to leave their present employment without permission from their employer/master, mandating that anyone who worked steadily in agriculture until the age of twelve would be forever forced to work only in that occupation, and passing other measures attempting to reduce workers nearly to the status of slaves (or to actually replace them with slaves). Merchants exercised complete control over urban workers, and forbid them from holding any kind of meeting, forming associations, carrying tools of trade (or other arms), or striking, and routinely spied on, tortured and executed workers through merchant-controlled town government tribunals (Federici, 2004: 37, 40, 43-45; Tigar, 2000: 165-66).

These various constraints on peasant and worker freedoms were met with collective resistance and outright rebellion by peasants and workers, who refused to pay taxes, ignored orders, and increasingly took up arms against the upper classes in their struggles, such as the armed urban rebellion in Flanders in 1377, a "whirlwind revolution" in France in 1379-1382, the English Peasant Uprising of 1381, various uprisings in Paris, and Taborite communism in Bohemia (which was armed for self-defense) (Federici, pp. 34-35, 44-45; Tigar P. 166). Throughout this period, Church and secular authorities responded to growing unrest by expanding the reach of the Inquisition and increasingly persecuting all forms of rebellion or dissent as heresy, punishing the workers in the Flanders as rebels and heretics, leading another crusade against the Taborites in Bohemia, and asserting Church control over marriage, sexuality of rich and poor alike (Federici, pp. 34, 36, 40).

[271] Many Jews in southern France were attacked and slaughtered in 1320 by a mob of fanatical, would-be crusaders, aided by local consulates. Their counterparts in Spain were forced to choose between conversion to Christianity or expulsion from Spain. Many who converted were eventually massacred in riots or in the Inquisition after having risen to positions of prominence in their communities and then been accused by resentful Christians of secretly practicing

History Channel, 2005b; Federici, 2004: 30, 34, 40, 44, 32 note 15; Mies, 1986: 80-81; St. Clair, 2010).[272] The old teachings about women, animals, nature and non-Christian peoples, based in the writings of Aristotle and St. Augustine, were revived in writings of Thomas Aquinas (Serpell, 1999: 45-47; Mohawk, 2000: 89). Further, the labor shortage resulting from the famine of 1315-22 and the plague of 1347-52 (which eliminated over a third of the population of Europe) was seen as a threat to social, political and economic stability for the Church and its secular allies, causing the Church to exert its control over marriage and sexuality by declaring any form of contraception as heretical and prosecutable by secular authorities (Federici, 2004: 36, 37, 40, 44; Mies, 1986: 83-84; Tigar, 165; Ferguson, 2011: 4). In this vein, non-procreative sex, herbal medicine, and the general independence of women all came under attack (Mohawk, 2000: 90-91) and the propaganda of the Inquisition, which had already annihilated many of the heretical sects, was ratcheted up to produce new levels of social hysteria around a whole new host of fictitious and fantastical evils, now associated with alleged sorcery or witchcraft. As Federici (2004) notes:

> By the mid-14th century, the Inquisitor's reports were not longer content with accusing the heretics of sodomy and sexual license. Now heretics were accused of animal worship, including the infamous *bacium sub cauda* (the kiss under the tail), and of indulging in orgiastic rituals, night flights and child sacrifices. (P. 40)

Judaism and attempting to seduce Christians to do the same. Many additional Jews fled the persecution in Spain towards the end of the 15th century only to face a new round of religious bigotry in Portugal, which was reportedly worse than Spain, causing many Jews to return to the latter. Muslims in Spain were also forced to convert, and, like the Jews, were eventually attacked as false converts who were "beyond conversion" because they 'carried the sin in their blood, not their belief'. Dissenting groups within the Christian Church, itself, were likewise attacked. Some Franciscans who attempted to return to the original teachings of Christianity were hung and the rest were forced back into the folds of the Church (Carroll, 2007; The History Channel, 2005b; Federici, 2004: 34, 32 note 15).

[272] St. Clair (2010) notes the rise of animal trials around the 13th century, but does not specifically attribute this to the Inquisition.

Women constituted the immediate focus of the attacks against witchcraft, since they were, according to one manual on identifying and extracting confessions from witches, more susceptible to superstition and quicker to waiver in their faith than men. They were also: addicted to "evil" superstitions, "more impressionable and ready to receive the influence of a disembodied spirit," in possession of a slippery tongue, unable to hide the evil they know from other women, intellectually like children, and otherwise imperfect animals that always deceive and that sought to vindicate their weakness through witchcraft, and so forth Kramer & Sprenger, 2005: 103-09).

But the real reason for this extensive, centuries-long attack on women, according to some writers, was that the church and secular authorities created and used "the witch-hysteria to find a scapegoat for all problems and disturbances and the unrest of the poor people, and to divert the wrath of the people from them against some poor women"(Mies, 1986: 82).[273] Indeed, may of the acts punishable as witchcraft had not previously been recognized as crimes, but were forms of accepted collective behavior that now seemed to pose a threat to the interests of the rising social, political and economic elite (Federici, 2000: 170). Still, divert wrath they did as the merchant class in 14th century French and Italian municipalities essentially legalized rape of working or lower class women, even in the case of gang rapes. According to Federici (2004), the move was intended to displace tension between classes with tension between the sexes. Rebellious working-class males, resentful that economic circumstances had forced them to delay marriage for many years, became preoccupied with the legalized assaults on women (Mies, 1986: 79; Federici, 2004: 36) rather than actions aimed at changing the system that had impoverished them. Groups of up to 15 men routinely broke into homes and dragged women

[273] See also the graph in Federic, (2004: 175), which demonstrates that during the decades from 1550-1630, when the price of food had escalated (relative to stagnant, capped wages), witch trials were at their highest point.

through the streets without making any attempt to hide their crimes or their identities. According to some, over half of the men in urban areas engaged in this type of behavior, forever disgracing scores of women who, once raped, were forced either to leave town or to join the ranks of increasingly despised prostitutes (Federici, 2004: 47-48). The human suffering created by these actions was preferred to the alternative, according to Federici (2004):

> Not surprisingly, the authorities viewed the disturbances caused by such policy (the brawls, the presence of youth gangs roaming the streets at night in search of adventure and disturbing the public quiet) as a small price to pay in exchange for a lessening of social tension, obsessed as they were with the fear of urban insurrections…. (P. 48; see also)

The sadistic, torturous, anti-woman mentality required for such depravity, inhumanity, and disconnect from the world, is further demonstrated through a brief glimpse into the world of those who made their livingoff of finding, interrogating, torturing, and trying witches.[274] Such a glimpse is found in St. Clair (2010):

> In 1598, the suspected sorceress François Secretain was brought before the inquisitional court at St. Claude in Jura Mountains of Burgundy to face charges of witchcraft and bestiality. Secretain was accused of communing with the devil and having sex with a dog, a cat and a rooster. The blood-curdling case is described in detail by her prosecutor, the Grand Justice Henri Boguet, in his strange memoir, *Discours des Sorciers*. Secretain was stripped naked in her cell, as the fanatical Boguet inspected her for the mark of Satan. The animals were shaved and plucked for similar examinations. Secretain and her pets were put to various tortures, including having a hot poker plunged down their throats to see if they shed tears, for, as Boguet noted in his memoir:
>
> > All the sorcerers whom I have examined in quality of Judge have never shed tears in my presence: or, indeed, if they have shed them it has been so parsimoniously that no notice was taken of them. I say this with regard to those who seemed to weep, but I doubt if their tears were not feigned. I am at least well assured that those tears were wrung from them with the greatest efforts. This was shown by the efforts which the accused made to weep, and but the small number of tears which they shed.

[274] Mies (1986: 84) notes that lawyers, jurists, urban and rural authorities, the Church and the executioners all profited, but there also "grew up a whole army o smaller fry who made a living out of the burning of witches."

> Alas, the poor woman and her animals did not weep. They perished together in flames at the stake. (P. 6)

In this way, over the next several centuries, possibly millions of women were accused, arrested, tortured and executed for the alleged crime of witchcraft in what was not only an assertion of male-dominated authority over women, but an assertion of male, bourgeois, Christian-dominated authority over the masses of Christian and non-Christian people, animals and the earth (Mies, 1986: 81, 74-111; Federici, 2004: 170, 174; Merchant, 1989).[275] All of this was for the purpose of allowing Church and secular elites to accumulate wealth at the expense of, and through the dispossession of, everyone and everything else.

In many ways, the witch-hunt sprang out of the Inquisition, and the Inquisition sprung out of the Crusades (and the Crusades sprung out of the mentality of Empire and conquest). The latter indiscriminately dispossessed Jews and eastern Christians of their lives, property, and wealth in the quest to also dispossess first Muslims and then heretic sects. While the plunder of the Crusades was not systematic or centralized, the amount of wealth that was accumulated for Church and secular authorities was considerable. Of course, the Crusades were driven by more than just the wealth that could be immediately accumulated through plunder and pillage; they were also driven by a push to create the conditions that would allow for an ongoing accumulation of wealth well into the future. To these ends, they were aimed at controlling trade routes and

[275] The poor and working class rebellion was led by women (see Mies, 1986: 81; Federici, 2004: 170, 174). Estimates on the numbers of women killed during the witch hunts vary, having been drastically revised downward in recent years. Mies (1986: 83) argues that millions were killed. Mohawk, (1997) says that possibly millions were killed. Federici (2004: 169), says that in just two centuries in several European countries, hundreds of thousands of women were killed. Meanwhile, Monaghan (1999) states that "[a]t the very least, 100,000" were killed; Lemieux (2007: 20) argues for an extremely conservative 50,000; and Ferguson (2010: 63) provides yet a lower estimate of a mere "12,000-45,000 people, mostly women" who were killed throughout all of Europe, as well as in North America, over the seven centuries in which the witch-hunt existed (and in which the production of numerous volumes on finding, identifying and torturing witches were published –including 29 different editions of just one of these: the *Malleus maleficarum*).

expanding eastern trade; uniting feudal lords under a system of centralized trade and contract law headed by the Church; and consolidating Church power by eliminating alternative forms of accumulation by dispossession that were not controlled by the Church (Tigar & Levy, 2000: 42, 62, 65-68; 50-51).

In contrast, the Inquisition, like the witch-hunt, was centrally-run by Church and secular authorities. These authorities more directly benefited from the dispossession of Jews, Muslims, non-obedient Christians, and women from their wealth and property (Federici, 2004: 12; Mohoawk, 2000: 91; Mies, 1986: 86-87; The History Channel, 2005b; Carroll, 1997). Several writers have further argued that the witch-hunt provided the early capital accumulation necessary for European colonial adventures abroad and the formation of nation states at home (Mohawk, 1997; Mies, 1986: 85-88; Federici, 2004: 12).[276] Thus, like the Crusades, the Inquisition and the witch-hunt served the purpose of immediate accumulation by dispossession (which may well have been its primary purpose). The witch-hunt (like the Crusades and even more so than the Inquisition) also served the purpose of establishing the long-term conditions necessary to allow an ongoing accumulation of wealth into the future. By scapegoating and ritually sacrificing women, Church and secular authorities attacked the main instigators and leaders of the rural rebellions against the enclosures, as well as the largest percentage of workers in urban areas

[276] For example, Mies (1986: 86) notes that "in some cases the cities and their princes used witch-pogroms and confiscations as a kind of development aid for their ruined economies" or to fund wars, and "[t]he hope of financial gains can be seen as one of the main reasons why the witch hysteria spread and why hardly any people were acquitted" (pp. 86-87). Similarly, Federici (2004:12 and 169 note 13) notes that, though the vast majority of those targeted in the witch hunt were poor, single, divorced or widowed women, the witch-hunt in the 16th and 17th centuries served as a form of primitive accumulation of capital, adding: "the persecution of the witches, in Europe as in the New World, was as important a colonization and the expropriation of the European peasantry from its land were for the development of capitalism." See also The History Channel (2005b) on the coveting of others' wealth as a driving force behind both the witch-hunt and the Inquisition.

(Federici, 2004: 174, 30-31; Mies, 1986: 81). [277] They also destroyed much of the collective organizing capacity of the dispossessed masses that flooded the cities in search of work and food. As mentioned above, the scapegoating of women created a ready target for urban male angst. The privileging of men in the occupations further quelled male participation in rebellions against social relations of domination. And the fear of witches --or of being accused of witchcraft— kept people from challenging accusations against their neighbors, and destroyed alternative social arrangements, alternative forms of authority, alternative methods of healing, and alternative ways of living, thinking, and alternative earning a living (Federici, 2004: 30-31, 34, 36, 44, 46-47, 174; Tigar & Levy, 2000: 167; Mies, 1986: 80-81).[278] Thus, through scapegoating women, the rising bourgeois elite was also able to transform the impoverishment of women from a symbol of

[277] The latter source is noting the "meticulously thought-out legal procedure" characterizing the witch trials, i.e., the *ritual*.

[278] Up to the 15th century, single women had made up the bulk of urban working population, and had been free to work in numerous occupations, trades and professions. As dispossessed men, women and families flooded the cities, desperate for work or food, the attack on women justified the further dispossession of urban women from the professions, trades and most occupations. Women were also demonized and harassed in many of those occupations that remained open to them. For example, some female weavers were threatened with excommunication if they did not produce work fast enough or if they produced work deemed substandard). And, until about 1450, prostitution had been legal, socially accepted, and actively supported by many municipalities, which managed and funded brothels (using tax dollars) as a legitimate means of employment for single women and of relief to the numerous young men who were forced to refrain from marriage for economic reasons. Prostitutes even marched in Church processions carrying their own banners. This all changed with the Church's assertion of its authority over marriage and sexuality, its outlawing of any and all forms of contraception, and the Church/secular attack on women and witchcraft. See sources cited in the text for more on this.

On the destruction of alternative social arrangements, Diamond (1974) argues that in the quest to dominate, all alternatives are seen as a threat:

> Civilized peoples and civilized disciples have, therefore, been particularly sensitive to political action on the part of "backward" peoples which created the possibility of autonomous societies and alternative cultures. In the mind of the imperialist, the world is small, and loss of control in one area threatens the whole. (P. 2)

the destructive, anti-social and even demonic[279] nature of the new social, economic and political relations of domination that were being imposed upon the masses, into something that was supposedly natural, normal, and/or justified based on the behavior of these women, themselves (Taussig, 1980; Federici, 2004: 170). In this way, "women's bodies, their labor, and their sexual and reproductive powers were placed under the control of the state and transformed into economic resources,"(Federici, 2004: 170) as were, less spectacularly, the bodies and labor of men.

By destroying or removing all possibilities for survival independent of the new social relations of domination, the rising bourgeois elite was able to create the conditions for establishing hegemony over the masses. The masses were subjugated and tamed into obedience (or killed) by Church and secular authorities over a millennium,[280] and more than ever before law became a tool for maintaining this obedience. To this end, the codification and centralization of law that had begun at least as far back as the Crusades (Tigar, 2000: 42, 62; Mohawk, 2000) exploded during the witch-hunt as the sons of the rising bourgeois elite flocked:

> to the law faculties … 'attracted … out of greed for money and ambition.' They were able, through complicated and learned interpretations of the authoritative

[279] Taussig, Michael. 1980. *The Devil and Commodity Fetishism in South America*. 4th Ed, University of North Carolina Press (cited in Federici, p. 170) observed that, when faced with the imposition of these same conditions, indigenous peoples in Colombia and Brazil saw these new monetary relations as deadly and possibly the result of devil worship by the European colonizers.

[280] Whereas the feudal lords and Church authorities once took a portion of the product of the serfs' labor (that which was surplus to his/her subsistence), the bourgeois class now took the entire product of the workers' labor and returned to them only a portion, which might or might not be enough for their subsistence. The masses were thus dispossessed not only of their property and means of subsistence, but also of their labor power and their life force, which no longer belonged to them, but to the bourgeoisie who purchased it (if any did) (See Marx, 1867/1987 and 1932/1972a; Harvey, 2003: 137-82). That this was a prime function of the witch-hunt is partially evidenced in Federici, who finds, for example, that the witch-hunt simply did not take place in areas where the enclosures did not take place, or in areas where people lived predominantly under collective land tenure and kinship systems (Federici, 2004: 171).

> texts, to prolong the trials so that the costs of the trial would go up. (Mies, 1986: 84).

Others sought their fortunes in bureaucratic or freelance positions as executioners, witch hunters or Inquisitors who often got paid per witch and could prolong their employment and enhance their status by finding "lots of witches to prove their jobs were necessary" (Mies, 1986: 86-87). Thus, whereas the Crusades produced massive leaps and gains towards centralizing law and developing contract law (Tigar & Levy, 2000: 42, 62), and the Inquisition produced leaps and gains in imposing the Church as the sole authority on medicine and healing, the witch-hunt far surpassed the hegemonic powers of both of these through the creation of a rationalized, bureaucratic infrastructure geared towards identifying, trying, prosecuting and punishing witches –what one might refer to as the "witch-hunt industrial complex."[281]

Like all bureaucratic-industrial-complexes, the witch-hunt industrial complex developed an inherent tendency towards self-preservation: reproducing itself and constantly expanding its domain in order to continue existing merely for the sake of existing. Thus, it is likely out of this dramatic expansion of the legal system that we find animals increasingly hauled into secular and ecclesiastic courts (starting around the 13th century). The trying of animals (and even insects) for alleged crimes expended considerable effort, time, and money –much of which was likely collected through taxes, fees, and the dispossessions of the ongoing Inquisitions and witch-hunts. Much like the accused or convicted witches, during their interrogation or after their conviction, according to St. Clair (2010), animals:

> were subjected to the same ghastly forms of torture and execution as were condemned humans. Convicted animals were lashed, put to the rack, hanged, beheaded, burned at the stake, buried alive, stoned to death and drawn and quartered. … The heads of the condemned, especially in cases of bestiality, were

[281] Like the Military-Industrial Complex (See: Eisenhower, 1961) and the Prison-Industrial Complex (Davis, 1998).

> often displayed on pikes in the town square adjacent to the heads of their human co-conspirators. (Pp. 2-3)

The expansion and bureaucratization of the legal system also allowed for the increasing criminalization of additional portions of the urban working or poor masses. By the end of the 15th century, a large portion of those who could not be accommodated by the limited employment opportunities in the towns (and who had been expropriated from their means of subsistence in the country) were scapegoated and dehumanized by the new bourgeois power elite. The latter referred to the former as "'savages,' 'beasts,' and 'incorrigibles,' in need of harsh discipline" (Lanier & Henry, 2004: 71-72), and new Poor Laws were passed that separated the unemployed, desperate masses into categories of "deserving" and "undeserving" poor (drawing upon the Church's earlier distinction) (Lanier & Henry, 2004: 71-72; Wikipedia, 2011).[282] Those seen as most threatening to the new social relations –unemployed, able-bodied men, women and even children-- were categorized as "undeserving" and subject to penalties for countless new offenses under the Poor Laws, hundreds of which were punishable by execution. As was the case with the witch-hunt and the Inquisition before it, investigators of these alleged offenses often relied upon torture to extract confessions or bought witnesses to levy accusations. Those who escaped execution were sent to workhouses, or prisons (Lanier & Henry, 2004: 70-72).

In many ways, these legal persecutions of men, women, children and animals reinforced the old separations and disconnections. Through scapegoating and the ritual sacrifice of others, a climate of fear and division was created and maintained, in which the masses were subservient to the new bourgeois class and/or subject to potential punishment, torture, and death. These persecutions also reflected a tendency among some members of the rising bourgeoisie towards

[282] The latter source notes the legal persecution of the poor as early as the mid-14th century, and the codification of periodic laws for this purpose starting towards the end of the 15th century onward).

paranoia and sadism in their enactment of violent punishments upon others. As can be noted from the above discussion, punishments appear to have been enacted not only as a means of domination, but as a means of absolving themselves for their own guilt and immorality in these enactments by projecting it onto punished, "Othered" people. In their treatment of other humans as animals, and their inhumane treatment of animals, the bourgeoisie's disconnection from others, nature, their God, their Church and themselves are clearly visible. These disconnections were further both enhanced and institutionalized as they were forcibly and hegemonically imposed upon everyone and everything that was within reach of their new social relations of domination.

It wasn't just the legal profession that was dramatically expanded under the witch-hunt-industrial complex. A dramatic expansion and bureaucratization of science, technology and the medicine also took place, and the poking, prodding, and torture of women's bodies laid the groundwork for considerable advancements in science and medicine, including the development of a new scientific method (Mies, 1986: 83, 87). As Mies (1986) notes:

> The persecution and burning of midwives as witches was directly connected with the emergence of modern society: the prefessionalization of medicine, the rise of *medicine* as a 'natural science', the rise of *science* and of *modern economy*. The torture chambers of the witch-hunters were the laboratories where the texture, the anatomy, the resistance of the human body—mainly the female body—was studied. One may say that modern medicine and the male hegemony over this vital field were established on the base of millions of crushed, maimed, torn, disfigured and finally burnt, female bodies. (P. 83)

The advancements in science, technology and medicine that took place under the witch-hunt-industrial complex were not long restricted to witches. Like the bodies of women accused of being witches, the bodies of the poor, of animals, and the earth itself, were also prodded, poked, tortured and dissected. The old separations found in the teachings of Aristotle and St. Augustine were further intensified through the teachings of Thomas Aquinas, which paved the way for the

new moral climate in which animals were routinely abused and dissected in public –without anesthesia—as "scientists" displayed their knowledge throughout Europe (Serpell, 1999: 45-46). The intensification and institutionalization of these old separations allowed the new bourgeois class to forcibly break the old taboos against mining, and "the same violent means" used in the prodding and torturing of bodies (i.e., "science"[283]) was turned on the earth in order to learn her secrets and take her treasures (Mies, 1986: 75; Tigar & Levy, 2000: 62; Mohawk, 1997; Szasz, 1970: 281; Diamond, 1974: 3, 39; Sheldrake, 1994: 9-60, 179).[284] To this extent, the new men of science in this era argued that the earth and nature:

> must be 'bound into service', made a 'slave', put 'in constraint', had to be 'dissected'; much as a 'woman's womb had symbolically yielded to the forceps, so nature's womb harboured secrets that through technology could be wrested from her grasp for use in the improvement of the human condition'. (Mies, 1986: 88; Merchant, 1989: 169).

Mies (1986) further elaborates:

> The rise of modern science, a mechanistic and physical world-view, was based on the killing of nature as a living organism and its transformation into a huge reservoir of 'natural resources' or 'matter', which could be analysed and

[283] Which, in western society, is often mere superstition masquerading as science. As Diamond (1974: 48), noted, "pure science itself has become a superstition, and… the superstitions of the primitive past are being understood as systems of belief that reflect a multidimensional reality." Black Elk (1983: 155) is similarly critical of what is passed off as "science" in western society. Contrasting this with the perhaps superior indigenous ways of understanding the world, he notes that at least the Lakota "call their spirituality *spirituality*, not *science*." See also, Deloria (1969: 188-189).

[284] These connections are most explicit in Mies (1986: 75), Merchant (1989) & Sheldrake (1994). Tigar & Levy (2000: 62) note that the systematic exploitation of mines and forests allowed for the accumulation of surplus capital, that was reinvested into fueling the growth of trade and the rise of bourgeois social relations of domination –i.e., capitalism. Mohawk (1997) notes that "the war on magic was a psychological war on nature." Meanwhile, Szasz (1970: 281) is more methaphorical, drawing parallels between the mining of the earth in the late Middle Ages and the mining of society today for "mad men." Diamond (1974: 3, 39) is similarly metaphorical, discussing the ways in which colonialism transforms other cultures into raw materials, and discards as worthless anything that can not be "endlessly mined" for the benefit of some bourgeois aspect of Western society.

> synthesized by Man into his new machines by which he could make himself independent of Mother Nature.
>
> Only now, the dualism, or rather the polarization, between the patriarchs and nature, and between men and women could develop its full and permanent destructive potential. From now on science and technology became the main 'productive forces' through which men could 'emancipate' themselves from nature, as well as from women. … [W]e cannot understand the modern developments, including our present problems, unless we include all those who were 'defined into nature' by the modern capitalist patriarchs: Mother Earth, Women and Colonies. (P. 75)

In this way, the old separations, and all of the above-discussed patterns, were institutionalized in the new bourgeois social relations of domination, and everything other than orthodox-Christian, bourgeois man was attacked, dispossessed, and transformed –both in the bourgeois mind and in this new, predatory system-- into raw materials to be used and abused in bourgeois' interests of capital accumulation (by dispossession). The witch-hunt --even more so than the Inquisition and the Crusades before it, and like the ongoing warfare, conquest and various social persecutions since-- was a tool for mining society, for extracting from it every little bit of potential capital, for exploiting this capital to its fullest, for discarding everything else, and for attacking everything that got in the way of this capital accumulation. Like warfare, conquest, scapegoating, persecutions, and other forms of social dislocation which are still ongoing today, the "witch-hunt was business"(Mies 1986: 87).[285] And business in Western society has maintained a long history of separating and exempting itself from moral concerns, since these are incompatible with the successful exploitation, extraction, and accumulation of capital (except so

[285] Mies, page 87, who continues:

> The blood-money of the witch-hunt was used for the private enrichment of bankrupt princes, of lawyers, doctors, judges and professors, but also for such public affairs as financing wars, building up a bureaucracy, infrastructural measures, and finally the new absolute state. This blood-money fed the original process of capital accumulation, perhaps not to the same extent as the plunder and robbery of the colonies, but certainly to a much greater extent than is known today.

far as these moral concerns can be used as capital, i.e., used to manipulate large portions of the masses into compliance with the goals of capital accumulation by dispossession).

Just as indigenous peoples throughout the Americas would later fight against the theft of their lands, their enslavement, and the violence and genocide that was perpetrated against them by European colonists –and just as they would come to view the European's monetary relations as destructive and evil (Federici, 2004: 170; Taussig, 1980) -- so, too, did European women and men fight, first against the oppressions of the feudal lords and the Church, and then against the oppressions of the rising commerce economy and its enclosures, persecutions, social dislocations and other devastating effects. But when manipulated by the creation of false moral concerns (regarding women and witches, the poor or non-Christian people), or ready-made scapegoats, and pseudo privileges for some, the European masses then, as now, were unable to resist the urge to turn on each other, and to project their anger, pain, fear, desolation, and paranoia onto others who had too little social power to fight back. As Mies (1986) and Federici (2004) have remarked: "The persecution of the witches was a manifestation of the rising modern society and not, as is usually believed, a remnant of the irrational 'dark' Middle Ages"(Mies, 1986: 83), and:

> capitalism was the counter-revolution that destroyed the possibilities that had emerged from the anti-feudal struggle –possibilities which, if realized, might have spared us the immense destruction of lives and the natural environment that has marked the advance of capitalist relations worldwide. (Federici, 2004: 21-22)

Individualism, the Destruction of Culture, Anxiety, Narcissism and Self-Aggrandizement

> *Today Europe is still feeling the effects of the submersion of its original tribes following the demise of the Roman Empire. Western man smashes that which he does not understand because he never had the opportunity to evolve his own culture. Instead ancient cultures were thrust upon him while he was yet unprepared for them. …. Because tribes and groups had been unable to survive, the common denominator, the individual, became the focal point of the revolt. Instead of socially oriented individuals, the Reformation produced self-centered individuals. Social end economic Darwinism, the survival of the fittest at any*

> *cost, replaced the insipid brotherhood of Christianity not because Christianity's basic thrust was invalid, but because it had been corrupted for so long that it was no longer recognizable. …. Because there was no way the individual could relate to his past, he was told to relate to the other world, leaving this world free for nationalistic exploitation –the real forger of identity.*
>
> *~ Deloria 1969, 177, 176*

> *An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity.*
>
> *~ Dr. Martin Luther King, Jr.*

Italian scholar Italo Mereu argues that the Roman Inquisition "left deep scars in the history of European culture, creating a climate of intolerance and institutional suspicion that continues to corrupt the legal system to this day" (Federici, 2004: 33 note 17).[286] Certainly, considerable evidence exists supporting Mereu's case. But the Roman Inquisition was just one of a series of phases of the Inquisition that, together, spanned more than seven centuries and inflicted considerable violence and atrocities on various peoples (as well as animals, nature and the earth). Further, the activities of the Inquisition overlap with --but do not include-- the massacres, torture, and atrocities committed against non-Christian and eastern Christian peoples during the Crusades and/or the various conquests before them. Nor do these activities include the full extent of the atrocities committed through the witch-hunt, the criminalization of the poor, or the Enclosures and the dispossession of the masses in Europe and the Americas. Thus, it would not be much of a stretch to argue that *all* of these activities, like the Roman Inquisition, left deep scars in the lives and cultural worldviews of all who survived them (as well as all who perpetrated them), and that

[286] The quotation is part of Federici's (2004) summary of Mereu's (2003) *Historia de la Intolerancia en Europa* (Spanish Edition). Spain: Ediciones Paidos Iberica. Federici's summary continues: "The legacy of the Inquisition is a culture of suspicion that relies on anonymous charges and preventative detention, and treats suspects as if already proven guilty." To this extent, one can clearly see this same legacy in North America today, such as through Guantanamo Bay and various other US military prisons around the world, in the 2011 National Defense Authorization Act, and even in Canada's response to the 2010 G20 meeting of heads of state in Toronto.

these trauma-induced scars were defining in many ways for Western culture and the directions in which it developed. More than this, in looking back over the various massacres, conquests, enslavements, exploitations and dispossessions that span for over a millennium of European history, one might come to the conclusion that, rather than merely being "deep scars in the history of European culture," these activities, in large part, lie at the core of what defines Western culture –i.e., of what Western culture *is*. Unlike scars that can be differentiated from the rest of a cultural worldview, these activities are at the very center of the Western cultural worldview, which has been built, for millennia, around promoting and justifying these very activities, as well as other, increasingly more devastating and destructive, patterns of behaving and thinking in relation to the rest of the world (including other peoples, animals, nature, the earth and even parts of one's self).[287]

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[287] While many adherents of western culture may balk at this suggestion, its truth has long been apparent to non-western peoples, as can be confirmed through an examination of numerous accounts of history and colonization written from their perspective. For example, Vine Deloria Jr. (1969: 179) noted of the culture that Europeans brought with them to the New World:

> As far as we could determine, white culture, if it existed, depended primarily upon the exploitation of land, people and life itself. It relied upon novelties and fads to provide an appearance of change but it was basically an economic Darwinism that destroyed rather than created.

And Russell Means (1983: 24) has likewise noted of western culture:

> You can't judge the real nature of the European revolutionary doctrine on the basis of the changes it proposes to make within the European power structure and society. You can only judge it by the effects it will have on non-European peoples. This is because every revolution in European history has served to reinforce Europe's tendencies and abilities to export destruction to other peoples, other cultures, and the environment itself. I defy anyone to point to an example where this isn't true.

See also, James Serpel's (1999: 40) account of the western cultural worldview's approach to animals and non-human life, which he argues is an extremely atypical exception to the attitudes and practices towards animals in 500,000 years of human history:

> Our culture has a 700-year history of condoning and even promoting widespread and systematic animal abuse—a tradition that still thrives in a number of socially accepted practices such as factory farming, sport hunting, rodeos, rattlesnake roundups, and so on. … [O]ur culture's peculiarly anthropocentric worldview appears to be highly

This argument should not be shocking or surprising. These activities – the conquests, enslavement, and bondage; the Crusades; the Inquisition; the witch-hunt; the Enclosures; and the various other dispossessions of people from the land, from their access to subsistence, and from their status as human beings to a status of less than human "'savages,' 'beasts,' and 'incorrigibles,' in need of harsh discipline"— destroyed the original indigenous cultures throughout Europe, and repeatedly destroyed all of the local, self-sufficient cultures that rose up to replace them (Mohawk, 1997; Deloria, 1969: 175-77; Diamond, 1974: 2; Lanier & Henry, 2004: 71-72). [288] This destruction was, in fact, one of the main purposes of these various activities, as Empire-building required control over the masses, and the masses, as members of local, self-sufficient cultures, frequently united to fight against their subjugation to Empires controlled by others. Thus, the destruction of any form of collective mentality was also an aim of these activities, and scapegoating various (and numerous) categories of people served to divide the masses through fear, as well as through the meting out of punishments and privileges that shifted blame away from those who had created the misery of the masses in the first place.

The destruction of culture and the collective mentality, both resulted from, and resulted in, trauma. Though this holds true for all of the above-discussed problematic patterns of thought

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> atypical, and is probably therefore vulnerable to being overturned by more humane, zoophilic, and ecocentric moral philosophies. (P. 48)

[288] Many of Europe's original cultures had been destroyed repeatedly by the fall of the Roman Empire, according to Mohawk (1997) (Mohawk, how the conquest). As Deloria (1969) further notes:

> More than a thousand years before Columbus … Christianity swept across the conquerors like the white man later swept across North America, destroying native religions and leaving paralyzed groups of disoriented individuals in its wake. Then the combination of Christian theology, superstition, and forms of the old Roman civil government began to control the tamed barbaric tribes. Gone were the religious rites of white tribesmen. Only the Gothic arches in the great cathedrals, symbolizing the oaks under which their ancestors worshiped, remained to remind them of the glories that had been. (Pp. 175-76)

and behavior in the Western cultural worldview, it is even more so with the destruction of culture and the creation of individualism. The destruction –or even destabilization—of culture is always traumatic. Cultures exist to bind human beings to one another in positive ways, providing social support, knowledge and information, identity, self-esteem, a means for acquiring and distributing goods and resources, and a worldview for contextualizing group and individual experiences within the present, past and future, and within an enduring, meaningful universe (Devries, 2006; Solomon et al., 2000).[289] As such, a primary purpose of culture is to integrate members into the collective, to help them progress orderly through the life cycle, and to protect members and the group as a whole from traumatic events by providing them with the required social support to buffer trauma's impact. Culture thus also functions to provide its members with collective grieving and healing processes that help them to regain control over emotions, behaviors, and lives; to readjust to new circumstances; to link more intimately to the community; and to reintegrate into the society.[290] In other words, culture provides its members with resilience, validation, restitution and rehabilitation, and it helps its members to manage the horror of trauma (DeVries, 2006: 410). When culture is destroyed, in whole or in part, it frequently becomes

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[289] Some of these necessary functions of culture are no longer observable in Western "culture." Perhaps to this end, rather than using the term "culture," some have used the term "human societies," and have included (a critique of) Western society in their analysis. (McFarlane & van der Kolk, 2006).

[290] Ibid. For example see Devries 400-411, such as page 404:

> In traditional societies, … customs can help by providing a structure, a poultice for these sores. They provide a grieving process for people who, if left to their own devices, would not do so, and who thereby might be at risk for developing PTSD. Culture, with its customs and rituals, is thus a key participant in returning a person to normal functioning by moving the person from shock to grief, and ultimately to non-bereavement. In the absence of culturally regulated processes, this reestablishment of normality is less likely to occur.

See also: Diamond p. 254 ("Primitive cultures realize the major function of culture which is to make men human, and at the same time keep them sane. That is what civilization, as we know it, is failing to do"); McFarlane and van der Kolk, p. 25, and also p. 30 (on the need for type of social support that empowers victims to regain control over their lives).

incapable of performing its restorative, integrative, rehabilitative, healing functions, and this can leave individuals entirely on their own and without the tools they need to survive and heal from trauma. As DeVries (2006) notes:

> [W]hen cultural patterns, identities, and relationships are lost, life becomes unpredictable. Under normal stressful conditions, a grieving process with the aim of leaving the old and adjusting to the new takes place. With trauma, however, other patterns are activated—conservative impulses … at the group level, and psychopathological reactions (depression, paranoia, and aggression) at the individual level. Culture helps protect against these processes. In its absence, loss, regression, and harm occur. (P. 411)[291]

McFarlane and van der Kolk (2006), analyzing German society, similarly remark on the adverse affects produced when a culture fails to acknowledge and provide healing mechanisms for victims of trauma:

> [I]n the aftermath of World War I, the inability to face [trauma's] effects on the capacity of the veterans to function effectively in society, and the social intolerance of their "weakness," may have substantially contributed to the subsequent rise of fascism and militarism. The impossible war reparations of the Treaty of Versailles, motivated by a lust for revenge by the Allies, humiliated Germany. The German nation, in turn, dealt mercilessly with its own war veterans, who were accused of being moral invalids. This cascade of humiliations of the powerless set the stage for the ultimate debasement of human rights under the Nazi regime, the extermination of the weak and the different, and the moral justification for the subjugation of "inferior" people –the rationale for the ensuing war. (Pp. 33-34)

Thus, when culture is lost or damaged, individuals are less able to deal with the traumas they encounter because they no longer benefit from the positive, socially integrative, healing aspects of culture. As such, they are more vulnerable to negative, and even psychopathological coping strategies, such as alienation, paranoia, projection, denial, narcissistic survival strategies, and dissociative delusions concretized as the new "reality" (DeVries, 2006: 410-11). They are also vulnerable to the manipulations of politically-opportunistic others, who can easily magnify

[291] On these psychopathological reactions, see also, McFarlane and van der Kolk (2006: 26): "Some traumatized people deal with their encounter with unpredictability and meaninglessness by converting to fundamentalist political or religious sects that have rigid codes of behavior, exclusionary criteria for belonging, and a designated group of outsiders who embody evil."

traumatized individual's feelings of fear, anger, hatred, distrust, and other psychopathological mechanisms for dissociating from and denying pain and injury (Hutchinson & Bleiker, 2008). Dealing with trauma in this defensive, denying, and dissociative manner prevents a full acknowledgement of all of the emotions associated with the trauma and creates long-term individual and collective behavioral patterns that are built around fear, anxiety, resentment and other "violent ways of configuring community" (Hutchinson & Bleiker, 2008: 391, 387). Such an approach to dealing with trauma not only prevents healing from the trauma, but perpetuates the trauma, encourages the production of new traumas, and/or causes a continual reproduction of the old traumas, expressed in new ways (Pelcovitz et al., 1995; Breslau et al., 1995; McFarlane & vander Kolk, 2006: 31-33).[292] In addition to the barriers to healing that arise when cultures are destroyed or destabilized, this destruction and/or destablization is itself traumatic. In its wake, individuals are often doubly traumatized and vulnerable (DeVries, 1996; Solomon et al., 2000).

Interestingly, all of the psychopathological coping processes discussed in the above paragraph were already integral parts of the Western cultural worldview by the fall of the Roman Empire, and they have only become much more central to this worldview since that time. This suggests that these patterns of thought and behavior were both the result of societal trauma and the cause of new traumatic symptoms through the reproduction of the old traumas and/or the creation of new traumas. Indeed, several scholars have speculated that the social relations of domination and exploitation that are characteristic of Western society are not merely the result of greed for wealth and power but are mechanisms through which the perpetrators of exploitation and

[292] For example, Pelcovitz et. al. (1995) found that adolescents who had been abused reproduced the perpetration of their abuse in their relations with peers, without an awareness of doing so. Breslau et. al. (1995) found that traumatized people tend to unconsciously place themselves in situations that may retraumatize them). While McFarlane & van der Kolk (2006) discuss a more complicated form of traumatic reenactment in society.

domination seek to cope with their own paranoia, fear and anxiety (Loy, 2002; Diamond, 1974; Szasz, 1970; Sartre, 1977; Martinot, 2003a). For example, we have already examined, in an above section, some of the ways in which projection and scapegoating are practiced –on an individual and societal level-- as defense mechanisms that allow us to denying parts of ourselves that we do not want to acknowledge. We have also discussed the process of human sacrifice as a way of attempting to control feelings of fear, anxiety, and guilt by attacking and purging from society of something that has come to symbolize these feelings. Diamond (1974: 9) develops these ideas further, arguing that the separation of the dominating (perpetrating) group from the earth, others, and all connection to their subsistence creates significant anxiety among members of this group, as well as fear of what will happen to them were those that they exploit and oppress to rebel:

> Conspicuous extortion from worker and peasant was a confirmation of power; but power, so reified, not only confirmed social status, it also displaced anxiety about the actual powerlessness of the privileged, which was a result of the loss of their direct command of the environment. The sheer accumulation of wealth, the antithesis of primitive customary usage, was thus compensatory, a sign of the fear of impotence. It is a response of the alienated in pursuit of security; the manipulation of people is substituted for the command of things. As civilization spreads and deepens, it is ultimately man's self, his species being, which is imperialized. … [i]mperialism is, among other things, a complicated exercise in cultural narcissism. (Pp. 9-10, 26)

In this fear, paranoia and anxiety, resulting from their simultaneous separation from and dependence upon those they exploit, members of the dominating (perpetrating) group seek to extract even more surplus from those they exploit by increasing the oppression and exploitation that is inflicted upon them. This, in turn, fuels further discontent among the exploited and further guilt among the exploiters, which in turn fuels further paranoia, fear, anxiety and

insecurity that the exploiters then seek to deny, avoid or control through further exploitation.[293] Some of the results of this sort of trauma, as they relate to the 2006 Haudenosaunee protest, are examined in chapter 6.

It is not, however, only the perpetrators who adopt negative coping strategies and who seek to reinforce the system of exploitation and destruction. Once local cultures are destroyed, in whole or in part, their members are left traumatized and in search of ways to deal with the unbearable emotions related to their trauma(s). Without the positive, socially integrative and reconstitutive healing mechanisms that are integral parts of most traditional cultures, these vulnerable people may have neither the ability, nor the social support, nor the motivation to reconstruct their worldviews and identities in positive ways. They may instead resort to dependence upon the same psychopathological coping mechanisms as the perpetrating group. When the perpetrating group seeks to impose by force their own cultural worldview upon those they have victimized – as was the case throughout the periods of European history discussed above—many vulnerable members of the exploited group may willingly embrace this new worldview in an attempt to deal with their own trauma. This is particularly the case when privileges are meted out to some of them (such the privileges allowing European men to rape lower-class women without punishment, and the exclusion of working class women from the majority of occupations during the late Middle Ages, as just two examples), and punishments are meted out to others. In such circumstances, those who do not willingly accept the forcibly-imposed cultural worldview can be

[293] "Even if we acknowledge the necessity –due to population pressure, scarcity of land, water and other resources—for political constraints in the earliest stages of state formation, there is no inherent reason for it to have taken the oppressive form that it did except for the burgeoning anxiety of those removed form direct production about their economic and political security. … Their anxiety about not being self-supporting, along with the anticipation of such resistance, seems to constitute the motive for the upper classes' elaborate extortion of wealth form the direct producers" (Diamond, 1974: 8-9).

persecuted, punished, tortured and even killed without the creation of much resistance among the masses. John Trudell (2001b) explains this dynamic from his perspective:

> So the Church, by 1100 AD or 1000 AD, it decided that it was now going to mine this resource –I mean, 'save the souls of the heathens'. So Church created Inquisition. And basically the Inquisition was, number one, it was to change the perceptual reality of the descendants of the tribes of Europe. Alright? And so they were terrorized and brutalized for 500 years in order to do this. But the way the Church rationalized this was, they were going to save –they wanted to possess-- the souls of the heathens and the pagans. See, they wanted to possess their souls in the name of their Lord. Alright. So this war was about possessing the souls of the descendants of the tribes of Europe. And in order to possess their souls, they had to alter their perceptional reality. So if you thought differently than the Church wanted you to think, bingo, you were killed. And you were tortured and your property was taken. And if somebody accused you, basically you were guilty if you were accused. And you know, incidentally, during the torturing process, you'd probably say someone else's name now, so someone else is going [to be tortured]. So they killed as efficiently as they possibly could with the technology they had at hand at the time. And they did it for 500 years. By the time Columbus got here it had probably been going on for 400 years. ….
>
> When the Church was doing all of this … the descendants of the tribes of Europe … finally figured out: "Well, hold it. If I want to stay alive and be a descendant of anything, I'm going to have to accept these people." So they embraced the Church, because they had to embrace what they feared; they had to love what they feared in order to survive. And what they had to love –the thing that they had to love that they feared was possessing them. So it's like love and fear and possession as a perceptional reality kind of became intertwined at that time and the human beings have not been able to sort it out yet. So that affected everyone in some kind of a way that's not been healthy for us as human beings.

Thus, despite their resistance, the local cultures of European men and women were attacked and destroyed, and the surviving, traumatized members of these cultures were persecuted, tortured and killed over a seven hundred year period. It is unfathomable that the survivors were not traumatized, having lost family members, friends, and neighbors, and having been terrorized into submission by the constant, ongoing threat of persecution (as heretics, witches, or, later, the "undeseriving" poor). All resistance was repeatedly squashed, and the only way to survive these various persecutions was to adopt the mentality of the persecutor (or, what we would today call the colonizer).

Today, the Western worldview's historical revisions present this violent colonization of Europe as the "freeing" of the masses from the supposedly oppressive bonds of traditional societies --similar to the "freeing" of the serfs from the land (and their only possible means of self-sufficient subsistence) under the Enclosures and the rise of capitalism (Marx, 1867/1987: 668-69).[294] The latter has been recognized as a counter-revolution that destroyed the possibilities for collective, non-oppressive social organization which arose in the anti-feudal struggle – "possibilities which, if realized, might have spared us the immense destruction of lives and the natural environment that has marked the advance of capitalist relations worldwide" (Federici, 2004: 21-22). The former should be similarly recognized as counter-revolutionary, not only for its role in destroying the anti-feudal struggle, but also for its role in destroying the collective knowledge and practices necessary to heal from the anti-social and psychopathological consequences of trauma, and for its role in capitalizing on the resulting devastation and vulnerability that was left in the aftermath of these destructions.

What replaced the cultures that were destroyed was a form of monoculture, first controlled by the Church, then by alternating alliances of Church authorities and feudal lords who eventually included the rising merchant class in their alliances until the latter group emerged victorious in its ability to shape this new monoculture and its hegemony (Tigar & Levy, 2000; Berman, 1983

[294] "Free labourers, in the double sense that neither they themselves form part and parcel of the means of production, as in the case of slaves, bondsmen, &c., nor do the means of production belong to them, as in the case of peasant-proprietors; they are, therefore, free from, unencumbered by, any means of production of their own. …. Hence, the historical movement which changes the producers into wage-workers, appears, on the one hand, as their emancipation from serfdom and from the fetters of the guilds, and this side alone exists for our bourgeois historians. But, on the other hand, these new freedmen became sellers of themselves only after they had been robbed of all their own means of production, and of all guarantees of existence afforded by the old feudal arrangements. And the history of this, their expropriation, is written in the annals of mankind in letters of blood and fire."

& 2003; Shiva, 1997; Korn, 2002).[295] Shaping this new hegemony, the rising bourgeois elite borrowed concepts from the anti-feudal struggles in order to present itself not as the counter-revolutionary force that it was, but as the champion of the masses. The anti-feudal rhetoric of freedom and equality was universalized to generate support for the bourgeois cause, while the bourgeoisie manipulated these concepts to its own, intolerant ends of winning their struggle against the feudal aristocracy and attacking everyone who opposed or threatened bourgeois interests. [296] Bourgeois efforts towards creating more elaborate bodies of contract and property law served to institutionalize these attacks and give them the appearance of legitimacy, particularly as bourgeois ideologies about individual rights and responsibilities (i.e., and an individual's responsibility to control his/her own destiny)[297] replaced collective and egalitarian moral ideologies that had been prominent in the anti-feudal struggle (Federici, 2004; Mies, 1986; Shiva, 1997: 104; Serpell, 1999: 42; Marx, 1972; Berman, 1983: 29-30; McFarlane & van der

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[295] The imposition of monocultures upon culturally diverse peoples is traumatic, in part because of the destruction of local cultures, and in part because of the external control that is exerted over local affairs. See, for example, Korn (2002) and Shiva (1997), the latter of whom notes:

> When homogenization is imposed on diverse social systems through global integration, region after region starts to disintegrate. The violence inherent to centralized global integration, in turn, breeds violence among its victims. As conditions of everyday life become increasingly controlled by outside forces and systems of local governance decay, people cling to their diverse identities as a source of security in a period of insecurity … [and] diverse peoples who have lived peacefully together start to look at each other with fear. (P. 102-03)

[296] "During the time that the aristocracy was dominant, the concepts of honour, loyalty, etc. were dominant; during the dominance of the bourgeoisie the concepts of freedom, equality, etc. …. [E]ach new class which puts itself in the place of one ruling before it, is compelled, merely in order to carry through its aim, to represent its interest as the common interest of all the members of society, that is, expressed in ideal form: it has to give its ideas the forms of universality, and represent them as the only rational, universally valid ones." (Marx, 1972a: 137, 138)

[297] Such ideas are relatively new in worldviews, and came about with the rise of science and technology as the new "religion" of the west, and the separation of law from the Church and –to an even greater extent—from morals. See, for example: Berman, pp. 29-30; McFarlane & van der Kolk, pp. 26; Loy, p. 266; DeVries, p. 399.

Kolk, 2006: 26; Loy, 2002: 266; DeVries, 2006: 399).[298] The new individualistic ideologies were further advanced through the heavy bourgeois investment in science and technology, which was geared towards the maximization profits, as well as the replacement of religion with science as the new authority on virtually all matters (Merchant, 1989; Miews, 1986; Federici, 2004; Shiva, 1997; Ferguson, 2011; Tigar, 2000; Sheldrake, 1994: 5).

Because of the widespread affects that this new hegemony has had on Western society and the Western cultural worldview both then and now, a few of the ideas central to this hegemony are worth considering in a bit more detail here. Of particular concern are bourgeois ideas about freedom, equality, and individual rights and responsibilities. All three concepts involve dualistic and/or Orwellian meanings, which arose within the Western mentality of separation, domination, universalism, and intolerance. As such, the bourgeois ideologies of freedom, equality and individualism are neither free, nor equal, nor individualistic in any true sense of any of these words. After all, the bourgeois concepts of equality and freedom arose out of the counter-revolution that violently destroyed the ideology of collective, egalitarian living, and the universally intolerant relations of domination that were imposed upon the masses replaced alternative social arrangements with forced conformity in the new monoculture. The only real forms of individualism that arose during this period consisted of two contradictory parts. First,

[298] The latter four sources note that the concept of an individual responsibility to control his or her own fate is a relatively new concept, which does not exist in most non-Western cultural worldviews. Shiva (1997) notes Western society's need to transform nature and human societies from "self-organizing, living system[s] to a mere raw material for human exploitation, needing management and control" –processes which necessarily destroy self-governance and collectivity. Serpel (1999: 42) points out that egalitarian moral ideologies were incompatible with the exploitation of animals in medieval Europe. These same egalitarian moral ideologies, which are common to most communal or collective organizing efforts, are also incompatible with capitalist exploitation. Though the capitalist class has long used the concepts of freedom and equality as its rallying cry, it has never meant for these concepts to be extended in more than a symbolic way to any outside of its class (see, Marx, 1972a).

the collective rights to the commons were replaced with an individual bourgeois's rights to purchase, enclose, and use property however he/she saw fit, regardless of the wishes of the masses and regardless of the adverse impacts of this use on others (or nature/ the earth[299]). He/she further had the right to keep all profits from this property for himself (with the exception of taxes/ protection monies paid to the Church or consolidating sovereigns). Second, and in contrast, the masses that owned no property lost all collective and individual rights to the commons and became individually responsible for finding another way to earn a living. The many who failed to do so, largely because they could no longer support themselves on the land and there was only limited work in the towns, were blamed and prosecuted for this "failure" under the Poor Laws, or through the witch-hunt and Inquisition that sought to destroy collective forms of living outside of the new monoculture.[300] Thus, members of the bourgeoisie had virtually unlimited rights in relation to their property and virtually no responsibilities to anyone else. Meanwhile, the masses, who owned nothing but their labor power, had virtually unlimited responsibilities to find a purchaser of this labor power, and virtually no rights whatsoever to fail at this task (even when there were no jobs) or to earn a living outside of the new monocultural relations of domination. In this way, the new "individualism" was really (only) about giving merchants individual rights to earn and keep all profits from various forms of exploitation, to control and use the government as a tool in this exploitation (Marx, 1972a: 147-48, 150-52;

[299] Merchant (1989) and Mies (1986) both argue that protection and sharing of the earth was recognized as a responsibility prior to the rise of the bourgeois class and its expansion of the fields of law, medicine, and science and technology.

[300] In terms of the Poor Laws, Marx (1972a: 145) notes that King Henry VIII (King of England from 1509-1547) had 72,000 "vagabonds" (landless unemployed) hanged. In terms of the witch-hunt and Inquisition, Federici (2004) provides extensive evidence that these were basically attacks on people who sought to form self-sufficient, collective communities, or on individual women who practiced herbal medicine, or engaged in other non-approvied ways of earning a living.

Harvey, 2003: 145; Gramsci, 1972; Litowitz, 2000), and to persecute individual non-conformists among the masses while also imposing upon these latter a responsibility to cover the costs associated with the bourgeoisie's pursuit of profits (accumulation by dispossession).[301] The vast discrepancies in the rights and responsibilities of bourgeois individualism then were much the same as they are today.

Despite the obvious lack of equality or freedom, from the perspective of the masses, individualism in Western society has long been associated with freedom and equality in the Western worldview. In part, this is a reflection of the self-centered and solipsistic mentality of the wealthy classes in Western society: the new social relations of domination represented (and still represent) a freedom and equality of rights *for them*. And, to some extent, by drawing upon rhetoric of universal acceptance and the societal patterns of delusion and rewriting history, they were able to convince the traumatized, alienated and rootless masses that this freedom and equality could also apply to anyone among them who worked hard and played by the rules (their rules) of the system. We see repeated evidence that this ideology is ingrained in the Western cultural worldview. For example, Orwell (1936: 44, quoted in Litowitz, 2000: 529)[302] observed it in the 1930s:

[301] Individually, workers and the unemployed covered the costs through their suffering from the trauma of the loss of their culture, their dispossession from the land and their subsistence, the employment and living conditions into which they were forced in urban areas, the low wages they earned, and/or the punishments they incurred when they failed to find work –even if this failure was due to a lack of available work, rather than some fault of their own. Collectively, the masses covered costs in their suffering from their trauma and their dispossession from the land and their subsistence; in their suffering from the effects of the bourgeois exploitation and pollution of nature, the water and the earth; and in their tax payments to a government that has, since, consistently passed legislation and enforced laws in favor of the bourgeois class and against the interests of the masses.

[302] The quote is from Orwell's *Keep the Aspidistra Flying*.

> [H]aving no money, they still lived mentally in the money-world---the world in which money is a virtue and poverty is a crime … [t]hey had accepted the money-code, and by that code they were failures.

And Chris Hedges wrote about it in 2005:

> We watch impassively as the wealthy and the elite, the huge corporations, rob us, ruin the environment, defraud consumers and taxpayers and create exclusive American oligarchy that fuses wealth and political power. We watch passively because we believe we can enter the club… it is greed that keeps us silent. (P. 168)

These beliefs –and the act of desperately clinging to them despite all evidence to the contrary— reflect the fear, doubt and insecurity of the masses whose cultural safety net for dealing with such feelings, and for collective thinking, organizing and acting, has been decimated by centuries of the dominating class' universal intolerance, violent repression, and forcible colonization (See for example: Marx, 1972a: 163-64; Marx, 1972b: 185, 190; Mies, 1986: 76-77; Trudell, 2001a & 2003).[303] Desperately wishing to escape their position among the

[303] Though the dominating class has long held that all can be a part of their class, this is an entirely unrealistic proposition, as Marx observed two centuries ago. It is not possible for all to be bourgeoisie because the bourgeoisie depend upon the exploitation of the masses, and because the bourgeoisie routinely cast out their own members into the ranks of the proletariat. Mies (1986: 76-77) likewise notes that "in a contradictory and exploitative relationship, the privileges of the exploiters can never become the privileges of all" and that as long as the exploitation of some is occurring, no one can speak of liberation. Similarly, Trudell (2001a) argues that the masses of society are being mined, just as the earth is being mined. In both cases, toxins are left over from the mining process. And in the colonizing mining of human beings, these toxins are our fears, doubts and insecurities:

> The poison, the toxic that is left over from the mining of the being part of human … through the intelligence of the human, are in all the fears and doubts and insecurities that we have in our lives –without our own personal reality-- about who we are… That's the pollution and the toxic left over from the mining of the being part of human. That's the pollution that's left over, see, and in that kind of a haze, … we don't see ourselves clearly. We do not see and recognize clearly who we are. And we're never encouraged to. We're encouraged to be "good citizens," or "good" this religion, or "good" that religion, or good… workers, good [whatever]. But we're never encouraged to be real about human beings. IN a way, we're never really encouraged to be good to ourselves. See, we're mentally and psychologically oppressed and manipulated so that

exploited, oppressed, colonized masses, and left with only psychopathological coping mechanisms for the traumas inflicted upon them, huge proportions of "individuals" among the masses desire to become the oppressor, as a means for escaping their own oppression. As such, they chose to identify with the oppressor, as a vicarious means of escaping their fears, doubts and insecurities –i.e., the intolerable emotions left unresolved from numerous past, present, and trans-generational traumas. But escaping their oppression/ colonization either symbolically, or in actuality (which, as noted, is virtually impossible) both require the sacrifice of others. Thus, in our traumatized state of intolerable fears and anxieties, and our state of mental separation and alienation from others (and ourselves), we grasp desperately to the individualistic mentality that has convinced us our own freedom from –and our ability to achieve a state of equality with-- our oppressors is possible. We thus ignore the lager picture of mass exploitation, government corruption, and widespread pain and suffering inflicted domestically and internationally by the current social relations of domination. We sacrifice everyone else –or, at least, everyone different from us—to the system in hopes of saving ourselves.

Both of the above authors who observed the desire of the masses to identify with, and become, part of the oppressor/dominating class also observed this phenomenon of attempting to sacrifice others in an attempt to escape one's own desperation and despair. When two characters in his novel, *Nineteen Eighty-Four*, were charged with the crime of loving another more than

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> we seek things to gratify ourselves, but that doesn't mean we're being good to ourselves.
>
> And the mining process to me, you know, it's the civilizing process itself. Because somewhere in there, it's like someone's eating the spirit. Our spirit is being converted into an energy to run something. Alright? And it's like it's eating our spirit. See and, you know, everyone has their religions and their stuff, but see it makes me wonder, how do we participate in this spiritual reality, if we live in a mechanism now where the human has been conditioned and trained to eat its own spirit, and turn it into fuel for this system. (Trudell, 2001a)

they loved their oppressor, Big Brother, and were faced with the punishment of rats eating their face, both betrayed and symbolically sacrificed the other in a desperate attempt to save themselves. As one character remarked:

> Sometimes… they threaten you with something—something you can't stand up to, can't even think about. And then you say, 'Don't do it to me, do it to somebody else, do it to so-and-so.' …You think there's no other way of saving yourself, and you're quite ready to save yourself that way. You want it to happen to the other person. You don't give a damn what they suffer. All you care about is yourself. … And after that, you don't feel the same toward the other person any longer. (Orwell, 1949: 284)[304]

Similarly, Hedges remarked upon the utility of identifying and attacking external enemies as a means for creating temporary (psychopathological) bonds with our neighbors, and a temporary escape from our own pain and suffering. He also remarks upon the delusional character of these thought and behavior patterns, contextualizes these patterns in the present rise of the Christian right, and examines how these patterns have been intensified in the recent, ongoing economic turmoil. For example, in terms of externalized scapegoats and social bonds, Hedges (2002) writes:

> The enduring attraction of war is this: Even with its destruction and carnage it can give us what we long for in life. It can give us purpose, meaning, a reason for living. … The communal march against an enemy generates a warm unfamiliar bond with our neighbors, our community, our nation, wiping out unsettled

[304] Many writing about Orwell's novel, and perhaps even Orwell himself, equated a forced love for Big Brother/ the oppressor with a forced love of the collective over love for the individual. But authoritarian governments and dominating classes are hardly the collective, in fact they rely upon the destruction of the collective, and the atomizing of individuals who, in their isolation and alienation from everything including themselves, desperately reach out for and embrace the oppressive forces that abuse them in hopes of gaining some tiny shred of security and protection from their own, internal and intolerable traumatic symptoms. All the dominating classes need to do is provide the masses with some hope –or at leas some delusion of hope—of escaping their oppression. And the dominating classes do this, gladly, because it expands their control over the masses, and thus alleviates their own anxiety, fears, and paranoias relating to their own unresolved trauma of perpetration against the masses.

> undercurrents of alienation and dislocation. War, in times of malaise and desperation, is a potent distraction. (Pp. 3, 9; *BookTV*, 2012)[305]

All of these forms of escapism (and psychopathological coping) require the existence or creation of others, which the Western cultural worldview has long provided via its universal intolerance; its delusions of separation; its scapegoating and human sacrifice; and its narcissistic projections onto created "others." Thus, on the one hand, Western society has gone to great effort to create external others, and convince itself that it is a unique society because we have more freedoms compared to other, non-Western peoples. These latter, we are told, are enslaved by the rigid, limiting bonds of traditional society which obliterate all distinction among individuals (Durkheim, 1933). Yet, particularly in the context of indigenous societies, nothing could be further from the truth (as will be seen in the next chapter). Our unfounded belief to the contrary is only a result of Western society's narcissistic projections onto other peoples (Diamond, 1974: 26; Keal, 2003: 82; Szasz, 1970; Sartre, 1977; Langer, 1987: 35-50), which, as mentioned in the discussion above, are a form of psychopathological (and delusional) coping mechanisms that arise out of trauma in the absence of positive, integrative, rehabilitative, healing practices. Moreover, we are regularly encouraged to project our enslavement onto them, while pretending their freedom and individuality belong to us. And this delusion keeps us striving to become part of the dominating class while turning us away from all collective forms of living, organizing, and being in the world. This, in turn, keeps us engaged in Western pseudo

[305] See also, Loy (2002: 254) on the topic: "once Reagan's "evil empire" was history, people whose "goodness" depended on its "badness" felt adrift. A new enemy was needed, but Iraq, China, and the war on drugs didn't really fill the shoes. This new holy war on worldwide terrorism is much more promising. … [W]e don't feel we are good unless we are fighting against evil. We can feel comfortable and secure in our own goodness only by attacking and destroying the evil outside us. …this is why we like wars: they cut through the petty problems of daily life, and unite us good guys here against the bad guys over there. … The meaning of life becomes clearer."

separations from others, nature, and parts of ourselves, and keeps us engaged in the universal intolerance and rejection with which we are taught to view these allegedly separate parts (See for example, Loy, 2002: 250; DeVries, 2006: 411).

On the other hand, and at the same time, our alleged freedoms are the product of our being terrorized into conformity in virtually every aspect of our lives. Western society has gone to great extents to create non-conformist (internal or external) others among us. The absence of integrative, rehabilitative, healing rituals that a healthy culture provides is not only compensated for with destructive forms of bonding against hated others, but also through an almost compulsive consumerism, through which we attempt to fill our internal voids with the temporary acceptance of conformity through consumption. We thus mistake the alienation of our trauma and the destructiveness of our culture with individuality; and we confuse the process through which we internalize of our own colonialism, and become Foucauldian participants in the oppression of ourselves, others, and nature, all in the alleged name of "freedom."[306] But the only freedom for the vast majority of internally-colonized Westerners is not in whether or not we chose to conform, but in *how* we chose to conform, or what sort of individuality we chose to purchase and display through the material products we place on and around us –something members of the Frankfurt school noticed decades ago (Horkheimer, 1996; Hormheimer &

[306] On the destructiveness of Western culture, see for example: Hedges (BookTV: 2012), who argues that in the US we have no culture other than "commercialized junk" or unification through hatred and that we have lost all sense of community. See also: Wise (2005: 145), who discusses "the unspoken and horrifying truth of white privileged: namely, that in order to access it, one first has to give up all the meaningful cultural and personal and communal attributes that once kept our various peoples alive in Europe and in our journeys here." Or see Deloria (1969:185, 188), who notes that: "For many Indians, the white had no culture other than one of continual exploitation. … All the white man had succeeded in creating in his time on this continent had been a violent conglomerate of individuals, not a people;" and also noting: "White culture destroys other culture because of its abstractness. As a destroyer of culture it is not a culture but a cancer." Finally, see Litowitz (2000: 542) who notes that "domination is increasingly a matter of colonizing the internal world of the dominated classes."

Adorno, 1997; Marcuse, 1964). As Marx (1972c noted of capitalist society: "In bourgeois society capital is independent and has individuality, while the living person is dependent and has no individuality" (p. 347). Thus, even the alleged non-conformists are frequently conforming through consumption of a pre-packaged non-conformity. They are also just as quick to reject as outsiders to their group –i.e., all who have not purchased and displayed the appropriate genre of clothing or accessories—as the "mainstream" conformists.

In summary, we struggle to avoid intolerable feelings resulting from the trauma of our oppression and colonization (and even to deny our oppressed and colonized state) in two ways. The first is through seeking temporary, superficial acceptance or approval of our choices as consumers, which we have so confused with temporary acceptance/approval of ourselves as persons that many Westerners say they don't know who they are. Many then spend incalculable time, effort and (often) money on further consumption through which they hope to "find" themselves. This pseudo-escape route, like the route of the purposeful conformist, requires engaging in and perpetuating lies about who we are on a daily basis in our presentation of ourselves to bosses, coworkers, strangers, potential mates, and even friends, family members, intimate partners, and ourselves. In many of these relationships, we are required to lie about who we are in order to become more acceptable to others, who will judge us harshly, as we them, for nonconformity. In all of these ways, we perpetrate perhaps the ultimate violence against ourselves and others, sacrificing both to support the delusions of the system. As Forbes (2008) noted:

> When people learn to lie they no longer have a face. That is, they do not have a single personality and character. They become like a chameleon, changing color as opportunity or circumstances demand. Such a person cannot have any moral strength, because the latter demands a unified face. This, incidentally, is what some modern psychology teaches –accommodation, learning how to disguise or

> even destroy one's own self in order to become acceptable to one's corporate supervisors, colleagues, spouse, children, neighbors, and so on. (P. 43)

The second way that we struggle to avoid intolerable feelings resulting from the trauma of our oppression and colonization (and even to deny our oppressed and colonized state) is through identifying with the dominating, oppressor group, and seeking to become a part of it, thus legitimizing the system of oppression and turning ourselves into perpetrators. This pseudo-escape route also requires engaging in and perpetrating lies about who we are in relation to other people and other life on the planet, in relation to the pain and suffering of other people and other life forms, and in relation to who and what is responsible for this pain and suffering. We engage in these lies, and identify with the perpetrator, because we have lost access to and knowledge of healthy coping and healing mechanisms. By identifying with the perpetrator, we at one and the same time: separated from our own pain and suffering by projecting it outward upon others and separated from other people (and other life forms) and their pain and suffering, which we ignore and dismiss. We further ignore and dismiss all of this intolerable pain and suffering (of ourselves and others) by 1) taking on the privilege of blaming others, like the perpetrator, and 2) enacting this privilege by blaming the victims for their own plight in order to "restore a sense of self-efficacy." Ascione (1999) summarizes part of this process as it relates to abused children:

> The psychological mechanism of identification with the aggressor suggests that when a child is victimized, he or she may seek out a more vulnerable victim to victimize including younger children or pets---powerlessness is frightening and demoralizing, and, unfortunately, exerting control over another can restore a sense of self-efficacy. (P. 55. See also: McFarlane & van der Kolk, 2006: 35; Kelman, 1973: 58)[307]

[307] See also, McFarlane & van der Kolk (2006):

> Western society's "reactions [to trauma] seem to be primarily conservative impulses in the service of maintaining the beliefs that the world is fundamentally just, that people can be in charge of their lives, and that bad things happen to people who deserve them. Bearers of bad tidings are generally considered dangerous; thus, societies tend to be suspicious that victims will contaminate the social fabric, undermine self-reliance,

Yet, like the negative consequences involved in (the psychopathological coping mechanisms of) seeking acceptance through compulsory consumption, the attempt to deny one's own pain and suffering and the pain and suffering other others is likewise psychopathological and destructive of both ourselves and others in at least two ways. The first being that, by denying the pain and suffering of others and/or ourselves, we are extending and exacerbating –rather than healing— the intolerable feelings and symptoms of our own unresolved trauma. McFarlane and van der Kolk (2006) discuss this first harm:

> Clinical work has taught us that the ability to tolerate the plight of victims is, at least in part, a function of how well people have dealt with their own misfortunes. When they have confronted the reality of their own hurt and suffering, and accepted their own pain, this generally is translated into tolerance and sometimes even compassion for others. Conversely, as long as people deny the impact of their own personal trauma and pretend that it did not matter, that it was not so bad, or that excuses can be made for their abuses, they are likely to identify with the aggressors and treat others with the same harshness with which they treat the wounded parts of themselves. Identification with the aggressor makes it possible to bypass empathy for themselves and secondarily for others. (P. 36. See also: Lifton, 1975: 187-88)[308]

Secondly, we are reproducing old traumas and creating additional new traumas for ourselves and for others. This is the case both because traumas that are exacerbated rather than healed are

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> consume social resources, and live off the strong. The weak are a liability, and, after an initial period of compassion, are vulnerable to being singled out as parasites and carriers of social malaise. (P. 35)

And Kelman (1973):

> Both regimentation and oppression create a feeling of powerlessness, a loss of personal agency, a deprivation of a sense of identity. Violence can offer a person the illusion that he is in control, that he is able to act on his environment, that he has found a means of self-expression. It may be the only way left for him to regain some semblance of identity, to convince himself that he really exists. The sad irony is that violence is a response to dehumanization that only deepens the loss that it seeks to undo; it is an attempt to regain one's sense of identity by further destroying one's sense of community. (P. 58)

[308] Lifton (1975: 187-88) notes that Vietnam veterans learned that they had to "rediscover the Vietnamese as human beings, in order, as they put it, to "become human again themselves."

frequently reenacted over and over again, producing new traumas (McFarlane & van der Kolk, 2006; Bar-On et al., 1998), and because, by identifying with the perpetrator, we ourselves become perpetrators, thus creating a whole new set of traumas for ourselves which arise from our (physical, or even mental and symbolic) perpetration against others (see for example: Kelman, 1973: 36-38, 46-47, 50-52; Lifton, 1975; McNair, 2005; Grossman, 1996; Diamond, 1974: 8-10, 26; Martinot, 2003; Baldwin, 1965: 47).

In either case, our behavior and thought patterns serve only to legitimize and reinforce the social relations of domination that oppress us and alter our perceptions of reality. In our mentality of pseudo freedom, we desperately continue reaching for an illusive individuality; and in our mentality of pseudo individuality, we continue desperately reaching for an illusive freedom. We narcissistically reject other peoples and their collective ways of life, mistaking our bondage for freedom and superiority, and their collectivity for bondage and inferiority. Our colonized, alienated mentality thus automatically eliminates threats to Western society's social relations of domination,[309] while also eliminating our ability to change these relations of domination and end our own oppression. We continually strive to become part of the dominating/capitalist class, despite the virtual impossibility of our upward social mobility. Our illusions in this regard reinforce and legitimize the social relations of domination that immiserate us because striving to dominate others (which we are told is the pathway to "success") only serves to enrich these dominating others, as does our compulsive over-consumption of material goods in the hope of appearing more successful and socially mobile than we are. And in both cases we chase something outside of ourselves, further legitimizing the idea that happiness,

[309] Federici (2004:170-71), notes the "fear and repulsion" with which the dominating class views the "communal forms of life that had been typical of pre-capitalist Europe," and the use of the witch hunt, in part, as a tool for destroying this collective resistance to the new social relations of domination.

purpose and fulfillment are only found outside of us through consumption of material goods or "advancement" in social status, all of which only further immiserate and alienate us from who we truly are and from any possibility of healing from our own pain and suffering.

The Myths of "Progress" and "Civilization"

> *[F]aith in progress … justifies Western civilized men to themselves. … For [Western man] cannot surrender the notion of progress without destroying the rationale for his entire civilization. No matter how critical he may be of the realities of his society, he clings to his progressivism as he would to his sanity. It is the notion of progress that mediates his alienation, and makes it possible for him to construct a reality which he does not actually experience.*
>
> *~ Diamond 1974, 39*

> *But since the retardation of moral progress, while it is actually taking place, is invariably hailed as itself moral progress, genuine advancement in our spirituality must depend on the proper resolution of psychological and social problems which we have not even confronted, much less mastered. In the meantime we ought to judge all Great Moral Programs, especially if backed by the power of Churches or States, by the inverse of the Anglo-American decision-rule for judging defendants: immoral until proven otherwise.*
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> *~ Szasz 1970, 275*

> *Various terms, such as "wild," "savage" and "barbarian" have been used frequently to refer to violent, crude, brutal, cruel, destructive and aggressive behavior. Ironically, such terms have often been used by European writers to refer to non-European peoples whose customs were different and therefore (because of that element of difference) called "wild" or "savage." The irony stems from the fact that few, if any, societies on the face of the earth have ever been as avaricious, cruel, violent and aggressive as have certain European populations.*
>
> *~ Forbes 2008, 23*

> *Civilization is a limitless multiplication of unnecessary necessities.*
>
> *~Mark Twain, quoted in The Free Dictionary 2012*

The Western concepts of "progress" and "civilization" are myths, or forms of magical thinking (and denial) in the Western cultural worldview that date back at least to ancient times, and have been consistently reproduced and recreated in every era of Western history. For example, the

concept of progress in the Western worldview dates back perhaps several thousand years, and consists of the ideology that utopia –a state in which all of the world's problems are solved-- is possible and that human beings can arrive there by following a single, linear pathway. This pathway requires sacrifices along the way of those people and things that stand in the way of this utopia-bound "progress" but, we are told, these sacrifices are necessary and justified by the end goal (which is mythical and unrealistic, and can be reached) (Mohawk, 1997).[310] Richard Drinnon (1990) has linked this concept to the Judeo-Christian view of history as a "linear, continuous, irreversible Time of perpetual progress, in which place is largely irrelevant" and "time is reified, and has little or nothing to do with cycles of organisms"(p. xxiii); while John Mohawk (1997; 2000: 137, 96-97, 8) has traced this concept, as it is most commonly expressed today, to Plato's pursuit of the ideal and his belief that human intelligence can uncover *the single* pathway both to truth and to an ideal, utopian world (while all other pathways or belief systems are erroneous). According to Mohawk (2000 & 1997) utopian religions and ideals of progress were incredibly popular in the two centuries before and after Christ, when "rootless, urban populations who had no consciousness of place" that had lost all cultural continuity and connection to their spirituality in "successive waves of conquest" were in the midst of a spiritual crisis (see also: Osborne, 2006: 116-17). Since that time, this concept has been a largely popular coping mechanism and a deeply entrenched part of the Western cultural worldview, as have the spiritual crises that precipitated its popularity.

Indeed, the existence of constant spiritual crises is not only a defining aspect of Western civilization, but a central goal and byproduct of its expansion. Numerous Western scholars have

[310] Mohawk (1997) notes that the concept of progress involves a "belief system that says that what [its adherents] are doing is not only not wrong, but has to be done in order to create a world which will be able to solve all of human kind's problems."

remarked upon this, describing these spiritual crises as a lack or moral restraint, a lack of social integration, an iron cage, or some other malady associated with modernity (Loy, 2002: 226; Szasz, 1970: 275; Bauman, 2000; Christie, 2000; Berman, 1994: 143; Chompsky, 2011; Weber, 1980: 182; Kelman, 1973; Deloria, 1969 & 1992).[311] But these crises existed long before the modern period, as much of this chapter has been aimed at showing, and as has also been recognized by many others (see for example: Mies, 1986; Federici, 2004; Merchant, 1989; Forbes, 2008). For example, John Trudell (2001b & 2003) has traced the spiritual destruction of the peoples of Europe back several hundred years before the arrival of Columbus in the Americas, and has referred to the spiritual crisis at that time as "the virus," or the disease that was eating the spirit of Europeans when they began their invasions of other lands.[312] Vine Deloria, Jr. (1992: 63) has remarked upon the centrality of this concept to the Western worldview, the ethnocentric nature of the concept, and its formative role in guiding the direction

[311] For example, Loy (2002: 266) notes that: "…the West has gradually lost faith in any transcendental world or transcendental dimension, creating a spiritual crisis that has taken a long time to ripen and may be far from over," while Weber (1980: 182) argued that: "For the last stage of this cultural development, it might well be truly said: 'Specialists without spirit, sensualists without heart; this nullity imagines that it has attained a level of civilization never before achieved'.").

[312] "But the time Columbus got here in 1492 –see, people have many opinions about him: who he was or what he was but, whatever. See, he was really like the virus. And the spirit was being eaten by disease. And it affected the perceptional reality of the human. See, so when Columbus and them got here and we told him who we were, they didn't know. We said, "We're the people. We're the human beings." But they didn't know, because it wasn't a part of their perceptional reality … the idea of a human being and people in that kind of a way was no longer a part of their perceptional reality. … So by the time Columbus got here the descendants of the tribes of Europe had gone through [400 years] of having their spirit just completely attacked. … So they became spiritually and physically now the possession of something else. Before it was just physically. Now they had become spiritually the possession of someone else. So they had no clarity about reality. So by the time Columbus got here, see, they didn't know what it meant to be a human being anymore. It was just not a part of their spiritual perception or relationship to reality. They were possessed, they were owned, they were property." (Track 18)

of European historical development.[313] Russell Means (1983: 21-22, quoted in a previous section) has similarly remarked upon the longstanding nature of these crises, noting the "European materialist tradition of despiritualizing the universe," which Westerners often consider "revolutionary." Means further links the spiritual crises that are created through the ongoing despiritualization of the universe "to the mental process of dehumanizing another person" --another permanent fixture in the Western cultural worldview:

> The European materialist tradition of despiritualizing the universe is very similar to the mental process which goes into dehumanizing another person. … And what each process of dehumanization has in common for each group doing the dehumanizing is that it makes it alright to kill and otherwise destroy other people. … In terms of the despiritualization of the universe, the mental process works so that it becomes virtuous to destroy the planet. Terms like "progress" and "development" are used a cover words here the way "victory" and "Freedom" are used to justify butchery in the dehumanization process … Ultimately, the whole universe is open –in the European view—to this sort of insanity.
>
> Most important here, perhaps, is the fact that Europeans feel no sense of loss in all this. … And it's very difficult, or impossible, to convince a person there's something wrong with the process of gaining when they lack the spiritual wisdom to feel a loss for what is being destroyed along the way. (Pp. 22-23; see also Mies, 1986: 77)[314]

Indeed, conditions in Europe prior to the invasion of the Americas largely reflect the results of these despiritualization and dehumanization processes, as has been noted by Jennings (1975: 77-78)[315] and Forbes (2008: 77-78) –the latter of whom has also noted the devastation and

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[313] "The very essence of Western European identity involves the assumption that time proceeds in a linear fashion; further it assumes that at a particular point in the unraveling of this sequence, the peoples of Western Europe became the guardians of the world. The same ideology that sparked the Crusades, the Age of Exploration, the Age of Imperialism, and the recent crusade against Communism all involve the affirmation that time is peculiarly related to the destiny of the people of Western Europe. And later, of course, the United States." (P. 63)

[314] Means, op. cit. pp. 22-23. See also, Mies, p. 77: ("Our understanding of scholarly work or research follows exactly the same logic as that of the colonizers and scientists: they cut apart and separate parts which constitute the whole, isolate these parts, analyse them under laboratory conditions and synthesize them again in a new, man-made, artificial mode").

[315] "Since Europeans began to emerge from endemic wars and epidemic diseases of medieval times, they have acquired an outlook in which the present seems better than the past and the

destruction of these processes, as well as "the morbid, fearful strain in European culture. …*the European's justified fear of his own kind*."[316] It seems worthwhile to provide the reader with a very brief overview of these conditions before continuing to discuss the ways in which the Western concept of progress has been used as a (psychopathological) coping mechanism for denying, perpetuating and reproducing this trauma of despiritualization and dehumanization.

As mentioned in a previous section, prior to setting out on a series of invasions of other peoples' lands around the world, European society was characterized: by massive corruption among its spiritual and secular authorities; by extensive violence, brutality and repression; and by excessive inequality leading to gluttony among the wealthy, on one hand, and literal starvation, disease and death for large portions of the masses, on the other (see for example: Mohawk, 2000: 98, 95). In terms of the latter, Stannard (1992) remarks that: "The rich ate, and ate to excess, watched by a thousand hungry eyes as they consumed their gargantuan meals. The rest of the population starved" (p. 57). In fact, food prices fluctuated constantly, and in France in the seventeenth century, when access to food was far easier than the previous two centuries, it was still the case that "each 'average' increase in price of wheat or millet directly killed a portion of the French population equal to nearly twice the percentage of Americans who died in the Civil

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future will be an improvement over the present. In this perspective, and against mountains of evidence, large-scale catastrophe becomes inconceivable. …" (Jennings, 1975: 77-78)

[316] "The nature of European warfare and oppression must surely depress one who manages to realize that the slaughter of 70,000 Saxons, or of 200,000 Cimri and Teutons, or of 1,000,000 Albigensians, or of 75,000 Parisian Protestants, or of 20 million Jews, Gypsies, and Slavs, and so on, *ad infinitum*, is not a recital of mere numbers but of millions upon millions of cases of individual humans suffering from the wounds of death or the tortures of imprisonment or the trauma of losing loved ones. It is apparently easy for European historians to treat such gross horrors as if they were merely part of a dramatic scenario which never actually took place, but if we pause and assimilate the fact that, indeed, each brutal killing or burning at the stake or rape did occur, then we must understand perhaps the morbid, fearful strain in European culture. The fear of evil, in other words, should be understood as being based upon no mythical character (Satan), but rather *upon the European's justified fear of his own kind*." (Forbes, 2008: 77-78, emphasis in original).

war" (Stannard, 1992: 57-58). Poverty was such a widespread and persistent aspect of French society that, just as the Inuit, Igloolik and Aivilik have 31 different words to describe snow, so, too, did the French have an extensive vocabulary to describe "every nuance of poverty"(*Elements Online Environmental Magazine*, 2012; Stannard, 1992: 60).[317] Similar poverty rates existed throughout Western Europe, making the dense, malnourished urban populations extremely vulnerable to recurring epidemics of disease[318] and to high infant, child and adult mortality rates (Stannard, 1992: 57-61).[319]

In such an environment of despair, suffering and death, it comes as little surprise that there was also extensive violence, brutality and repression. The same mentality that despiritualized social life, dehumanized the masses, and produced recurring famine also brought recurring riots (Stannard, 1992: 59); and since this despiritualization destroyed moral restraints, there was little that could be done to quell the regular theft, violent perpetration, and the frequent mass hysteria. The latter resulted in violent conglomerates of people, temporarily united in hatred, pursuing and punishing near-random scapegoats, and even, not uncommonly, engaging in acts of cannibalism

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[317] The French "had a battery of formal terms to describe precise levels of indigence: *pauvre*, *le vrai pauvre*, *le mauvais pauvre*, *pauvre valide ou invalide*, *pauvre honteux*, *indigent*, *misérable*, *nécessiteux*, *mendiant de profession*, *mendiant de bonne foi*, *mendiant volontaire*, *mendiant sédentaire*, and more. At the top were those who 'at best lived at subsistence level, at worst fell far below,' while at the bottom were those described as *dans un état d'indigence absolue*, meaning that 'one had no food or adequate clothing or proper shelter, that one had parted with the few battered cooking-pots and blankets which often constituted the main assets of a working-class family.' Across the whole of France, between a third and half the population fell under one of these categories of destitution, and in regions such as Brittany, western Normandy, Poitou, and the Massif the proportion ascended upwards of two-thirds. In rural areas in general, between half and 90 percent of the population did not have land sufficient for their support, forcing them to migrate out, fall into permanent debt, or die" (Stannard, 1992: 60).

[318] Stannard, p. 57, suggests that massive, deadly epidemics may have recurred every 25-30 years, and (p. 60) that plagues occurred regularly in Italy during the summers.

[319] Plagues occurred regularly in Italy during summers and massive, deadly epidemics may have recurred throughout Europe every 25-30 years. "[A]n individual's life chances in Europe's pesthouse cities were so poor that the natural populations of towns were in perpetual decline that was offset only by in-migration from the countryside" (Stannard, 1992: 57, 58-61).

after killing their targeted individual(s) (Stannard, 1992: 59-61).[320] In Spain, the "military elite of Europe,"generation after generation of persistent warfare had left a grouping of people traumatized not only by the violence of constant warfare, but also by the violence "of its soldiers off the battlefield" (Mohawk, 2000: 121).[321] Spain was not unique in this regard. Much of Western Europe was filled with "violence, squalor, treachery, and intolerance," which was also reflected not only in relations among adults, but also in child-rearing practices that sought to subjugate and break the will of children through liberal amounts of physical punishment and humiliation, as well as through an ethic of forcibly-imposed obedience so strong that courts would execute unruly children over 16 if parents felt unable to impose the duty to obey upon them (Stannard, 1992: 57; Williams, 1982: 10).

The terror and devastation that plagued Western Europe in the late Middle Ages was merely a continuation of the same from the early Middle Ages and the ancient period, as much of this chapter has already shown. Thus, just as the concept of progress gained wide popularity as a

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[320] For example, Lawrence Stone (1977. *The Family, Sex and Marriage in England, 1500-1800*. New York: Harper & Row, quoted in Stannard, 1992: 59-60) notes that Europe "was a place filled with malice and hatred, its only unifying bond being the occasional episode of mass hysteria, which temporarily bound together the majority in order to harry and persecute the local witch" (pp. 98-99). Further, "in Milan in 1476 a man was torn to pieces by an enraged mob and his dismembered limbs were then eaten by his tormenters. In Paris and Lyon, Hugenots were killed and butchered, and their various body parts were sold openly in the streets. Other eruptions of bizarre torture, murder, and ritual cannibalism were not uncommon. … Such behavior, nonetheless, was not officially condoned, at least not usually" (Stananrd, 1992: 61). See also, Mohawk (2000: 125-26) remarking upon the cultural amnesia that allowed the Spanish conquerors, disgusted by human sacrifice and suspected cannibalism among the South American Empires, to forget their own history of cannibalism during the Crusades.

[321] The effects upon societies of sending soldiers to war, and the high rate at which soldiers traumatized by violence of war reenact wartime violence in peacetime civilian life, have been remarked upon frequently over the past decades, particularly in the past five-to-ten years as soldiers returning from the wars in Iraq and Afghanistan, and suffering from post-traumatic stress disorder, perpetrate violence upon other civilians. A few of the many news articles, reports and documentaries on the topic include HBO (2011), Goode (2009), Carey (2007), and Cassata (2012).

(psychopathological) coping mechanism for the "rootless, urban populations" of ancient Rome who were suffering from the destruction of their cultures and the despiritualization of their lives (Mohawk, 1997; Osborne, 2006: 116-17), so, too, has it continued to serve as a tool for denying, avoiding, repressing or otherwise attempting to control feelings of anxiety, insecurity, disequilibrium, disintegration and/or alienation. Richard Drinnon (1990: xxiii) has made a similar observation, interpreting the concept of progress as a result of Westerner's attempts to "leave the growth-and-decay cycle of their own bodies behind." Both Jennings (1975) and Forbes (2008) have also remarked upon the fears Europeans emerging from the late Middle Ages had of the wars and plagues of past centuries, and even of their own kind. And Mohawk (2000: 9), Gay (1993: 69) and Loy (2002: 266) have all remarked upon the Western attempt to achieve a (false but seductive[322]) security or "power-security" through the Western conception of progress, and Canny (1973) likewise remarks upon this insecurity:

> The sixteenth century colonizer was a proud, disdainful person, but he was also insecure and needed to remind himself constantly of his own superiority by looking to the imputed inferiority of others. (P. 597)

Along these same lines, Diamond (1974) and Szasz (1970) have commented on the existence of numerous, unresolved conflicts and social/psychological problems within Western society, which Western man seeks to avoid or deny through his conceptions of progress and his allegedly superior position in the world. For example, Szasz (1970) argues that:

> [G]enuine advancement in our spirituality must depend on the proper resolution of pshychological and social problems which we have not even confronted, much less mastered. (P. 275)

And Diamond (1974) notes:

[322] "There is a certainty to this line of thought that is seductive, but ultimately flawed" (Mohawk, 2000: 9).

> Caught in the contradictions of society, Westerners see themselves as ciphers of history; incomplete and always waiting to be completed. Disintegrated by the extreme division of labor, by competition for goods and services and status rivalries, they obsessively anticipate integration. The idea of progress is, above all, the precipitant of unresolved social and personal conflicts in modern civilization, conflicts that feed on themselves. It is the awareness of this conflict, along with the effort at resolving that creates the sense of unresolved movement towards specific goals which are defined as progressive. … [C]ompelled by their conflicts, Westerners are always trying to find concrete evidence for their superiority; they feel that they represent the West, the logical inheritance of the past, civilization itself. (Pp. 40, 41-42, see also pp. 8-10, 39-42)

Others have also noted the role of this Western concept of progress in overcoming the shock and insecurity experienced by Europeans when they stumbled upon the existence of lands and peoples not previously accounted for in their cultural worldview (Keal, 2003: 61-64; Todorov, 1982: 241).[323] This "discovery" "unsettled conceptions of 'knowledge'" long held by Europeans, including a deeply embedded inability to tolerate difference, and conceptions of progress that allowed for only one "true" way of viewing the world and/or of arriving at a mythical utopian society of the future (Keal, 2003: 64, 61-65; Mohawk, 2000: 137, 9).[324] Confronted with different cultures and perceptions of the world, the Europeans largely refused to engage with this difference --a refusal that served as "a way of avoiding really knowing" (Keal, 2003: 64). Unable to treat difference as equal, and holding deeply-entrenched concepts which required that everything fit somewhere in a hierarchy of inferiority/superiority (Keal, 2003: 58, 60, 64-65, 75;

[323] As noted in the above section on Individualism and the destruction of culture, threats to a group's cultural worldview produce considerable anxiety and can be traumatizing. See, for example: de Vries (2006), McFarlane & van der Kolk (2006), Solomon et al. (2000), Schimel, et al. (2000), Goldenberg et. al. (2001), Arndt et. al. (2002).

[324] The latter source notes the Western belief that "true answers, when found, must necessarily be compatible with one another and form a single whole" (p. 9); and provide the following example: "When Cortes had urged Moctezuma to embrace Christianity and abandon indigenous practices, the emperor replied that the religion of the Spaniards would not be appropriate to his people. It would not have occurred to the Christian West to discuss such an idea, since the Christian utopian enterprise was founded on the belief that there could be only on Truth, one right way." (P. 137)

Todorov, 1982: 42, 146; Diamond, 1974: 41), the Europeans' common internal struggle was perhaps most presciently summarized by Bernardino De Sahagún when he stated simply that "either it is the natives who tell their 'idolatries' or it is the Holy Writ copied out into his own book –one of these voices tells the truth, the other lies"(Keal, 2003: 61; Todorov, 1982: 241). As they clung desperately to their rigid beliefs in their own security and superiority, the only possible conclusion Europeans could draw was, according to their view, predetermined and unavoidable. Any other conclusion would destroy the rationale for their entire civilization (Diamond, 1974: 39) and thus would leave them standing "naked before the world" (Deloria, 1992: 112).[325] Hence, they determined that their culture, their view of the world, and their interpretations of languages, traditions, and cultures that they could not (and would not attempt to) understand was the only "true" view. Canny (1973) notes the lengths to which the English who invaded Ireland went in order to maintain this perception against empirical evidence to the contrary:

> Those who came to Ireland had a preconceived idea of a barbaric society and they merely tailored the Irishman to fit this ideological strait jacket. There were, of course, many aspects of Gaelic life that did not so easily fit this model, but the English refused to make any adjustment, lest, perhaps, it disturb their own position at the top of the ladder of cultural development. (P. 597)

Clearly, then, Western culture's obsessive-compulsive need to fit the world into its own, misguided vision of linear progression, through which Western society leads the world towards some future Utopia, is highly delusional –as remarked upon by scholar after scholar (Diamond, 1974: 39-42; Means, 1983: 27-28; Szasz, 1970: xii; Hedges in *BookTV*, 2012; Mies, 1986: 74-77;

[325] "The Christian religion and the Western idea of history are inseparable and mutually self-supporting. To retrench the traditional concept of Western history at this point would mean to invalidate the justifications for conquering the Western Hemisphere. Americans in some manner will cling to the traditional idea that they suddenly came upon a vacant land on which they created the world's most affluent society. Not only is such an idea false, it is absurd. Yet without it both Western man and his religion stand naked before the world."

Keal, 2003: 58; Federici, 2004: 14; Loy, 2002: 266; Black Elk, 1983: 156). And Western society's insistence upon the validity of this progressive construct, despite all evidence to the contrary, is as delusional as it is predaceous. In terms of the first, the first, obsessive-compulsive delusion has served as a mechanism for denial, avoidance, intolerance, dualism, magical thinking, self-aggrandizement and a number of other problematic (psychopathological) patterns of thought and behavior in the Western cultural worldview. It has allowed Europeans to avoid engaging with difference, and thus to remain in a bubble of delusion, considerably disconnected from reality. Without dealing with the reality before them upon their encounter with different peoples –much less within their own societies and minds[326]—they failed to deal with the longstanding existence of pervasive, endemic trauma throughout their societies, towns, families and individual experiences, and thus not only did they fail to resolve and heal this trauma, but they perpetuated and reproduced this trauma in their interactions with others inside and outside of their own societies, all in an attempt to avoid, deny, repress and control intrusive and intolerable feelings of anxiety, fear, paranoia and so forth (see: Baldwin, 1965: 47; Wise, 2005: 1).

In terms of the second, the insistence upon the validity of the first, the Western concept of progress, as part of a larger grouping of psychopathological coping mechanisms, served to justify numerous offensive attacks upon members of its own society, other peoples, other life forms and the earth itself (Mies, 1986: 74-77; Federici, 2004; Szasz, 1970; Gay, 1993: 47, 69; Mohawk, 1997 & 2000: 137; Hedges, 2008: 156; Diamond, 1974: 25; Szasz, 1970: 238; Deloria, 1992: 54-55; Baldwin, 1965; Hanke, 1959; Horsman, 1981; Jennings, 1976; Black Elk, 1983; Means,

[326] Indeed, as John Trudell (2001b and 2003) and Russell Means (1983) have noted, the spirit was being eaten by the disease.

1983; Trudell, 2003, 2001a & 2001b).[327] In doing so, it came with a ready-made rationalization for its predations, presenting these perpetrations against (or sacrifices of) other peoples and life forms as normal, inevitable, and necessary "in order to create a world which will be able to solve all of humankind's problems"(Mohawk, 1997 & 2000: 137; Means, 1983: 21-22; Diamond, 1974: 1; Loy, 2002: 266; Gay, 1993: 47; Tocqueville, 2000; Horsman, 1981; Drinnon, 1990). It also came with a ready-made justification for Westerners' participation in these predations, by positing that Europeans were the "most advanced" people and thus the 'chosen' group for leading the world to this future utopia (Deloria, 1992: 63; Keal, 2003: 65; Gay, 1993: 69; Mies, 1986: 74-75; Means, 1983: 27-28).[328] Meanwhile the Western crimes and perpetrations have

[327] For example, Gay (1993: 47) notes that Darwin, in the Descent of Man, argued against caring for those in need, because their extinction was inevitable. Mies (1986: 74-77) notes: "the progress of the European Big Men is based on the subordination and exploitation of their own women, on the exploitation and killing of Nature, on the exploitation and subordination of other peoples and their lands." And Mohawk (2000: 137) mentions that: "The perfect world that Plato thought human intelligence had the capacity to create found its most political expression in the mid-sixteenth century as an argument to justify the horrors of rape, murder, torture, robbery, and genocide, which were, for the Indians, the lived experience of conquest," while Hedges (2008: 156(goes yet further, arguing that: "The belief that we can achieve human perfection, that we can advance morally, is itself an evil. It provides a cover for criminality and abuse, a justification for murder. It sanctifies war, murder and torture for an unattainable absolute."

[328] Deloria (1992: 63) notes the assumption implicit in the Western concept of progress that "at a particular point in the unraveling of this sequence, the peoples of Western Europe became the guardians of the world," while Gay (1993: 69) notes the Western "rage to improve the world whether it wanted improvement or not." Keal (2003: 65) points out that "By implication, Europeans had access to truth and if they had not already done so could escape ignorance. They were consequently superior beings while the other was trapped in ignorance and inferior. This made it easier to discount non-European beliefs and customs." Mies, (1986: 74-75) notes that the concept of progress is "unthinkable without the one-sided development of technology of warfare and conquest. All subsistence technology… henceforth appears to be 'backward' in comparison to the 'wonders' of the modern technology of warfare and conquest." Meanwhile, de Tocqueville (2000) provides a plethora of examples of this sort of delusional, predatory thinking as it was used to justify or hide the crimes of European descendants in the United States. See, for example, the following statements: "Would one not say, on seeing what takes place in the world, that the European is to men of other races what man himself is to the animals?"(P. 303); "the Negro hardly feels misfortune; violence had placed him in slavery, the habit of servitude has given him the thoughts and ambitions of a slave; he admires tyrants more than he hates them and

been dishonestly reframed and/or concealed altogether. But the Western concept of progress could not have 'achieved' all of this devastation, destruction, exploitation, dispossession, murder, mayhem, pain, suffering and misery entirely on its own. It relied upon the use of another, even more powerful, but closely related and inextricably intertwined concept: civilization.

Like the concept of progress, the concept of civilization can also be traced back to ancient times. At this time, the term "civilization" was used to indicate those inside the Greek city-states or the Roman Empire, while the term "barbarian" encompassed everyone outside ("including Egyptians and Persians" in ancient Greece) (Jennings, 1976: 6-7; Keal, 2003: 69).[329] Thus then, as now, the concept of "civilization" was used dichotomously, counter posing the "civilized" with the "barbarian" (or, later, the "savage," the "Wildman," or simply the wild/nature), and containing the presumption of cultural, technical and moral superiority/inferiority (Jennings, 1976: 6-7, 9-10). The use of this dichotomy provided the "civilized" insiders with a sense that they existed "at the top of the evolutionary ladder"(Jennings, 1976: 9-10),[330] and to some extent served to justify the exploitation (demanding tributes, taxes) of the outsiders. However, the form

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finds his joy and his pride in servile imitation of those who oppress him"(P. 304); "The conduct of the Americans in the United States toward the natives, on the contrary, breathes the purest love of forms and legality … with marvelous vacility—tranquility, legally, philanthropically, without spilling blood, without violating a single one of the great principles of morality in the eyes of the world. One cannot destroy men while being more respectful of the laws of humanity"(P. 325).

[329] The former source notes: "From very ancient times self-consciously "civilized" people have favorably compared themselves with their neighbors. The Greeks invented the term *barbarian* to apply to outsiders—even such as Egyptians and Persians—and the Romans were not slow to adopt the idea. As W.R. Jones has remarked, 'The antithesis which opposed civilization to barbaraism was a highly useful cliché, and one which served equally well as a means of self-congratulation and as a rationalization for aggression.'" (Pp. 6-7)

[330] "Whatever efforts are made to objectify its definition, *civilization* necessarily implies not only technical but moral superiority over the stages assumed to be lower on the evolutionary scale. Civilization is rarely conceived of in terms of empirical data, and although its phenomena might vary as widely as those of ancient Sparta and Victorian England, its essence is always its status on the top of the evolutionary ladder."

of exploitation, the extent of this superiority/inferiority dichotomy, and the expected behavior of the former ("civilized") towards the latter ("uncivilized") were all conceived of quite differently in ancient times than they were in the Crusades of the late Middle Ages (see for example: White, 1961; Keal, 2003: 68, 69; Mohawk 2000; Osborne, 2006; Tigar & Levy, 2000; Deloria, 1992: 63; Gay, 1993: 69; Diamond, 1974: 8).[331] By the latter time, the ideology of superiority/inferiority, and of forcible exploitation, were much more deeply embedded in the everyday thinking and behavior of the Crusaders, who had pillaged, plundered and murdered Muslims, Jews and eastern Christians, using a form of this superiority/ inferiority dichotomy as a justification or rationalization for their behavior. Similarly, during the Inquisition, witch hunt, the

[331] White (1961) argues that Greek city-states did not follow the imperialist/colonialist model followed today by western society, because Greek colonization was primarily carried out for the purpose of trade –gaining things for the city states that were produced in rural areas—and was not carried out in areas opposed to it. To this end, while Greek colonization certainly created relations of dependency, it was carried out in a less exploitative way than the forcibly-imposed relations of colonization of later centuries (which were generally also characterized by mass murder and environmental destruction orchestrated on the part of European colonizers). On the use of the term in ancient Rome, see: Mohawk (2000) and Osborne (2006), who both note that, while the Roman Empire could be incredibly brutal to citizens and non-citizens alike, non-citizens (falling outside of "civilization") retained considerable autonomy. Tigar & Levy (2000) makes a similar point about Roman law and the possibility of becoming a citizen/ "civilized," as does Keal (2003: 69), noting that: "The Romans distinguished barbarians as those who did not live under Roman law; but by submitting to Roman law 'barbarians' could gain citizenship and admission to civilization." Further, Keal argues that in ancient Greece, barbarians were simply those who did not speak Greek, and that though Augustine saw Wildmen as inferior, he also argued that "even the most repugnant of men—barbarian, heathen, pagan, and heretic—had to be regarded as objects of Christian proselytisation, to be seen as possible converts rather than as enemies or sources of corruption, to be exiled, isolated, and destroyed" (p. 68). Thus, it was not until medieval times, and perhaps late medieval times with the start of the crusades, that western Europeans began to determine that they were "the guardians of the world" (Deloria, 1992: 63) and it was their duty "to improve the world whether it wanted improvement or not" (Gay, 1993: 69). However, contrast this with Diamond (1974): "it is always useful to remember that in Athens, at the height of its cultural achievement, there were at least three slaves to every free man. The fact is reflected in the classic utopian projections of civilization, and instanced in the work of Thomas Moore, where it is assumed that a special class of the disenfranchised will engaged in the "black labor." And in Plato's Republic, that prototypical apology for the state, the workers and farmers constitute lower orders of being"(p. 8).

mentality of the Crusades first turned inward, facilitating advances in the techniques of torture, exploitation and accumulation by dispossession, only to turn outward again against all non-Westerners whose lands were invaded by Europe.[332]

Also like the concept of progress, the concept of civilization evolved over the centuries in ways that have not been beneficial or healthy for humanity as a whole (much less for plant and animal life on the planet, or the planet itself). Today there are a variety of ways in which the term "civilization" is defined and used, from indicating the culture or society of a specific region, people, or time period (such as *Mayan Civilization* or *Roman Civilization*) or indicating a populated or urban area and/or the comforts associated with such an area (Jennings, 1976: 10; Miriam-Webster Dictionary, 2012; Free Dictionary, 2012; American Heritage Dictionary, 2009; Harper Collins English Dictionary, 1991; Dictionary.com, 2012). But the first entry, and the primary definition for the term in each of these dictionaries, as well as the implicit meanings of the term as it has been and is most often used, contains clear connotations of the superiority/inferiority dichotomy inherent in Western concepts of progress. The links between the terms progress and civilization became tighter during the 1700s with the rise of "stages of development" theories which attempted to categories the cultures of the world according to hierarchical stages of societal development. According to these theories, Western culture was, of course, at "the top of the evolutionary ladder," and thus "civilized" (Jennings, 1976: 10). Such meanings are still visible today in the definition of the term civilized, which is always defined vaguely and non-empirically in ways that convey the idea of intellectual, cultural and moral "refinement" and through the use terms such as "advanced," "high level," "highly

[332] Further examples of ways in which these myths have been reproduced and recreated in different historical eras can be found in: (Mohawk, 2000; Drinnon, 1990; Jennings, 1976; Keal, 2003: 67-68; Horsman, 1981; Slotkin, 1973; Bodley, 1999; Elias (1998); Hitchen, 2001).

developed"(Miriam-Webster Dictionary, 2012; Free Dictionary, 2012; American Heritage Dictionary, 2009; Harper Collins English Dictionary, 1991; Dictionary.com, 2012; Jennings, 1976: 9-10).[333] None of these terms or ideas in such definitions is empirical. Each is relative, and is a matter of subjective interpretation. The same is true of many of the elaborations provided, some of which include criteria such as: "complex" cultural, religious, legal, political and social organization and/or institutions; "progress in the arts and sciences;" intellectual, cultural and/or moral "refinement;" and the use of record-keeping and/or writing.[334]

Despite the intended meaning of the term (which is implied but rarely stated outright), these elaborations fail to distinguish one society from another, particularly when considered from the perspective of members of non-Western societies. After all, the indigenous societies throughout the Americas that were invaded by Western Europeans would have certainly all considered themselves to have complex systems for keeping records (including oral history); complex cultural, religious, legal, political and social organization; "advanced" art; "refinement" intellectually, culturally and morally; and elaborate forms of science and/or knowledge. Further, there are numerous sources of empirical evidence to support these views (some of which will be discussed more in chapter 3).

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[333] The latter source notes that "[c]ivilization is rarely conceived of in terms of empirical data…"

[334] "1. An advanced state of intellectual, cultural and material development in human society, marked by progress in the arts and sciences, the extensive use of record-keeping, including writing, and the appearance of complex political and social institutions" (American Heritage Dictionary, 2009); "1. an advanced state of human society, in which a high level of culture, science, industry, and government has been reached; 2. those people or nations that have reached such a state" (Dictionary.com, 2012); "1. a society in an advanced state of social development (e.g., with complex legal and political and religious organizations)" (FreeDictionary, 2012); "1a. a relatively high level of cultural and technological development; specifically: the stage of cultural development at which writing and the keeping of written records is attained" (Merriam-Webster, 2012); "1. (Sociology) a human society that has highly developed material and spiritual resources and a complex culture, political, and legal organization; an advanced state in social development" (Harper Collins Dictionary, 2009).

As illustration, in terms of art and "refinement," the Chinese traveled around the world in the early 1400s (and possibly before this) to trade not with the Europeans, who were seen as backwards and having nothing of interest or value, but with the peoples of Asia, Africa and both American continents, whose cultures produced art and other refined products coveted by wealthy Chinese (Menzies, 2004. See also: Stannard, 1992; Mann, 2005). When it came to politics and governance, David Stannard (1992) and other writers (Williams, 1982; Mann, 2005) have noted that the vast majority of Native societies throughout the Americas –some numbering into the thousands—functioned as participatory democracies, many of which operated on the basis of consensus, an incredibly complex method of decision-making. Further, these societies little-to-no crime, no police and no jails, but were governed by extremely complex systems of law that were intricately linked to spirituality (religion), culture, and the organization of social life (see, for example: McAdams, 2012b; Akwesasne Notes, 2005; Mann, 2005). And when it came to science and knowledge, Native societies were intricately familiar with the workings of the plant, animal and natural world around them, holding far more knowledge about these things than Western scientists do today. Further, Native societies were able to live on their lands for thousands of years without destroying the air, water, earth and life around them upon which they were dependent --something Westerners have yet to learn. This is evidenced in the fact that Western scientists remain baffled by various ancient rock formations, mounds and so forth throughout North and South America which demonstrate incredibly advanced understandings of astronomy; and it is also becoming common practice among Western botanists, zoologists, ecologists, and environmental scientists to seek out the knowledge of indigenous elders in order to broaden their understanding of ecological systems, plant and animal behavior, and other aspects of the natural world. (See also: Means, 1983; Black Elk, 1983; Cajete, 2000). In fact, the

only possible case in which it could be argued that some Native societies did not fit these vague and non-empirical definitions of "civilization" is in the criteria of written language –a criteria of *only one* of the five dictionaries.[335] Yet, several Native societies had this as well. Aside from the better-known Mayan and Aztec writing systems, numerous other Native nations in the Americas also had some form of writing, such as the died beads and strings of the Inca (called Quipu), the petroglyphs of the Ojibwe and Míkmaq, and the wampum beads, strings, and belts of the Haudenosaunee (Miller, 2009: 39; Hirst, N.d.; Wikipedia, 2012a; MacroHistory, 2007-2011).[336]

Since most if not all societies would consider themselves to be refined and their cultures to be complex, we see clearly the point that both Jennings (1976: 6-10) and Keal (2003: 67, 72) have made: that there is no clear, empirical definition for the term "civilization." And yet, most Westerners know exactly what is intended by the term, as well as by its various elaborations ("advanced," "complex," "high level," and "refined"). For Westerners, these terms are intended to refer to us, our culture, our society, and every culture or society that looks and acts just like us. Similarly, for many Westerners (particularly in North America), this term and its various elaborations are decidedly *not* meant to refer to those people and societies who do not look, think or act like Westerners do. This narcissistic component to the civilized-uncivilized dichotomy has

[335] Three of the five definitions do not mention writing at all. Though the American Heritage Dictionary (op. cit., 1) mentioned writing, the definition makes clear that writing is only one form of record keeping (extensive use of record-keeping, including writing"). Thus, only the Merriam-Webster Dictionary actually makes "the keeping of written records" one of the criteria for "civilization."

[336] Thanks to Barbara A. Mann for pointing out these additional sources on the topic: John Heckewelder, John. 1820/1876. *History, Manners, and Customs of the Indian Nations Who Once Inhabited Pennsylvania and the Neighboring States*, The First American Frontier Series, New York: Arno Press, p.108; Hewitt, J. N. B. 1965. "Wampum,"pp. 904-909 in Frederick Webb Hodge (ed.), *Handbook of American Indians North of Mexico*. New York: Rowman and Littlefield; Arnold, Denise Y. with Juan de Dios Yapita. 2006. *The Metamorphosis of Heads: Textual Struggles, Education, and Land in the Andes* Pittsburgh: The University of Pittsburgh Press, chapter 10; Sharer, Robert J. and Loa P. Traxler. 2006. *The Ancient Maya*, 6th ed. Stanford: Stanford University Press, pp. 125-52.

been noted by a number of scholars[337] as has the use of the psychological mechanisms of projection and delusion involved in differentiating "us" from "them" (see: Diamond, 1974: 1, 26; Gay, 1993: 69; Elias, 1998: 49; Keal, 2003: 60-61, 71-72; Stannard, 1992: 14-15; Fanon, 1959; Jennings, 1976: 10; Martinot, 2003a & 2003b; Szasz, 1970: 278; Loy, 2002: 254).[338]

Indeed, an element present in most of these uses of the term –along with Western separation, intolerance, narcissism, projection and other forms of delusion—is the implication not just of superiority, but of domination and conquest. In other words, as noted by Jennings (1976: 10, 8, 12) and Keal (2003: 67), by defining civilization by what it is not, we include or exclude others based upon our desire to dominate and/or conquer them.[339] Jennings provides an example of the term's unempirical flexibility in this regard, noting that when England wanted to conquer the Irish, they sought out the one small difference between the English and the Irish –hierarchical government structures—and made this the criteria for civilization. Yet:

> At other times and on other occasions powers bent on conquest have been able to point to more substantial differences between their own cultures, always deemed as civilization, and the uncivilized societies of their opponents. More frequently,

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[337] Fanon's (1959) 'Mr. Debre's Desperate Endeavors' is quoted in Stannard (1992: 14-15): "The colonialist … reaches the point of no longer being able to imagine a time occurring without him. His irruption into history of the colonized people is deified, transformed into absolute necessity."Similarly, Elias (1998) noted: "Unlike the situation when the concept was formed, from now on nations consider the *process* of civilization as completed within their own societies; they see themselves as bearers of an existing or finished civilization to others, as standard-bearers of expanding civilization. … Indeed, an essential phase of the civilizing process was concluded at exactly the time when the consciousness of civilization, the consciousness of the superiority of their own behavior and its embodiments in science, technology, or art began to spread over whole nations of the West."(P. 49).

[338] Jennings (1976: 10) notes that the civilization-savagery dichotomy "so greatly distorted Americans' perceptions of reality that they met constant frustration in dealing with the issues raised by the presence of Indians."

[339] Keal (2003: 67) notes: "If we do not know what we think "civilization" is, we can always find an example of what it is not"(quoting White). Similarly, Jennings (1976: 10) discusses the "myth of social structure in which civilization and savagery stood as reciprocals, each defined as what the other was not, and both independent of any necessary correlation with empirical reality."

> perhaps, the difference has been one of religion. At other times it might have been nomadic instead of sedentary habitation or one mode of subsistence versus another: communities without agriculture—or those possessing horticulture but lacking animal husbandry—were barbarous or savage. Some social scientists have tried to bring validity and precision to these conceptions by making literacy the criterion of civilization. *All of these floundering attempts at explanation only serve to obscure the essential fact that the civilized-uncivilized distinction is a moral sanction rather than any given combination of social traits susceptible to objective definition. It is a weapon of attack rather than a standard of measure*. There are other ways of using these terms, to be sure, although the taint of historical usage makes difficult any attempt to purify them. (P. 8, emphasis added)

Jennings continues a few pages later:

> The very words used to express thought give it shape and direction as well as symbolic substance, and the words evolved from centuries of conquest have been created for the purpose of conquest rather than the purposes of knowledge. (P. 12)

Thus, what appears to be implied by the term civilization, but what often goes unsaid, is the justification for Western conquest and domination of other peoples. In its most common and widespread use, the term "civilization" not only demarcates the boundary line between Westerners and the various, non-Western "others" that the former has targeted for domination. The term also characterizes the former as superior and the latter as inferior, as people in need of Western domination in order to aid their (forced) conversion to Western monoculture.[340] Hence, through this term, the domination, exploitation, dispossession, conquest, and numerous other horrors perpetrated upon non-Western peoples by Western society (ruling elites) are presented not as organized, armed aggression for the purpose of plunder, (Mohawk, 1997 & 2000) but as Western benevolence.[341] Indeed, we can find ample evidence for the argument that this term is

[340] "Another timeworthy legacy was the urgent sense of a mission to civilize—that is to say, Christianize—unenlightened heathen tribes overseas or the unwashed heathen poor at home" (Gay, 1993: 69).
[341] "[T]he purpose of organized, armed aggression is to plunder" (Mohawk, 1997).

primarily a justification for such actions in the writings of the scholars quoted in the above text and notes.[342]

However, the term is not *only* a justification for conquest of other, non-Western peoples. It is also --and was first and primarily-- a justification for the pacification and domination of Western populations by Western monied elites (Elias, 1998: 43, 56, 55). Through the "centralization and monopolization of the use of physical violence and its instruments" (Elias, 1998: 43), the militarization of commerce (Mohawk, 2000:95), and the "taming of the warriors" (Elias, 1998: 56) so that they were "dangerous only to [the] enemies" of Western dominating elites (Elias, 1998:43), the latter accumulated militarized control over large areas. The concept of "civilization," and the act of pronouncing some segments of the Western masses as "more civilized" (generally on the basis of money/property, or military skill)[343] thus served as a hegemonic justification for the new social relations of domination.[344] Combined, this monopolized forced and hegemony solidified hierarchies of domination within Western society, which were used for the purpose of dominating, first, Western populations, and only later, non-Western peoples. Through these processes, both Western populations and non-Western peoples were turned into, and treated as, little more than "raw material to be used in [the] interests" of the

[342] See for example, Elias (1998: 49): "And the consciousness of their own superiority, the consciousness of this 'civilization', from now on serves at least those nations which have become colonial conquerors, and therefore a kind of upper class to large sections of the non-European world, as a justification of their rule, to the same degree that earlier the ancestors of the concept of civilization, *politesse* and *civilité*, had served the courtly-aristocratic upper class as a justification of theirs."

[343] Elias (1998: 49) notes that the knights and nobility were the first to be trained in the ways of *politesse* and *civilité*, the "ancestors of the concept of civilization."

[344] "And then it is not difficult to understand that with this monopolization of physical violence as the point of intersection of a multitude of social interconnections, the whole apparatus which shapes the individual, the mode of operation of the social demands and prohibitions which mould his social makeup, and above all the kinds of fear that played a part in his life are decisively changed" (Elias, 1998: 43).

few (Diamond, 1974: 39), wealthy and powerful individuals who managed to maintain control over the Western and non-Western masses (and "in whom superiority was vested") (Anaya, 2004: 26. See also: Diamond, 1974: 8, 39; Engels, 2000; Mies, 1986: 90, 93, 76; Jennings, 1976: 9; Trudell, 2003; Black Elk, 1983: 144-45).[345]

Though populations always initially resist this exploitation and dispossession, they are generally forced to comply via physical force.[346] This forced compliance, overtime, leads the masses to internalize the social hierarchies of domination and their position within these hierarchies. The masses become internally pacified, so traumatized by the death and destruction of the resistance all around them that they give up on resistance and begin to obey out of fear and, eventually, habit. At this point, force is no longer required to maintain the obedience of the masses (though, of course, the threat of force always lingers in the background) (Litowitz, 2000; Diamond, 1974: 8, 11-12, 17; Forbes, 2008: 47; Trudell, 2001b & 2003; Elias, 1998: 43, 51; Anaya, 2004: 26).[347] Several scholars have linked this process of creating habitual obedience, or of taming and pacifying the masses, to the processes of state formation and civilization itself.

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[345] As Engels has noted: "civilization is founded on the exploitation of one class by another." To this extent, Jennings (1976: 9) argues that *the criteria for civilization* is "the exploitation of one class by another." Diamond (1974: 39) adds to this criteria the a existence of a "territorial state with coercive power." Diamond (1974) remarks further upon exploitation and hegemony on pages 2, 11-12, and 17. Black Elk (1983: 144-45) further adds that the standard of "civilization" appears to be "the 'will' and ability to accumulate material" and the compulsive "need to constantly arrange and rearrange material" such as by tearing up mountains for gravel and transforming non-Western peoples into the image of Westerners.

[346] As Stanley Diamond (1974: 8) has noted, "[c]ivilization always has to be imposed."

[347] The latter source (Elias, 1998: 43) notes "how important this internal pacification was for the civilizing process," because, as Litowitz (2000: 524) also notes, "brute force still leaves the individual free to harbor rebellious thoughts, but complete conrol is both external and internal." On resistance, Forbes (2008) notes: "What we have seen in the past 2,000 years is not the rise of civilization, but the rise of brutality and barbarism with, of course, numerous resistance movements led by such diverse people as Buddha, Yehoshu'a, Tecumseh, Handsome Lake, Crazy Horse, Chitto Harjo, Sarah Winnemucca, Emiliano Zapata, Mahatma Ganhi, and thousands of other forgotten, important and less important, non-*wétiko*, sane human beings" (p. 47).

Elias (1998: 43, 48, 55) has linked these two processes as part and parcel of the same thing, and Litowitz (2000: 524) has remarked similarly that "domination is increasingly a matter of colonizing the internal world of the dominated classes" (see also: Anaya, 2004: 26; Keal, 2003: 74; Trudell, 2001b & 2003; Diamond, 1974: 8, 11-12, 17; Jennings, 1976: 9).[348] An example of this sort of habitual obedience is provided in Elias (1998):

> Despite the barbarity of some of the laws, despite the faults of the administrative principles, the increase in duties, their burdensome form, the harshness of fiscal laws, despite the pernicious maxims which direct the government's legislation on commerce and manufacture, and finally, despite the persecution of the Protestants, one may observe that the peoples within the realm lived in peace under the protection of law. (P. 48, quoting Voltaire)

Much of the rest of this chapter has been geared towards showing the ways in which civilization was imposed: first at home, then abroad, always for the purpose of capital accumulation by the wealthy and powerful few (though the exploitation and dispossession of the masses). The Crusades, Inquisition, witch-hunt, Enclosures, and so forth all served to define women and "Other" peoples into nature, and to conquer, dominate and subdue these various categories of peoples along with the natural world (Mies, 1986: 75, 76; Merchant, 1989; Cullinan, 2011; Serpell, 1999: 39, 48, 47; Keal, 2003: 67-68; Drinnon, 1990: xxvii; Mohawk, 2000: 30; see also: England, 2012 for a modern example of this thinking).[349] For example, civilization was explicitly linked to women's subordination during the European invasions of

[348] "The legal idea of the state necessarily implies that of habitual obedience of its members to those persons in whom superiority is vested…" (Anaya, 2004: 26).

[349] Cullinan (2011) notes that our "legal and political establishments perpetuate, protect and legitimize the continued degredation of Earth by design, not by accident" and have "reduced other aspects of Earth and the other creatures that live on it to the status of objects for the use of humans" thus legitimating "the eternal extermination of species and the most profound disrespect and abuse of the Earth that sustains us. … [F]rom the perspective of our legal systems, the billions of other species on the planet are outlaws, and are treated as such. They are not part of the community or society that the legal systems concern themselves with, and have no inherent right to existence or to have a habitat in which to live."

other lands. British colonialists viewed the equality of men and women as a sign of societal backwardness, and included within their "civilizing mission" the act of subordinating and destroying the independence of colonized women, and teaching "the colonized men the 'virtues' of sexism and militarism" (Mies, 1986: 93. See also: McAdams, (2012a, and/or 2011; Gay, 1993: 38)[350] The concept of civilization was also clearly linked to the oppression of working class and poor masses, who were referred to as "savages, beasts and incorrigibles in need of harsh discipline"(Lanier & Henry, 2004: 70-71; Canny, 1979: 34, 19; Drinnon, 1990: 69; Serpell, 1999: 39).[351] Such punishments might include being whipped and branded like livestock, or being imprisoned, and there were reportedly hundreds of possible offenses that were punishable

[350] Mies (1986: 93) notes the account of a colonial officer in Burma in the late 1800s, who complains of "the independence of Burmese women, of the equality between the sexes, and of the peace loving nature of the Burmese people" and concludes that the failure of Burmese society to subordinate its women "is the mark of a young race." The colonial official further concludes that women should "surrender their liberty in the interests of man" and that "Burmese men should learn to kill, make war, and oppress their women," and women should be "'brought down' to the status of the civilized, dependent housewife." McAdams further notes that colonial officials in North America had a similar, explicitly negative view on the equality of the sexes and the need to subordinate Cree women in the process of "civilizing" the Cree people. On the existence of similar views today, one need only refer to Representative Terry England's (2012) comparison of women to cows, pigs and chickens. In many ways the present war on women's rights to contraception and abortion (and healthcare) parallels the attempts by medieval Catholic Church to control women, sexuality and birthrates (see Federici, 2004). While rape of working and lower-class women has not been explicitly legalized today, violence against women is endemic in this society, and both violent crimes and sexual assaults against certain categories of women (in particular women of color and Native women) go largely unpunished when reported.

[351] Canny (1979: 34, 19) notes that English colonial organizers referred to the English lower classes as "wyld men of myne own nacione" and believed that martial law was necessary to govern over them in the colonies because "most of those who ventured overseas came from the poorest elements of society, and were considered by their superiors to be incapable of self-discipline, to be barely civilized, and certainly not suitable instruments for transmitting civiliztion to others." Drinnon (1990: 69) found the same attitudes among the founding fathers of the United States, who "saw linkages between savages lurking on the frontiers and the rebellious commons at home." Serpell (1999: 39) makes similar observations: "Also ripe for moral uplift were the working classes who were widely regarded as dangerous and disorderly rabble, governed by "brute" passions and addicted to vicious "blood sports" such as bull-baiting and cock-fighting."

by execution (Lanier & Henry, 2004: 70-71). Children were also seen as existing at the margins of civilization, and as beings that were "innately cruel and heartless and needed to be carefully socialized and 'improved' through exposure to morally uplifting activities and pastimes"(Serpell, 1999: 39) or through efforts at breaking their will and keeping them in subjugation at school and at home through corporal punishment and/or humiliation (Williams, 1982: 10; Drinnon, 1990: xxv; Elias, 1998: 53, 41).[352] Even a person's inner nature was perceived as consisting of savage, beastlike and "brutish animality"that had to be risen above, brought under control and mastered in each person (Serpell, 1999: 39, 47; Drinnon, 1990: xxii-xxiii, xxv, 30; Keal, 2003: 67; Gay, 1993: 69; Canny, 1979: 18, 37) .[353]

Thus, again, as is clear from the ways the term was used and applied to various categories of people and/or nature within Europe, what was really meant by the process of "civilization" was the taming, the pacification, and/or the process of achieving the obedience of the masses through the forcible imposition of hierarchies of separation, domination and intolerance, which were eventually internalized by the masses, making their obedience habitual. In other words, being "civilized," then, is not just the state of being conquered, but the state of being physically,

[352] The European child's primary obligation was to obey his or her parents (Williams, 1982:10), and "[t]he way the European governments treated their subjects mirrored the way European parents dealt with their children" (p. 12).

[353] "For Darwin and his contemporaries, "civilization" was a process clearly analogous to animal taming or domestication. It could only be achieved through the active suppression of mankind's original, savage or beastlike character, and the simultaneous cultivation of domesticity, gentility, and self-control" and poets such as Tennyson "exhorted his readers to 'move upwards, working out the beast'" (Serpell, 1999: 39). Further, "middle-class Victorians and their succesors had risen above, and brought under control, a world of nature that included their own potentially "brutish" animality" (p. 47). Drinnon (1990: xxii-xxiii) likewise noted that: "Long before their first landfall, European immigrants were alienated from the "howling Wilderness" that had to be mastered in themselves and in their new surroundings," something which at least partially explained their fascination for total control over the self and others. Finally, Keal (2003: 67) notes the Western idea that: "The wild man was found 'lurking within every man—clamouring for release'."

mentally and spiritually colonized; of knowing one's place in the hierarchy of domination and subordination, and of acting out one's proscribed roles in this hierarchy without complaint or resistance. This assertion is supported by the historical evidence, and even by some modern dictionary definitions of the term.[354]

Though these hierarchies, statuses and roles were forcibly imposed at first, populations facing constant repression, injury and death, first at the hands of the Church, later at the hands of other forces of the consolidating state-commerce alliance, did eventually internalize them –realizing through generations of trauma, terror and loss, as John Trudell (2001b & 2003) notes, that if they wanted to survive at all the needed to go along (at least in their visible actions) with the newly-imposed systems of domination. By fitting themselves into the exploitative system that dispossessed them and turned them into raw materials to be used in the accumulatory interests of the wealthy and powerful, the masses, gradually and over generations, internalized the hierarchical system and their "inferior" positions, roles and statuses within it until all of these came to be seen as the normal, natural, given way that the universe works.[355] As such, they lost their sense of what it was to be human beings, being socialized into a system made up not of

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[354] For example, one of the five dictionaries consulted above deviated slightly from the accepted norm of defining "civilization" and "civilized" in terms of advancement and superiority. The fourth entry for the term "civilized" (adjective) by Dictionary.com lists the term as meaning: "***easy to manage or control; well organized or ordered***." (Emphasis added).

[355] Marx (1972a) notes that in every epoch people imagine the social relations of production (or, here, the social relations of domination) to be normal and natural, to have always existed, and thus to be beyond their abilities and imaginations to change. These relations of production/domination are also, for Marx, equal tot he ideas of the ruling class:

> The ideas of the ruling class are in every epoch the ruling ideas: i.e., the class which is the ruling material force of society, is at the same time its ruling intellectual force. … The ruling ideas are nothing more than the ideal expression of the dominant material relationships, the dominant material relationships grasped as ideas; hence of the relationships which make the one class the ruling one, therefore, the ideas of its dominance. (Marx/Engels Reader. 1972, pp. 136-37).

See also: Gramsci (1971), Litowitz (2000) and Foucault (1995) on hegemony and the active participation of people in reproducing these ideas.

fellow human beings, but of only oppressed and oppressors, those who are treated as property, and those who treat others as property (Jennings, 1976: 3; Trudell, 2001b).[356]

As mentioned above, the forcible-imposition of the conditions that brought about this view of the world, and the adjustments involved in internalizing such a view, were highly traumatic for those who survived these processes. These processes were made more so by the process of individualization, which rerouted the resistance against these changes, transforming it from collective actions of the masses against the ruling elite to 1) individual acts of resistance that were criminalized and prosecuted, or 2) individual complicity in the civilizing processes. Seeing themselves as unable to effect the entire system of hierarchical domination, they gave up on this goal, and instead satisfied themselves with "self-improvement" –i.e, trying to effect a slightly better position within the hierarchies of domination. They could most easily do so not only by demonstrating themselves to be relatively more civilized (i.e., a "good worker," "good Christian" or "good" whatever), [357] but also by engaging in the projection, scapegoating, and other psychopathological coping mechanisms encouraged and promoted by the present social relations of domination. All of these actions require identifying with the perpetrator, as has been noted by scholars as diverse as Paolo Friere (1971):

> The very structure of their [the oppresse's] thought has been conditioned by the contradictions of the concrete, existential situation by which they were shaped. Their ideal is to be men; but for them, to be men is to be oppressors. This is their model of humanity. Thus, the behavior of the oppressed is a prescribed behavior,

[356] "So by the time Columbus got here, see, they didn't know what it meant to be a human being anymore. It was just not a part of their spiritual perception or relationship to reality. They were possessed, they were owned, they were property" (Trudell, 2001b)

[357] "That's the pollution and the toxic left over from the mining of the being part of human. That's the pollution that's left over, see, and in that kind of a haze, … we don't see ourselves clearly. We do not see and recognize clearly who we are. And we're never encouraged to. We're encouraged to be "good citizens," or "good" this religion, or "good" that religion, or good… workers, good [whatever]. But we're never encouraged to be real about human beings. In a way, we're never really encouraged to be good to ourselves" (Trudell, 2001a & 2003).

> following as it does the guidelines of the oppressor. (P. 30-31, quoted in Forbes, 2008: 55)

And McFarlane & van der Kolk (2006):

> Clinical work has taught us that the ability to tolerate the plight of victims is, at least in part, a function of how well people have dealt with their own misfortunes. When they have confronted the reality of their own hurt and suffering, and accepted their own pain, this generally is translated into tolerance and sometimes even compassion for others. Conversely, as long as people deny the impact of their own personal trauma and pretend that it did not matter, that is was not so bad, or that excuses can be made for their abuses, they are likely to identify with the aggressors and treat others with the same harshness with which they treat the wounded parts of themselves. Identification with the aggressor makes it possible to bypass empathy for themselves and secondarily for others. (P. 36)[358]

For Elias (1998), these choices and actions, which I have referred to as the result of trauma and (psychopathological) coping mechanisms, are a natural part of the socialization process (in Western society), which is passed down through the generations and equated with the civilizing process:

> [T]he specific process of psychological 'growing up' in Western societies, which frequently occupies the minds of psychologists and pedagogues today, is nothing other than the individual civilizing process to which each young person, as a result of the social civilizing process over many centuries, is automatically subjected to from earliest childhood, to a greater or lesser degree and with greater or lesser success. The psychogenesis of the adult makeup in civilized society cannot, therefore, be understood if considered independently of the sociogenesis of our 'civilization'. By a kind of basic 'sociogenetic law' the individual, in his short history, passes once more through some of the processes that his society has traversed in its long history. (Pp. 41-42)

Elias further emphasizes the role of emotions and feelings in the socializing/civilizing process, such as the emotions of "shame, embarrassment … displeasure, distaste, disgust, fear" (p. 53)

[358] See also: Herman (1992: 7-8) "when traumatic events are of human design, those who bear witness are caught in the conflict between victim and perpetrator. It is morally impossible to remain neutral in this conflict. The bystander is forced to take sides. … It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear, and speak no evil. The victim, on the contrary, asks the bystander to share the burden of pain. The victim demands action, engagement, and remembering."

that become associated with our engagement in certain behaviors and eventually --through our desire to avoid the known repercussions of engaging in them— with these behaviors themselves (pp. 53-54). In this way, though children rarely have innate feelings of disgust and shame, the parental disapproval and external pressure and coercion they face upon engaging in certain behaviors moulds them "into conformity with a certain standard,"(p. 54, see also 39-54) and teaches them not only to associate these unpleasant feelings with these acts, but with all who engage in these acts (pp. 52-53). Since "the pressure or coercion of individual adults is allied to the pressure and example of the whole surrounding world"(p. 54), the codes of "civilized" behavior are passed on and reproduced throughout the generations, altering only when there is an alteration in the social relations of domination ("the structure of human relations"), at which time these standards are also gradually changed ("slowly raised") to reflect these new standards (p. 53). According to Elias, this "change is in the direction of a gradual 'civilization', but only historical experience makes clearer what this word actually means" (p. 41).

Thus, Elias recognizes the socially-constructed nature of concept "civilization," and the fact that historical processes in society are "enacted in abbreviated form" in the socialization and "the life of the individual human being"(p. 54), as I have also argued above. Yet, though Elias recognizes the socially constructed nature of the concept of "civilization," he also seems to treat it as an objective category, describing the civilizing process as being "slowly raised … in the direction of a gradual 'civilization'" (both quoted and cited above), and thus implying that civilization is some objective, external standard to be reached by the entire society, rather than a reflection of social relations of domination and a rationalization for exploitation and dispossession of the masses at the hands of the few. Further, though Elias demonstrates considerable insight into the ways that these standards of civilization change over time (p. 41) as

well as how the European ideology of superiority was/is unconsciously reproduced over the generations (p. 49),[359] he does not explain the depravity and the inhumanity inherent in the civilizing mentality. The psychopathological perpetration that has characterized Western society in the various (and ongoing, literal and symbolic) wars that it has waged against women, nature, non-Christians, eastern or independent-thinking Christians, the poor and working classes, or other, non-European peoples goes almost entirely unacknowledged. But since, as Elias correctly asserts, the socialization/civilizing process in Western society *is* the "sociohistorical processes of centuries… slowly enacted in abbreviated form in the life of the individual human being" (p. 54), and since he also correctly asserts that the "psychogenesis of the adult makeup in civilized society cannot, therefore, be understood if considered independently of the sociogenesis of our 'civilization'"(p. 42), then ***this*** (depravity, inhumanity, domination, exploitation and dispossession in thought and action) is exactly what needs to be explained. As I have argued, this can only be explained through the concept of unresolved, transgenerational trauma that is never confronted or resolved, but is coped with, perpetuated and reproduced primarily through the psychopatholocial mechanisms discussed in this chapter.[360]

[359] "Of the whole preceding process of civilization nothing remains in their consciousness except a vague residue. Its outcome is taken simply as an expression of their own higher gifts; the fact that, and the question of how, in the course of many centuries, civilized behavior has been attained is of no interest. And the consciousness of their own superiority, the consciousness of this 'civilization', from now on serves at least those nations which have become colonial conquerors, and therefore a kind of upper class to large sections of the non-European world, as a justification of their rule, to the same degree that earlier the ancestors of the concept of civilization, *politesse* and *civilite*, had served the courtly-aristocratic upper class as justification of theirs." (Elias, p. 49).

[360] Due to time constraints, I will have to leave out of this chapter a fuller illustration of how these concepts of civilization and progress, as well as the other psychopathological coping mechanisms discussed in this chapter, played out in European-Native relations in the Americas, as well as elsewhere around the world, during the beginning of the age of imperialism and "exploration." It is my hope that I have provided sufficient explanation already to render such an

CONCLUSION

Thus, as this chapter has shown, Western society and the Western cultural worldview have been shaped by various long-term, widespread campaigns of terror, torture, mass-murder, pillage, rape, plunder, and other dehumanizing and traumatic events –most of which have been orchestrated by people in positions of (Church and/or secular) power and authority for the purposes of enriching themselves, their organizations, and their relatively few allies at the expense of the majority of people, as well as the earth and all living things. These devastatingly traumatic experiences have been so pervasive in the formation of, and the perpetuation of, Western society and the Western cultural worldview that the impact of these unresolved events and their rippling impacts have continued not only to live on but, in some ways, to increase exponentially, as members of Western society at the individual, group, national, and societal levels have continued to (largely unconsciously) reenact and reproduce these traumas upon themselves, upon other members of Western society and, most damagingly, upon virtually every non-Western society existing today (as well as upon the earth and every non-human form of life in existence). That these pervasive rippling effects of this ongoing, perpetually reproduced trauma are a –if not THE—central aspect to the Western society and the Western cultural worldview can be seen perhaps most clearly through an historical examination of the intended (but always implied, not stated) meaning of the term "civilization" –which, as a term of conquest rather than a term of knowledge (Jennings, 1976: 12), has actually been developed specifically to implicate this traumatizing process, in which those being "civilized," as Norbert Elias (1998: 54)

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illustration unnecessary, and that readers can build their own connections between these concepts historically and these concepts as they are further discussed in chapters 5 and 6.

remarked, experience or have enacted upon them "in abbreviated form" "the sociohistorical process of centuries" of Western "civilization."[361]

Thus, the civilizing process of Western society *is* the traumatizing process,[362] which is synonymous with the process of dominating and internally colonizing the masses. Only this understanding of the term, and of Western society in general, can explain the brutality, depravity, inhumanity and compulsion with which these processes were undertaken against/ imposed upon/ and perpetrated against the non-Western peoples of the Americas, the Caribbean, and the African coast during the Age of "Discovery" and Exploration (which might rightly be renamed as the Age of Invasion and Traumatization). Further, this Age is still ongoing, as neither the invasions nor the traumatization inflicted upon non-Western and other Western peoples have ceased. Instead, they have been compulsively perpetuated, and from the looks of things presently, this perpetuation may well continue until everything that humanity depends upon for life is destroyed (along with humanity, quite possibly).

Though some will point to the insatiable, and near-compulsive greed displayed by the European invaders of the Americas, the Caribbean, the coasts of Africa, and other lands and peoples as the overall problem historically and in the present, this greed cannot, alone, explain the barbarity, cruelty and inhumanity of the European invaders. At the same time, this greed *can be explained* by the civilizing/traumatizing process through which compulsive, insatiable greed is but one form of expressing the desperate, compulsive need to gain control over the intolerable

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[361] "By a kind of basic 'sociogenetic law' the individual, in his short history, passes once more through some of the processes that his society has traversed in its long history" (Elias, 1998: 54). "[O]nce such feelings are aroused and firmly established in society by means of certain rituals like that involving the fork, they are constantly reproduced so long as the structure of human relations is not fundamentally altered" (Elias, 1998: 53).

[362] Which is also, actually, synonymous with the process of internally colonizing the minds and souls, as well as the physical beings, of the masses of people.

(transgenerational trauma-induced) feelings of anxiety, fear, terror, insecurity, disgust, despair, and so forth that plague victims of unresolved traumas. Similarly, though many, like Niall Ferguson (2011) or Jarred Diamond (1997) point to technological developments, or combination of technology and disease, as the cause of this massive, ongoing Western-led destruction (which, nonetheless, neither seem to recognize as destruction), these factors are similarly unable to explain the psychopathological mentality behind the development of this technology, the direction in which this technology was developed, and/or the brutal and inhumane uses to which this technology was put. As John Mohawk (1997) noted: "[w]hat we have is a pattern of behavior of utterly unbelievable cruelty in a society that claims to be civilized." This pattern only begins to make sense, and only begins to be explained, when looked at through the lens of the massive and widespread transgenerational trauma that is the very foundation of Western society.

The next chapter (chapter 3) will examine –in a general way—some of the characteristics of societies that are not traumatized by centuries of conquest and "civilizing"/colonization. That is, it will provide a general and brief glimpse into the majority of Native societies that existed throughout the Americas prior to the start of the European invasion. Some of these characteristics include the idea, common among numerous Native societies throughout the Americas, that healthy human beings desire peace, and that they feel (and should feel) pain and sorrow when killing another living being. If "one does not feel that pain, one has become brutalized and 'sick'" (Forbes, 2008: 12-14, 6-7; Akwesasne Notes, 2005: 31-40). The contrast between, on the one hand, the traumatized (and psychopathological) nature of the Western worldview, as displayed in patterns of thought and behavior and, on the other hand, the majority of Native societies in the Americas prior to the European invasion will provide some further insight into the full extent to which Western society is suffering form past, unresolved,

transgenerational trauma, by demonstrating the very different patterns of thought and behavior displayed in healthy societies. This exploration will also provide a necessary framework for understanding the competing worldviews of Haudenosaunee people and Canadian non-Natives during the 2006 Haudenosaunee protest in Caledonia, Ontario, Canada. Though the Haudenosaunee Six Nations, like other Native nations throughout the Americas, have been under attack by the forcibly-imposed traumatizing, colonizing, "civilizing" process of Western society, they have continued to hold strong to many of their traditional cultural beliefs, and their past treaty agreements with non-Native society.[363]

[363] These beliefs and agreements include the Haudenosaunee Great Law of Peace (of *Kaianerekowa*, in *Kanien'keha*, or the Mohawk language), the Covenant Chain, and the Two Row Wampum treaty of non-interference –all of which continue to guide traditional and semi-traditional Haudenosaunee people in fulfilling their cultural responsibilities to protect and preserve the water, land, and other life forms for the past, present and future generations –a key motivation behind the 2006 protest.

Chapter 3:

Pre-invasion Native Nations as Non-Pathological, Healthy Societies

Any rational person would have to ask what's so "primitive" about a people which managed to maintain a perpetually democratic way of life, which shared all social power equitably between both sexes and various age groups, which considered war essentially a sport rather than an excuse to indulge in the wanton slaughter of masses of people, which killed game only for food rather than as a "sport," which managed to occupy its environment for thousands of years without substantially altering it (that is to say, destroying it). That same rational person would have to ask why any sane individual would not choose to live that way if the chance was available, or aspire towards such an existence if the chance wasn't immediate.

That same rational person would have to ask what's so "advanced" about a culture which generates authoritarianism and dictatorship as a social norm, which deprives its women, its ethnic minorities, its elders and its youth of any true social power, which engages in the most lethal warfare on a regular basis and has left perhaps a half billion mangled bodies in its wake during this century alone, which is eliminating entire species of plant and animal life forever and without real concern, and which has utterly devastated the environment of this continent in approximately two centuries. Finally, that same rational person would have to ask what sort of lunatic would choose to switch from the first way of life to the second.

~ Black Elk 1983, 141-42

But the time Columbus got here in 1492 –see, people have many opinions about him: who he was or what he was but, whatever. See, he was really like the virus. And the spirit was being eaten by disease. And it affected the perceptional reality of the human. See, so when Columbus and them got here and we told him who we were, they didn't know. We said, "We're the people. We're the human beings." But they didn't know, because it wasn't a part of their perceptional reality –the concept was no longer a part of their perceptional reality. See, this is what happened to the tribes of Europe and the descendants of the tribes of Europe. And so I know that by the time Columbus got here –and I've got a pretty good idea of way before that. But, but by the time Columbus got here, the idea of a human being and people in that kind of a way was no longer a part of their perceptional reality.

~Trudell 2001b

By the time Europeans set sail in the voyages that would begin their invasion of the Americas, they had been through over a millennium and a half of continuous, ongoing conquest, warfare, mass murder, rape, plunder and pillage. They had lived under constant social relations of

domination, oppression, exploitation, terror, dispossession, and various other forms of large-scale, natural and man-made devastation and destruction that had traumatized virtually all survivors. And these survivors, whether they survived as victims, perpetrators, bystanders or all three, passed these unresolved –and in many cases, repressed and unspeakable-- traumas down through the generations to their children, their children's children, and so forth. These repressed, unresolved, and unspeakable traumas, along with their symptoms, have formed much of the fabric of Western society today, as they already had by the time Europeans set out to invade a new world.

It is little wonder, then, as John Trudell notes, that by the time Europeans reached the shores of the Caribbean Islands or the American continents, they found it difficult to comprehend the openness, generosity, autonomy, abundance, and so forth of Native peoples and societies they encountered. The conquerors could not relate to the Native peoples they encountered as fellow human beings to befriend, celebrate, learn from, or share with, because European society had, for so long, treated its people as property to be controlled and dominated. It had also long forced its members to separate themselves from the earth, nature, animals, and other peoples (the wealthy from the masses, men from women, Christians from non-Christians, Orthodox Christians from all other Christians, and so forth), and had held a deep intolerance for anything that did not resemble the Western ideal. Thus, ideas of befriending, learning from, sharing with and celebrating with other peoples who were not like themselves (or their ideal image of themselves) were no longer a part of their perception of reality (Trudell, 2001b & 2003; Todorov, 1982: 42; Keal, 2003: 58, 59; Drinnon, 1990: xxv, xxvii, 12, 30, 56, 57, 69).[364] Instead, in their deep-

[364] "What is denied is the existence of a human substance truly other, something capable of being not merely an imperfect state of oneself" (Todorov, 1982: 42). Drinnon (1990: xxv, xxvii, 12, 30, 56, 57, 69) has noted the extreme revulsion of the Puritans towards celebration, dancing, physical

seeded insecurities about the place of Europeans in the world and their own positions within their societal hierarchy upon their return (Canny, 1973: 597; Forbes, 2008: 77-78, 81; Martinot, 2003a: 409),[365] European invaders approached everyone and everything they encountered in their voyages as "raw materials to be used in their own interests"(Diamond, 1974: 39; Keal,

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passion, nature and their own bodies, viewing these as threats to their self-preservation and engaging in elaborate and Draconian efforts towards repression of all spontaneous enjoyment and the transformation of "bodies from instruments of rhythmic pleasure into instruments of domination and aggression" (p. xxv). Drinnon further notes that: "The people of the European race in coming into the New World have not really sought to make friends of the native population or to make adequate use of the plants, or the animals indigenous to this continent, but rather to exterminate everything they found here and supplant it with plants and animals to which they were accustomed at home" (P. xxiii)

[365] "The sixteenth century colonizer was a proud, disdainful person, but he was also insecure and needed to remind himself constantly of his own superiority by looking to the imputed inferiority of others" (Canny, 1973: 597). Similarly, on Western society's millennia-long history of atrocities, Forbes (2008: 77-78) notes that: "if we pause and assimilate the fact that, indeed, each brutal killing or burning at the stake or rape did occur, then we must understand perhaps the morbid, fearful strain in European culture. The fear of evil, in other words, should be understood as being based upon no mythical character (Satan), but rather *upon the European's justified fear of his own kind*." (Emphasis in original)

Forbes concludes (p. 81) that: "The quest of many Europeans penetrate, subdue, and change the natural world must be viewed in part as a psychological phenomenon—that is, as a need fulfillment or compulsion which is non-rational or irrational in character."Similarly, Martinot (Martinot, Steve. 2003. Patriotism and its double. Peace review. 15:4, 405-410) also notes the role of this anxiety, or racial paranoia, in the late 17th and early 18th century when wealthy elite plantation owners seeking to turn poor European and African masses against each other (rather than allow them to continue to unite against their common oppressors) by enlisting poor English farmers or laborers in slave patrols. According to Martinot (p. 409):

> The patrols rapidly developed into a system of gratuitous violence. Its members vented on the slaves their frustrations with the elite and gained social approbation for suppressing supposed rebellion. Thus, the patrols perpetrated a culture of terror, producing a sense of social threat to be located in the slave labor force. … The violence of the patrols made their fear real, while generating a sense of well-being and self-justification toward slavery within their own social solidarity [among wealthy and poor English]. Thus, a paranoia (as a self-induced fear generated by their own injustice) produced a demand for solidarity; social solidarity generated gratuitous violence; and the violence rationalized the solidarity by giving the paranoia concreteness.

On the political and economic insecurity or anxiety of dominating groups who have removed themselves from direct production, and thus depend upon the labor of others, in general, also see Diamond, p. 8; Deloria, 1969, pp. 175-76; Keal, p. 64 (the discovery of America "unsettled [European] conceptions of 'knowledge'").

2003: 59, 60; Drinnon, 1990: xxiii). These interests were, of course, the conquer, plunder, and pillage of the natural resources of these communities, as well as the torture, rape, and murder of all who got in the way of this and (in South America and the Caribbean, at least) the enslavement of anyone who survived –all in order to feed a compulsive greed and insatiable appetite for status, wealth and power (Drinnon, 1990: xxv, 25-26, 56-57; Forbes, 2008: 81; Stannard, 1992).[366]

In many ways, Native societies in the Americas resembled the polar opposite of European society. Though there were a few empires in the south, the vast majority of Native societies in the Americas were egalitarian societies run as participatory democracies in which leaders were truly chosen and expected to serve the people, and the people "made sure that their leaders remained essentially powerless" (Stannard, 1992: 48, 110; Williams, 1982: 13 33; Akwesasne Notes, 2005: 34; Diamond, 1974: 9, 12).[367] For example, Jean De Lery, Calvinist missionary, in the Amazon basin in 1550, remarked on the various egalitarian societies: "They have neither

[366] "The quest of many Europeans to penetrate, subdue, and change the natural world must be viewed in part as a psychological phenomenon—that is, as a need fulfillment or compulsion which is non-national or irrational in character" (Forbes, 2008: 81). Drinnon (1990: xxv, 25-26; 56;) suggests that the European invader's own sadistic compulsions (resulting from the extreme repression of their own desires and traumas) were also at play in these compulsive, psychopathological actions. Remarking on a massacre of hundreds of Pequots by English colonists, for example, he finds that their "suppressed sexuality at last broke out and found vent in an orgy of violence. Like men in a dream, they burned and shot *the flesh* they so feared and hated in themselves: the breaking of the dam filled them with delight, their mouths with laughter, their tongues with singing" and were likely to "become addicts, vengeance junkies" of such slaughters.

[367] In the cited passage, Stannard is writing primarily about Native societies in South America, particularly the large societies of the Amazon Basin, while Williams (1983: 13) wrote more specifically about the "intensely democratic" nature of "societies of the Indian nations of Northeastern North America." Akwesasne Notes focuses primarily on the participatory democracy of the Haudenosaunee, while Diamond wrote more generally that numerous scholars have observed that indigenous ("primitive") societies are highly democratic. See also, Canada Senate (2010) and the section on self-determination at the end of chapter 1 for more sources relating to the highly democratic nature of indigenous societies in past and present-day Canada.

kings nor princes and consequently each is more or less as much a great lord as the other" (quoted in Stannard, 1992: 47) and Paul Williams (1982) has made similar observations on the governance structures of Native societies in northeastern North America:

> The "royaner" of the Iroquois Confederacy and the "ogimah" of the Ojibways were servants of their people, leaders by example, whose positions brought them duties rather than powers. They were not "princes" or "chiefs" in the European sense, and had as little power over their people, and as little ability to enforce obedience, as parents in their nations had over their children. (P. 12, see also 33)[368]

In fact, becoming a chief, or a servant of the people, in many Native societies was often seen as a hardship, with chiefs giving away personal property, and saying that they had been made poor by accepting their title. Williams (1982) again remarks on this characteristic among the Ojibway chiefs, which could be equally applied to chiefs of many other Native nations throughout the Americas:

> It was because he had placed himself in a position where personal gain was irrelevant to him that he was trusted with the allocation of lands (among Ojibways), the adjudication and settlement of disputes, and the guidance of the community. (P. 22)[369]

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[368] More on parent-children relationships in these respective societies can be found below.

[369] Similarly, in Haudenosaunee society, women elders nominated chiefs (which were approved by their clans) from among the men they had observed for years, as children and adults, and nominated those who demonstrated characteristics of placing the interests of society above his own, of striving for peace, and so forth (Akwesasne Notes, 2005: 38, 32-35; Stannard, 1992: 29; Williams, 1982: 27). The latter source further provides a quote, from a compilation of European observations on Native societies:

> The Chief of a nation is neither a supreme ruler, monarch or potentate. He can neither make war or peace, leagues or treaties. He cannot impress soldiers, or dispose of magazines. He cannot adjourn, prorogue or dissolve a general assembly, nor can he refuse his assent to their conclusions, or in any manner controul them. … The chief of a nation, even with the consent of his assembly, cannot raise one shilling of tax of the citizens, but only receive what they please to give as free and voluntary donations. The chief of a nation has to hunt for his living, like any other citizen. (Williams, 1982: 12, quoting from: Loudon, Archibald, (ed). 1808. *A Selection of Some of the Most Interesting Outrages Committed by the Indians in the Wars with the White People*. New York: Arno Press & N.Y. Times, 1971, p. 239).

Perhaps the vast majority of Native societies in the Americas were governed on the basis of consent, not coercion or even the principle of majority rule (Stannard, 1992: 47, 48; Williams, 1982: 33, 12-15, 55, 58; Lyons, 1992: 39, 32; Canada Seneate, 2010: 32). The councils of the Ojibway and Haudenosaunee peoples sought consensus and unity of mind through the participation of all people --men and women, young and old alike—and unity of mind, both of which required considerable amounts of time and diplomacy (Williams, 1982: 14 and note 10, and 33; Lyons, 1992: 39, 34; Akwesasne Notes, 2005: 34).[370] As such, the governing councils of both nations proceeded with the attitude that "there is always time in this world to do things in the proper way" and with "enough deliberate thought" In other words, decisions did not have to be arrived at immediately, and there was always time to accommodate the needs of the minority in order to achieve unity of mind and singularity of purpose (Williams, 1982: 15, 55-56). Because chiefs (and, in Haudenosaunee society, clan mothers) did not have coercive powers and did not seek to command people to do anything, and because society sought to simultaneously cultivate in every person individual autonomy and communal generosity, decisions of the council were put off in cases where consensus could not be reached, and even when consensus was reached, council decisions could not be completely binding on individuals or dissenting groups without their consent (Williams, 1982: 12-14, 33,; Lyons, 1992: 32, 39; Stannard, 1992: 29, 109-10; Diamond, 1974: 47). Each person had a choice as to whether or not to conduct him/herself in accordance with the decision, and though each might also face some degree of pressure from family and community members to abide by consensus-based decisions, the "council's decision, as a rule, avoided any form of interference in the personal affairs of individual citizens, just as

[370] The former source notes that in Anishinabek society, "[a]ll men and women past puberty were included in the open discussions of the … council" (p. 14, note 10), while Akwesasne Notes (2005: 34) notes that in Haudenosaunee society: "Everyone in the Six Nations, wherever the law prevails, has direct participation in the workings of the government."

parents avoided uninvited interference in the activities of their children" (Williams, 1984: 14; Porter, 2008: 47).[371] This observation is further emphasized in one colonial official's remarks on Haudenosaunee (Iroquois) society:

> The Iroquois laugh when you talk to them of obedience to kings: for they cannot reconcile the idea of submission with the dignity of man. Each individual is sovereign in his own mind; and as he conceives he derives his freedom from the Great Spirit alone, he cannot be induced to acknowledge any other power. (Williams, 1982: 14).

As such, many of the diverse, egalitarian, democratic and even consensus-based societies in the Americas had no police force, jails or other organs of government coercion (Williams, 1982:12-15, 33; Lyons, 1992: 32, 39; Forbes, 2008: 46) and some, like the Haudenosaunee, had reportedly eliminated all forms of capital punishment (Stannard, 1992: 28-29). [372] Many Native societies also had no word for "freedom" since, as Diamond (1974) noted, "freedom as a concept does not exist in [indigenous/land-based] society because society is not perceived as oppressive" (p. 17). Many also had no words for rape or sexual assault, since such actions "were so unheard

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[371] The Haudenosaunee principle of personal autonomy and non-interference can be further illustrated in a modern day example of abortion. As Porter (2008: 47) has noted, for the Haudenosaunee, all life is sacred, and the taking of life –especially life of the young—goes against the Great Law of Peace. But so does the act of preventing another person from making his/her own choices in life:

> So you know right there that all Iroquois are against abortions. It's not permitted. But on the other hand, there are medicines that grow that can cause abortions. Well, we still know about these medicines. So it's up to you and me as individuals what our choice is, whether we want to be a killer or not. So as an Iroquois, I'm on the for-life side, and I'm also on the other one that's for abortions—although I will never do an abortion—because that person has to have the freedom to make that choice. So I'm on both sides, 100 percent. Iroquois cannot be otherwise, 'cause you can't take away someone's freedom or their decision to choose whatever route they want to take.

[372] "Indians maintained a fairly stable and violence-free society even though they had no police or state organs of coercion. In fact, freedom from coercion was one of the characteristics of Iroquois society that most impressed the European mind. It affirmed a growing belief among Americans that coercion was not, as it had been presented to them, a necessary service performed by the state to protect the people, but instead was a tool used by the state to control people" (Lyons, 1992: 32).

of" (McAdams, 2012a & 2012b). In fact, in many of these egalitarian societies, women had strong roles and voices in government --acting as the law keepers in Cree society, similar to the European judiciary (McAdams, Sylvia, 2011), and as leaders and titleholders of the land in matrifocal, matrilineal and matriarchal Haudenosaunee society (Woo, 2003; Stannard, 1992: 28, 29; Williams, 1982: 16, 27, 25, 23; Akwesasne Notes, 2005; Lyons, 1992; Taylor, 2006; Johnson, 1964; Bonaparte, 2008).[373]

Thus, while perhaps the vast majority of these societies had no coercive forces, and had governments that actively strove to "interfere as little as possible in the lives of their citizens"(Williams, 1982: 33), these societies experienced very little crime, and maintained themselves as "fairly stable and violence-free" societies (Lyons, 1992: 32; McAdams, 2012b). In large part, this is because these coercion-free societies were highly structured through elaborate systems of law founded not upon statutes written by the wealthy and/or powerful, but upon principles of peace and moral justice (McAdams, 2012a & 2012b; Lyons, 1992: 33-34). Under the laws of most Native societies throughout the Americas, one of the most basic and fundamental aspects of any system of law was the recognition that 'all are related' --i.e, that people are all related to each other and to all other forms of life (MCAdams, 2012a; Akwesasne Notes, 2005: 33, 85-91; Black Elk, 1983: 148, 153; Forbes, 2008: 22, 15; Means, 1983: 21-22;

[373] Stannard (1992: 28-29) further elaborates, noting that Haudenosaunee society is matrilineal; that women are progenitors of the nation; that men and women follow the status of the mother; that women owned [are titleholders to] the land and soil; that women head agricultural production and distribution, as well as life in the longhouse; that women appoint chiefs who were responsible for hunting, fighting and intertribal/international affairs; that women could veto the decisions of the chiefs or remove chiefs from their positions, and so forth. While many European observers were unable to comprehend the power of women in Haudenosaunee society, some remarked upon it, such as Father Joseph Francis Lafitau, who noted that the chiefs seemed to "serve only to represent and aid the women in matters in which decorum does not permit the latter to appear or act" (quoted in Bonaparte, 2008). Thanks to Barbara Mann for also pointing out this source: Mann, Barbara Alice. 2000. *Iroquoian Women: The Gontowisas*. New York; Lang Publishing, 115-82.

Porter, 2008: 339, 102; LaDuke, 1999).[374] As such, all people and all living things have a right to the things they need for survival. Nothing belongs to human beings, and human beings have to measure their actions by the impact they will have not only on other people in the present, but also upon the past and future generations of all living things (Akwesasne Notes, 2005: 33; McAdams, 2012a; Williams, 1982: 14-15, 55).[375]

The Haudenosaunee, in particular, lived (and traditional Haudenosaunee continue to live) under a system of governance founded specifically on the idea that the Maker of Life (or Creator) could not have intended for human beings to destroy life by killing each other unnecessarily, and that healthy minds always desire peace (Lyons, 1992: 33-39; Akwesasne Notes, 2005: 32-39; Forbes, 2008: 22).[376] The purpose of government is to cultivate "a spiritually healthy society" and to establish peace by preventing the abuse of human beings and safeguarding the rights of everyone (and of other living things) (Akwesasne Notes, 2005: 33). To this end, the government and the society actively worked to eliminate "the causes of conflict

[374] For example, Black Elk (1983) notes that: "Alienation is an impossibility within traditional Lakota culture; we are prevented, by the way we view reality, from taking those steps which would, sooner or later, produce the condition of alienation. Thus we are prevented, directly and concretely, from undertaking alienating and self-destructive steps such as industrialization" (p. 153). Porter (2008) similarly notes that for the Haudenosaunee, despiritualizing politics, or anything else, is a crime: "The minute you take spirit out of anything, you have already defeated yourself"(p. 339).

[375] "[T]he creation is intended for the benefit of all equally –even the birds, animals, trees, and insects, as well as the humans. The world does not belong to the humans –it is the rightful property of the Great Creator. The gifts and benefits of the world, therefore, belong to all equally. The things that humans need for survival—food, clothing, shelter, protection—are things to which all are entitled because they are gifts of the Great Creator. … Therefore all people have a right to the things they need for survival… and no person or people has a right to deprive others of the fruits of those gifts" (Akwesasne Notes, 2005: 33).

[376] Forbes (2008: 22) writes of the similar observation from other Native societies that "[s]anity or healthy normality among humans and other living creatures involves a respect for other forms of life and other individuals."

between individuals and between peoples" (Akwesasne Notes, 2005: 34).[377] Under this cultural worldview, not only are all living things entitled to what they needed to survive, but everything is a gift from the creator, nothing belongs to human beings, no one has the right to deprive others of what they need to survive, "no one has a right to a greater share of wealth of society than anyone else," and all members of society have an active responsibility to defend others against abuses of their rights (Akwesasne Notes, 2005: 32-38; Lyons, 1992: 32-39). Because of this outlook, and its emphasis on peace, the Haudenosaunee also have numerous rules regarding war and peace: including that force should be used only as a last resort, to repel an attack, and wars should be carried on until the opponent agrees to peace –which it has an absolute right to do at any time by calling truce (Akwesasne Notes, 2005: 37; Lyons, 1992: 37). At the end of hostilities, the Haudenosaunee's Great Law of Peace (or Kaia'nereko:wa in the Mohawk/ Kanien'keha language) also stipulated that the Haudenosaunee would not impose their way of life upon any peoples defeated in war, would not seize their territory, and would not "collect tribute from them nor subject them to any form of injustice" (Akwesasne Notes, 2005: 37; Lyons, 1992: 37). Instead, the Haudenosaunee would merely demand that all weapons of war be put away and that the two parties enter into negotiations for the purpose of finding agreeable terms to lasting peace.

The diplomacy and values of the Haudenosaunee, certainly sophisticated beyond much of what is visible in the world today, were not unusual to Native societies in the Americas at the time of the European invasion. For perhaps most of the thousands of vastly diverse Native

[377] The Haudenosaunee Great Law of Peace "was conceived prior to the appearance of classes, and it sought to anticipate and eliminate anything that took the appearance of group or class interests, even in the form of clan or tribal interests, especially in the area of property"(Akwesasne Notes, 2005: 34).

societies throughout the Americas[378] (including the large, hierarchical empires), warfare was highly ritualized: missions of peace were not attacked, it was considered cowardly to fight a weakened enemy, and intentions for war were announced in advance, along with the reasons for war, so that the offending party could usually avoid war by making satisfaction for the injury done (Stannard, 1992: 110, 78, 51-52; Mohawk, 2000: 121; Forbes, 2008: 77-78; Todorov, 1982; Keal, 2003: 60-61).[379] Wars were often fought in response to a personal insult or to inter-tribal violence and were expected to last only a few days and to conclude in defeat, but not annihilation of the opponent (Stannard, 1992: 53, 78, 109-110; Mohawk, 2000: 121, 130). Throughout much of the American continents, it was generally expected that opponents adhered to the same rules of war (Mohawk, 2000:121). When wars were not avoided, the ultimate goal of warfare was to demonstrate bravery, skill and honor beyond what one's opponent could demonstrate, leading to symbolic ascendancy for the group. The highest form of this bravery was not to kill an opponent, but to touch him without hurting him (Stannard, 1992: 109-110, 53; Diamond, 1974: 111; McAdams, 2012a).[380] Large-scale battles, protracted warfare, wars for conquest, the

[378] Stannard (1992: 31) notes that in the early 1990s there were known to be at least 800 separate nations in North America alone. Certainly there were many, many more than this before the start of the last 500 years of genocide and colonialism.

[379] The exception to this was war by large empires like the Mexica for obtaining captives for human sacrifice. These wars were also highly ritualized, and could only be undertaken at certain times of the year and under certain circumstances (Mohawk, 2000: 121). As horrifying as warfare for human sacrifice is to modern day westerners, the slaughter of entire villages including men, women, children and elders, and the horrifying atrocities committed during these murderous rampages (such as feeding children alive to dogs, disemboweling living people in contests to see whose sword was the sharpest, raping women and cutting off their breasts or severing legs, hands, feet, noses, ears and other body parts from living human beings, and enslaving all survivors under conditions so harsh that few were able to survive them for more than a few years were all, perhaps, incalculably more terrifying to Native peoples who encountered these activities, and destroyed far more people in a far shorter period of time.

[380] Touching the enemy "with something held in the hand or with a part of the person was the bravest act that could be performed … [This was known as] to count coup on—to touch or strike—a living unhurt man and to leave him alive, and this was frequently done…. It was

annihilation of one's enemy or the harming of noncomattants were all unheard of and unknown objectives among Native societies prior to the arrival of Europeans (Stannard, 1992: 29, 78, 109-10).[381]

The peaceable and non-coercive values of perhaps the vast majority of Native societies throughout the Americas were reflected in virtually all other aspects of life, as well. Just as governments in northeastern North America (and beyond) avoided uninvited interference in the affairs of its individual citizens, so, too did parents avoid uninvited interference in the affairs of their children (Williams, 1982: 12, 14). Even when their children misbehaved, hitting or kicking their them, parents might, at most, as one missionary commented, "toss a little water in the child's face, a gesture obviously intended more to embarrass than to harm" the child (Stannard, 1992: 30).[382] Another observer similarly noted parent's concerns with promoting independence, not conformity, and thus the lack of beating or scolding of children in Haudenosaunee and Ojibway societies

> "lest the martial disposition which is to adorn their future life and character, should be weakened; on all occasions they avoid anything compulsive, that the freedom with which they wish them to think and act should not be controuled." (Williams, 1982: 11, 53)[383]

While these societies sought to inculcate an unshakable independence in thought and action among their children, they also taught communal generosity, pride, honour and avoidance of

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regarded as an evidence of bravery for a man to go into battle carrying no weapon that would do any harm at a distance … and the bravest thing of all was to go into a fight with nothing more than a whip, or a long twig—sometimes called a coup stick" (George Bird Grinnell, quoted in Stannard, 1992: 109-10).

[381] However, Lyons (1992: 33) notes that, after the start of the European invasion, there were times that the Haudenosaunee did engage in some wars of conquest, and in other ways follow their ideals of peace imperfectly.

[382] Stannard is quoting Jesuit Pierre de Charlevoix in his writings on his travels through New York, Michigan and eastern Canada. Charlevoix further noted that only the Christianized Indians, or Indians in settled colonies were known to chastise their children.

[383] Williams, is quoting James Long, and also citing Father Louis Hennepin.

shame through these non-coercive techniques with considerable success (Stanarnd, 1992: 29-30).[384]

These values of communal generosity, individual independence, and moral justice were also reflected in societal life, where people had few material wants and daily enacted their values that all of creation was to be respected and shared among each other (and other life forms), and none were to be deprived of what they needed to live Stanarnd, 1992: 48, 110; Means, 1983: 22; Akwesasne Notes, 2005: 34). The result of these values was a generosity among these Native societies that was remarked upon repeatedly by the shocked and astounded Europeans who arrived at the beginning of the invasion of the continents. As Columbus noted of the people upon his arrival in Cuba:

> [T]hey are so artless and free with all they possess, that no one would believe it without having seen it. Of anything they have, if you ask them for it, they never say no; rather they invite the person to share it, and show as much love as if they were giving their hearts; and whether the thing be of value or of small price, at once they are content with whatever little things of whatever kind may be given to them. (Stananard, 1992: 63, see also: 52; Forbes, 2008: 21-22)

Similarly, Vespucci in South America noted in 1502 that the people living along the coast "swarmed out to receive us … with as much confidence as if we had been friends for years," and Cartier in northern North America was likewise greeted upon his arrival in 1535 by people who "freely and familiarly came to our boats without any fear, as if we had ever been brought up together" (Stannard, 1992: 52). Others remarked upon the "fairness and dignity and self-control" of the Native peoples in the Americas, and Jesuit Joseph Francois Lafitau noted with some astonishment that:

> If a cabin of hungry people meets another whose provisions are not entirely exhausted, the latter share with the newcomers the little which remains to them

[384] Stannard further notes the amazement of the Jesuits in how successful Native societies were in raising model individuals through these techniques.

> without waiting to be asked, although they expose themselves thereby to the same danger of perishing as those whom they help at their own expense so humanely and with such greatness of soul. In Europe we should find few [people] disposed, in like cases, to a liberality so noble and magnificent. (quoted in Stannard, 1992: 31)

Because sharing with all even in times of need was a part of the fabric of the majority –if not all-- of Native societies in the Americas, the first Europeans found societies of abundance, not need. As Stannard (1992: 11, 67, 52-54) notes, despite the European's self-image of being technologically and societally superiority, the food production, health, and life expectancy of Native peoples in the Americas at the start of the European invasion all far surpassed anything known to Europeans. So, too, did the apparent (and inordinate, from the European perspective) contentment and happiness of Native peoples, who lived in abundance, ordered by laws or moral justice and principles of individual liberty, so much so that difference was not feared but expected, encouraged and accepted (Stananrd, 1992: 47; Forbes, 2008: 56). In other words, there was a "kind of thinking, respect for another's life [that] is based ultimately upon humility and the sense of relatedness and equality of all creatures (but not equality equals sameness). Democracy can only exist with such a philosophy" (Forbes, 2008: 56)

HEATLHY SOCIETIES WITHOUT PSYCHOPATHOLOGY

Referring back to the above discussion on Native societies in the Americas, and the discussion in the previous chapter on problematic patterns in the western cultural worldview, it is abundantly clear that Native societies in the Americas stood in stark contrast to the societies of Western Europe in virtually ever way. Most importantly, for the purposes of this discussion, Native societies in the Americas displayed virtually none of the problematic patterns of behavior that compose the western cultural worldview. The following discussion will seek to address each of

these problematic patterns of thought and behavior discussed in chapter 2, by contrasting the very different patterns of thought and behavior in Native societies.[385]

The vast majority of Native societies were non-hierarchical societies based not on the forcible imposition of obedience and law, but on the consent of the governed. Thus, most of these societies were built not upon social relations of domination like those experienced in European society, but upon principles of equality (but not, as Jack Forbes notes, "equality equals sameness"), participatory governance and consent of the governed. As noted above, some of these societies, such as the Haudenosaunee, actively worked to prevent the formation of any sort of divisions or points of conflict in their societies, including that of class or group interests, and "especially in the area of property"(Akwesasne Notes, 2005: 34). By eliminating the causes of conflict between individuals and peoples, they also eliminated the possibility of the development of groups of people who could or would oppress others. In this way, many Native societies could arguably be said to have prohibited all forms of domination (which many traditional Native communities continue to strive to prohibit today). Societies such as the Haudenosaunee were built in clear opposition to such domination, and around the moral principle that peace was only achieved by the constant, active striving to end all forms of oppression and to achieve absolute justice for everyone (Akwesasne Notes, 2005: 31-40; Lyons, 1992: 32, 34, 39; Stannard, 1992: 47, 48, 110; Williams, 1982: 12-14, 25, 33, 53-58; McAdams, 2012a, 2012b & 2011. See also: Taylor, 2006; Johnston, 1964; Bonaparte, 2008; Porter, 2008).

Because, the vast majority of Native societies in the Americas lacked hierarchies of special class or group interests, and governed on the basis of consent rather than coercion, these societies

[385] Admittedly, this means that the below section will be somewhat repetitious of the above section. The material in this chapter was initially intended to be included in a fuller discussion – and a more detailed comparison and contrast, in chapter 2. But for now, it will have to be left here, in this form.

never developed the dualistic mentality of separation and isolation that had become so deeply entrenched in the Western worldview once social relations of domination had become a mainstay of Western culture. In fact, an integral part of the cultural worldview of virtually all of the Native societies in the Americas –and a worldview common to traditional indigenous societies worldwide— is the understanding that everyone and everything is related (as the Lakota say, *Mitakuye Oyasin*: we are all related). This way of viewing the world precluded (and precludes) the formation of a mentality of separation from others –and thus precluded (and precludes) the formation of a mentality of exploitation of other people or life forms, or a mentality of accumulating for oneself at the expense of other people and/or other living things (Forbes, 2008: 80-81; Black Elk, 1983: 153; Deloria, 1969: 185).[386] Instead, as noted in the above section, this egalitarian, pro-life mentality held that all people and all living things have a right to that which they need to live, that no one has a right to deprive another person, and that none should ever take more than is needed.[387]

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[386] "[T]he Lakota could despise no creature, for all were of one blood. He knew that man's heart, away from nature, becomes hard; he knew that lack of respect for growing living things soon led to lack of respect for humans, too." (Forbes, 2008: 80-81). See also p. 12:

> The animal had rights—the right of man's protection, the right to live, the right to multiply, the right to freedom, and the right to man's indebtedness … the Lakota never enslaved the animal, and spared all life that was not needed for food and clothing. (quoting Luther Standing Bear)

[387] Westerners, particularly environmental or animal rights groups, often confuse this respect for all life with a requirement that all adhere to a strict vegetarian diet, but this view fails to comprehend the full interrelatedness of all life, and the weakness and dependence of humans upon animals in numerous ways, including for food. Rather than refrain from eating animals, traditional indigenous societies worldwide abide by traditional laws regarding when and under what circumstances and animal can be killed for food, prohibitions regarding the wasting of any edible part of an animal that is killed, and rules requiring ritualized respect be paid, and prayers of thanks be given to all animals for the sacrifice of those who are killed, etc. See, for example, Forbes (2008: 11):

> Native Americans and many other "folk" peoples have struggled long and hard with the contradiction inherent in eating other living creatures. Very simply, Native philosophy, based upon the recognition that all living creatures are brothers and sisters, came to the

In addition, for Native societies in the Americas, as well as traditional indigenous societies worldwide, spirituality is not something that can be separated from other aspects of life; to do so --as Western culture has done in virtually every aspect of life-- would be a crime, since all parts of creation contain spiritual force and must be treated with respect and as part of the circle of everything that is related (Porter, 2008: 339, 102; Means, 1983: 19-33; McAdams, 2012a; Akwesasne Notes, 2005: 85-91; Smithsonian, Protocols of Peace, 2012).[388] In this way, spirituality was (and is) a deeply embedded part of daily life in Native societies, and is inseparable from the complex systems of law and principles of moral justice that structure thought and behavior in these societies (Forbes, 2008: 15). Spirituality, then, is not about a separate set of beliefs that are picked up once a week for a few hours, but about a way of thinking and being in the world; it is about what one does in one's life.[389] And what people are

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conclusion that killing and eating, while unavoidable, can be done in such a way as to make it less ugly and less brutalizing. As Juan Matus says, "we must be on good terms with all the living things of the world. This is the reason why we must talk to plants we are about to kill and apologize for hurting them; the same thing must be done with the animals we are going to hurt."

[388] "Spiritual, social, economic, and political life are interwoven; one without the other is not considered whole or complete. (The spiritual and political are inseparable)"(Porter, 2008: 102). Further, the Haudenosaunee, among other traditional Native societies throughout the Americas, believe that "every living thing and every part of creation contains a spiritual force" --suggesting that people must be mindful of their actions in relation to everything around them, not just people, and not just "living things," but everything, because everything has a spiritual force. (Smithsonian, Protocols of Peace, 2012). This belief, known to the Haudenosaunee as *orenda*, has also been recognized by some western scholars, such as Sheldrake et. al., (2001: 102, 101) who refer to it as the Hermetic tradition, which recognizes that "everything has a soul and souls are permanent. Their occupation as animals or rocks or trees is temporary."

[389] Forbes (2008) notes:

> Religion is, in reality, living. Our religion is not what we profess, or what we say, or what we proclaim; our religion is what we do, what we desire, what we seek, what we dream about, what we fantasize, what we think---all of these things—twenty-four hours a day. *One's religion, then, is ones life, not merely the ideal life but the life as it is actually lived.*
>
> Religion is not prayer, it is not a church, it is not theistic, it is not atheistic, it has little to do with what white people call "religion." It is our every act. If we tromp on a bug,

socialized to do in these traditional Native/indigenous societies is to walk the "pollen path," or the "good, red road," or to maintain the "good mind," as the Navajo, Lakota and Haudenosaunee, respectively, refer to "living life in a sacred manner with continual awareness of the inter-relationship of all forms of life" and all of creation (Forbes, 2008:22). Some have suggested that this inseparability of spirituality from everything else might explain why most Native societies in the Americas have no word for "religion." As Jack Forbes (2008: 15) notes, "it may be that a word for religion is never needed until a people no longer have it."

All of this does not mean that Native societies in the Americas never differentiated between members of their own societies, or between their own societies and other Native societies. Just as in any society, there were (are) different roles that must be filled and that require the acceptance of different levels of responsibility. Though Native societies were run on the basis of consent of the governed, many (if not all) of them had some form of government. But service in government was an extra responsibility, and did not relieve a person from his responsibilities of hunting for a living to feed his family (Akwesasne Notes, 2005: 38; Stannard, 1992: 48; Williams, 1982: 12).[390] In fact, as noted, such service was often considered a hardship, though an honorable one, since chiefs often gave away their personal possessions and were expected to place themselves in a position where material gain was irrelevant to them. Their service often impoverished them in the interest of their people, rather than enriched them at the expense of their people.

> that is our religion; if we experiment on living animals, that is our religion; if we cheat at cards, that is our religion; if we dream of being famous, that is our religion; if we gossip maliciously, that is our religion; if we are rude and aggressive, that is our religion. *All that we do, and are, is our religion*. (P. 15)

[390] "The chief of a nation has to hunt for his living, like any other citizen" and cannot raise taxes or make decisions on his own, since he is a servant of the people, or a conduit for their voice (Williams, 1982: 12).

There were also distinctions between young and old, women and men; and many of these distinctions came with separate sets of responsibilities. For example, even in societies where women and men shared equally in governance, decision-making and/or running the activities of daily life, there were still, necessarily, recognized differences between men and women, and even different responsibilities attributed to each group. In matrilineal, matrilocal, and matriarchal Haudenosaunee society,[391] men were responsible for hunting, fighting in wars, and conducting deliberations between nations as chiefs, while women were in charge of agriculture and the distribution of food, the continuation of the culture, the running of local life in the village/longhouse, the selection of the chiefs and making all decisions relating to land. Because Haudenosaunee society was (is) matrilocal, matrilineal, and matriarchal, women actually had more power than men in many respects, overseeing the deliberations of chiefs; vetoing decisions made by chiefs, if necessary; determining the location of villages; deciding when to go to war and when to have peace; and even removing chiefs from office (referred to as dehorning the chiefs) if they failed to act in accordance with the will of the people. But though Haudenosaunee women had more responsibilities and influence in their society, they used their power not to dominate men, but to ensure the equal exercise and sharing of power between men and women (Williams, 1982: 14, 16, 25-27, 33; Woo, 2003; Stannard, 1992: 28, 29; Akwesasne Notes, 2005: 38; Proter, 2008: 115. See also: Lyons, 1992; Taylor, 2006; Johnston, 1964; Bonaparte, 2008). Thus, despite these distinctions and differences in roles and responsibilities among different (but equal) groups of people in Native societies, the cultural worldview that all things are interrelated, and that spirituality is inseparable from their daily lives, prevented the formation of anything

[391] Some, such as Barbara Mann, prefer the term matriarchal. Here I am also using the two terms that were used by speakers in the Smithsonian's *Protocols of Peace* (2012) event. Barbara Mann has suggested that interested readers consult her own book on *Iroquoian Women*, cited in an above note.

approximating the extreme, artificial, conceptual separations observed in Western culture between man and women, human and animal or nature, Christian and non-Christian (or eastern Christians), and man and his Church, religion, God, and parts of himself. In fact, as already noted, the Native cultural worldview absolutely prohibited the forms of separation that have allowed Western men to mentally and spiritually justify their oppression and exploitation of other people and living things. The Native worldview also prohibited the formation of any concept of isolation and alienation of oneself from other human beings, from other living things, from the Creator, or from him/herself (Black Elk, 1983; Means, 1983; Porter, 2008: 176; Forbes, 2008).[392]

Because they lacked this alienation and dualist separation, traditional Native societies in the Americas also lacked Western society's concepts of universalistic domination, intolerance, and rejection. Quite the contrary, individual difference was (and is) not only accepted, but expected and encouraged. As Jack Forbes (2008) notes, the Creator has made all people, animals, and things of a kind different for a purpose:

> Animals and plants are taught by Wakan tanka what they are to do. Wakan tanka teaches the birds to make nests, yet the nests of all birds are not alike. Wakan tanka gives them merely the outline… All birds, even those of the same species, are not alike, and it is the same with animals and human beings. The reason Wakan tanka does not make two birds, or animals or human beings exactly alike is because each is placed here by Wakan tanka to be an independent individuality and to rely on itself. (Pp. 55-56, quoting a Teton Sioux elder)

[392] Porter (2008: 176) notes that in both Native and Western worldviews there is a force that makes things good for human beings and a force that makes things difficult. But in the Western worldview the latter is considered "evil" and an enemy to be hated. Meanwhile in the Haudenosaunee worldview, each force controls half of the world, and each force is within each of us, so making enemies with the more difficult half of the world's power would be absurd and rather unintelligent. Instead, this latter force is considered mischievous, something to be watched and balanced: "So, it's not evil, its just mischievous. You've just gotta be careful. It's like when your kids are teenagers: you have to be extra alert at that time. And it's not that they're bad. It's just the fact that if you aren't alert, the consequences are big."

The same difference and diversity that was expected and encouraged among individuals was also expected and accepted between societies. Thus, as noted above, societies such as the Haudenosaunee had strict laws prohibiting the imposition of Haudenosaunee beliefs upon other peoples, even when these peoples were aggressors who had been conquered in war. These same ideas of independence, autonomy and accepted difference were present among Native societies throughout much of the Americas (Stannard, 1992: 30, 47, 52, 63; Williams, 1982: 15, 33, 53-58; Akwesasne Notes, 2005: 32-38; Lyons, 1992: 34; Diamond, 1974: 24-25), and were reflected in –among other things—the polite acceptance of European missionary prostelytizing along with the simultaneous rejection of conformity to Christianity. As such, the western belief that Native societies should submit to European kings and convert and conform to European religion might have been almost as incomprehensible to Native societies as their refusal was to European conquerors –a refusal that was fairly consistent among those Native societies with which European conquerors came into contact (Stannard, 1992; Mohawk, 2000).[393] Examples of this refusal abound. When told by European missionaries that they had never worshiped the Great Spirit correctly, Haudenosaunee Chiefs responded that their Creator "has made so great a difference between us in other things; why may we not conclude that He has given us a different religion according to our understanding?" (Williams, 1982: 57).[394] Similarly, John Mohawk

[393] Though, to be accurate, very little effort was made among early Spanish and English explorers to actually convert Native peoples, while much more effort was made to dominate, massacre, enslave and/or dispossess them by whatever means were possible –religion becoming merely a symbolic justification (Canny, 1979 & 1973; Mohawk, 2000; stannard, 1992). This point will be returned to in chapter 5.

[394] The same source notes that the chiefs further added, perhaps sarcastically: "We are told that you have been preaching to the white people in this place. These people are our neighbours. We are acquainted with them. We will wait a little while, and see what effect your preaching has upon them…".

(2000) remarks on Cortez' attempts to impose Christianity upon the Mexica (Aztec) Emperor and people:

> When Cortes had urged Moctezuma to embrace Christianity and abandon indigenous practices, the emperor replied that the religion of the Spaniards would not be appropriate to his people. It would not have occurred to the Christian West to discuss such an idea, since the Christian utopian enterprise was founded on the belief that there could be only on Truth, one right way. (P. 137)

These concepts of monotheistic intolerance and domination simply did not have a place in the Native worldview, making the Christian religion, at least in the form it was practiced among Europeans in the late Middle Ages,[395] incompatible with these Native societies. Christianity, like Western thought and behavior more generally, had long rested upon a foundation of domination, separation, alienation, and extreme intolerance of all difference or deviation. Likewise, Christianity's hierarchical positioning of Church officials as the absolute authority and the sole mediators in any given churchgoer's relationship with God would have been incompatible with the acceptance and encouragement of difference in Native societies, under which each individual "is sovereign in his own mind," has his/her own, individual and unmediated relationship with the Creator and all of creation, and "derives his freedom from the [Creator] alone" (Williams, 1982: 14). Further, without these hierarchies of separation, difference, intolerance and authoritarianism, Native societies would not easily have yielded to the constant contradicting and

[395] However, the Christian religion as it was originally founded, according to records of the words and behavior of Christ, may well have been compatible with the cultural worldview of many Native societies in the Americas. Some have even mistaken similarities between the two religio-cultural worldviews as demonstrative not of universal principles of moral justice common to all of humanity, but instead, of Christian origins of some Native spiritual worldviews (Wise, 1971: 52-69, x). However, the Haudenosaunee Confederacy, under the Great Law of Peace was established long before the start of the European invasion of the Ameircas (Vachon, 1993; Porter, 2006; Mann & Fields, 1997). Some versions of Haudenosaunee oral history present the Haudenosaunee Peacemaker as bringing the message of peace to the Haudenosaunee first, and then traveling across the ocean in an attempt to bring the same message there (see: Porter, 2008, who mentions these versions).

rewriting of the word of God, or misleading claims to be speaking for God, as were frequently made by Western Church officials who had long strayed from the original teachings of their religion. In fact, even if someone were to make such claims, they would not have mattered much to many in Native society. Because each individual was unique, had his or her own relationship with creation and the Creator, and had his or her own purpose or path to walk in life, it truly was up to each individual to determine what this path and purpose was, and to walk it, or not, according to his or her own choice (Porter, 2008; Stannard, 1992: 110).[396]

At the same time that high levels of individual autonomy led each person on his or her own path in life, the communities were held together by strong, unifying moral principles and cultural worldviews. Lengthy and detailed oral histories were (and are) recorded and passed on from generation to generation, and communities sometimes spent days or even weeks reciting particular events in their history. Because the whole community was exposed to these histories repeatedly, and because those who recited these histories had to do so accurately, without making inadvertent changes, and in front of many elders who would know if such a change had occurred, the cultural amnesia and manipulative rewriting of history so common in Western society was likely unknown to Native societies throughout the Americas, whose oral histories have been found to be incredibly accurate (See McNeil, 2001-2002 on recognition of this by modern courts).

In addition, societies such as that of the Haudenosaunee, were founded on longstanding traditions of reason, which encouraged individuals to think for themselves, to participate and voice their ideas and concerns in deliberations, and to collectively deliberate and debate on

[396] The latter source further notes the importance of this individualistic ethic in warfare, where autonomous individual warriors "might chose not to join in battle for this or that cause, and it was even common for an Indian war party on the march to 'melt away as individual warriors had second thoughts and returned home'" (p. 110).

various issues so that the best possible answers to questions or solutions to problems could be found (Akwesasne Notes, 2005: 31-39; Lyons, 1992: 32-39). This capacity of individuals to reason and of communities to benefit from the collective reasoning of all of their members was combined with centuries of accumulated knowledge and wisdom. Thus, these traditional societies had the capacity to withstand and survive through devastating, and even near-apocalyptic events, to rebuild from the damage, and to continue on as healthy societies maintained their cultural values and beliefs despite various odds –something that is evidenced not only from the oral histories of various Native nations such as the Navajo, but also through the continuing existence of hundreds of distinct Native societies despite five centuries of colonialism and Western society's concerted efforts to destroy Native peoples as individuals and as distinct peoples.

The strength of these communities in their ability to withstand adverse events was based largely on the collective contributions of their various, unique, individual members, these societies recognized that attacks on individuality would hurt the long-term survivability of the community. Because individuality was so encouraged and valued in community life, which lacked the forms of dominations, separation and intolerances seen in Western society, individuals within these societies had absolutely no need to engage in the various psychopathological defense mechanisms of rejection and projection, avoidance of critical self-reflection, or various other narcissistic defense mechanisms based on the individual or societal denial of various aspects of reality, which include magical thinking, self-aggrandizement, or imperialistic needs to forcibly recreate others in one's own image. In fact, the spiritual worldview which holds that everything is interconnected and each individual is responsible for identifying and fulfilling (or choosing not to fulfill) his or her own life purpose –a worldview common to perhaps the majority

of Native societies in the Americas— would have absolutely discouraged any of these defense mechanisms as self and collectively defeating. This is at least in part because any individual engaging in them would fail to engage in the sort of clear thinking and reasoning necessary both for contributing to communal life and for making rational choices pertaining to responsibility in one's individual life. Further, since individual and societal differences were accepted rather than rejected, there would be no reason to deny and project parts of oneself onto others, as there was no part of oneself that one needed to fear, reject and deny, and society did not depend upon creating 'others' onto which it could cast away these negative and intolerable aspects of itself, or against which its members could bond in hatred. Indeed, such psychopathological patterns of thinking or behaving would have been unthinkable to Native societies in the Americas, as was at least partially evidenced by the generosity and friendliness shown to European conquerors simply because they were fellow human beings (Stannard, 1992: 30, 47, 52, 63; Todorov, 1982; Mann, 2005).

As such, and because Native peoples throughout the Americas were indifferent to material accumulation (Stannard, 1992: 110, 30, 52, 63) –or even saw it as a sign of false status (Means, 1983: 22) -- the concept of accumulating material goods by dispossessing others of what is theirs, or of exploiting other people, other living things, or the earth, was non-existent in Native societies. Indeed, it would have likely been considered a crime by many Native societies, since engaging in such behaviors would have required reducing these other people, living things and parts of nature to mere resources to be exploited, and thus would have required the despiritualization (and dehumanization) of these other people, living things and parts of nature. This, in turn, it would have required that Native societies had experienced the same traumas, and had been utilizing the same psychopathological coping mechanisms for denying these traumas

that members of Western society had long experienced and utilized. Instead, as noted above, all along the coast of the Americas, European explorers, upon their first arrival, consistently found Native societies that were welcoming and generous with all that they had, and who treated material items as things to be shared with others (Akwesasne Notes, 2005: 32-38; Stannard, 1992: 29, 30, 47, 48, 52, 109-10; Means, 1983: 22; Lyons, 1992:34; Williams, 1982: 5).

Likewise, the idea of progress, as it was conceived by Western Europeans, would have had no meaning or place in Native society –or any traditional indigenous society (on the latter point, see: Diamond, 1974). Native societies in the Americas conceived of time as cyclical, conceived of all things as being related and having their own roles to play in the Creation, and even, in some cases, actively strove to eliminate all special interests or divisions that might result in conflict and the conceptualization of superiority/inferiority (Akwesasne Notes, 2005: 33, 34). Thus, the concept of progress in non-Western, non-industrial, indigenous societies –if it can be applied at all—would have pertained to the personal growth and learning that occurs as an individual progresses through society and through the life cycle, during which the "inevitable conflicts of growth" are shared, understood, socially structured, and resolved (Diamond, 1974: 41-43).

The communal involvement in the personal growth of individuals, and in helping them through the life cycle and their varying roles in society, served to keep autonomous individuals integrated into society, and thus kept societal members insulated from some of the more harmful aspects of potential life traumas. It thereby precluded the development of anti-social or psychopathological coping mechanisms. If any of these anti-social, psychopathological mechanisms did arise, such as through trauma, these societies, like other societies with intact cultures, had mechanisms in place to help individuals deal with and heal from psychological trauma and get back on their spiritual life paths. The sweat lodge and the vision quest are

examples of cultural rituals intended to help individuals move through and learn from the life cycles and various challenges in society and the world, and the Haudenosaunee condolence ceremony was created specifically to help individuals suffering from unresolved grief or trauma. The latter is an integral part of the Haudenosaunee Great Law of Peace (Kaia'nereko:wa), which united the original five Haudenosaunee nations (from east to west: the Mohawk, Oneida, Onondaga, Cayuga and Seneca) under the principles that roughly translate into power, righteousness, and reason (Akwesasne Notes, 2005: 31-39)[397] ended a long period of war and inter – and intra-familial violence (Lyons, 1992, 31-39) and is one of the oldest and longest standing democratic traditions in the world, as well as the only governing tradition founded upon the principles of peace, and the active striving for peace (Lyons, 1992: 33; Akwesasne Notes, 2005: 33, 92; Johansen, 1998; Woo, 2003; Vachon, 1993).[398] According to these concepts and this Great Law of Peace, "human beings whose minds are healthy always desire peace" (Akwesasne Notes, 2005: 32, 33). While rage and grief are natural emotions for all humans, they "confuse people's abilities to think clearly" (Lyons, 1992: 38). Thus, in order to ensure that decisions are made with clear minds, prior to treaty negotiations or other deliberations, it was not uncommon for the Haudenosaunee to first perform a condolence ceremony to clear eyes, ears and throat/mouth from dust, tears and strong emotions, or from anything else that might get in the way of the parties seeing and hearing each other clearly, and of speaking and communicating

[397] Barbara Mann translates these as 1) health or well being, 2) honor or righteousness, and 3) the sacred will of the people.

[398] "Other political philosophers and organizers have come to the conclusion that government can be formed for the purpose of establishing tranquility, but the Peacemaker went considerably further than that. He argued not for the establishment of law and order, but for the full establishment of peace. Peace was to be defined not as the simple absence of war or strife, but as the active striving of humans for the purpose of establishing universal justice. Peace was defined as the product of a society that strives to establish concepts that correlate to the English words power, reason and righteousness." (Akwesasne Notes, 2005: 33).

clearly. The condolence ceremony was (and is) also performed, along with other ceremonies, for relatives of members of the community who pass away, and in other circumstances in which conflict and/or strong emotions of rage or grief need to be resolved so that clear thinking could (can) proceed.

These cultural mechanisms for dealing with conflict, grief and trauma were further strengthened and reinforced by the worldview that all people and living things are related, and by the consensus processes that strove for societal unity on important issues. Western literature on clinical work with trauma survivors has only in recent decades begun to catch up with the insights and cultural wisdom of the Haudenosaunee and other Native peoples of the Americas in relation to the processes of healing from trauma and grief. For example, in their work with trauma survivors, McFarlane and van der Kolk (2006), Herman (1992) and Kelman (1973) have all found that what we do to --or tolerate being done to—others is, perhaps primarily, damaging to ourselves and our own humanity.[399] Such insights have been inherent in the traditional cultural knowledge of the Haudenosaunee and other Native societies for centuries, though expressed in slightly different words (Porter, 2008: 173; Forbes, 2008: 12-14).[400] Arguably,

[399] To this extent, Kelman (1973: 50-52) noted that the process of dehumanizing the victim requires the simultaneous (or, perhaps, preceding) dehumanization of the victimizer him/herself, as the former weakens moral restraints and causes the victimizer to "lose the capacity to act as a moral being" –thus also losing his/her sense of personal identity and community. Likewise McFarlane and van der Kolk (2006: 36) have noted the deep-seeded connections between tolerating the victimization of others (and thus, of identifying with the perpetrator, since identifying with the victim requires a refusal to tolerate such victimization) and engaging in victimization of one's self, noting that "[i]dentifying with the aggressor makes it possible to bypass empathy for themselves and secondarily for others." Similarly, Herman (1992: 9) has noted the societal connections between denying the pain and suffering caused to some with societal inabilities to acknowledge or deal with trauma, pain and suffering of any of its members.

[400] "Greed and gluttony, along with the cruel using of others' lives without remorse, is seen as destructive of one's own spiritual potential as well as a form of sickness" (Forbes, 2008: 12-14).

Porter's insight, in a way about all of us being connected, and in a way about the harm to ourselves and our relationship with the Creator and the rest of the universe when we are

Western society has not yet caught up with the Haudenosaunee and other Native peoples of the Americas in relation to the processes of participatory democracy and the active striving for peace that is desired by all healthy minds.[401]

Hence, of all of the problematic patterns of thought and behavior in the Western cultural worldview, there were only two that were present in a mere handful of the thousands of diverse Native societies throughout the Americas: the practices of ritual human sacrifice and/or the potential practice of cannibalism. While these practices were understandably alarming and frightening to Europeans arriving on the shores of a strange land, both of these practices were also present in areas of Europe at various points in time. For example, Stannard (1992: 51-52) and Mohaw (2000: 125-26) contrast the ritualistic human sacrifice of a few large empires in the Americas with the Inquisition and witch hunt that was ongoing throughout Europe and which also constituted a form of ritualized human sacrifice. For example:

> The Spanish were more self-righteous than usual about the superiority of Christianity because they were repulsed by the idea of human sacrifice and disgusted by the evidence of cannibalism that sometimes accompanied the sacrifices. They could disembowel a person without flinching, slaughter a village, or burn a person to death slowly over fires for days but could not stomach cannibalism in any form. (The acts of cannibalism by crusaders at Maarat an-Numan and Niceae during the First Crusade were unlikely to have been preserved in popular memory.) (Mohawk, 2000: 125-26)[402]

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destructive towards others, can also be found in western religions, such as the teachings of Christianity. The difference, of course, is that the Christian Church became so separated from these teachings that they are often –thought not always-- only verbally expressed in Christianity during Sunday sermons. But as Forbes (p. 15) remarks: "All that we do, and are, is our religion."

[401] On healthy minds desiring peace and treating other people and life forms with respect, see Lyons (1992: 33-39), Akwesasne Notes (2005: 32-39), Forbes (2008: 22).

[402] "[T]he very plain fact is that the many tens of millions of people who lived in the Americas prior to 1492 were human—neither subhuman, nor superhuman—just human. Some of the social practices of selected groups of them we would find abhorrent to our cultural tastes and attitudes at present, in the same way that we find loathsome certain social practices of earlier European and Asian cultures. Thus, for example, few of us today would countenance the practice of human sacrifice as a way of propitiating an angry god, as was done by a few of the highest urban cultures in Mesoamerica during the fifteenth- and early sixteenth century. However,

Likewise, Stannard (1992) notes that ritual cannibalism was certainly not unheard of in 15th century European society, though it was "not officially condoned, at least, not usually":

> Violence, of course, was everywhere, as alluded to above; but occasionally it took on an especially perverse character. In addition to the hunting down and burning of witches, which was an everyday affair in most locales, in Milan in 1476 a man was torn to pieces by an enraged mob and his disemboweled limbs were then eaten by his tormenters. In Paris and Lyon, Hugenots were killed and butchered, and their various body parts were sold openly in the streets. Other eruptions of bizarre torture, murder, and ritual cannibalism were not uncommon. (P. 61)

Thus, while Native societies throughout the Americas were imperfect, and at times deviated from their ideals and convictions (Lyons, 1992: 33), the vast majority of these societies were healthy societies with imperfect humans. In many ways, "from methods of child rearing and codes of friendship and loyalty, to worshiping and caring for their natural environment," to communal generosity and individual autonomy and liberty, they "appear far more enlightened" than Western society and its cultural worldview does today (Stannard, 1992: 52). In other words, Native societies in the Americas were healthy societies, not just in relation to the disastrous conditions that existed across the oceans and the destructive, devastating, and psychopathological patterns of thought and behavior that composed the Western cultural worldview, but also in absolute terms: their members were happy, healthy, socially integrated and supported in all aspects of their life cycles, and living lives "of apparent total liberty" (Stannard, 1992: 47). Meanwhile, when viewed in relation to Native societies in the Americas, Western society and the Western cultural worldview, was, and continues to be, incredibly unhealthy physically, socially, mentally, emotionally, and spiritually.

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neither would many of us support the grisly torture and killing of thousands of heretics or the burning of tens of thousands of men and women as witches, in a similar effort to mollify a jealous deity, as was being done in Europe, with theocratic approval, at precisely the same time that the Aztecs were sacrificing enemy warriors." (Stannard, 1992: 51-52)

This difference certainly did not go unnoticed by European colonists. Whether they were part of colonial ventures to subjugate the Gaelic Irish or to establish colonies in North America, English soldiers and colonists deserted to the Natives in a "regular hemorrhage" from the late 1500s to well into the eighteenth century. They did so despite the harsh penalties for desertion and the likely execution that awaited those deserters who were hunted down and dragged back to the colony in Jamestown (Canny, 1979: 23-24, 30-35; Mohawk, 2000; Stannard, 1992: 103-05; Martinot, 2003b: 38).[403] In fact, though English desertion from Jamestown stopped completely for a while after the Pequot attack on the colony in 1622 (Canny, 1979), it continued to be an ongoing issue for the colonies well into the 18th century, as New York writer Hector St. John de Crèvecœur noted in 1782: "thousands of colonists had left the colonies voluntarily to live with various indigenous societies, while not a single indigenous person was known to have left his or her society *voluntarily* to live with the Europeans." Crèvecœur further stipulated that "there must be something more congenial [in the indigenous societies] to our native dispositions than the fictitious society in which we live" (quoted in Martinot, 2003: 38). Rousseau made similar observations about European colonial ventures more generally.[404]

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[403] "They found Indian life to possess a strong sense of community, abundant love, and uncommon integrity—values that the European colonists also honored, if less successfully. But Indian life was attractive for other values—for social equality, mobility, adventure, and, as two adult converts acknowledged, 'the most perfect freedom, the ease of living, [and] the absence of those cares and corroding solicitudes which so often prevail with us.' (Stannard, 1992: 104, quoting Axtell, James. 1985. *The Invasion Within: The Contest of Cultures in Colonial North America*. New York: Oxford University Press, p. 303). For these reasons and more, deserters often refused to return to the European colony even when they were promised a pardon for their "crimes," sometimes going to great lengths to blend into Indian society and hide from colonists. In addition, deserters came from all ranks of colonial society (Canny (1979: 32, 33).

[404] "It is an extremely remarkable thing for all the years that Europeans have been tormenting themselves to bring the savages of the various countries in the world to their way of life that they have not yet been able to win over a single one, not even with the aid of Christianity; our missionaries sometimes make Christians of them, but never civilized men. Nothing can overcome the invincible repugnance they have of adopting our morals and living in our way. If

This difference also did not go unnoticed by Native societies at the time.[405] And though modern westerners, blinded by their own, unresolved, transgenerational trauma and psychopathological coping mechanisms, have been unwilling or unable to recognize the extremely unhealthy nature of Western society and the Western cultural worldview, modern Native peoples who continue to resist assimilation into (or further colonization by) this cultural worldview have not been so oblivious to this fact. In his book, *Columbus and other Cannibals*, Jack Forbes (2008: xv) has analogized the destructive strands leading Western culture with "a plague, a disease worse than leprosy, a sickness worse than malaria, a malady much more terrible than smallpox," and has likened it to cannibalism, or *wétiko* (cannibal) psychosis (where *wétiko*, a Cree term, is defined as "an evil person or spirit who terrorizes other creatures by means of terrible acts, including cannibalism") (p. 24). Forbes' observations are certainly apt, both in the context of the atrocities committed by the Spanish in the south and the English in the North of the New World[406] as well as in the modern day destruction promoted by military and corporate

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these savages are as unhappy as it is claimed, they are, by what inconceivable depravity of judgment do they constantly refuse to civilize themselves by imitating us or to learn to live happily among us—**whereas one finds in a thousand places that … Europeans have voluntarily taken refuge among these natives**, spent their entire lives there, no longer able to leave such a strange way of life …."(Rousseau, quoted in Diamond, 1974: 24-25, emphasis added). A similar account (by the same person) is quoted in Stannard (1992: 104): "Thousands of Europeans are Indians, and we have no examples of even one of these Aborigines having from choice become European!"

[405] For example, when a Native leader in Hispanola named Hatuey was captured after fleeing Spanish massacres and atrocities with many of his followers, "a Franciscan friar urged him to take Jesus to his heart so that his soul might go to heaven, rather then descend into hell. Hatuey replied that if heaven was where the Christians went, he would rather go to hell" (Stannard, 1992: 69-70).

[406] These histories include example after example, almost ad infinitum, of this sort of account:

> Wherever the marauding, diseased, and heavily armed Spanish forces went out on patrol, accompanied by ferocious armored dogs that had been trained to kill and disembowel, they preyed on the local communities—already plague-enfeebled—forcing them to supply food and women and slaves, and whatever else the soldiers might desire. At virtually every previous landing on this trip, Columbus's troops had gone ashore and

profiteering ventures at home and abroad. Further, though the technological means of domination, colonization and destruction have changed over the centuries, the destructive, exploitative, and dominating mentality has not, something we've seen in the current wars on "terror" and non-Western peoples.

Similar to Forbes, John Trudell (2001b & 2003) has referred to the destructive mentality and actions of western society, first brought over the oceans by Columbus, as "the virus,"[407] while Vine Deloria, Jr. (1969: 188) has referred to Western culture as something that is "not a culture

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> killed indiscriminately, as though for sport, whatever animals and birds and natives they encountered, "looting and destroying all they found," as the Admiral's son Fernando blithely put it. Once on Hispaniola, however, Columbus fell ill… and what little restraint he had maintained over his men disappeared as he went through a lengthy period of recuperation. The troops went wild, stealing, killing, raping, and torturing natives, trying to force them to divulge the whereabouts of the imagined treasure-houses of gold. (Stannard, 1992: 69)

Similarly, among the English colonists:

> [In Roanoke] when an Indian was accused by an Englishman of stealing a cup and failing to return it, the English response was to attack the natives in force, burning the entire community and the fields of corn surrounding it. … Such disproportionate responses to supposed affronts was to mark English dealings with the Indians throughout the seventeenth century. … [In Jamestown] Indians who came to English settlements with food for the British (who seemed never able to feed themselves) were captured, accused of being spies, and executed. On other occasions, Indians were enticed into visiting the settlements on the pretence of peace and the sharing of entertainment, where upon they were attacked by the English and killed. Peace treaties were signed with every intention to violate them … [And] [h]undreds of Indians were killed in skirmish after skirmish. Other hundreds were killed in successful plots of mass poisoning. They were hunted down by dogs… Their canoes and fishing weirs were smashed, their villages and agricultural fields burned to the ground. Indian peace offers were accepted by the British only until their prisoners were returned; then, having lulled the natives into false security, the colonists returned to attack. It was the colonists' expressed desire that the Indians be exterminated…. (Stannard, 1992: 105-06).

[407] "But the time Columbus got here in 1492 –see, people have many opinions about him: who he was or what he was but, whatever. See, he was really like the virus. And the spirit was being eaten by disease. And it affected the perceptional reality of the human. See, so when Columbus and them got here and we told him who we were, they didn't know. We said, "We're the people. We're the human beings." But they didn't know, because it wasn't a part of their perceptional reality –the concept was no longer a part of their perceptional reality. See, this is what happened to the tribes of Europe and the descendants of the tribes of Europe." (Trudell, op. cit.)

but a cancer."[408] The contagious nature of the destructive patterns of thought and behavior in the Western worldview have further not gone unnoticed by these latter scholars[409] (though, unfortunately, it seems likely that many Native peoples at the time of the initial invasion might have been unfamiliar with this concept of contagion[410]). These observations are entirely inline with Western revelations on the contagious nature of traumatic symptomology (Figley, 1997a & 1997b; Gilbert, 1997; Williams, 1997; Remer & Ferguson, 1997; Catherall, 1997; Danieli, 1998; Hardtmann, 1998; Bar-On et al., 1998; Felsen, 1998; Warner & Weist, 1996).

CHAPTER CONCLUSION

My hope is that this brief chapter has demonstrated the stark contrast between Western patterns of thought and behavior –patterns which result from and reflect the western "civilizing"/ colonizing/ traumatizing process—and the patterns of thought, behavior and being that were widespread among perhaps the majority of vastly diverse Native societies living throughout the Americas at the start of the invasion. I also hope that this chapter, together with chapter 2, has given the reader a better sense of what I mean by healthy societies and pathological societies. As will be seen more clearly later, this chapter has laid some of the groundwork necessary for the discussion in chapters 5 and 6, on Native-non-Native relations and the development of

[408] "White culture destroys other culture because of its abstractness. As a destroyer of culture it is not a culture but a cancer." (Deloria, 1969: 188).

[409] To this extent, Deloria advocated separatism from white culture "as the only means by which" different groups, or individuals, can "gain time for reflection, meditation, and eventual understanding of themselves as a people" (Deloria, 1969: 188). See also, Stannard (1992): "just as their isolation from Old World diseases made the Indians an exceptionally healthy people as long as they were not contacted by disease-bearing outsiders, once Europeans invaded their lands with nothing but disdain for the native regime of mutual respect and reciprocity, the end result was doomed to spell disaster" (p. 109).

[410] As one Cree survivor noted of the small pox: "we had no belief that one man could give it to another, any more than a wounded man could give his wound to another"(Quoted in Stannard, 1992: 53).

international law, and on non-Native reactions to the 2006 Haudenosaunee Six Nations protest in Caledonia, Ontario, respectively.

Chapter 4

The Canadian and Ontario Governments' War on Haudenosaunee Human Rights: An Atrocity Producing Situation

> *In order to escape accountability for his crimes, the perpetrator does everything in his power to promote forgetting. Secrecy and silence are the perpetrator's first line of defense. If secrecy fails, the perpetrator attacks the credibility of the victim. If he cannot silence her absolutely, he tries to make sure that no one listens. To this end, he marshals an impressive array of arguments, from the most blatant denial to the most sophisticated and elegant rationalization. After every atrocity once can expect to hear the same predictable apologies: it never happened; the victim lies; the victim exaggerates; the victim brought it upon herself; and in any case it is time to forget the past and move on. The more powerful the perpetrator, the greater his prerogative to name and define reality, and the more completely his arguments prevail.*
>
> *~ Herman 1992, 8*

> *To perceive others as fully human means to be saddened by the death of every single person, regardless of the population group or the part of the world from which he comes, and regardless of our own personal acquaintance with him. If we accord him identity, then we must individualize his death, …. If we accord him community, then we must experience his death as a personal loss, a sentiment expressed with beautiful simplicity by John Donne's Any man's death diminishes me, because I am involved in mankind.*
>
> *~ Kelman 1973, 49*

The question of how and why some groups of people commit atrocities against other groups of people has preoccupied academics since at least World War II, and a number of different potential explanations have surfaced over the last several decades. The explanations have ranged from those that focus on political, 'tribal' identities (Mamdami, 2002), to those that focus on individual and collective forms of denial (Cohen, 2005; Herman, 1992; Bauman, 2000), to those that focus on the 'chain of command,' or on situations of power and/or obedience (Bauman, 2000; Haney & Zimbardo, 1973a & 1973b; Milgram, 1974). While all of these potential explanations make important contributions to our understanding of the dynamics of atrocities, one of the most interesting ideas that has arisen out of this vast literature is the idea that human beings generally have in instinctive aversion to killing and/or committing violent atrocities --

even in situations where violence and killing are required (Grossman, 1999; Watson, 1978; Eisenhart, 1975; Litz et al., 2009; Kelman, 1973). Thus, it is the erosion of this aversion to victimizing and killing others that, some say, most needs to be explained.

In his examination of the atrocities committed by US soldiers during the Vietnam War, Herbert Kelman (1973) sets out to do just this, and argues that the root cause of these atrocities was the purposeful and calculated loosening of the normal moral restraints by government policies and practices. For example, Kelman (1973: 29, 30, 31) identified three processes that could result in the loss of normal moral restraint in what he called "sanctioned massacres," and he argued that these processes are always primarily the result of government policies and practices that are either purposefully aimed at destroying particular groups of people, or are geared towards the pursuit other policy objectives, which allows, encourages, promotes, or tacitly ignores attacks on the targeted group(s) of people. For example, the purposeful destruction of entire groups of people was, in many ways, the explicit goal of government policy in Nazi Germany, while the pursuit of other policy objectives allowed, encouraged and promoted the decimation of entire villages of innocent civilians in Vietnam in the 1970s (as well as in Iraq and Afghanistan, today).[411]

Though Kelman uses the term "sanctioned massacres" to describe the atrocities committed against innocent men, women, children, and elderly adults in Vietnam, he acknowledges that the phenomenon he is describing is not limited to massacres, but may also include other forms of death, injury, uprooting, and/or displacement of the targeted group(s) of people; as well as the destruction of their lands, the source of their livelihoods, their social structures, and/or their ways

[411] "Massacres of the kind that occurred in My Lai were not deliberately planned, but they took place in an atmosphere that made it quite clear that the civilian population was expendable and that actions resulting in the indiscriminate killing of civilians were central to the strategy of the war" (Kelman, 1973: 32).

of life (Kelman, 1973: 32, 25). For this reason, rather than use Kelman's term, Lifton's (1975, 2004) concepts of atrocities and atrocity producing situations in my examination of Canadian federal and provincial government policies and practices that precipitated both the 2006 Haudenosaunee protest in Caledonia and corresponding behaviors of non-Native residents both preceding the protest and in response to it. These latter behaviors will be discussed more thoroughly in chapter 6, while this chapter is primarily concerned with examining the behaviors, policies and practices of government officials and others in positions of relative authority (such local businessmen and news reporters and editors). Further, the main purpose of this chapter is to examine the ways in which government officials have engaged in the problematic patterns of thought and behavior, discussed in chapter 2, in ways and to an extent that has normalized the conditions of atrocity producing situations in relation to the Haudenosaunee and other Native peoples throughout Canada. I argue that atrocities are being perpetrated against Native peoples in Canada in the form of dispossessions, displacements, and uprooting of Native peoples, as well as the destruction of Native lands, livelihoods, culture and ways of life. All of this is being done in pursuit of policy objectives intended to further the accumulation of capital in the hands of a few at the expense of the vast majority of both Native and non-Native peoples throughout Canada.

There are three sections in this chapter. The first provides a brief overview of Herbert Kelman's (1973) theory regarding the pre-conditions for the production of atrocities. This much-abbreviated discussion is intended to provide some context for the second and third sections in the chapter, as well as for the discussion in chapter 6. The second section applies aspects of Kelman's theory to federal, provincial and county-level governments' pursuit of policy objectives, as well as the explicit support for these objectives that has been demonstrated on the

part of businessmen and media representatives (i.e., other people in position of relative authority). Through this examination, I will argue that these authorities created (and/or *maintained*[412]) the necessary conditions for the production of atrocities against the Haudenosaunee people in relation to their 2006 land rights protest. The third and last section in the chapter will examine some of the Canadian Supreme Court rulings and legally-binding international human rights laws that are routinely being violated by the Canadian and Ontario (as well as county-level) governments in pursuit of the policy objectives of capital accumulation through settlement, development and resource extraction on First Nations lands throughout Canada –i.e., the process of accumulation by dispossession (Harvey, 2003). I will argue that the creation/maintenance of the conditions of atrocity in response to the 2006 Haudenosaunee protest must be contextualized within the broader, long-standing context of ongoing violations of the rights of indigenous peoples in Canada. Further, all of these must be contextualized within the psychopathological patterns of thought and behavior that were discussed in chapter 2.

In the chapter's conclusion –as well as parts of the third section of the chapter-- some of the repercussions of these ongoing legal violations, and ongoing psychopathology, will be considered. Such repercussions may include the loss of legal and political legitimacy at home and abroad, as well as the inevitable escalation of atrocities and atrocity-producing situations within Canada. Such an escalation of atrocities in Canada can be expected if Canadian and provincial governments continue to violate their own domestic laws and their legally-binding international human rights commitments in pursuit of capital accumulation and the "superpower" status that is expected to accompany the intensification of resource extraction projects in Canada. If these process of accumulation by dispossession continue in Canada, Native peoples across the

[412] Since, arguably, these conditions have existed almost as long as Europeans have lived on the continent.

country will be forced to either resign themselves to destruction as distinct peoples or adopt alternate, and increasingly confrontational means to protect their lands, resources, Aboriginal, treaty, and human rights. Many Native peoples will quite understandably choose the latter. This, in turn, may incite many Canadian non-Natives, who are largely ill-informed about the domestic and international human rights of indigenous peoples, to mobilize in anger against what they perceive to be "special privileges" of Native peoples. Following the lead of their government officials, these non-Natives may thus increasingly respond to Native rights assertions with escalating anger and violence, as was the case in Caledonia on 2006 (see chapter 6 for a discussion of non-Native responses in Caledonia).

THE CONDITIONS OF ATROCITY-PRODUCING SITUATIONS

As mentioned above, Herbert Kelman (1973) argued that in atrocity-producing situations the normal human aversion to killing or committing atrocities against other peoples is overcome through official policies and practices that are either purposefully aimed at eliminating entire groups of people, or are geared towards the pursuit of other policy objectives that explicitly encourage, allow, promote or tacitly ignore attacks on one or more targeted group(s) of people. Kelman further identified three types of policy processes that serve to loosen these normal moral restraints, thus allowing and potentially leading to the production of atrocities. He termed these processes authorization, routinization, and dehumanization (Kelman, 1973: 8). Each of these will be briefly explained.

For Kelman (1973: 39), the process of authorization is the process through which authorities perceived of as legitimate make it known that attacks on a targeted group of people are encouraged and promoted and/or will be allowed and tacitly ignored. Through this explicit or implicit permission, Kelman argues, there is a lessening of the moral restraints that normally

prevent individuals and groups from engaging in violent actions that are otherwise perceived to be immoral, illegitimate or illegal. At the same time, there is a heightened willingness among individuals or groups who identify with these perceived legitimate authorities to engage in such activities (p. 39). Both this lessening and this heightening are further enhanced when members of the perpetrating group live within a hierarchically structured society in which obedience to authority is expected and required. To this extent, Kelman (1973: 41-44) and numerous others (Haney & Zimbardo, 1973a & 1973b; Milgram, 1974) have found that unquestioned obedience to authority is an extremely widespread characteristic of US society[413] (and Western society in general[414]), and many members of US society feel that they have an "overriding obligation" do follow the orders of a superior, regardless of the immoral or illegal characteristics of such an order. Certainly Canadian society is no less geared towards unquestioning obedience to authority, and there are convincing arguments that it is geared towards this much more so than is the United States (Chamberlin, 2002: 14-15).

[413] "In a national survey of public reactions to the Calley [the Lt. in charge at the My Lai massacre] trial, conducted a few weeks after the conviction of Lt. Calley had been announced, we asked respondents what they thought they would do if they were soldiers in Vietnam and were ordered by their superior officers to shoot all inhabitants of a village suspected of aiding the enemy, including old men, women, and children. Fifty-one percent of our sample said that they would follow orders and shoot; 33% said that they would refuse to shoot. We cannot infer, of course, from their responses to a hypothetical question what these individuals would actually do if they found themselves in the situation described. Our data do suggest, however, that they are prepared, in principle, to engage in mass violence if faced with authoritative orders to do so. They are certainly prepared to condone such actions; they regard obedience to orders under these circumstances—even if that means shooting unarmed civilians—as the normatively expected, the required, indeed the right and moral thing for the good citizen to do. In short, the cognitive and ideological grounding for mass violence in an authority situation seems to be present in large segments of the US population" (Kelman, 1973: 41)

[414] See for example: Mann, L. 1973. Attitudes toward My Lai and obedience to orders: An Australian survey. *Australian Journal of Psychology*. 25 (1), pp. 11-12, (cited in Kelman, 1973: 41)which finds similar obedience-to-authority attitudes in Australia.

The willingness among individuals or groups to engage in attacks and atrocities against other, targeted people is further heightened when the groups explicitly or implicitly targeted already have a long history of being targeted by psychopathological projections as scapegoats, or when the group doing the targeting already has a long history of engaging in these psychopathological projections and scapegoating (Kelman, 1973: 32, 35, 37, 50). Thus, though US soldiers in Vietnam may have never previously encountered Vietnamese people or culture, they had been exposed to a long history of targeting other groups of people –such as African Americans, Native North Americans, Mexicans, and Chinese immigrants—through psychopathological projection and scapegoating. According to Kelman, this long history of targeting various groups of people, and setting them apart from the rest of society as "fair game" for attack, was easily transferred to Vietnam by US soldiers already long familiar with, and possibly participants in, this type of dynamic.

Kelman further stresses that, while targeted groups may have long-histories as victims of discrimination and attack, they are not, in the case of sanctioned massacre or atrocity-producing situations, being attacked for *what they have done.* Rather, they are being attacked because of *what they are,* and/or because of what their relationship is to particular policy objectives (i.e., they are "in the way" of such objectives) (Kelman, 1973: 32, 37, 30, 49). John Mohawk (2000: 5) has noted similar dynamics throughout the history of Western, utopian thinking, through which certain groups of people are seen as being both "in the way" of "progress," and expendable in Western society's pursuit of a distant (and impossible) Utopia. Some of these ideas were discussed more thoroughly in chapter 2, particularly in the sections on projection, scapegoating and human sacrifice. In all of these examples, distant policy objectives (whether Utopian or not), together with established patterns of victimization and perpetration, serve as a

form of justification to the perpetrators that what they are doing is not only okay, but perhaps even necessary, moral, benevolent, or valorous. Such patterns of thought constitute what Kelman (1973:44) calls a "transcendent mission," the likes of which is easily illustrated in Himmler's motivational speeches to Nazis in charge of exterminating various groups of people.[415] Part of these transcendent missions, such as in the current war on terrorism, may consist of claims to self-defense against perceived potential attacks –claims that are invoked in an attempt to make the attacks and atrocities more morally acceptable. Of course, all of the above-discussed forms of justification are, when not entirely fabricated, always far out of proportion with any objective observation of the behavior of the targeted group (Kelman, 1973: 32), as well as any objective observation on the proportional force required for the alleged self-defensive of the perpetrating group. Despite the obvious lack of validity and proportion involved in such transcendent missions, authorities may, themselves, get caught up in these alleged missions (as opposed to simply using them strategically to manipulate the masses into supporting their stated or unstated policy objectives), and may come to view their efforts at mobilizing the population around these missions as part of a "popular mandate"(which, itself, reinforced the alleged legitimacy of these missions, at least in the eyes of deluded authorities) (Kelman, 1973: 45). In order to keep the masses mobilized in this fashion, all of the above-discussed processes of authorization generally must be repeated and reinforced perpetually, and in various forms.

[415] Kelman (1973: 45, quoting from Arendt) noted that Himmler motivated Nazis in charge of exterminating various 'undesirable' groups of people by praising the officers "for their courage and devotion to duty in carrying out repugnant acts" and for their involvement "'in something historic, grandiose, unique ('a great task that occurs once in two thousand years')'." Transcendental missions are often just as vague as those invoked by Himmler, and have included (and continue to include) notions of "progress," "civilization," "national security," the "war on terrorism," and --before that-- the wars on communism, drugs, and narcoterrorism, as well as the wars against infidels, witches, heretics, non-Christians, and so forth (see chapter 2 for more on these latter wars and the policy objectives behind them).

While the processes of authorization provide some forms of pseudo-justifications for the lessening the moral restraints against the commission of atrocities, the processes of routinization serve to encourage wide-spread dissociation pertaining to these atrocities and lessened moral restraints (Kelman, 1973: 47). Stanely Cohen (2005), Judith Herman (1992) and Zygmunt Bauman (2000) have all also written extensively on this concept and process, though they refer to it using slightly different terminology. Max Weber (1995), also discussed this concept and process in his discussion of Western bureaucracy and the 'iron cage'. The process of routinization achieves this dissociation by transforming the various contributions that individuals and groups make to widespread atrocities "into routine, mechanical, highly-programmed operations" (Kelman, 1973: 46). In order to do so, the contributions that individuals make to the entire atrocity-producing process are "broken down into discrete steps carried out in automatic, regularized fashion" (p. 47). Individuals performing these steps are required to focus on the details of these steps and/or on notions of "efficiency" or "productivity," rather than on the overall big picture. In this way, the need for individuals to make decisions, and/or the ability of individuals to influence the larger picture, are virtually eliminated, as are concerns about individual responsibility or morals (p. 47).

Often the processes of routinization are helped along through language of illusion and dissociation. For example, during the Vietnam war, government and military officials used terms such as "protective reaction," "pacification," and "forced-draft urbanization and modernization," to refer in a dissociated way to the decimation of entire villages and the mass murder, rape and/or forced relocation of surviving villagers (Kelman, 1973: 48). Similar code words were used in Nazi Germany, where the terms "final solution," "evacuation," and "special treatment," served as euphemisms for the ongoing extermination of entire groups of people

(Kelman, 1973: 48). In the present "war on terror" mass killings of innocent civilians is referred to as "collateral damage," and a number of other euphemistic, illusionary words could also be quite easily identified. All of these various code words, part of the language of illusion and dissociation, were intended to allow participants to differentiate their own actions from "ordinary killing and destruction," which they continue to recognize as clearly illegitimate, illegal and immoral, illegal.

The language of illusion or dissociation also contributes to the third process involved in the loosening of moral restraints: dehumanization. For example, Goodwin (1989) wrote about the emotional deadness that was instilled in U.S. soldiers during bootcamp, demonstrating the linkages between this process of routinization and the process of dehumanization:

> This dehumanization gradually generalized to the whole Vietnam experience. The American combatants themselves became "grunts," the Viet Cong became "Victor Charlie," and both groups were either "KIA" (killed in action) or "WIA" (wounded in action). Often many "slopes" would get "Zapped" (killed) by a "Cobra" (gunship), the "grunts" would retreat by "shithook" (evacuation by Chinook helicopter), and the jungle would be sown by "Puff the Magic Dragon" (C-47 gunship with rapid-firing mini-gatling guns). The nicknames served to blunt the anguish and horror of the reality of combat. (P. 10)

The use of degrading words to stereotype groups of people based on racial, ethnic, gendered, national, religious, cultural or other categorizations, deprives the members of targeted groups of their identity by denying them the ability to define who they are individually and/or communally. Targeted groups and group members are also excluded from the community(ies) of those who degrade and stereotype them. Both this deprivation and exclusion dehumanizes targeted group members, while also setting them apart from the rest of society as "fair game" for attack –again, based not on *what they have done,* but upon *what they are* (Kelman, 1973: 50). And what they are, in the case of dehumanization, is always allegedly something "subhuman, despicable, and certainly incapable of evoking empathy" (Kelman, 1973: 50).

Target groups are also further dehumanized in other ways through the routinization and authorization processes. In addition to the routinization process's language of illusion, the dissociation that this process produces desensitizes members of the perpetrating group to the pain and suffering of the targeted group. Likewise, the authorization of atrocities against the targeted group, as well as any corresponding pseudo-justifications and transcendental missions, which view the targeted group as standing "in the way" of "progress," dehumanizes members of the targeted group. In addition to the contributions of these first two processes to the process of dehumanization, participation in the process of dehumanization itself further contributes to this process, since:

> [t]he only way [perpetrators or dissociated bystanders] can justify what is being done to these people, both by others and by themselves, and the only way they can extract some degree of meaning out of the absurd events in which they find themselves participating is by coming to believe that the victims are subhuman and deserve to be rooted out. (Kelman, 1973: 47)

To decide otherwise, and to side with the victims, would require action. It would require confronting –perhaps in an ongoing fashion—the perpetrators, and such actions may result in the confronter becoming the target of attacks him or herself (Lifton, 2004). However, a worse, though perhaps less obvious, fate awaits those who refuse to side with the victim and chose to side, instead, with the perpetrator. As Herman (1992: 7-8) remarks, in conditions of atrocity and victimization, there is no middle ground. In refusing to side with the victim, one is choosing (explicitly or implicitly) to side with the perpetrator.[416] And in doing the latter, one internalizes

[416] "When events are natural disasters or 'acts of God,' those who bear witness sympathize readily with the victim. But when traumatic events are of human design, those who bear witness are caught in the conflict between victim and perpetrator. It is morally impossible to remain neutral in this conflict. The bystander is forced to take sides.

It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear, and speak no evil. The

the dehumanization of the victim, therefore aiding one's own dehumanization by constricting one's community and involvement with humanity, as well as by losing a part of one's moral restraint, one's capacity to feel, and thus a part of one's identity (Kelman, 1973: 50-52). Jack Forbes (2008) made a similar observation, involving not just one's capacity to feel for other human beings, but for all things:

> [O]ne should feel the pain and sorrow of killing a brother or sister, whether it is a weed, a tree or a deer. If one does not feel that pain, one has become brutalized and "sick." One is, in short, out of harmony with the Universe. (P. 14)

All three of the processes that Kelman (1973) identified as being necessary for the weakening of human being's innate moral aversion to violence and killing are endemic in Western society, and have been normalized "in the structure of our political and social systems and reinforced in daily life" (p. 52), as much of chapter 2 has demonstrated. In Canada, these processes have long been employed to target Native peoples whose lands, resources and trust funds have been coveted by non-Native settlers. To these ends, Native peoples were historically categorized as "fair game" for non-Native perpetrations, including the settlement and development on Native lands. Campaigns were waged that had the explicit goals of exterminating Native peoples (Upton, 1977; Reid, 1993a & 1993b) and, more often, the pursuit of policy objectives (such as taking Native lands, resources and trust funds) did and has often lead to the ordered, encouraged, approved and permitted the commission of violence and atrocities against Native peoples. Aside from instances of outright genocide (Upton, 1977; Reid, 1993a & 1993b), Native peoples throughout Canada have also been subjected to the atrocities of injury, uprooting, and/or displacement, as well as the destruction of their lands, the source of their livelihoods, their social structures, and their ways of life. As a group with a long history of being victimized by non-

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victim, on the contrary, asks the bystander to share the burden of pain. The victim demands action, engagement, and remembering."(Herman, 1992: 7-8)

Natives, Native people make an easy, obvious target in Canadian society, and are the group most often targeted for non-Native projections and scapegoating. Further, as a group with a long history of victimizing other peoples, non-Natives in Canada, and throughout Western society, frequently engage in projections, scapegoating, degrading and dehumanizing Native peoples as almost second nature, and without even being consciously aware of the fact that they are doing so. In other words, the dehumanization of Native peoples in Canada has not only long been authorized, it has also long been routinized, becoming part and parcel of the fabric of Canadian society (as it is among other settler state populations, as well).

The next section will examine some of the ways in which these processes were reasserted by government officials and others in positions of authority during the 2006 Haudenosaunee protest.

THE LANGUAGE OF DEHUMANIATION AND DISPOSSESSION

> *The Confederacy Council is not a splinter group or a special interest group. We are the government of Six Nations: We hold these treaties and lands in our jurisdiction. Canada has the ability to end this now --they've had the ability for 300 years. We the Chiefs are sending this message back with Mr. Coyle, that the development of our land in Caledonia must stop and that talks between the federal government and the Confederacy Chiefs [must start] not only over this dispute, but over what has happened to our lands and trust fund. Canada must come to the table with people mandated to make decisions, not fact finding. Our people have been waiting for 300 years. Our neighbors are waiting and need their government to act.*
>
> *~ Mohawk Chief Allan MacNaughton, quoted in Smith 2006a, 1*

> *Incidents led by splinter groups are arguably harder to manage as they exist outside negotiation processes to resolve recognized grievances with duly elected leaders. We seek to avoid giving standing to such splinter groups so as not to debase the legally recognized government. Incidents are also complicated by external groups such as Warrior Societies or non-Aboriginal counter-protest groups.*
>
> *~ Indian and Northern Affairs Canada presentation to the Royal Canadian Mounted Police, quoted in Diablo & Pasternak 2011*

All three of the processes that Kelman (1973) identified in the loosening of moral restraint -- authorization, routinization and dehumanization—were prevalent in the reactions of non-Native

authorities to the 2006 Haudenosaunee protest. A thorough examination of the ways in which federal, provincial and local authorities engaged in these processes would require considerable space, and thus goes beyond the scope of this dissertation. Therefore, the below section will primarily consider some of the ways in which *one particular type* of behavior, engaged in by federal, provincial and local authorities, contributed to the processes of authorization, routinization and dehumanization. This particular type of behavior is the manipulation of facts through the use of language of illusion. Examples of how various authorities engaged in this type of behavior, as well as some of the consequences of this behavior, are provided below merely to illustrate the concept, and to demonstrate the applicability of Kelman's (1973) theory. The below discussion does not provide a comprehensive list of all possible examples of the this behavior, nor does it provide a full account of the other ways in which federal, provincial and local authorities engaged in the authorization, routinization and dehumanization processes.

The federal government employed the language of illusion to manipulate facts pertaining to the 2006 Haudenosaunee protest in a number of ways, all of which served to deny federal responsibility in resolving the protest, as well as discredit the claims of Haudenosaunee protesters and the Haudenosaunee Confederacy Council. For example, almost from the very start of the protest, the Minister of Indian Affairs, Jim Prentice, insisted that he had no responsibility to get involved in the dispute because it was not related to a land claim. Instead, Prentice's office characterized the dispute as a local dispute between the developer and the protesters or, alternatively, as a local dispute that "has nothing to do with the federal government" and should be resolved by the Ontario Provincial Police (Fragomeni, 2006; Legall, 2006e; Muse, 2006h; Canadian Press, 2006i). Though elsewhere federal officials acknowledged that the protest was related to a land claim (Best, 2006c & 2006e; Jackson, 2006h; Muse, 2006d

& 2007h), these officials generally kept to the line that the dispute should be resolved by Provincial Police rather than federal officials.

Though these incredibly inaccurate assertions may have been made with the sole intentions of protecting federal officials from public backlash by denying any federal responsibility in the situation, what they really accomplished was the creation of public backlash against the Haudenosaunee. Members of the public who heard their government deny that the dispute was related to a land claim, were thus lead to believe that the protesters were lying about their grievances and disrupting the development and livelihood of the Henning brothers (the owners of the development company) without any justification whatsoever. Failing to see any obvious motive for the Haudenosaunee protest, local non-Native residents began to fill in the blanks themselves, deciding that the Haudenosaunee were unjustifiably protesting and disrupting the lives of local developers purely out of a selfish need for attention or a criminal, thug-like desire to extort innocent non-Native residents. Thus, the federal government's denial of it's own responsibility in the dispute, no matter what the original intent of this denial was, served to drastically escalate non-Native misunderstandings of the Haudenosaunee protest, as well as non-Native anger towards (and non-Native willingness to commit violence against) the Haudenosaunee protesters/ Native people.

These federal denials also hurt relations between non-Native residents and the Ontario Provincial Police. As non-Native residents repeatedly heard their federal officials insist that the matter was not related to land claims, and should be resolved by Provincial Police, local non-Native residents became increasingly irate by the inaction of provincial police, even to the point of imagining themselves to be victimized by police inaction. Some non-Native residents, in their anxiety-filled need to understand why the provincial police would not act when their federal

government had made clear it was their job to do so, attempted to construct stories that might explain this inaction. One of the most common of these such stories was that either the Haudenosaunee (and Native people in general) were so incredibly thuggish that even the provincial police were "afraid" to act against them, or that the provincial police were so corrupt that they were working with the Haudenosaunee protesters, who were seen as organized crime (see Blatchford, 2010, for numerous examples of this sort of misguided thinking among non-Natives who simply did not realize that their federal government was lying to them. See also the third section of this chapter, for a fuller explanation on Canadian law in relation to Native land claims [and why it was absolutely, and solely, the federal government's responsibility to resolve this dispute]).

Another tactic used by the federal government in denying its responsibility for getting involved in the dispute was to perpetuate misinformation and outright inaccuracies relating to the land under protest in 2006, and the corresponding land claims filed on that land. These land claims and much of this misinformation was already discussed more thoroughly in chapter 1. To summarize that discussion, the federal government –generally through anonymous federal officials—repeatedly told the media that the land under protest had been surrendered in 1841 through an agreement with the full council of Haudenosaunee chiefs. These assertions are, of course, entirely false (see chapter 1). While it is possible that federal officials making these assertions were seeking only to protect themselves and their own jobs when they made these statements, the statements –like those discussed above-- served to enrage non-Native residents and pit them against the Haudenosaunee protesters.

Both types of denial discussed so far served to authorize non-Native attacks on Haudenosaunee protesters, as well as Native people in general. Their federal government had

portrayed protester grievances as lies, and protesters as criminals (suggesting the protest was a matter for the police), and this signaled to non-Natives that the just and right thing was an end to the protest. When police did not step in to do this "just and right" thing, many non-Native residents sought to take it upon themselves to do this, feeling that this course of action had been authorized by federal statements (which, in many ways, it had). Both types of behavior also served to reinforce the routinization of dispossessing Native peoples from their lands, resources and human rights. As discussed in chapter 1, and examined more thoroughly in chapter 6, several non-Natives in town had built their livelihoods off of these dispossession processes, working in the development, construction, real estate or finance industries for decades, as others had done before them. Non-Native development on Native land was a common, taken-for granted, normal activity that occurred daily. Many non-Natives involved in these processes were largely unaware of the illegality of their actions, or of any pain and suffering they caused to Native people. When the protest challenged this lack of awareness, the federal acts of authorization allowed non-Natives to remain dissociated from the consequences of their actions, and even to respond to potential reminders with anger (as if the reminders victimized non-Natives, see chapter 6). Finally, all of this inaccuracies served to dehumanize the Haudenosaunee protesters, and Native people in general, by portraying them, first, as people who dehumanize others (disrupting the lives of the owners of the development company for attention or for selfish personal gain through unjustified extortion), and second, as people who have no more rhyme or reason to their actions that these latter, selfish motives.

Haudenosaunee protesters were further dehumanized, and attacks against them were further authorized, by repeated federal and provincial characterizations of them and their traditional government as a "faction," a small impatient group, or simply "the radicals" (Jackson, 2006k;

Dunfield & Howlett, 2006; Ontario, Legislative Assembly, 2006a). This language portrayed the protesters and their traditional government as one-dimensional, selfish, dishonest, and manipulative (i.e., "subhuman") individuals who were thus allegedly far different from non-Native residents and their government. This language also served as a signal to non-Natives that the Haudenosaunee protesters and their traditional government were illegitimate, were part of a tiny group that did not represent the Haudenosaunee people as a whole, and were thus "fair game" for public derision, dehumanization and attack. Yet, as discussed in chapter 1, such characterizations were entirely inaccurate. There was widespread support both for the protest and for the Haudenosaunee traditional government on the Six Nations reserve, the former of which is evidenced by the hundreds of people who flooded onto the protest site the morning of the police raid, in order to prevent the site from being taken out of protesters' hands. While, after 80 years of federal recognition and funding for the Six Nations Band Council, there was also some support for this federally-imposed government, this support is rather minor, by all appearances, and is certainly *not more* than the support for the Haudenosaunee Confederacy Council (on minor support for the Band Council, see: Burman, 2006a; Best, 2006b; Smith, 2006a; Ahooja, 2008a; and the subsection on self-determination in the below section of this chapter).

Further evidence of the authorization and routinization of ongoing perpetrations against Native peoples within the geographical borders of Canada can be found in Paul Joffe's (2010) article examining the Canadian government's behavior during the negotiations around the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Domestically, Canada's Harper government consistently made untrue or misleading claims to Parliament and provided information that was erroneous, contradictory, unjustly interpreted or

misinterpreted in ways which served to "generate public fear, opposition and discrimination," against the UNDRIP and to pit non-Natives against Native peoples at home (Joffe, 2010: 166-68, 170). For example, "Indian Affairs Minister Chuck Strahl publicly stated that the 'rights of non-native Canadians would have been threatened had the government not opposed' the Declaration" and also claimed that the Declaration was incompatible with Western democracy (Joffe, 2010: 167). The Harper government also repeatedly refused to consult with indigenous peoples when preparing comments, reports, or proposals in relation to the UNDRIP or to Canada's Universal Periodic Review by the UN Human Rights Council. These refusals amounted to "repeated violations of the rule of law in Canada" in "both procedural and substantive terms" (Joffe, 2010: 165), since the human right of indigenous peoples to consultation and accommodation, and to Free, Prior and Informed Consent were violated (see below section on these rights). Internationally, the Harper government engaged in similar behavior, omitting or providing erroneous and misleading information to other states regarding Canada's support for the UNDRIP, [417] while secretly lobbying states with records of human rights abuses to vote against the UNDRIP. In these and other ways, the Harper government "repeatedly violated the rule of law internationally," by failing to "respect the purposes and principles of the UN Charter," failing in its obligations to "uphold the highest standards in the promotion and protection of human rights," and pursuing "the lowest standards of any Council member within the Western European group of States" (Joffe, 2010: 170).[418] All of these behaviors demonstrate a clear

[417] For example, Canada told other states that it "supported the renewal of the mandate of the Special Rapportueur on the situation of human rights and fundamental freedoms of Indigenous peoples," but neglected to mention that Canada's support was conditioned on the proposal that the UNDRIP not be implemented within Canada. (Ibid, 167-68).

[418] "During its three-year term [on the Human Rights Council], Canada pursued the lowest standards of any Council member within the Western European group of States." (Grand Council of the Crees (Eeyou Istchee) et. al., quoted in Joffe, 2010: 170). Though Joffe largely attributes

pattern of manipulation, misinformation and dishonesty used to target Native peoples who 'stood in the way' of Canadian "progress" (i.e., accumulation by dispossession). These patterns clearly existed long before the 2006 Haudenosuanee protest, and was applied to the Haudenosaunee protesters and their traditional government just as they were applied to the Harper government's attempts to undermine the UNDRIP.

Despite the inaccurate nature of the federal government's characterizations of the Haudenosaunee protesters and traditional government during the 2006 protest, local authorities were quick to utilize them. To this extent, after six weeks of requesting the federal government to step in and resolve the dispute, Haldimand County Mayor Marie Trainer finally announced her agreement with Indian Affairs Minister Jim Prentice's decision not to negotiate with "the radicals (in the subdivision) out there" because doing so would "just be giving… more power" to "the Mohawks or the ones causing this problem from all across Canada" (Best, 2006g; Jackson, 2006k). The Mayor further asserted the futility of attempting to negotiate with the protesters or their government when she characterized not just these groups, but the Six Nations community, in general, as factionalized, noting that there were "four different factions of Natives that have to be consulted" (Pearce, 2006a). Likewise, the owners of the local development company, John and Don Henning, referred to the protesters and their traditional government as "a splinter group" that blocked their development and held them hostage (Henning, 2006a; 2006b; 2006c;

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the above-summarized behaviors to a decline in Canada's commitment to the human rights of Native peoples caused by Harper's Conservative government, the majority of these tactics also appear in Canada and Ontario's Statement of Defense against the HSN 1995 lawsuit (which simply asked for an accounting of HSN lands, resources, rents and trust funds). See: Attorney General of Canada. 1996. *Statement of Defence of the Attorney General of Canada.* From: Six Nations of the Grand River Band of Indians v. Her Majesty the Queen in Right of Canada and Her Majesty the Queen in Right of Ontario. Ontario Superior Court of Justice, Brantford Ontario, Civil Division. Filed January 15. Reference File No. 406/95. (as well as Ontario's statement of defense)

Henco Industries Limited, 2006). These latter assertions characterized the Haudenosaunee protesters not only as a group of one-dimensional (sub)people who were fair game for derision and attack, but also as victimizers who held others hostage. Portraying the protesters an their government in this light served to further authorize (and even mandate) attacks upon them by non-Natives who valued 'justice' and felt it was their duty to fight for it.

Also like the federal and provincial governments, both Haldimand County officials and the Henning brothers adopted the narrative that the claims of Haudenosaunee protesters and their traditional government were fabrications. For example, at one of the first non-Native rallies against the Haudenosaunee protesters Haldimand County Mayor Marie Trainer, along with local real estate lawyer Ed McCarthy, told the assembled residents and the media representatives that "There's no doubt [the 1841 General Surrender] was done legally" (Pearce, 2006a). Trainer further portrayed the protesters and their government –rather than Canadian, Ontario and Haldimand County officials-- as the ones who were unreasonably refusing to confront (or admit) the reality of the situation. Though Trainer had been informed numerous times of the relevant Supreme Court of Canada rulings that were being violated by the development (Muse, 2006f & 2006d; Windle, 2006a; *Hamilton Spectator*, 2006c; Best 2006e; and see more on this in the next section), she chose to ignore these rulings entirely, even feigning ignorance at times, and making inaccurate claims. These inaccurate claims included the assertion that officials were only required to notify –rather than consult with and accommodate-- the Haudenosaunee prior to the start of the development (Windle, 2006h). They also included the assertion that a former Band Council Chief had previously supported and approved the development that was under protest (Legall, 20061; Muse, 2006j), obscuring the fact that the Band Council had never been given a voice in whether or not the development would proceed (and that the former Band Council Chief

vehemently denied such accusations). Both of these statements were entirely false, yet the Mayor ignored her own fabrication of facts, and projected it onto the Haudenosaunee protesters, arguing that: "I guess the Natives are not believing anyone or anything"(Pearce, 2006a).

The Hennings similarly presented the protesters as unreasonable bullies, and presented themselves as innocent victims. Part of this latter presentation involved regular (implicit and explicit) assertions by the Hennings that they had never been notified by the Haudenosaunee that there was a claim on the land until after their development was already well underway (Hamilton Spectator, 2006c; Best, 2006c). This assertion was entirely false (Muse, 2006d; Windle, 2006a; Hamilton Spectator, 2006c; Ahooja, 2006b), as was the former assertion by the Hennings that they were innocent victims. In fact, according to Cayuga Sub-Chief Leroy Hill, Haudenosaunee women approached the Hennings when they first arrived to begin construction on the land. Rather than engage in a conversation about Haudenosaunee land rights, the Hennings reportedly kicked dirt on the women and told them to "bring it on"(Ahooja, 2006b).

To non-Native residents unaware of these manipulations and fabrications, the Haudenosaunee protesters and their traditional government were further portrayed as one dimensional, selfish, criminals who had no justifications for their behavior and who couldn't care less about "the truth" or about anyone else. Such portrayals served to further dehumanize the Haudenosaunee protesters and heir traditional government, and to authorize attacks against them and the alleged injustices that they were perpetrating. As members of a group with a long history of victimization and dehumanization at the hands of non-Native settlers, these dehumanization and authorization processes, in many ways, had already long been routinized in Canadian society. Because of this, many angry non-Natives could fall back on these behaviors without question, and without concerns for empathizing or sympathizing with Native peoples –much less Native

peoples who were (allegedly) degenerate, criminal, thuggish, and so forth. Thus, the conditions of atrocity, which had long existed in Canadian society, were quickly escalated by non-Native officials less than two months into the Haudenosaunee protest, and the stage was set for the angry and violent behavior that came to characterize non-Native opposition to the Haudenosaunee protest in the weeks and months ahead.[419]

The news media also aided in the escalation of these processes of authorization, routinization and dehumanization. Often treated as sources of objective, fact-finding, reporters and editors for local and regional media sources unquestioningly repeated federal and provincial versions of the alleged 1841 General Surrender. Adding supposed support for these assertions, Band Council Spokesperson Dan David was misquoted by at least one news article as having stated that the land under protest was not part of one of the 28 claims filed by the Haudenosaunee Six Nations (Legall, 2006g). Though the Band Council sent letters requesting that the paper retract and correct this statement, no retraction was made, and at least one other newspaper picked up the assertion and re-reported it as news (Jackson, 2006h). These instances of misreporting furthered the perception of non-Native residents that the Haudenosaunee protesters and their traditional government were a small minority of radicals who did not represent the rest of the Six Nations reserve –and who were thus, also, fair game for public derision and verbal (or even physical) attack. Reporters gave additional credence to these beliefs by referring to the protesters and their government in exactly this manner (Jackson, 2005, 2006h, 2006g; Legall, 2006q, 2006l, 2006g; Gamble, 2006g; *Brantford Expositor,* 2006e), as well as by making false claims that Band Council Chief David General did not support the protest (*Brantford Expositor*, 2006e; Gamble,

[419] Some of the most inflammatory statements made by Haldimand County residents, as well as by the Hennings, were not touched upon here due to time and space constraints. Some of these statements will be recounted in chapter 6.

2006g, 2006f; Legall, 2006l). Yet, publicly, the Chief voiced neither support nor opposition to the protest, while several members of the Band Council did voice public support for it (Legall, 2006g, 2006o; Hamilton Spectator, 2006c; Morse, 2006a; Gamble, 2006f; Canadian Press, 2006h; Best, 2006c).

Other examples of media neglect, omission, false reporting, and so forth abounded during the 2006 protest. Though providing a full discussion of these goes beyond the scope of this dissertation, two more examples are worth giving. One of these is the example of the news media's reporting on the Supreme Court of Canada rulings. A federal or provincial government refusing to follow its own federal Supreme Court rulings would seem like a major news story, and there was certainly no loss of mention of the violations of these rulings by Haudenosaunee protesters (or by the local Native press). Yet, only a single non-Native news article so much as mentioned that there *were* Supreme Court of Canada rulings relevant to the protest, and this mention was made only as a passing reference –failing to give the name of the specific rulings at stake and lacking any description or explanation of what the rulings stated or how the protesters felt they applied (Best, 2006e). The widespread omission of all mention of these rulings, including that these ruling even existed, reflected both the deeply-entrenched routinization of the processes through which non-Natives regularly discounted anything that Native protesters said, and the complicity of non-Native reporters in the pursuit of federal and provincial policy objectives, and in identifying as "fair game" Native peoples who asserted their land and treaty rights. Further, by denying information on Canada's legal system to interested non-Natives who expected to be informed by media sources, the local and regional media not only aided in the authorization of attacks on Haudenosaunee protesters, but it actually steered non-Native anger in

the sole direction of denying Haudenosaunee claims and believing –unquestioningly—federal and provincial politicians.

The second and last example is that of the media's portrayal of Native protesters as angry and potentially violent. This example is discussed more thoroughly in chapter 6, so while it is important to mention here, it will not be discussed further in this chapter.

All of the above-discussed manipulation of facts through the language of illusion served to dismiss and dehumanize Haudenosaunee protesters and their traditional government (and Native people in general) during the 2006 Haudenosaunee protest, as well as to authorize and further routinize attacks against them. None of these would have been possible or permissible to the extent that they occurred if Native people had not already been historically set apart from everyone else in Canada and made "fair game" for attack –i.e., if attack against them had not already been a routinized part of non-Native life in Canadian society. Put simply, Native people had long been "in the way" of various policy objectives pursued by the British-Canadian, and now the Canadian and provincial governments. The primary policy objective pursued by these governments historically and today has been the accumulation of capital –i.e., land, resources, trust funds, and even cheap labor-- through the dispossession of Native peoples from all of these forms of capital. The next section, which is the third and last section in this chapter, will provide an overview of the Canadian and provincial government's efforts towards these ends in the past several decades, using the dispossession of the Haudenosaunee Six Nations as illustration.

ACCUMULATION BY DISPOSSESSION AND ONGOING HUMAN RIGHTS VIOLATIONS IN CANADA

The above examples of some of the ways in which government, media, and other authorities misrepresented (and fabricated) facts surrounding the 2006 Haudenosaunee protest must be

contextualized within a broader, more long-standing tendency within Canada to dehumanize Native peoples while authorizing and routinizing violations of their human rights. Without this broad, recent and more distant historical context, it seems unlikely that non-Natives locally and nationally would have so quickly and unquestioningly discarded everything the Haudenosaunee protesters stated, while embracing as true everything government officials, media representatives and local authorities said. In fact, throughout Canada's history local, regional and national colonial authorities have repeatedly constructed narratives intended to discredit Native peoples and to justify and promote the interests of non-Natives. These latter interests have generally been focused on making personal, corporate or government gains through the dispossession of Native peoples from their lands and resources. While the motives for such acts of dispossession have largely remained the same over time, the internationally recognized human rights of indigenous peoples have undergone dramatic changes, even in just the last decade. Further, though the Canadian government has consistently opposed the international recognition of the human rights of indigenous peoples (Joffe, 2010), it is nonetheless legally bound to follow these human rights requirements for a number of reasons, including: it became a party to treaties and conventions that have since been recognized to also apply to the human rights of indigenous peoples; it both sought out and held a position on the Human Rights Committee, which requires strict adherence to particular human rights standards; it is a party to the Organization of American States Charter, which requires adherence to regional human rights standards; and international customary law has recognized certain human rights standards as customary norms or even peremptory norms (*jus cogens*), which are binding upon all states. Most of these reasons will be discussed in the following sections. The next section will also examine the various

reasons why the Canadian government might not be adhering to its international obligations regarding the human rights of indigenous peoples.

Possible Reasons for the Canadian Government's Failure to Adhere to International Standards for the Human Rights of Indigenous Peoples

Despite the fact that the Canadian government is legally bound to uphold a number of standards regarding the human rights of indigenous peoples, the vast majority of these standards have not been implemented domestically, as the Canadian Senate itself noted in 2001:

> Canada is not entirely fulfilling its international commitments…. Canadians and international human rights bodies have begun to notice this gap. … [T]he continued failure of governments in Canada to systematically address the domestic legal implications of international human rights treaties it has voluntarily ratified could leave this country open to charges of hypocrisy and has the potential to diminish Canada's moral authority as a leading voice for human rights in the international arena. (Canada Senate, 2001; see also Canada Senate, 2007; Poverty and Human Rights Centre, 2007)

While there are a number of reasons why these human rights standards have not been implemented the best overall explanation for this failure is the ongoing drive by government officials and their corporate partners to accumulate capital through the dispossession of Native peoples from their lands, resources and human rights. To demonstrate this, the various factors influencing the Canadian government's non-compliance with these human rights standards will be briefly discussed below before the section proceeds with a discussion of some of the various means through which the Canadian government is continuing to dispossess Native peoples from their lands, resources and human rights.

The Canadian government's failure to implement its international human rights obligations has sometimes been attributed to Canada's extreme dualist approach to international law (de Mestral and Fox Descent, 2008). Under Canada's dualistic approach to international law, the executive branch can sign and ratify international treaties and conventions, but it is it is generally

believed that specific legislation must be passed before these can have an effect in domestic law. Though this approach represents perhaps the most extreme form of dualism of any developed nation (de Mestral and Fox Descent, 2008: 582), Canadian governing bodies have argued that this approach "safeguard[s] the democratic legislative process by ensuring that the laws and rights of the people are not altered without the consent of their elected and appointed representatives" (Canada Senate, 2001; de Mestral and Fox Descent, 2008: 581). Some have also argued that this approach has promoted a lack of knowledge of Canada's international human rights obligations among legislators, in particular during the years from 1968 to 2008 when treaties and conventions ratified by the Executive branch were not even tabled for review or debate in the House of Commons (de Mestral and Fox Descent, 2008: 608-614).

As problematic as Canada's extreme dualistic approach to international law may be, it cannot fully explain the Canadian government's failure to implement human rights treaties and conventions because there are already a number of other legal mechanisms through which international law can be, and is, integrated into Canada's domestic law. Some of these mechanisms include adoption,[420] the presumption of conformity,[421] inferred interpretation,[422] and consultation before ratification[423] (Joffe, 2010). But even more importantly, international customary law[424] *is* a part of Canadian law,[425] and it has long been a rule of customary

[420] Through adoption customary or sometimes conventional international law is adopted into domestic law.
[421] Through the presumption of conformity, domestic law is presumed to have been made in accordance with Canada's customary and conventional international legal obligations.
[422] Through inferred interpretation, interpretation of Canada's constitution and/or domestic law is to be informed by customary and conventional international human rights law.
[423] Through consultation prior to ratification, the federal government does not ratify or bind Canada to international treaties without first assuring that these treaties are consistent with existing or developing domestic legislation.
[424] Customary international law is concerned with patterns of behavior that are so frequently followed by states as to be considered the norm. Once this norm is solidified, it becomes

international law that treaty obligations must be honored (*Vienna Convention*, 1969, Article 26) and that a state cannot use its internal law as an excuse for failing to implement the provisions of a treaty by which it has bound itself (*Ibid*, Article 27). In other words, Canada's international human rights obligations are no less binding upon Canada simply because Canada has failed to implement them.[426] And while some of the gap between the ratification and implementation of Canada's human rights obligations might be explained by a widespread lack of knowledge (de Mestral & Fox-Descent, 2008: 611-12, 582; Canadian Senate, 2001) among legislators, judges and lawyers, these are the very people who are supposed to be the most knowledgeable on all recent developments in law. In other words, the same factors that lie behind the government failure to implement Canada's international human rights obligations also appear to lie behind this lack of knowledge. This is clearly a problem of political will.

The lack of political will among members of the Canadian judiciary to promote and protect (rather than persistently violate) the international human rights of indigenous peoples might be partly explained through critical legal and historical-legal studies. For example, following in the tradition of Gramsci (1971), Litiowitz (2000: 549) has explored the role of the legal system in

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customary law. On the other hand, Conventional international law is that law which is regulated by treaty agreements or conventions, each of which must be signed and ratified by individual states. Those states that chose to sign and ratify these treaties and conventions are (depending on the terms of the treaties and conventions) then legally bound to adhere to --and to implement-- the terms of the treaty or convention domestically.

[425] Customary international law is a direct source of domestic legal rules unless the legislature takes explicit measures to ensure that a particular customary rule does not have the force of domestic law. de Mestral & Fox-Decent, 2008, pp. 576-77 (citing *R. v. Hape* [2007] SCC 26, [2007] 2 S.C.R. 292, 280 D.L.R. (4th) 385).

[426] The Canadian Senate (2001) has acknowledged this:

> International human rights obligations are no less binding upon us than our domestic guarantees. … Signature and ratification of international human rights treaties carries with it an obligation to submit to international scrutiny. But, in addition, we have an obligation to effectively implement the rights within Canada

See also: Vienna Convention (1969, Article 26); Shelton (2008, pp. 59-60).

legitimizing the actions of the state, supporting the interests of the powerful, and hiding its own partial and unjust rulings through a "worldview dominant code in which [some] claims are not afforded the status of rights." Similarly, Williams (1982: 6) has remarked that the judiciary acts as a mere reflection of extension of the "political will and attitude" of the state; Kennedy (1979/1982: 34-35) has noted that the "legal system maintains the social structure of the capitalist state;" and Lâm (2000: 16) has asserted that the Supreme Court is more than willing "to supply whatever justification is needed for the actions of Congress." All of these views fall in line with Becker's (1963) assertions that deviance is created/labeled by those with social power.

Other critical legal scholars concerned with the phenomenology of judging have noted that, contrary to popular (hegemonic) perceptions that judges "find" the law, laws are not found but made (Cohen, Haines, and Cardozo, in Shuchman, 1979). Further, they are made by individuals who are drawn from the wealthiest and most privileged sectors of society (Devlin, 1995) and who, drawing their legitimacy from the societal status quo, may have a strong tendency to avoid decisions that challenge the legitimacy of this status quo (Williams, 2008). Because of this, Haines (in Shuchman, 1979: 256) has noted that: "[a]s a rule, judge-made law represents the conviction of an earlier age and is characterized by conservatism." Judges have also been noted to have strong predispositions towards the communities and institutions with which they most identify (Shuchman, 1979: 235-262; Kennedy, 1987), and to have various personal biases that impact the direction of their judicial rulings (Shuchman, 1979: 235-262; Kennedy, 1987). Williams (2008) have even suggested that, in relation to the rights of indigenous peoples, many judges may have "deep psychological needs" to see a particular outcome to a given case. Because it is virtually always possible for a judge to decide "almost any question any way, and

still be supported by an array of cases" (Cohen in Shuchman, 1979: 244) these desired outcomes can frequently be easily justified by judges without any clear appearance of bias.

Yet, while this literature explains how and why judges acting in their own interests are also acting in the interests of the powerful (with whom they likely identify) and the status quo (that gives them legitimacy), it doesn't explain why the Canadian status quo is stacked so steeply against recognizing the human rights of indigenous peoples. This only becomes somewhat clearer when one examines the tremendous profits that are being made from the dispossession of indigenous peoples from their lands, resources, and human rights. A single example should suffice to illustrate this point. The trust fund accounts missing from one First Nations community in Canada, the Haudenosaunee, when calculated using the same compound interest methods that governments and corporations use to calculate interest, exceed $400 billion (Six Nations Lands and Resources, 2010). Historical documentation shows that this money was taken by British-Canadian government officials, without the knowledge or consent of the Haudenosaunee, to pay various government debts and to fund various public and private construction projects, and has never been repaid. But this is only the money taken from the Haudenosaunee trust fund accounts. When one adds in monies lost from resources taken from community lands without payment, from outstanding unpaid rents and from lands wrongfully taken, the amount owed to this Haudenosaunee community –when calculated at 6% compound interest-- is well into the trillions of dollars and would bankrupt Canada if the government was ever required to repay it (Ibid). Yet, the Canadian government continues to take from this community, approving, and even mandating, settlement and development projects on lands under registered claim by the Haudensaunee. Further, this community is only one of five Haudenosaunee communities in Canada; and the Haudenosaunee are only one Confederacy of Native Nations out of hundreds of

First Nations within Canadian borders –the vast majority of which also have extensive stories of historical and ongoing dispossession. Clearly the capital that is being accumulated through the dispossession of Native peoples from their lands, resources and human rights throughout Canada is enormous.

The theoretical framework that best seems to explain what is happening here is David Harvey's theory of Accumulation by Dispossession (Harvey, 2003). According to Harvey, capital's insatiable appetite for new profit-making ventures constantly requires the exploitation of something outside of itself in order to continue its process of accumulation (Harvey, 2003: 141). This 'something outside' can either be actively manufactured from within (such as through budget cuts, austerity measures and/or massive lay-offs, which create downward pressure on wages, and thus new profit-making ventures), or they can be pre-existing, non-capitalist formations on the outside (such as new "empty lands," new sources of raw materials, and/or non-capitalist social forms that can be co-opted and privatized, for example, education). In either case, "[t]he state, with its monopoly of violence and definitions of legality, plays a crucial role in both backing and promoting these processes" (Harvey, 2003: 145). To put it another way, the Canadian government is aiding and abetting the dispossession of indigenous peoples from their lands, resources and human rights because the state "couldn't grow if it had to pay, because it couldn't afford to pay, so the simplest thing was just to take the land without paying."[427]

Dispossession by Legislation and Judicial Silence

One example of how the Canadian government is dispossessing indigenous peoples of their lands, resources, and human rights is through the ongoing use of colonial era legislation that allows the government to infringe upon the human right of self-determination. Protection of the

[427] Williams (2008: 246) is talking about the dispossession of indigenous peoples within the United States, but the same holds true for Canada.

right of peoples to self-determination is one of the founding purposes of the United Nations, as acknowledged in the United Nations Charter (1945).[428] This right has also been enshrined in a number of international treaties and conventions to which Canada is a party (and by which Canada is legally bound). For example, articles 1 of the *International Convention on Civil and Political Rights* (ICCPR) (1967) and the *International Convention on Economic, Social and Cultural Rights* (ICESCR) (1967) both state that:

> All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Though settler state governments such as the Canadian, United States, Australian and New Zealand governments have argued that these rights apply only to states, the UN Human Rights Committee has stated quite clearly that these rights apply to indigenous peoples and have "bearing upon the obligations of states" towards them (Anaya, 2000:87). In fact, it would be discriminatory to construct a lesser right of self-determination for indigenous peoples than for everyone else (Lâm, 2006: 154; Joffe, 2010, 179-80, notes 321 and 322), and the Canadian government is bound by both conventional and customary international law to refrain from violating the norms against racial discrimination.[429] Further, the inherent right to self-determination is part of international customary law (Anaya, 2004: 97; Joffe, 2010: 133; D'Amato, 1997: 136-38)[430] and is considered by some to be such a foundational human right as

[428] See also: Harvard Law School (2010: 33, note 93).
[429] See for example: the *International Covenant for the Elimination of all forms of Racial Discrimination* (ICERD) (1966); UN Charter (1945, article, 1 [on "respect for the principles of equal rights and self-determination of peoples"]); also see ICCPR (1967, article 2(1)) and ICESCR (1967) article 2(2)); Joffe (2010: 132 & 183, notes 65, 66, 344).
[430] The Canadian judiciary acknowledged the right to self-determination as customary international law in: *Reference Re Session of Quebec* ([1998]: para. 114)

to be a prerequisite to the exercise of all other human rights, as well as a peremptory norm[431] and a part of *jus cogens*[432] (Anaya, 2004: 97; Joffe, 2010: 133, Lâm, 2006: 155). As such, some have even argued that, in cases where human rights comprising *jus cogens* are violated, concerns over state sovereignty and territorial integrity "may be offset to the extent required by an appropriate remedy,"[433] and international human rights law can take precedence over domestic laws that violate these.[434]

Under its international legal obligations, Canada is not only required to refrain from violating Native peoples' inherent right of self-determination, but it is also required to respect, protect and promote this right[435] and to provide judicial remedies for domestic violations of this and other human rights (ICCPR, 1967, article 2(3)). But though the Canadian government has internationally recognized the inherent right to self-determination of indigenous peoples,[436] domestically it has only recognized the lesser right to indigenous peoples' self-government of indigenous peoples.[437] And though it has recognized this right as an inherent human right that is

[431] A norm from which no derogation is permitted.
[432] The "compelling law" that all countries must follow.
[433] "[S]ince the atrocities and suffering of the two world wars, international law does not much uphold sovereignty principles when they would serve as an accomplice to the subjugation of human rights or act as a shield against international concern that coalesces to promote human rights. … [W]here there is a violation of self-determination and human rights, presumptions in favor of territorial integrity or political unity of existing states may be offset to the extent required by an appropriate remedy. Furthermore, heightened international scrutiny and even intervention is justified in the degree to which violations of human rights are prone to lingering unchecked by decisions makers within the domestic realm." (Anaya, 2004: 109-10). See also: Joffe (2010: 183-84).
[434] "The right of self-determination is generally to be considered *jus cogens*…. Territorial integrity, on the other hand, while a fundamental principle… does not enjoy this status" (Lâm, 2006, p. 155). See also: Anaya (2004: 109-10); Joffe (2010: 179-80, notes 321 and 322).
[435] UN Charter (1945, article 56), ICCPR (1967, articles 1(3) and 2), ICESCR (1967, articles 1(3) and 2), Harvard Report (2010: 32, Note 87).
[436] Canadian Statement to the UN Commission on Human Rights Working Group on the Draft Declaration on the Rights of Indigenous Peoples, Oct. 31, 1996 (quoted in Anaya, 2004: 111).
[437] Canada. Minister of Aboriginal Affairs and Northern Development (MAAND) (1995/2005).

protected under s. 35(1) of the Canadian Constitution Act, 1982,[438] it has continued to drastically limit this right for First Nations throughout Canada[439] under colonial era legislation known as the *Indian Act* (1985 s. 74)[440]

The case of the Haudenosaunee can offer an illustration of how the Canadian government attempts to limit the inherent right to self-determination. In 1924, after numerous attempts by the Haudenosaunee to get an accounting from the Canadian government for what it did with Haudenosaunee trust funds, lands, and resources, the Haudenosaunee sent a representative to Britain and then to the League of Nations to seek international support. Though the Haudenosaunee found some sympathy for their struggles abroad, their representative was not allowed to present Haudenosaunee grievances to the League of Nations. Further, the Canadian government retaliated against the Haudenosaunee for this international embarrassment, outlawing the Haudenosaunee government (the Haudenosaunee Confederacy Council) and orchestrating a raid upon the homes and Council House of the Haudenosaunee Chiefs by the Royal Canadian Mounted Police (RCMP). The RCMP arrested Chiefs, broke open the Haudenosaunee government safe, stole several Wampum belts,[441] built an army barracks, and announced the imposition of a new system of government upon the Haudenosaunee people (Woo, 2003). According to Cayuga sub-Chief Leroy Hill, in the supposedly "free elections" that created the federally-funded, created and controlled Six Nations Band Council, only 13 or 14 people voted, and several people voted twice, creating a total of 27 votes in a community of

[438] MAAND (1995/2005), Royal Commission on Aboriginal Peoples (RCAP) (2010: 38).
[439] MAAND (1995/2005), Joffe (2010: 180-81).
[440]For a fuller description of the various provisions of Canada's *Indian Act* legislation see: Mathias & Yabsley (1991).
[441] Wampum belts are records of treaty agreements.

thousands (Hill, quoted in Ahooja, 2008). With this move, the Canadian government claimed to have brought "democracy" to the Haudenosaunee people.[442]

Despite these claims, what the Canadian government really did was make it much easier to dispossess the Haudenosaunee people without accountability. The Canadian Senate (2010) has acknowledged as much, admitting that Band Council systems of government are far less democratic than traditional Native systems of government, and far less accountable to their constituents than they are to the Canadian government. For example, Menno Boldt remarked in a Canadian Senate hearing:

> [A]lthough band/tribal chiefs and councillors must seek the vote of their people, their mandate to govern comes from DIAND [the Department of Indian Affairs and Northern Development]. This puts elected Indian officials (chiefs and councillors) and the appointed bureaucrats in an inevitable position of political subordination to DIAND officials, rather than to the people who elect and appoint them. (2010: 69)

Regardless of these observations, the Canadian government refused to acknowledge the still existing and operating Haudenosaunee Confederacy Council for over 80 years, preferring instead to work with the federally created, funded, and controlled Six Nations Band Council. By doing so, the Canadian government was able to bypass the Haudenosaunee's traditional system of government which makes decisions based on consensus and which prohibits the sale or alienation of land. As a representative system of government, rather than a participatory democracy like the Haudenosaunee Confederacy Council, the Band Council can and does frequently strike deals with federal or provincial governments or with corporations without the approval of the Haudenosaunee community. In addition, as a federally funded, created, and

[442] In addition to the less than democratic voter turnout, the irony here also lies in the fact that most Native nations throughout the Americas were participatory democracies, and were far mare democratic and inclusive than any western elected system that has been imposed upon them. See, for example: Stannard (1992: 47-48, 110), Williams (1982: 12-13, 33), Akwesasne Notes (2005: 34), Canada Senate (2010).

controlled body of government, the Band Council is generally prohibited from seeking the "return" of lands claimed by the Haudenosaunee, because doing so goes against Canadian policy.[443]

Dispossession Contrary to Supreme Court Rulings

The Canadian judiciary has largely remained silent on indigenous peoples' human right to self-determination, and on the lesser right, recognized (but drastically limited) by the Canadian government to self-government. But in other instances, members of the judiciary have been quite vocal in recognizing and protecting the some limited forms of the human rights of indigenous peoples. While doing so may seem to break with the status quo in Canada, recognizing only a limited version of the human rights of indigenous peoples actually reflects a strong reformist strand within Canada's societal status quo. This reformist strand does not appear to be intent on disrupting or halting the ongoing dispossession of indigenous peoples in Canada, as Canadian courts do not allow Native nations to veto infringements to their land rights (Haida, 2004 at 48) and do not require that Native peoples consent to these infringements (Haida, 2004 at 48-49; Delgamuukw, 1997 at 168). Instead, the reformist strand seeks to end the use of force employed in the dispossession of Native peoples from their lands, resources and human rights, as well as to more actively involve indigenous peoples in the projects that dispossess them through compromises that possibly address some of the grievances of indigenous peoples in relation to these projects (Haida, 2004 at 43-50). In other words, they seek to provide this process with some legitimacy by requiring that the Canadian or provincial governments compromise in some cases, depending upon "a preliminary assessment of the strength of the case supporting the

[443] This policy will be discussed further in the section on "Dispossession through judicial assistance."

existence of the right or title, and to the seriousness of the potentially adverse effect upon the right or title claimed"(Haida, 2004 at 39, 43-45).

However, these Supreme Court of Canada rulings do require that federal and provincial governments engage in consultation with indigenous peoples at the earliest possible stages of projects that might adversely impact outstanding Native rights and interests (Haida, 2004; Taku River, 2004; Mikisew, 2005). Taking into account the extremely drawn out nature of Canadian court or land claims processes,[444] and the Canadian government's tendency to dismiss Native claims outright[445] these court rulings have held that this consultation is mandatory regardless of whether Native rights or interests have yet been proven in court. And though there is no right to veto decisions and in some cases only a very minimal standard of consultation is required (Haida, 2004 at 39), even in these cases the Court has held that consultation must be meaningful (Mikisew, 2005 at 54); must be undertaken "in good faith, and with the intention of substantially addressing the concerns of the aboriginal peoples whose lands are at issue;"(Haida, 2004 at 42) and "cannot exclude from the outset any form of accommodation" (Mikisew, 2005 at 54).[446]

These Canadian Supreme Court rulings meet a considerable portion of Canada's legally binding international human rights obligations to consult indigenous peoples with the objective of obtaining their consent prior to making any decisions that might affect them (Human Rights Council, 2009 at 43-44, 46; International Labor Organization (ILO) C 169, 1989, articles 15 &

[444] There are over 800 outstanding land claims registered in Canada, and new claims continue to be registered every year. Through the Canadian land claims process it takes an average of 13 years to resolve a land claim, but claims can easily take two and even three decades before they are resolved (Canada Senate, 2006).

[445] See the next section on Dispossession through judicial assistance, which discusses Canada's policy of extinguishment.

[446] "Consultation that excludes from the outset any form of accommodation would be meaningless. The contemplated process is not simply one of giving the Mikisew an opportunity to blow off steam before the Minister proceeds to do what she intended to do all along."

6(2)). This duty to consult is "firmly rooted in international human rights law"(Human Rights Council, 2009 at 38), including several core international human rights treaties by which Canada is bound,[447] as well as "the overarching right of indigenous peoples to self-determination" (Human Rights Council, 2009 at 41). This duty is further grounded in the right of indigenous peoples' to sovereignty over natural resources (Harvard, 2010: 34 note 2) as well as the right to cultural integrity,[448] (which is inextricably linked to rights to use their traditional lands and to participate in decisions relating to that land[449]) and the right to property and non-discrimination (Human Rights Council, 2009 at 41). But under international law, states have more than just the duty to consult Indigenous peoples, they have a duty to uphold a higher standard of Free, Prior and Informed Consent (FPIC),[450] meaning that "even after the rights of others are fully and fairly considered, the FPIC of Indigenous peoples must prevail"(Joffe, 2010: 191; Haida, 2004 at 24). Both committees overseeing state adherence to the ICESCR and the ICERD have upheld the FPIC standard in all matters directly relating to the specific rights of indigenous peoples.[451] In

[447] Article 1(2) of the ICCPR and the ICESCR, *supra* note 1 reads: "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence." See also article 47 of the ICCPR and article 12 of the ICESCR, *supra* note 1 stating that: "Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources."
[448] ICCPR (1967, article 27); Human Rights Committee (1994, para. 7); CERD (1997 at paras. 4 (a) & (e)); CESCR (2009 at 7, paras. 36 & 37); Human Rights Council (2009 para. 41).
[449] Harvard (2010: 36).
[450] A few of the international human rights bodies and reports that have recognized FPIC as an international human right include: CESCR, General Comment No. 21 (2009 at 37); ILO c. 169 (1989 article 4); UN Commission on Human Rights (2006 at 4, para. 11); United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2008 articles: 10, 11(2), 19, 28(1), 29(2), 32(2)); among other sources; CERD *General Recommendation 23* (1997 at para 5).
[451] CERD has called upon states to "[e]nsure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent" (CERD *General Recommendations 23*, 1997); and the CESCR has stated that "[s]tate parties should respect the

fact, the committee overseeing state adherence to the latter also recommended that states take steps to return lands and territories taken from Indigenous peoples without free prior and informed consent.[452]

Regardless of these binding international human rights laws, and regardless of Canadian Supreme Court rulings, the Canadian government has repeatedly refused to consult with Native nations,[453] instead pushing ahead with resource extraction, development and settlement projects on lands claimed by Native nations. These repeated refusals represent the other strand in the Canadian status quo: those who remain grounded in an archaic, state-centered, Euro-centric, positivist legal paradigm that justifies colonization and empire building through the use of physical force. Adherents to this paradigm not only refuse to recognize the full expression of the human rights of indigenous peoples (like most reformers), but also refuse to recognize that indigenous peoples have human rights at all other than what individual states decide to grant them.[454] Though many Native nations will not accept anything less than a full recognition of their internationally recognized human rights, and thus criticize reformist efforts as being too little too late, the failure of the Canadian and provincial governments to adhere to these reformist efforts when expressed in Canada's own Supreme Court rulings predetermines the further

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principle of free, prior and informed consent of indigenous peoples in all matters covered by their specific rights" (CESCR *General Comment* No. 21, 2009 at 7, para. 37).

[452] CERD General Recommendations 23 (1997) (emphasis added). See also: *Maya Indigenous Communities of the Toledo District v. Belize* (2004 paras. 115 & 117).

[453] As has been repeatedly noted by both international human rights monitoring bodies and international law scholars, some of the most recent of which include: Joffe (2010), CERD, *Concluding Observations* (2012 at para. 20).

[454] Both the Inter-American Commission and Court on Human Rights have held that the Indigenous peoples' rights to their lands originate from the laws and customs of Indigenous peoples, and exist independently of a state's conception or legal recognition of them. (*Maya Indigenous Communities of the Toledo District v. Belize* (2004) at 117; Gunn, 2007, at 81). They have both also held that states must take measures "aimed at **restoring**, protecting and preserving the rights of indigenous peoples to their ancestral territories" (*Maya Indigenous Communities of the Toledo District v. Belize*, 2004 at 115).

alienation of indigenous peoples in Canada. In the face of these anti-reform efforts, Native peoples in Canada are more likely to refuse to assimilate into Canadian hegemony and polity because both are clearly demonstrated to be illegitimate.[455] And since national court systems, like national political systems, are demonstrated to be incapable of delivering even a limited form of human rights to Native peoples within Canada, acts of protest and occupation become the only hope for many Native nations wishing to stop the illegitimate destruction of their lands and the plundering of their resources and trust funds (Barvara, 2010; Enemark, 2010; Nishnawbe Aski Nation, 2012; Diabo & Pasternak, 2011; Walker, 2011).

A prime example of this dynamic can again be found in the case of the Haudenosaunee. Though the first two of these Supreme Court of Canada rulings were passed in 2004 (Haida, 2004; Taku River, 2004), in 2005 the Ontario government passed legislation mandating settlement and development quotas on lands on which the Haudenosaunee still claim ownership and outstanding rights. Though the Haudenosaunee repeatedly requested that the Canadian and Ontario governments fulfill their consultation duties, both governments persistently refused to engage in even the most minimal form of consultation, treating the lands in question as if they were provincial lands. Similarly, after an additional Supreme Court of Canada ruling mandating consultation was passed in 2005 (Mikisew, 2005), various construction and development projects were approved and/or started on lands under Haudenosaunee claim. The Haudenosaunee again made repeated demands that both the Canadian and Ontario governments consult with them before allowing these projects to move ahead, but both the Canadian and Ontario governments repeatedly refused to even acknowledge their duty to do so. In many ways, these persistent

[455] Nothing in this statement should be interpreted to suggest the author is advocating assimilation. On the contrary, the author is advocating nothing less than full recognition, protection and promotion by the Canadian government of the entire range of indigenous peoples internationally-recognized human rights.

refusals by the Canadian and Ontario governments forced the Haudenosaunee to choose between giving up their lands forever or occupying construction sites in protest. The Haudenosaunee chose the latter route, and began a peaceful yet determined protest on a tract of land in Caledonia, Ontario in February 2006, stating that federal consultation with their traditional government was one of the requirements for the end of the protest. Federal officials refused to oblige the Haudenosuanee, and instead launched a pre-dawn police raid on the protesters some two months into the protest. The federal government's ongoing refusals to acknowledge the Haudenosaunee's legitimate grievances gave non-Native residents the impression that there were no legitimate grievances, and sparked a series of anti-protest (and in some cases, anti-Native) counter rallies and "near riots" (Harries & Rusk, 2006) in the community which is still struggling to heal from this turmoil six years later.

The whole situation, which virtually destroyed otherwise amicable relations between Native and non-Native locals and cost the province millions of dollars, could have been easily avoided had the Canadian and Ontario governments simply consulted with the Haudenosaunee. But government officials reportedly did not want to send the "wrong message" to indigenous peoples across Canada who may also have been contemplating protests over their own human rights grievances.

Dispossession Through Judicial Assistance

Other members of the Canadian judiciary are not always as reform minded as Canada's Supreme Court justices, and many lower court judges frequent demonstrate the same anti-reformists tendencies as the Canadian and provincial governments. To provide an example of this I will turn again to the case of the Haudenosaunee. As mentioned above, when Haudenosaunee people felt symbolically forced into a corner in 2006, with both provincial and

federal refusals to recognize their Supreme Court mandated rights to consultation and accommodation (much less their human rights to FPIC), they occupied a tract of land under Haudenosaunee claim, halted development on the land, and demanded that the federal government enter into talks with their traditional government in order to resolve outstanding Haudenosaunee claims on the land. Under the Canadian Constitution, only the federal government can resolve Native land claims, and only the federal government has jurisdiction over "Indians and Lands reserved for Indians" (Constitution Act, 1867, s. 91(24); Wilkins, 2003). However, the Canadian government persistently refused to acknowledge its sole jurisdiction in the matter, and repeatedly insisted that the protest was a local matter that needed to be resolved by the Ontario Provincial Police.

In the jurisdictional vacuum that resulted, a provincial court judge asserted his jurisdiction over the dispute. Entirely ignoring his constitutional lack of jurisdiction in the matter, as well as the above-discussed Supreme Court of Canada rulings, the judge issued a series of injunctions criminalizing the Haudenosaunee protesters and ordering police to remove them, using physical force if necessary. The provincial court judge –who also owned land under Haudenosaunee claim[456]-- justified his assertion of jurisdiction over the protest by claiming that the issues in his court were not about land at all, but were about the protesters' contempt of court for refusing to heed previous provincial court injunctions demanding they move off of the land (Legall, March 17; Gamble, March 18). Despite these assertions, the judge also admitted that the case was, in

[456] The judge was asked by the Haudenosaunee to remove himself from the case on the basis that his ownership of several parcels of land under Haudenosaunee claim constituted a conflict of interest, but after a brief self-review process the judge said he found no evidence of a conflict of interest --noting that virtually all judges owned land under claim by the Haudenosaunee and that: "[t]he land I own was acquired through the legal system… it's the only legal system we have here." (Legall, 2006, March 17; Gamble, 2006, March 18). The former assertion appears to have been true, as even the courthouse where the hearing was held was built on lands under Haudenosaunee claim.

fact, about land when he justified his injunctions against the protesters on the grounds that, under Canada's policy and practice of extinguishment, the Haudenosaunee would never regain recognition of title to their lands anyway. Therefore, the best course of action for the judge was to weigh the "balance of convenience" in the case, which required avoiding the 'undue inconvenience' that the Haudenosaunee protest was creating for the development company (Legall, March 18; Best, March 22). This was exactly the type of scenario that the Supreme Court of Canada had sought to avoid in its rulings mandating government consultation, as noted by the court in Haida (2004 at 14):

> [T]he balance of convenience test tips the scales in favour of protecting jobs and government revenues, with the result that Aboriginal interests tend to "lose" outright pending a final determination of the issue, instead of being balanced appropriately against conflicting concerns (*Haida*, 2004 at 14)

Aside from his explicit disobedience to Supreme Court of Canada rulings (and the Canadian Constitution), in citing the Canadian government's policy of extinguishment as part of the basis for his ruling, the judge also directly violated another of Canada's international, legally-binding human rights obligations: Canada's obligation to end its practice of extinguishment. Under Canada's policy and practice of extinguishment, the Canadian government refuses to "return" lands wrongly taken from Native nations, and demands that Native nations sign away all title, rights, and interests on their lands before the Canadian government will enter into negotiations aimed at resolving their outstanding land claims (Orkin, 2003: 446, 448, 453; Epstein, 2002: 51-2). By persistently reasserting this policy, federal and provincial governments and legal systems routinely operate as if they can entirely disregard Native title and/or rights on their traditional lands --because government policy basically requires that these be extinguished (Ibid). This government policy and practice, however, has also been repeatedly cited and condemned by

international human rights monitoring bodies including the CESCR (1998 at 18),[457] the UN Human Rights Committee (1999), and the CERD (2002 at 17). In response to these international criticisms, the Canadian government renamed the practice (Orkin, 2003 at 453; Grand Council of the Crees, 2001; Kairos, 2006) and continue it per usual while claiming that "extinguishment" was no longer the practice in Canada. This response provoked additional criticism from both the CESCR (2006 at 16) and the Human Rights Committee (2005),[458] as well as from the UN High Commissioner of Human Rights (2004 at paras. 99, 19-32) who noted that "from a human rights perspective," the "text and spirit" of any agreement between Canada and Native nations should clearly establish:

> [T]hat no matter what is negotiated, the inherent and constitutional rights of Aboriginal peoples are inalienable and cannot be relinquished, ceded or released, and that Aboriginal peoples should not be requested to agree to such measures in whatever form or wording.[459]

In fact, international human rights law is increasingly recognizing a right to restitution for violations of these human rights and/or for property wrongly taken. For example, CERD has called upon states to:

> [T]o recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources *and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories.*[460]

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[457] "The Committee… endorses the recommendations of RCAP that policies which violate Aboriginal treaty obligations and the extinguishment, conversion or giving up of Aboriginal rights and title should on no account be pursued by the State Party."
[458] "The State party should re-examine its policy and practices to ensure they do not result in extinguishment of inherent aboriginal rights…."
[459] UN High Commissioner for Human Rights. *Mission to Canada, Addendum: Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, Rodolfo Stavenhagen*, UN ESCOR, 61st Session, UN Doc. E/CN.4/2005/88/Add.3 (2 December 2004) at para. 99, also see paras. 19-32.
[460] CERD *General Recommendation 23*, (1997 para. 5) (emphasis added). See also: Shelton (2008: 59-60); *Maya Indigenous Communities of the Toledo District v. Belize* (2004 at 115).

Section Conclusion

The above is just a partial exploration into some of the ongoing violations of the human rights of indigenous peoples in Canada, and some of the legislative and judicial mechanisms involved in dispossessing indigenous peoples from their land, resource, treaty and human rights. While Canada's extreme dualistic perspective to international law might explain a small portion of these ongoing human rights violations, the numerous other mechanisms available for domestically implementing Canada's international, and legally binding, human rights obligations demonstrate that the problem is not merely about Canada's internal political processes. Further, though the above-examined evidence clearly supports the historical-legal and critical legal studies literature that describe legal systems as tools of state hegemony and enforcers of the status quo, or that describes judges as upper class individuals with various institutional and personal stakes in seeing cases decided in a particular way, this literature does not explain why the Canadian status quo is what it is. The theory that best describes the political and legal motives for continuing to dispossess Canada's indigenous peoples of their land, resource, treaty and human rights is David Harvey's (2003) theory of Accumulation by Dispossession.

Yet, while Canada's ongoing dispossession of indigenous peoples is, like outright theft, highly conducive to capital accumulation, the Canadian government has come under increasing criticism in recent decades for its plummeting human rights record pertaining to the human rights of indigenous peoples (Joffe, 2010). Despite this escalating criticism, in the past decade the Canadian government has done virtually nothing of substance to curb these abuses and the resulting criticisms. Instead, it has escalated them both in opposing developments in the human rights of indigenous peoples abroad (Joffe, 2010) and in ignoring Supreme Court rulings and fast-tracking environmental oversight for settlement and development projects (McCarthy &

Ibbitson, 2012), many of which will take place on lands claimed by indigenous peoples. In doing so, the Canadian government is setting the stage for increased conflict with and protests by First Nations peoples whose domestic and international human rights are being entirely disregarded. The Canadian government is also violating additional, legally binding international human rights obligations. As international legal scholar Paul Joffe (2010: 140-41) has noted: "[n]o other people in Canada are automatically subjected to such consistently adverse and discriminatory treatment." Whether looking at indigenous peoples' inherent right to self-determination, their rights to Free, Prior, and Informed Consent, or their rights to enjoy their lands, resources and rights without the constant threat and requirement of extinguishment, the Canadian is persistently engaging in human rights violations that are "racially motivated" and "applied exclusively and prejudicially to indigenous peoples" who do not enjoy the same legal protections for their properties and human rights as all other people within Canada (Epstein, 2002. 50, 53-54). Though indigenous peoples have collective human rights that are in some ways different from the individual human rights of the majority of the people living within Canada, the Canadian government should afford these rights the same level of protection as is afforded to the human rights of all other people within its borders. To fail to do so is adversarial and discriminatory, as has been repeatedly noted by the Committee on the Elimination of Racial Discrimination (CERD, 2007 at 21 & 22; CERD, 2002 at 17; CERD 2008).

For all of these reasons, there is a mounting crisis of political and legal legitimacy in Canada and it does not appear that steps will be taken to mitigate or reverse this growing crisis any time soon. It does, however, appear that there is a growing awareness and concern regarding Canada's ongoing human rights violations internationally, as well as domestically (Canada Senate, 2001; Joffe, 2010), as well as a growing recognition that restitution and/or payment of reparations for

breach of international obligations is supported in international law (CERD, 1997 at 5; *Maya Indigenous Communities of the Toledo District v. Belize*, 2004 at 115; Shelton, 2008: 59-60), and that the failure to provide restitution "engages the international responsibility of the states" (*Maya Indigenous Communities of the Toledo District v. Belize*, 2004 at 115, 117; Gunn, 2007 at 81; Lâm, 2006: 152) and may offset state rights to sovereign, territorial integrity to the extent required by international intervention towards finding an appropriate remedy (Anaya, 2004: 109; Joffe, 2010: 179-80, 183-84; Lâm, 2006: 55). This means that the Canadian government has maneuvered itself into a difficult position, and unless it takes immediate steps to remedy the ongoing wrongs committed against indigenous peoples within its borders and to restore to them lands that have been wrongfully taken and rights that have been wrongfully disregarded, it may soon find itself in a lose-lose situation where its ability to govern is threatened by internationally and domestically plummeting legitimacy, and its ability to enhance this legitimacy is threatened by its inability to afford the restitution owed to indigenous peoples without bankrupting the country. Only time can tell if the Canadian government will wise up and acknowledge its responsibilities to indigenous peoples before it finds itself in this lose-lose situation. Judging from past and current government actions, however, the prognosis is quite bleak.

CHAPTER CONCLUSION

As has been demonstrated, the historical patterns through which non-Natives have accumulated gains through the dispossession indigenous peoples from their lands and resources are not only ongoing in Canada, but constitute a social norm that is deeply engrained in the Canadian psyche. Government policies and practices have perpetually reinforced this norm through the processes of authorizing and routinizing the dispossession and dehumanization of Native peoples, all for the pursuit of policy objectives (primarily, non-Native capital accumulation). The effects of

these policies and practices upon non-Native attitudes towards Native peoples, in particular how these played out in the 2006 Haudenosaunee protest, will be examined in chapter 6. But first, chapter 5 will examine the underlying foundations of the above-discussed forms of dispossession: the Canadian government's assertion of sovereignty over Native peoples.

Chapter 5

Sovereignty[461]

> *We have every right to stand here and call ourselves a nation. We need that spirit to enter this.*
>
> *~ Haudenosaunee Confederacy Sub-Chief Leroy Hill, March 27, 2006, quoted in Best 2006b*

> *It is scarcely necessary to point out that as international law is a product of the special civilization of modern Europe, and forms a highly artificial system of which the principles cannot be supposed to be understood or recognised by countries differently civilized, such states only can be presumed to be subject to it as are inheritors of that civilization.*
>
> *~ Hall 1924*

> *The European description [of European-Native relations] has often been based on political expediency rather than historical fact, and governments have not hesitated to rewrite history where convenient. … [Laws are] merely a reflection of the political will of a government or a sovereign, which the court has limited powers to interpret… It is rare that courts have acted as anything but an extension of the state's political will and attitudes. When they have, the laws have been changed to set the courts back on course.*
>
> *~ Williams 1982*

The conflicting ideas represented in the fist two introductory quotes reflect the diametrically opposed worldviews that are at the heart of all of Canada's ongoing violations of the rights of indigenous peoples (discussed in chapter 4). The Haudenosaunee, like many Native nations throughout North America, insist that they never surrendered the sovereignty that they have exercised over their lands and resources since time immemorial. Meanwhile, the Canadian government, like other settler state governments, has asserted that it holds sole sovereignty over all First Nations people and lands that are located within Canadian borders. Also like other settler state governments, the Canadian government has largely justified this assertion through

[461] Note to the reader: this chapter is really just a partial draft of a longer paper that still needs plenty of work. As a result, much of the information that I would like to include to make my argument is, unfortunately, not included here, and much of what is included here is not nearly as complete or well-written as I would prefer. My arguments here are therefore partial, and readers should look to future work rather than rely alone upon this chapter.

reference to an 1823 U.S. Supreme Court ruling that relied on interpretations of medieval Christian legal concepts such as discovery, conquest, and *terra nullius* (*Johnson v. M'Intosh*, 1823). However, this paper argues that, at the time Europeans invaded North American shores, these concepts did not have legal force that was attributed to them by U.S. Supreme Court Chief Justice John Marshall or successive legal scholars. Though these concepts were ever-present fixtures in settler rhetoric and anti-Native sentiment from the start of the European invasion of North America, these concepts did not form the basis of international law during the period in question, and thus do not provide a justification for European assertions of sovereignty over Native peoples and their territories. Rather, European assertions of sovereignty over territories that had not been acquired by Native nations constitute actions that ran contrary both to international law and, often, to the laws of the respective European sovereigns. Consequently, there was (and is) no legal justification for these assertions of sovereignty, and settler state governments will eventually have to reconcile with this fact and begin the long and painful process of reexamining these assertions in light of this reality.

CURRENT SOCIOLEGAL SCHOLARSHIP

There is a growing body of literature that examines the doctrines of discovery, conquest, and *terra nullius* as they were used by U.S. Supreme Court Justice John Marshall's 1823 decision in *Johnson v. M'Intosh* to justify the past and ongoing dispossession of Native peoples within the borders then claimed by the United States. Arguing that the concepts which formed the basis for Johnson's 1823 ruling constituted a legal, but immoral, basis for European assertions of sovereignty over Native peoples, many of the preeminent scholars on this issue have been a part of the international campaign to raise awareness and to pressure the Catholic Church to renounce its historic and present day support for the doctrines. Such scholars include –but are not limited

to-- Miller (2006), Miller & D'Angelis (2012), Newcomb (2008 & 2010), Frichner (2010), and Keal (2003). While the Pope has consistently refused to meet with Indigenous activists on this issue, and the Catholic Church has not yet issued any formal statement either way on the continuing (and original) validity of these medieval concepts, the campaign has met with considerable success in other areas – such as through renunciation of the concepts by individual churches and denominations (see for example: Native News Network, 2012; Sison, 2010; Toensing, 2009), and condemnation of these concepts by international human rights monitoring bodies (which will be discussed more later).

While there is a generally agreement among scholars as to the problematic, racist, Christian- and Western-centric nature of these concepts, other scholars have expressed some disagreement on the extent to which particular concepts were relied on by Western Europeans who asserted sovereignty over Native lands and peoples during the half-millennium of European imperial colonization. For example, examining the British quest for property in nineteenth century South Africa, Bennett & Powell (1999: 458, 455-56) trace the evolution of the concept of *terra nullius* over time and argue that, according to both state practice and the original meaning of the term, it could never have justified taking the property of a people who had some form of social organization (including nomads), no matter when this concept was applied. McNeil (2000: 11) likewise argues that though discovery and effective possession allowed Europeans to acquire sovereignty over *terra nullius* lands, if these lands truly belonged to no other sovereign, Native nations in the Americas fit the criteria for sovereign nationhood just as much as fledging European nation-states did at the time (see also: Miller, 2009: 3; Lenzerini, 2006: 163). Thus, the doctrine of terra nullius could not have provided legal justification for European assertions of sovereignty over Native peoples on these continents. Of course, despite this, some Europeans

sought ways to define lands inhabited by Native nations as *terra nullius*, but according to McNeil (1999: 12) European discovery claims to lands that were not truly *terra nullius* were rarely taken seriously by other European nations unless these claims were also accompanied by effective possession and control over the territory.

Others, such as Lenzerini (2006: 164), argue that, with one exception, European nations routinely used the concept of *terra nullius* to justify taking lands from non-Western peoples and asserting sovereignty over them.[462] Damrosch et al. (2009: 377) make a similar argument but, in doing so, apply a conservative, nineteenth-century definition of the term to 1648 international law. As such, they assert that *terra nullius* allowed European nations to take any lands that they discovered, so long as these lands were not already claimed by *other European nations*. Such an assertion directly contradicts the above-noted arguments of McNeil (2000) (who does not limit other nations to other European nations) and Bennet & Powell (1999) (who note that the concept of *terra nullius* in 1648 held a completely different meaning than the nineteenth-century concept associated with the same term). While these discrepancies have the potential to produce considerable confusion, most of these scholars note that, since the 1975 *Western Sahara* Advisory Opinion, *terra nullius* claims –regardless of when they were made—are inapplicable to lands that were already inhabited by peoples with any form of social organization (Damrosch et al., 2009: 378; Lenzerini, 2006: 164; Bennett & Powell, 1999: 455, 459; see also: Lâm, 2006: 152). The Australian High Court in *Mabo v. Queensland* (1975, paras. 40-42) reinforced this finding that terra nullius does not and never did serve as a legal justification for taking Native lands (see also Lenzerini, 2006: 167, 169; Lâm, 2006: 152; Borrows, 1999: 548). In other words, regardless of how European sovereigns intended to justify their assertions of sovereignty over

[462] According to Lenzerini (2006: 164), the "only significant exception" to this was the February 6, 1840 Treaty of Waitangi between the Maori of New Zealand and the British Crown.

Native lands and peoples during their invasion of the Americas, the concept of *terra nullius* cannot serve as a justification for these assertions, and any assertions based upon this concept must be retroactively re-examined in this light.

While that seems simple enough, these is somewhat less agreement on the historical use of the other terms: discovery and conquest. Kades (2008: 9, 23), Williams (2008: 243),[463] Berman (1992: 132), McNeil (1999: 14), O'Malley (2000: 10), and Wolfe (2006: 390) all agree that European claims to discovery were only ever intended to regulate *intra*-European relations, and that Europeans making such claims held no pretensions that the claims had an impact on European-Native relations. As such, it is difficult to see how anyone could reason that such claims did impact European-Native relations by superseding Native sovereignty with European sovereignty. Further, many writers have agreed with McNeil's (1999) assertions that European claims to have exclusive rights (among Europeans) to particular portions of the Americas were widely considered as invalid by competing European sovereigns when these claims were based on discovery alone. For example, Berman (1992: 133 note 28, quoting Geobel) argues that claims based on discovery were seen by competing European sovereigns as little more than "fugitive political argument[s] advanced by a chancellery that was unable to find adequate support in accepted international customs."

As a result, many European Nations sought to supplement their discovery-based claims to exclusivity with other sources of authority, such as papal bulls or Crown charters (Lenzerini, 2006: 164; McNeil, 1999: 11, 12). But even when claims of discovery were combined with these other forms of "authority," they were still frequently disregarded by other European nations [and eventually discredited by both the British Privy Council and the US Supreme Court

[463] Williams (2008) is primarily talking about the meaning of the term in Marshalls 1823 *Johnson v. M'Intosh* ruling.

(McNeil, 1999: 13, note 20)]. As illustration of this point, the 1493 papal bull *Intercartera* was ignored by virtually all competing European states, including Britain (Berman, 1992: 132, 133 note 27; Frichner, 2010: 9; MacMillan, 2006). In fact, it was only when discovery claims to exclusivity were accompanied by actual, effective possession of the territory that other European sovereigns would take these claims more seriously (MacMillan, 2006; Jennings, 1988: 110), and even then there could be considerable disagreement resulting in warfare among European sovereigns, as was the case in the ongoing wars between the British and French (as well as the Spanish to the south, and the Dutch and Swedes in earlier periods of European invasion of the continent) (see for example: Berman, 1992; Taylor, 2006; Arneil, 1996). To this extent, Williams (2008: 243-44) argues that Native lands weren't taken through claims of discovery; they were taken through an immoral conquest that Americans haven't yet been able to come to terms with because it contradicts their self-image of legitimacy and morally purity.

In fact, a number of other scholars have come to similar conclusions as Williams (2008), arguing that the only legitimate way for Europeans to have asserted their sovereignty over Native lands and/or peoples was to have first acquired these lands through conquest in a just war or through consensual agreement with Native peoples --i.e., treaty agreements of surrender. Kades (2008: 108) and McNeil (2000: 15) suggest that this was the black letter of Marshall's 1823 ruling in *Johnson v. M'Intosh* (as well as his 1832 *Worcester v. Georgia* ruling), and a growing number of scholars have also held that the only two legitimate legal means for acquiring sovereignty and/or territory in North America (Bennett & Powell, 1999: 456; Berman, 1992; see also, to an extent, Jennings, 1988: 107, 111-12). To this extent, Jennings (1976 & 1988) argues that the dispossession of Native nations in what is now the United States was accomplished not

through the normal course of conquest, but through a more ominous form of "double conquest"(p. 122).

However, according to many, during the time that Europeans were invading North America, there were numerous criteria that had to be met in order for territory to be taken through conquest. For example, a war of conquest had considered "just," and the behavior of conquering nations post-conquest was further limited by a wide number of restrictions, such as leaving conquered populations in possession of their property and, often, living under the control of their own laws, among other constraints (see: Berman, 1992: 133, note 29; Kades, 2008: 15, 108; Bennett & Powell, 1999: 456-57; Banner, 2005: 17-18).[464] Because of this, a number of scholars have argued that the conditions surrounding the dispossession of Native peoples in North America do not reflect conquest (Kades, 2008; Berman, 1992; Bennett & Powell, 1999; Banner, 2005). The United States Congress, and various Canadian Supreme Court rulings have concurredat least with regards to the vast majority of lands (see, for example: Kades, 2008: 17; *R. v. Van der Peet*, 1996; see also Banner, 2005: 26).

To this extent, even Supreme Court Justice John Marshall acknowledged that the circumstances surrounding the dispossession of Native peoples throughout the Americas did not represent actual conquest. Most historians concur, describing long-standing historical relations

[464] "Military conquest alone, however, did not give the conquering state sovereign rights. Sovereignty was the product of three factors in addition to military success: the conquest must have been firmly established –so long as warfare continued, no annexation could be effective in international law; subjugation must have been complete –the enemy must have ceased to exist as a political entity in the territory at issue and the fate of that territory left to the unilateral disposition of the conqueror; a formal annexation must have been effected, amounting to the assimilation of the territory to the dominions of the conquering state. Even a total victory would not produce a transfer of sovereignty if the victorious powers disclaimed any intention to annex the occupied territory" (Berman, 1992: 133, note 29). Banner (2005: 17-18) and Bennett & Powell (1999: 456) likewise remark upon the conditions required for a war of conquest to be just, though contrast this with Tuck (1999) and Keal (2003).

and conditions that do not fully reflect any of the requirements of conquest as it was understood by international law at the time. Thus, Jennings (1988: 122) refers to this dispossession as a "double conquest," acknowledging that what was done to Native peoples in North America was quite different from the rules governing just causes of conquest and just behavior of conquerors at the time. In fact, Jenning's discussion of the long and painful process of dispossession are more reflective of fraud, coercion and vigilante violence, none of which reflect actual conquest through a just war, but reflect illegitimate actions and behaviors that would have been illegal under international laws as well as the laws of respective European sovereigns.

Taylor (2006), Harring (1998a & 1998b), and Stannard (1992: 104-15) likewise discuss the process of dispossession of Native peoples in the eastern United States and Canada. Few of these processes reflect conquest through a just war, though European settlers of New England (see Stannard, 1992: 105-07) apparently made some attempt to *forge the appearance of* just war conquest –demonstrating that they understood there were laws governing just war conquest (see also: Banner, 2005; McNeil, 2000; Venn, 2002; Linden in Ipperwash Inquiry, 2005). While some of these attempts resemble the behavior and justifications made by Europeans in South America over a century earlier (some of which were considered conquest) (Mohawk, 2000; Stannard, 1992; Miller & D'Angelis, 2012; Todorov, 1982), by the time the English were asserting their claims in New England the acceptable behavior of Europeans and the accepted causes of "just war" had changed considerably (see Jahn, 2000, also see below discussion on developments in international law). Thus, according to this line of argument, with the exception of an extremely miniscule portion of North America, European sovereign powers did not achieve territorial sovereignty, nor acquire property, over Native lands and peoples through conquest (Berman, 1992: 133, note 29; Kades, 2008: 15, 108; Bennett & Powell, 1999: 456-57; Banner,

2005: 17-18; O'Malley, 2000; see also: Jennings, 1988). As Banner (2005: 6) notes: "What kind of conqueror takes such care to draft contracts to keep up the appearance that no conquest is taking place?" Banner's answer to this question is simply: "A conqueror that genuinely does not think of itself as one." This paper suggests the answer to this question is: a conqueror that has no legal right to conquer, that is aware of this fact, and that desperately seeks to justify its actions by making the circumstances around them appear to be different than they were.[465] As has been said of exclusivity claims based on discovery, assertions of sovereignty based on conquest appear to be little more than a "fugitive political argument advanced by a chancellery that was unable to find adequate support in accepted international customs" (Berman, 1992: 133 note 28, quoting Geobel on European claims of discovery).

However, there is no consensus on this point in the literature, and scholars such as Keal (2003), Williams (2008), Miller (2006), Miller & D'Angelis (2012), Newcomb (2008 & 2010), Frichner, 2010), Lenzerini (2006: 164 & 2008: 11) and Wolfe (2006: 391) still rely heavily upon the concept of conquest –or upon some combination of conquest, discovery, terra nullius and possession/occupation—to explain the dispossession of Native peoples from their inherent sovereignty over themselves and their territories. Further, even among those who argue that conquest was not a significant factor in the dispossession of Native peoples throughout North America, there is still not agreement upon what were significant factors. For example, while Banner (2005), who invests considerable effort in convincing the reader that the territories of Native peoples were not acquired through conquest, discovery, or *terra nullius*, he nonetheless insists that, though Native lands were not taken through these means, Native sovereignty was. This is because, according to Banner, Europeans never recognized Native sovereignty and

[465] In this way, we can say that very little has changed from the invasion of the Americas five centuries ago to the invasion of Iraq and Afghanistan a mere decade ago.

consistently held it as a given that European discoverers could and did impose their sovereignty upon Native peoples without their consent (p. 7). Others, including Wolfe (2006: 391) and many other writers who rely on the concepts of conquest, discovery, *terra nullius* and occupation/possession similarly make this assumption, but all of these accounts lack further explanation, particularly in the face of the contradictory facts that abound.

The rest of this paper will consider these facts, as well as the differing conceptions of sovereignty between Native and non-Native peoples, and the changes in international law as it developed over time. The paper will argue that none of these legal concepts –conquest, discovery, *terra nullius* (or "vacant lands")—were applicable to the European assertions of sovereignty over lands and peoples in North America. Instead, these legal concepts, even at the time of the European invasion of North America, had little-to-no bearing (outside of promoting European attitudes of superiority) on actual European-Native relations. Further, there were no legal concepts that clearly justified the European assertion of sovereignty over Native lands and peoples, and this assertion was thus neither consistently nor unanimously made at any point before the Revolutionary War or the two decades which followed the war and preceded Marshall's 1823 Supreme Court ruling in *Johnson v. M'Intosh*. Thus, in this ruling, Supreme Court Chief Justice John Marshall re- (mis-) interpreted these medieval concepts, and re-wrote them altogether, in ways that would justify the outcome that he sought.

THE PAPAL BULLS AND BACKGROUND TO THE INTERNATIONAL DEBATE

Under the mentality of the Crusades, the Inquisition and the witch-hunt, massacring, enslaving and/or taking the lands of non-Western/non-Christian peoples needed increasingly little –if any-- specific justification. The blanket justifications long provided by the Church for such activities left those engaged in them virtually immune to criticisms from anyone who did not wish to

become a target (Mohawk, 2000; Jennings, 1976: 3-5). Thus, when the Portuguese killed, captured, enslaved, and seized the lands of the Gaunches of the Canary Islands, they did so without making even the slightest effort to justify their actions (Mohawk, 2000: 101-02). A few decades into their rampage (which lasted from 1402 to the 1490s), the Pope gave his blessing nonetheless, through a series of papal bulls authorizing first Portugal to invade the lands of Muslims, pagans, "and other non-believers and enemies of Christ wherever they may be," and to reduce them to "perpetual slavery," to take their possessions, and to assert European/Catholic dominion over their lands (quoted from: Pope Nicholas V, 1452 and Wikipedia, 2012b. See also: Pope Nicholas V., 1455 & 1456; Mohawk, 2000: 100-04; Miller & D'Angelis, 2012; Jennings, 1976: 4-5).[466] These declarations created a rift between Portugal and Spain, the latter of which wanted a piece of the action and took up the invasion of the Canary Islands in the 1490s (Mohawk, 2000: 100).

As mentioned in chapter 2, the Church was very much a --when not *the*-- dominant power over the lives of people in Western European throughout the middle ages, and in many ways the Crusades had been started in an attempt to maintain this power –by uniting western Europe under Catholic authority, turning the fighting and pillaging on external enemies, and thus (with the aid of consolidating sovereigns) securing trade routes for merchants whose wealth helped fund the Crusades and the lavish lifestyles of Church officials, as well as the development of guns and weapons that further aided both in the crusades and the consolidation of secular sovereign power (Mohawk 2000: 95, 100-01, 133; Tigar & Levy, 2000). Thus, in order to quell the growing dispute between Portugal and Spain, additional papal bulls were issued in the 1490s that

[466] The latter source argues that this papal bull had been intended to apply to the Ottoman Empire (which fell in 1453), but that the Portuguese used the terminology "whatsoever" and "wheresoever" to justify their conquests on the western African coast.

supposedly divided the newly "discovered" Americas and other lands between Portugal and Spain and called for the subjugation of indigenous peoples in the New World and the propagation of Church doctrines there (Pope Alexander VI, 1493d, 1493c, 1493b, 1493a).[467]

The papal license to murder, enslave, pillage and commit atrocities against the indigenous peoples in the Americas, combined with the Crusader mentality which needed little-to-no justification for such acts in the first place, led to treatment and conditions of life so atrocious in Spanish-invaded South America that Spain achieved international notoriety once these conditions were exposed internationally in the writings of Dominican Friar Bartolomé de las Casas and others in the school of Salmanca (Mohawk, 2000: 106-07, 136-37; Anaya, 2004: 15-16; Keal, 2011: 69-70; Hanke, 1959). As early as 1513, Las Casas was arguing that the Spanish had no rights to kill, enslave or take the property of indigenous peoples in the Americas, because they were rational human beings capable of receiving the teachings of Christ and becoming good subjects of the Crown (Mohawk, 2000: 136; Anaya, 2004: 17, 16; Keal, 2011: 71, 92; Miller & D'Angelis, 2012, note 99). As such, he argued, those Spanish colonists who were engaged in such illegal and immoral acts should be denied the holy communion (Mohawk, 2000: 136). In response, Pope Paul III issued another papal bull in 1537, which forbade the enslavement of indigenous peoples in the Americas (Pope Paul III, 1537),[468] and King Charles V of Spain –

[467] The agreement to split the world between Spain and Portugal was solidified in the Treaty of Tordesillas, June 7, 1494 (this treaty is also available in Davenport, 1917). The dispute between the two states festered on for years, but further discussion of this goes beyond the scope of this paper. For more on these papal bulls, see also: Mohawk (2000: 100-04), Jennings, (1976: 5), Mahmud (2010: 8), Miller & D'Angelis (2012).

[468] "…notwithstanding whatever may have been or may be said to the contrary, the said Indians and all other people who may later be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property, even though they be outside the faith of Jesus Christ; and that they may and should, freely and legitimately, enjoy their liberty and the possession of their property; nor should they be in any way enslaved; should the contrary happen, it shall be null and have no effect ..." (Pope Paul III, 1537; also quoted in Newcomb,

interested in avoiding international embarrassment and the consolidation of private interests into independent political power in the New World—issued the New Laws (Mohawk, 2000: 137; Anaya, 2004: 19 note 40).[469] The latter outlawed the enslavement of indigenous peoples under punishment of death, and was so unpopular among Spanish colonists that widespread protest lead to the local suspension of many of the laws provisions, and the execution of a viceroy sent to Peru to enforce the laws. The mass rebellion eventually caused Charles V to revoke substantial portions of these laws altogether (Anaya, 2004: 19, note 40; Mohawk, 2000: 137).

Despite his retreat, Charles V temporarily suspended all conquest in the New World until an inquiry into/ debate on the justness of the Spanish conquest and dispossession of indigenous peoples could be held to determine how best to proceed with further conquest (Hanke, 1959: 36-41).[470] The debate was held in 1550-51, and in it Las Casas continued his argument that indigenous peoples in South America were rational human beings who had the same rights to possessions as Spaniards and who could be made good converts to Christianity and subjects of the King (Hanke, 1959: 35). He therefore argued that conversion should proceed by sending

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2010; and Wikipedia.com, 2012d). Unfortunately it is incredibly difficult to find the full text of this document online. The document has been referred to differently on occasion, being given the names *Sublimus Deus*, *Sublimis Deus*, and *Sublimis Dei*. There seems to be some disagreement as to whether or not this papal bull was rescinded in response to the outrage expressed by Spanish colonizers in South America. Others referring to this papal bull include: Drinnon (1990: 48), Mahmud (2011: 9, note 39),

[469] Spain also responded to early criticisms by Las Casas by requiring Spanish conquistadores to read *El Requerimiento* before invading the villages of indigenous peoples and slaughtering, enslaving and dispossessing the residents therein (Hanke, 1959: 41; Mohawk, 2000). Further discussion on this document and the horrors that followed it is beyond the scope of this paper, though it will be noted that indigenous peoples in the Americas did not know or understand Spanish, and conquistadores frequently read it quietly outside villages at night (if at all) so that villagers neither heard nor were aware of its reading. For more on this document, see the latter source (Mohawk, 2000: 107-111), who quotes the entire text of the English translation of the document.

[470] "Probably never before or since has a mighty emperor –and in 1550 Charles V, Holy Roman Emperor, was the strongest ruler in Europe with a great overseas empire besides—ordered his conquests to cease until it was decided if they were just" (Hanke, 1959: 37).

priests and friars only, and in cases where the indiegenous populations resisted conversion, by building fortresses on their borders and gradually winning them over through peace, love and good example (Hanke, 1959: 42) but not by forced evangelization (Keal, 2011: 71). Opposing Las Casas, and strongly supported by the Spanish conquistadores and *encomienderos*, Juan Gines de Sepulveda [sometimes referred to as the father of modern racism (Mohawk, 1997)] sought to justify the dispossession, enslavement and genocide of indigenous peoples on the basis that they were barbarians and idolaters who had sinned against natural and divine law and whose natural rudeness made them natural slaves to more refined peoples (Hanke, 1959: 40-41; Keal, 2011: 91). As such, forcible conquest was necessary in order to spread the Christian faith and, allegedly, 'save' the "weak among the natives themselves" (Hanke, 1959: 40-41; Keal, 2011: 91).[471]

The terms of the debate were limited from the start, with Charles V posing the question to debaters: "is it lawful for the king of Spain to wage war on the Indians before preaching the faith to them in order to subject them to his rule, so that afterwards they may be more easily instructed in the faith?" (Hanke, 1959: 38). Apparently, within the Western cultural worldview, it was not possible for Charles V or the debaters to even conceive of the idea that perhaps the Native inhabitants of the New World did not need to be converted to Christianity at all. After all, "the Christian utopian enterprise was founded on the belief that there could be only one Truth, one right way," (Mohawk, 2000: 137) and had by this point dedicated several centuries to the eradication of all who were perceived to have strayed form, or resisted, this one true way.

[471] Though, like the English in Ireland and later in the Americas, the Spanish conquistadores – minus the priest and friars-- made virtually no effort to convert the Natives they killed, enslaved and dispossessed. See: Canny (1973:588), Mohawk (2000: 107-111), Jennings (1976: 5). On some (generally murderous) attempts at conversion, see Stannard (1992: 65, 69-70), and Gay (1993: 69, 87).

Further, at this time there was no clear established international legal doctrine at the disposal of the debaters. So both Las Casas and Sepulveda framed their debate around ancient theories on the justness of enslavement verses a more compassionate form of conversion –which was largely focused on the supposed cultural characteristics of the indigenous peoples, as well as indigenous peoples' rights and obligations under (European conceptions of) Natural and divine (see: Keal, 2011: 89, 88, 69-70; Hanke, 1959; Mohawk, 2000).

The debate at Vallodid did not actually resolve the issue in any clear direction. Both Las Casas and Sepulveda claimed to have emerged victorious, but the panel of judges who heard the debate avoided giving any opinion on the matter (Hanke, 1959: 74), thus leaving indigenous peoples in South America to fend for themselves in a struggle that is still ongoing centuries later (Mohawk, 2000:137; Adams, 2007). Indeed, through Sepulveda's arguments in the well-publicized debate, a theory of cultural classification and Spanish/European superiority began to emerge (Mohawk, 1997; Canny, 1973: 593) which had an impact on later developments around the world. Further, the debate at Valloidid set the terms of future debates, outside of which none would argue. Thus, neither Las Casas nor other theorists of that or later eras argued against the idea that the Spanish Crown held sovereignty over the New World. But this does not mean that Europeans did not also recognize the sovereignty of non-Western peoples. In fact, many legal theorists argued that the sovereignty of the King of Spain did not subsume indigenous ownership of land or indigenous governance over their own affairs (Keal 2011: 92, 88-97).

In the end, virtually all legal theorists renounced the idea that the pope had authority to grant to sovereigns lands that lay on the other side of the world (Anaya, 2004: 17; Keal, 2011: 92).[472]

DISCOVERY, CONQUEST, "JUST WAR," AND *TERRA NULLIUS*

[472] "Neither emperor nor pope… possessed lordship over the whole world" (Anaya, 2004: 18, paraphrasing Vitoria).

The Protestant Reformation was well underway by the time Charles V held the debate at Vallodid (Berman, 1983: 19), and emerging legal theorists such as those at the Spanish school of Salmanca were seeking to formulate and justify a system of law that would benefit the rising, wealthy merchant class (Tigar, 2000: 57). The arguments made in the debate at Vallodid continued to resonate with these legal theorists, who redeveloped some of these arguments in their own writings. Theorists also continued to revive and build upon ancient concepts in Roman law (*gens gentium* or *jus gentium*), which had governed relations among individuals through perceived standards of good that existed above and beyond any man-made law and that all rational human beings could agree to and were bound by –including feudal lords, emerging sovereign powers, the Church, and even God 'him'self (Keal, 2011: 88; Anaya, 2004: 16-17, 18; Tigar, 2000: 56-57, 28).[473] At the same time, sovereign powers were consolidating a positivist form of law was being developed which attempted to separate law from the Church and centralize it under secular sovereign powers that would prioritized the individual property and contract rights of the rising merchant class (and, if necessary, use militarized force to protect these rights externally and command obedience internally) (Mohawk, 2000: 133, 101; Tigar, 2000: 52, 54-56; Berman, 1983: 29-30; Anaya, 2004: 26; see also Elias, 1998: 43, 51, 55). This latter form of law began to predominate during the 18th century (Tigar, 2000:56), and has been associated with the rise of the sovereign state [which was not completed until "well into the 19th century" (McNeil, 2001-2002: 11)], as well as the rise of scientific racism and 'stages of development' theories (Keal, 2011: 72-75). Elements of both forms of law were present in the writings of early legal theorists, and it is possible to make the generalization that, over time, as the interests of the rising merchant class and consolidating sovereigns –as well as available

[473] Grotius (1535-1645) apparently argued that even God was subject to, and unable to change, the law of nature (Anaya, 2004: 17, note 12).

technology-- advanced in the direction of accumulating capital through the dispossession of other peoples and life forms, international legal theorists sought to develop various 'legal' justifications for the actions that supported these goals (Anaya, 2004: 16, 34; Keal, 2011: 86, 84). In many ways, both forms of law also carried on the debate between Las Casas and Sepulveda at Vallodid, and moved increasingly towards favoring forms of the latter's arguments as positive law and the sovereign-state came to predominate.

These ideas were fresh in the minds of the English when they arrived on the shores of North America. Just as the Spanish had approximated a theory of cultural classification (in which the Spanish belonged to the superior culture) so, too did English colonizers in Ireland who followed the Spanish example and felt entirely justified in their efforts to massacre and make virtual slaves of the Irish –allegedly for the purpose of converting them to Christianity and subjugating them to the English Crown (Canny, 1973: 593-597; Drinnon, 1990: 48-49; Stannard, 1992: 98, 106). The English colonists who arrived in the New World also followed the example of Spanish conquistadores (but not the Spanish Crown) in embracing aspects of Sepulveda's arguments at Vallodid, and ignoring Pope Paul III's *Sublimis Dues* (which proclaimed that Native peoples in the Americas were "truly men" and should be treated with the rights of men) (Drinnon, 1990: 48-49). Thus, though many of the early English colonists in the New World owed their lives to Native peoples who took pity upon them and helped them survive the winters (Stannard, 2000: 53), colonial leaders who coveted land[474] used virtually any excuse to wage war on and massacre the Natives around them, and broke their promises with Native peoples as soon as it was

[474] And/or who wanted to stop the constant desertion of colonists –from all walks of life-- who fled the colonies to join and live with Native communities (Canny, 1975: 28-35). Canny (30, 34) notes that instilling in colonists a fear of Native peoples –such as was instilled after the 1622 retaliatory massacre of colonists-- was the only way that desertion was finally stopped. Drinnon (1990: 51-52) similarly notes the various attempts of colonial leaders to instill such fear in the minds of colonists.

beneficial to them to do so (Stannard, 1990: 116, 112-115, 104-05; Jennings, 1976: 6; Drinnon, 1990: 51-52; Nammack, 1969; Taylor, 2006; Kades, 2008 paras. 12-15). But unlike the early Spanish conquistadores, even at the earliest stages of English colonization it is clear that colonial leaders believed they needed some form of justification for their actions, and they attempted to find these justifications in the various legal theories of their time. Thus, it seems worthwhile to review some of the legal concepts and theories that were developing in international law before moving on to the historical analysis (which demonstrates that these concepts rarely applied to Euro-Native relations in the New World)

The Doctrine of Discovery

While early legal theorists, including Vitoria (1492-1546), Las Casas (1484-1566) and Grotius (1538-1645), argued that indigenous peoples held sovereignty over their lands, they also agreed with Charles V's assertions of Spanish sovereignty in South America. Yet, they were all in agreement that papal bulls could not be the source of this sovereignty –nor could the doctrine of discovery that was based on these papal bulls (Anaya, 2004: 18, 19; Grotius, 2001: 228, IX). Later theorists did not appear to have even concerned themselves much with discovery, and focused instead on conquest and the laws of just war, which will be dealt with momentarily. Competing European powers still asserted discovery over lands to which they sought exclusivity relative to other European powers, but these claims, even when combined with symbolic possession, had virtually no weight on intra-European relations, and were instead viewed as fugitive political arguments made by those with no legitimate basis for exclusivity assertions (Berman, 1992: 131-33 and 133 note 28; Kades, 2008: 9; McNeil, 2000: 12-13). [475] In fact, these

[475] Though see MacMillan (2006), who argues that in the 1500s these doctrines still played a role in the British Crown's attempts to develop of legal justifications for ignoring the papal bulls and

claims were often largely exaggerated and transparent, often overlapped with the discovery claims of other European powers, and were entirely unenforceable. Thus, as the weakest of all exclusivity claims, claims based on discovery were often entirely ignored by competing western powers. Further, European powers asserting exclusivity based on discovery (or discovery combined with symbolic possession) had no pretensions that these claims impacted European-Native relations (Berman, 1992: 132); they related soley to intra-European relations (and rarely had an impact on even these) (Berman, 1992: 132-33 and 133 note 28; Kades, 2008: 9) –a fact US Supreme Court Justice John Marshall noted in his 1823 opinion (discussed further below).

Conquest & "Just War"

As neither papal grants, discovery, or discovery combined with symbolic possession could protect intra-European exclusivity claims to New World territories, and as none of these could provide European powers with sovereign rights over these territories, the rising merchant class and consolidating sovereign powers sought justification for their claims in other arguments. Legal theorists were quick to oblige, and it seems that, for the most part, after Vallodid, the later a theorist wrote, the more likely he was, and the more ways he tended to find, to justify the dispossession of indigenous peoples in the Americas. Though Vitoria, Las Casas and Grotius argued that the indigenous peoples in the Americas held title to their lands[476] and dominion over their own affairs, they began to part ways after this. Las Casas argued that the indigenous

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sending Cabot to the northern coast of North America. See also, on the papal bulls: Frichner (2010).

[476] "Neither moral nor religious virtue, nor any intellectual excellence is requisite to form a good title to property. Only where a race of men is so destitute of reason as to be incapable of exercising any act of ownership, they can hold no property, nor will the law of charity require that they should have more than the necessaries of life.

"For the rules of the law of nations can only be applied to those, who are capable of political or commercial intercourse: but not to a people entirely destitute of reason, though it is a matter of just doubt, whether any such is to be found" (Grotius, 2001: 228, X).

peoples in the Americas were civil human beings (Keal, 2011: 72), and though Vitoria mostly agreed with this (Keal, 2011: 92), he also suggested that they may exhibit "elements of barbarianism" (Keal, 2011:70-71). Though on the one hand Vitoria had recognized that the indigenous peoples in the Americas had methods in their affairs, orderly and arranged polities, legal systems and magistrates, definite forms of marriage, and systems of trade which were all based on reason (Anaya, 2004: 17-18),[477] on the other hand he argued that they might be incapable of forming a state and governing their own interests according to the European model (Keal, 2011: 71, 92, 93; Anaya, 2004: 18).[478] When and where this was the case (according to European judgments), Vitoria argued, the Spanish Crown could assert its sovereignty over Native peoples to civilize them, so long as this was done for the benefit of the latter and not the personal profit of subjects of the former (Keal, 2011, 92; Anaya, 2004: 18).[479]

Unlike later theorists, neither Vitoria nor Grotius made the existence of a European-model state the basis for the rights of indigenous peoples –their land ownership and self-government still existed and were still recognized by these theorists (Anaya, 2004: 22). Grotius and Hobbes

[477] According to Vitoria, the Indians: "are not of unsound mind, but have, according to their kind, the use of reason. This is clear, because there is a certain method in their affairs, for they have polities which are orderly arranged and they have definite marriage and magistrates, overlords, laws, and workshops and a system of exchange, all of which call for the use of reason; they also have a kind of religion" (Anaya, 2004: 17, quoting Vitoria).

[478] According to Vitoria, the Indians "are unfit to found or administer a lawful State up to the standard required by human and civil claims. Accordingly, they have no proper laws nor magistrates, and are not even capable of controlling their family affairs" and have no literature, arts, conveniences of life, "careful agriculture", etc. (Anaya, 2004: 18).

[479] According to Anaya (2004: 18), Vitoria neither supported nor rejected this view outright. Of course, as noted in chapter 2, the "civilizing process" was always undertaken for the benefit of the wealthy and powerful, but these latter also often used Orwellian double-speak to justify their own perpetrations against others. In addition, as noted in chapter 3, all indigenous peoples throughout the Americas did have their own system of law, government, art, entertainment, and so forth. Thus, it was only by holding up the European model of government as the pinnacle aspiration of all human beings that Vitoria, and later theorists, could make such an argument – one that was so clearly self-serving while presented as not being so.

(1588-1679) further argued that in addition to their rights to property and self-government, the indigenous peoples in the Americas had the same natural law rights as all states, including the rights to enter into treaty relationships, to defend themselves against other peoples (Anaya, 2004: 19; Keal, 2011: 78-79). But Hobbes provided a justification for ignoring these rights. Building upon Vitoria's differentiation between indigenous and European forms of government, Hobbes treated indigenous peoples in the Americas as if they had no form of government (a completely incorrect and self-serving assumption, see chapter 3) (Anaya, 2004: 22). And he argued that it was the duty of persons living in a "state of nature" to select one man or an assembly of men to represent them and make decisions on their behalf (Anaya, 2004: 20; Keal, 2011: 79). Without doing this, Hobbes argued that European sovereigns were justified in assertion their sovereignty over Native peoples Keal, 2011: 80). Locke (1632-1704) agreed (Keal, 2011: 82, 79), and both Pufendorft (1632-1694) and Vattell (1714-1769), writing after the Treaty of Westphalia, suggested that the law of nations focused on, or only applied to states/ nation-states (Anaya, 2004: 20) and for the most part indigenous peoples could not qualify as such (Anaya, 2004: 21-22).[480] Thus, by the mid-seventeenth century, indigenous peoples were treated as mere individuals, without collective autonomous rights under the law of nations; and they did so despite the fact that even Europeans had not consolidated their own states under centralized

[480] Though some, such as the Inca and Aztec, already attacked and subjugated in Peru and Mexico, did qualify. According to Anaya (2004: 22-23), Vattel:

> defined states broadly to include "all political bodies, societies of men who have united together and combined their forces, in order to procure their mutual welfare and security." Vattel clearly believed at least some non-European aboriginal peoples qualified as states or nations with rights as such. Bringing into question European expansionism in the Americas, Vattell remarked: "Those ambitious Europeans States which attacked the American Nations and subjected them to their avaricious rule, in order, as they say, to civilize them, and have them instructed in the true religion—those usurpers, I say, justified themselves by a pretext equally unjust and ridiculous.

sovereign power, and many would not do so until "well into the 19th century" (McNeil, 2000: 11; Miller, JR, 2009: 3-4).

European interpretations of indigenous peoples political systems were not the only factor allegedly justifying their dispossession, and even Grotius, who saw no difference between the rights of states and the rights of individuals under natural law, argued that failure to cultivate the soil could be justification for indigenous peoples' dispossession (Keal, 2011: 77). Vitoria and Las Casas before him made no such assertions, but theorists writing after him agreed with Grotius' assertion that lands that remained uncultivated could not be considered property, and were thus open to the taking. And though Grotius' writing in this regard was not particularly interested in applying his arguments to indigenous peoples (Anaya, 2004: 19), Locke specifically made these arguments to justify the dispossession of indigenous peoples in the New World (Keal, 2011: 76-78, 80; Anaya, 2004: 23). For Locke, a failure to cultivate the soil in European (English) fashion was equated with a lack of civil society, and one supposedly could not have the latter until one acquired property rights through the former (Keal, 2011: 78, 79, 82). Without the former, no property existed and lands were open for the taking, and Europeans were justified in doing the taking, as well as in asserting their sovereignty over such lands and peoples (Ibid, Anaya, 2004: 23).[481] Like Locke, Vattel also linked the cultivation of the soil to civil society, and argued that doing so was a requirement under natural law. And though Vattel left some room for the inclusion of indigenous peoples (for Vattel, the cultivation of the soil was not a specific

[481] "Locke's theory of property … attached ownership to a 'higher' stage of development than that attained by Amerindians. And since they were at a 'lower' stage, it was believed that European settlers were justified in ignoring both indigenous patterns of land use and the native rights attached to these patterns, and in dispossessing the original occupants" (Keal, 2011: 75). However, others have argued that Locke's knowingly selected facts that supported his theories and rejected facts that did not lend support (Arneil, 1996), and further, that Locke's theories actually had little-to-no impact on the practice of settlers and colonial governments in the Americas (other sources to be added).

requirement for statehood), he did argue that the cultivation of the soil was a nation's duty under natural law, and that those who cultivated the soil had greater rights to lands than those who did not (Anaya, 2004:23 and note 70). The latter, thus, "may not complain if other more industrious Nations, too confined at home, should come and occupy part of their lands" (Vattel, quoted in Anaya, 2004: 23 note 70). Though Locke and Vattel each demonstrated some degree of ambiguity when it came to determining which Native peoples "qualified" for state-status and natural law rights and which did not, later theorists entirely ignored any aspect of these arguments that might have recognized the rights of at least some indigenous or non-western peoples. Instead, like the theorists before them, they picked out what was useful in justifying the dispossession and colonization actions of wealthy merchant-government interests at the time, and discarded everything that might call these actions into question.

One final aspect of early legal arguments that will be examined here is that of the "just war." In the early-to-mid-1500s, Las Casas, Vitoria and others had argued against the idea of natural slavery, insisting that all people were human beings, not barbarians, and that the Spanish had a duty to love all people as their neighbors (Keal, 2011: 70- 72, 92). However, Vitoria argued that the rights of non-Christian peoples were limited relative to the rights of Christians, and that such peoples also had duties under natural law. One of these duties required that they to allow the Spanish free travel, trade, and evangelization among them (Keal, 2011: 71; Anaya, 2004:18). If they did not do so, according to Vitoria, they were failing to uphold their duties under natural law, and since their rights were limited relative to the rights of Christians, such interference or refusal may constitute just cause for war –a point on which Las Casas vehemently disagreed (Keal, 2011: 71, Anaya, 2004: 18). However, for Vitoria, actions contrary to natural law were not necessarily enough to justify war (Keal, 2011: 92). Thus, he warned against "imaginary

causes of war" (Anaya, 2004: 18), and held out as one of the only just causes of war that which is waged to protect innocent victims –even if these victims did not seek or want protection (Keal, 2011: 92). Presumably this "protection" includes asserting Crown sovereignty over those peoples with "elements of barbarianism" who were presumed incapable of forming a state and governing themselves by European standards (see discussion at the top of this section).

Writing a few decades later, and seeking to justify actions of the wealthy merchants and sovereigns during his own time, Grotius disagreed on many points made by Vitoria and Las Casas. He argued that some peoples were natural slaves (Keal, 2011: 94, 71), and he also argued that violations of natural law could be punished and were sufficient to constitute just cause for war (Keal, 2011: 92, 93). However, Grotius sought to secularize legal theories, and so he was rather adamant that interference in evangelization, or refusal to accept the Christian religion, did not constitute just cause for war (Anaya, 2004: 19). For Grotius, just war could also be waged for defense and the recovery of property (Anaya, 2004: 19) –and this theorization might explain the alleged justification in the minds of English colonists when they waged war against Native peoples for matters so simple as one Native person in a community being accused of stealing a cup. For example, Stannard (1990) notes that in Roanoke:

> When an Indian was accused by an Englishman of stealing a cup and failing to return it, the English response was to attack the natives in force, burning the entire community and the fields of corn surrounding it. (P. 105)

But theories of "just war" involved more than just an identification of provocations, there were also a number of other criteria that must be met in order for a war to be considered "just,"[482] including moral concerns over how war was waged, the proportion of violence used relative to

[482] I'd like to do more research in this area in the future (as with the other issues in early international law), but for now the discussion will be confined to only more recent, secondary sources, and will not provide an overview of how these theories changed over the centuries.

the threat, the refrain from harming innocent non-combatants, whether war was declared in advance and waged by proper authority, and whether all avenues for a peaceful resolution were attempted before the war and arriving at a peaceful resolution –rather than profit or gain-- was a central motivation of the war[483] (Vitoria had emphasized this latter criteria in his speculations on just war, see above). Certainly examples like the above fail to meet most of the criteria for a just war.

What's more, Berman (1992: 133 note 29) and Epstein (2002) question the applicability to the term "conquest" to the activities in the New World, and in other European encounters with non-Western peoples. Both note that conquest was a term that was intended to refer to "armies of contending states at war," or to conquest and subjugation in a "just war" (quoted, respectively, from: Epstein, 2002: 48; and Berman, 1992: 133, note 29). And Berman further notes that in order to conquest to have any effect under law it needed to entail three factors : 1) a decisive and firmly established victory in warfare; 2) a complete subjugation of the conquered party such that the party "ceased to exist as a political entity in the territory at issue and the fate of that territory left to the unilateral disposition of the conqueror;" and 3) the conquering state had to formally annex the conquered territory and assimilate it into the dominion of the conquering state. Failure to achieve any one of these criteria would equal a failure to achieve exclusivity –or sovereignty (Berman, 1992: 133, note 129).[484] In virtually all cases in the Americas, these criteria were not met –and in no case were they met "justly."

But aside from the criteria of just war and conquest, these medieval concepts were largely inapplicable to European-Native relations in North America for other reasons: Within a few

[483] Wikipedia (2012c). See also sources cited below.
[484] Or failure to "produce a transfer of sovereignty," (Berman, 1992: 133, Note 29 citing L. Oppenheim, International Law: A Treatise, vol. 1 (London: Longmans, Green, and Company, 1905), 287-92).

decades of English colonization in North America both the Crown and colonial officials created prohibitions against conquest-based dispossessions of Native peoples (Kades, 2008 para. 15).[485] Instead, lands were to be secured solely through treaty agreements with Native nations, and only Crown or colonial officials were authorized to make such agreements (Kades, 2008: 24).[486] According to Kades, the former prohibitions (requiring payment for Native lands) were adhered to as soon as they were declared, even by colonists who argued against the prohibitions (Kades, 2008: para. 15). Encroachment on Native lands by wealthy land speculators and poor settlers continued to be a problem for colonial officials (when it was not directly encouraged by them[487]), but prohibitions against such actions were regularly reiterated by both the Crown and colonial governments –most famously in the Royal Proclamation of 1763.[488] Thus, non-Natives who encroached on Native lands without permissions had an increasingly difficult time convincing anyone that they held title to these lands. This was the case both before and after the Revolutionary War, even though settler resentment of these prohibitions was one of the contributing factors to the Revolution (Taylor, 2006: 8, 38-45, 79-81), as the new US government quickly recognized the same dangers that the Crown had almost two centuries earlier. As soon as it consolidated enough power to do so (about 1789) Congress renewed the all of these prohibitions and consistently refused to recognize land deeds that had been obtained by

[485] Kades notes that Massachusetts Bay Colony passed such prohibitions as early as 1629, and the Crown reasserted these in 1660 and again, repeatedly, every few decades.
[486] This was done at least as early as 1634, according to Kades. Part of the intention behind these prohibitions was to prevent a costly and unsustainable state of constant warfare in the colonies, as well as to prevent the emergence of wealthy, private monopolies on lands and thus colonial politics –both of which could arise from the unregulated taking of Native lands.
[487] Colonial authorities saw non-Native encroachment in Native territories as an effective means of clearing land, running off wildlife, depleting Native populations (via small pox and other contagious diseases) and forcing the surviving Natives to relocate to new lands –freeing up coveted lands for colonial possession. Taylor (2006, particularly 118, 142-166), Kades (2008: 125), Nammack (1969), Harring (1998a, 1998b).
[488] Which, Borrows (1997) argues convincingly, was actually a treaty agreement.

non-Natives outside of the official processes (Taylor, 2006: 238-242; Kades, 2008: 25-29).[489] Of course, Congress also wanted to expand US territory, protect the interests of wealthy land-speculators,[490] and maintain political legitimacy among settlers on the frontiers.[491] To these ends, it did not entirely seek to halt non-Native encroachment on Native lands, only to regulate it.[492] And allowing non-Natives to settler right up close to Native territories meant that forests would be cut down, game would be driven away, and Native peoples near non-Native settlements would be hungry and vulnerable to non-Native offers to buy or coercion to relocate –a fact which Supreme Court Justice John Marshall recognized well.

However, even when non-Native encroachment on Native lands was allowed, or encouraged by colonial officials and/or the newly independent US government, Euro-Native relations in North America were, from the start, governed by treaties between Native nations and European powers –not by papal bulls, discovery, or alleged 'just war' conquests. Early on, and for at least two centuries, the economic, political and social success and survival of European powers on the continent were entirely dependent upon Native peoples and the permissions and cooperation they

[489] The types of profits reaped from gaining a monopsony on land can be demonstrated in the following example: in 1785 the New York State coerced the sale of land from members of the Oneida nation, who were already weakened and starving, by threatening that NY would not protect any of their lands from encroaching settlers if the Oneidas did not agree to sell a substantial portion of what they had. According to Taylor (2006: 165) New York paid the Oneidas $11,500 for 460,000 acres land, and then sold 343,594 acres for $125,955 (Taylor, 2006: 165).

[490] Unregulated, it was argued that poor settlers would take the best lands for themselves, and leave only piecemeal sections of land for the wealthy speculators. Wars also "undercut the value of large, speculative land holdings elsewhere on the frontier" (Taylor, 2008: at 240, 239-41. See also: Kades, 2008: paras. 123-24; RJ Miller, 2006).

[491] Taylor (2006: 107), notes that, after the Revolutionary War, many settlers viewed their victory as evidence of their racial and cultural superiority, which allegedly gave them the right to further dispossess Native peoples.

[492] For example, Congressman James Duane expressed his understanding of the Revolutionary War in the same terms, noting that if supremacy was not imposed over the Indians then "this Revolution, in my eyes, will have lost more than half its value." See also Taylor (143; see also: 40-45, 142-154), Kades (2008 paras 31-34), Nammack (1969), Harring (1998a, 1998b).

granted Europeans through treaty agreements (Miller, 2009: 4-5, 11-12; Berman, 1992: 133-34; Johnston, 1986: 10).[493] In addition, for at least 200+ years, these treaty agreements were made according to the protocol of Native nations --and Europeans had to learn and abide by this protocol if they wished to engage in treaty negotiations at all (Williams, 1982: 3, 5, 36, 58; Johnston, 1986: 10; Berman, 1992: 150; Miller, 2009: 5, 11-12). These treaty negotiations, with a limited number of exceptions,[494] were based on nation-to-nation agreements along the same lines as those made between European powers at the time (Berman, 1992: 146; Coté, 2001: 15-16; O'Reilly, 2009: 387)[495] –i.e, they were premised on the understanding that all parties had the capacity to act internationally (Berman, 1992: 133, 129; Gunn, 2007: 66), and they recognized

[493] "Each successive European state seeking to establish commercial or settler colonies necessarily as a matter of course entered into treaty relations with indigenous nations concerning territorial cessations, peace and non-aggression, military alliance, and the course of trade," and "…these agreements and the continuing relationships they created were frequently decisive to the survival as well as the success of the European project," (Berman, 1992: 128). Private corporate interests understood this quite clearly as well, as Miller (2009: 12) notes: "Even though the Hudson's Bay Company Charter awarded the Company rights to land and governance as well as trade, the directors had quickly learned that First Nations were the actual proprietors of territory. It was necessary, they recognized, for their agents to obtain by means of a 'compact' Indian leaders' permission to use the navigation routes and trading sites that were critical to the trade."

[494] Berman (1992) notes that the northeastern Algonquin entered into a protectorate with Britain. Such relationships did not necessarily entail a loss of sovereignty, as Martens (1788, quoted in Berman, 1992: 130 note 14) and Vattel (quoted in Anaya, 2004: 23) both acknowledged. However, according to the many theorists, including the latter, even under conditions of a protectorate, sovereignty and independence are not necessarily lost. If the protected state maintains its own self-government, it also maintains its independence and sovereignty. It is only when a state agrees to come under the laws of the protecting state, and thus to give up its self-governance, that it loses its sovereignty and its international personality. For variations on this assertion, see also, Bennett & Powell (1999), and others cited above on the rules of just war and conquest.

[495] "Indian nations in North America were unquestionably regarded as having requisite international personality to cede rights to other sovereign entities that then formed the root of European titles in international law. The treaty process that produced a cession merely memorialized the sovereign status of all involved parties," (Berman, 1992 at 133, 129). In addition, see O'Reilly (cited in text): "By entering into treaties with native nations the Crown recognized the nationhood of its treaty partners"); and Coté (cited in text): "Early British colonial powers recognized the sovereignty of Indian nations by entering into treaties with them").

Native nations as "fully independent and self-determined societies"(Berman, 1992: 126; Coté, 2001: 15-16; O'Reilly, 2009: 376-78, 387) that "possessed inherent, preexisting sovereign rights and conducted political relations in their own interests in the international plane"(Berman, 1992: 131, 129; Epstein, 2002: 52; Hall, 2010; O'Reilly, 2009: 376-78, 387). Several of the earliest treaties, such as the Two Row Wampum treaty made between the Haudenosaunee and various European powers, were premised on the concepts of peace, friendship and respect, as well as and non-interference in each other's affairs (Johnston, 1986: Williams, 1982; Berman, 1992: 149, 146).[496] These treaties still stand today, are still honored by British Royalty whenever they visit Canada (see for example, Miller, 2010), and have never been replaced nor abridged by either the Canadian or US governments.

Treaties with Native nations were not only essential to the survival and/or success of European colonies or corporate ventures on the continent, but they were also far more legitimate means for intra-European claims to exclusivity than were such claims when based on the far more transparent assertions of conquest, discovery or papal grant (Berman, 1992: 131).[497] It should thus come as little surprise that, just as they did with these much less legitimate forms of exclusivity claims, European powers often greatly exaggerated the terms of their treaties with

[496] "More substantively, the principles symbolized in the Two-Row Wampum demonstrate a well-developed indigenous philosophy of respect for what we now call the right of self-determination of peoples as the basis for coexistence already in place at the inception of the Indian-European relationship in this region" (Berman, 1992: 149)

[497] "By the mid-seventeenth century, treaties with indigenous nations had a dual purpose for European states. In North America, they provided the formal intersocietal mechanisms for establishing and regulating evolving relationships consistent with the specific realities of international life on the continent. Additionally, in the European context Indian treaties were increasingly employed by states to legitimize territorial claims in the western hemisphere against each other" (Berman, 1992: 131). European powers –whether funded privately or through a Crown grant-- understood that they could only possess derivative rights in the New World, and could only acquire these through international treaty relationships with the original inhabitants (Berman, 1991; Chamberlin, 1997; Miller, 2009; Borrows, 1999).

Native nations to other European powers. Examples of this sort of posturing abound, and European powers frequently made claims to have subjugated Native peoples in the written records of their treaties –texts that did not reflect the oral treaty agreements often written in a language Native peoples did not read.[498] Regardless, it is important to keep in mind that European texts were merely records of treaty agreements, they were not the treaty agreements themselves; these were made orally according to Native protocol. Thus when Native nations signed these treaties, whether they were aware of the elaborate pretensions made within them or not, these pretensions had little impact upon the actual reality of Euro-Native relations (Taylor, 2006; Berman, 1992). Canadian courts have repeatedly recognized this fact when asserting that the written text / record of treaty agreements must be interpreted according to the intentions and understandings that Native nations would have had at the time treaty agreements were made, and that any "ambiguities or doubtful expressions… must be resolved in favour of the Indians" (*R. v. Badger* [1996] at 41; Hutchins, 2009: 444; Williams, 1982: 58; O'Reilly, 2009: 387-88). As the latter source further notes:

> Reference to Indian "subjects" and promises to obey the "law" in written texts of the numbered treaties cannot trump the nation-to-nation relationship or the Indian perspective of the treaties as forming an alliance or partnership. Even leaving aside representations of Her Majesty's commissioners during treaty negotiations, the entire context and tenor of most treaties clearly indicate that the Indian nations party to the treaty were to continue to govern their own internal affairs. It follows that continued Aboriginal governance was, at a minimum, an implied term of the treaties which subsist to this day and is now a constitutionally protected treaty right. (P. 388)

An illustration of these sorts of transparent pretensions exists in the European relationships with the Haudenosaunee. Perhaps no Native peoples were more important to European success

[498] See chapter 4 for a longer discussion on the recognition by Canadian courts that written treaty documents frequently differed from the actual treaty agreements and thus cannot be used alone to represent these agreements.

or failure in northeastern North America than were the Haudenosaunee, whose far-reaching hegemonic influence, fierce military prowess and extensive control over trade routes and hunting rights throughout their vast territories (Berman, 1992: 148-49, 134) made them at the same time a coveted and powerful ally and a dangerous and formidable foe to European powers attempting to trade or settle in the region.[499] In fact, the Haudenosaunee were so influential and important to European survival on the continent that both British and French interests[500] quickly became fixated on attempting to gain an agreement of exclusivity with them. Had one or the other European state been able to secure a cession/surrender of the entire Haudenosaunee territory, or a submission of Haudenosaunee sovereignty, such as through an agreement of protection or vassalage, this would have been enough for either state to claim exclusivity (since such an agreement would give only that European state the ability to negotiate international agreements on behalf of the Haudenosaunee). This did not happen, however, as the ongoing rival between the two nations, and the ongoing assertions and actions of self-determination by the Haudenosaunee evidence. But since they were both unable to secure an agreement of exclusivity, the British and French each attempted repeatedly to at least forge the appearance that they had done so, using grandiose language to claim they had made the Haudenosuanee subjects of their respective nations, or that they had gained agreements of protection or vassalage over them (See for example, Williams, 1982: 62). These claims were immediately transparent to all parties, as well as to other European states, even when the Haudenosaunee signed documents

[499] The Haudenosuanee's hegemonic influence over Euro-Native and intra-Native relations within their traditional territories --from the Hudson River in the east to the Mississippi River in the west, and stretching many miles north of the St. Lawrence seaway and four of the great lakes and as far south as North Carolina-- lasted into the 1790s. (Berman, 1992: 148).

[500] Sweden had ended its claims in North America around 1650, and Holland did so around 1675, leaving only the British and French to fight for the exclusive right to trade and make agreements with the Native peoples in the region.

containing such pretenses, or allowed such rhetoric into European speeches to them[501] –both of which, in some cases, were examples of the Haudenosaunee strategically playing British and French pretensions against each other (Miller, 2009: 51, and 51 note 31; Williams, 19182: 62, 4; Berman, 1992: 159; 151).

In fact, regardless of any written documents or records of speeches with pretensions of making the Haudenosaunee subjects of one Crown or another, neither the British nor the French ever had the ability to limit or prevent the Haudenosaunee from forming military alliances or making commercial or other treaty agreements with other European powers; much less did either have the ability to enforce unilaterally Haudenosaunee compliance with their own respective interests and agreements (in fact, both Britain and France also routinely broke their own grandiosely-worded agreements with the HSN, demonstrating the agreements' fictitious nature) (Taylor, 2006; Berman, 1992). Instead, both Britain and France continued to rely heavily on Haudenosaunee consent for their various activities (such as the fur trade or settlement); both continued to court the Haudenosaunee in hopes of obtaining an alliance with them against the other; and both clearly understood that Haudenosaunee assent to any sphere of influence claims by either power was purely strategic, was based on consent (and the ability to withdraw consent the agreement), and did not give either power, authority, or ability to control any aspect of Haudenosaunee affairs. (Taylor, 2006; Berman (1992). [502]

[501] In fact, allowing such pretensions in European speeches to them –such as allowing colonial officials to refer to them as "children" as occasionally happened-- fits with Williams' (1982) description of Haudenosaunee protocol. According to Williams, Haudenosaunee chiefs rarely contracted each other or their visitors directly, but instead tried more to build upon agreements among all parties.

[502] As Sir William Johnson, British superintendent of Indian Affairs remarked:

> [T]he Six Nations, however their sentiments may have been misrepresented, all along considered the Northern parts of North America, as their sole property from the beginning; and all although the conveniences of Trade (with fair speaches [sic] and

These recognitions of Haudenosaunee sovereignty, as well as the sovereignty of most other Native nations in North America, continued for at least two hundred years, and in many cases for longer than this (Harring, 1998: 10; Johnston, 1986: 12; Coté, 2001: 15-16; O'Reilly, 2009: 378; Berman, 1992: 128), including after the Revolutionary War in both the United States and Canada (Taylor, 2006: 239, 115; Coté, 2001: 20; Borrows, 1999; Kades, 2008, note 75; Johnston, 1986: 14).[503] Early treaties such as the Two Row Wampum treaty of peace, friendship, respect and non-interference, still continue to stand, and have never been repealed or replaced in any other treaties. Thus, it is clear that lands and/or sovereign powers were not obtained by European sovereigns through conquest, and both the United States and Canadian governments have recognized this one some level (Kades, 2008; Haida Nation v. British Columbia [2004] at 25)[504].

> promises) induced them to afford both, us and the French settlements in their Country, yet they have never understood such settlement as a Dominion, especially as neither we nor the French have ever made a conquest of them: they have even repeatedly said at several conferences in my presence, that "they were amused by both parties with stories of their upright intentions"… to see who would become masters of what was the property of neither one nor the other… (Quoted from Berman, 1992:186).

The tendency of some historians to read these written agreements literally is thus highly problematic and contrary to actual practices in the region at the time (Berman, 1992: 150, 151, 159).

[503] For example, in 1792 Upper Canadian official John Graves Simcoe assured the Haudenosaunee that the documents and treaties of the English all confirmed their status as an independent nation that had never yielded its sovereignty:

> This clearly chose, Brothers, that what we told you, is proved to be just and true: --- the Documents, Records and Treaties between the British Governors in former times, and your wise forefathers, of which in consequence of your request, authentic copies were transmitted to you, all established the Freedom of your Nations.
>
> Brothers:
>
> These authentic papers prove that no King of Great Britain ever claimed absolute power or sovereignty over any of your Lands or Territories that were not fairly purchased or bestowed by your Ancestors at Public treaties, they likewise prove that your natural Independency has been preserved… (Simcoe, quoted in: Williams, 1982: 159).

[504] "Put simply, Canada's Aboriginal peoples were here when Europeans came, and were never conquered. Many bands reconciled their claims with the sovereignty of the Crown through negotiated treaties. Others, notably in British Columbia, have yet to do so. The potential rights embedded in these claims are protected by s. 35 of the *Constitution Act, 1982*. The honour of the

Further, in instances where hostilities did break out between European powers and Native nations, they were resolved through treaty agreements, not conquest. And these treaty agreements further solidified European recognition of Native sovereignty in North America.

CONCLUSION

Further detailed discussion of the factors contributing to the changes in thinking among US and Canadian officials were planned but now lie beyond the scope of this chapter. Thus it will have to suffice to say that these changes rested on the rise of social Darwinist theories of racial superiority and "stages of development" that had solidified in Western minds by the 1780s (Keal, 2011: 72-74; Joffe, 2010: 145-46) and crept into western jurisprudence by 1766 (Keal, 2011: 75, citing Blackstone). These theories certainly had their sources in the arguments of earlier legal theorists, as well as in centuries of domination, exploitation, mass murder and dispossession that came before and after the beginning of the European invasion of the Americas. But despite legal theorists' best efforts to justify the actions of their respective sovereigns and/or class interests, there continues to be no legal basis for settler state assertions of sovereignty over Native nations. Against this backdrop, Supreme Court Justice John Marshall recognized as much in his trilogy of rulings that began with his 1823 ruling in *Johnson v. M'Intosh*. In this ruling, Marshall referred to medieval legal concepts such as discovery, conquest, vacant lands and Christian missions, manipulating the actual meanings of each of these, but also acknowledging in his own way that none of these concepts were sufficient --alone or in combination with the other concepts-- to justify the assertion of sovereignty over Native lands and peoples. Finding that the situation in the United States did not fully meet any of the criteria for these concepts, Marshall proceeded to

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Crown requires that these rights be determined, recognized and respected. This, in turn, requires the Crown, acting honourably, to participate in processes of negotiation. While this process continues, the honour of the Crown may require it to consult and, where indicated, accommodate Aboriginal interests" (*Haida Nation v. British Columbia* [2004] at 25).

make up new concepts, with the reasoning that because the ongoing dispossession of Native peoples was supported by no laws, but was practice of his country, new laws were required to explain it. He then proceeded to make up new legal interpretations, arguing basically that whether or not these were moral, it was not for him to question the practices of his government.

Marhsall's rulings have been adopted by settler state courts worldwide, including the Canadian government,[505] to serve as legal justification --where absolutely none other exists—for their ongoing dispossession of Native peoples.[506] And just as Marshall re- (mis-) interpreted medieval legal concepts to suit his needs (and just as medieval legal theorists did the same with the arguments of those before them), so, too, did later judges selectively re- (mis-) interpret Supreme Court Justice John Marshall's rulings --in order to justify increasingly more intense forms of dispossession and denial of basic rights to Native peoples (McNeil, 2000: 10).[507] However, legal scholars and international human rights law is increasingly recognizing that these

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[505] *St. Catherine's Milling and Lumber Co. v. The Queen* (1888); *Calder v. British Columbia (Attorney General)* [1973]; *Guerin v. The Queen* [1984] at 378; *R. v. Sparrow*, [1990] at 1103; *R. v. Van der Peet* [1996] at 31, 43, 117; *Delgamuukw v. British Columbia*, [1997] at 41; and Mitchell [2001] at 9 & 80. However, according to some, such as O'Reilly (2009: 380-82), Popic (2005: 151-2), Hutchins (2009: 451), this latter case left open the possibility that some limited forms of Native sovereignty could have survived (at 10). See also: *Haida Nation v. British Columbia* [2004] at 17.

[506] The argument is somewhat reminiscent of the more recent, often sarcastic question relating to the Iraq and Afghanistan wars: "How did our oil get under their sand?" I also have several paragraphs written on how the Johnson v. M'Intosh ruling made its way into Canadian law and was warped and twisted over time to fit Canada's own form of dispossession, but I will also leave this out, since the writing needs more work and I am out of time.

[507] For example, manipulated and misinterpreted conceptions of "conquest" stretched beyond all recognition were retroactively applied to historic Native-US relations in the US Supreme Court Case *Tee-Hit-Ton Indians v. United States* (1954) [in which the court insisted that "the very presence of whites in North America had effected a conquest over all the continent's indigenous peoples"]. The term was similarly misinterpreted and stretched when the Supreme Court of Canada in *Delgamuukw v. British Columbia,* [1997] upheld the reasoning of the lower British Columbia Supreme Court Judge McEachern, who stated that Native peoples "became a conquered people, not by force of arms, for that was unnecessary, but by an invading culture and a relentless energy with which they would not, or could not, compete" (*Delgamuukw v. British Columbia* (1991) at 342, also quoted in Borrows, 1999: 545).

settler state court rulings are little more than legal fictions that defy legal logic and are based on nothing more than raw assertion (Kades, 2008: 1; Borrows, 1999: 127, 562, 569, note 107; Berman, 1992: 127, 132; Joffe, 2010: 155, 145-46 notes 136, 137; O'Reilly, 2009: 373-74; Gunn, 2007: 4; Orkin, 2003; Green, 1995; Epstein, 2002; Frichner, 2010; McNeil, 1989: 107). It has also recognized, as Joffe (2010: 145-46) notes, the presumptions of racial superiority inherent in assertions of western/ settler-state sovereignty over Native lands and peoples:

> It is well-established that countries around the world have sought to exploit, dominate and dispossess Indigenous peoples on the basis of presumed racial and cultural inferiority. Under English and Canadian law, theories of dispossession evolved based on doctrines of European superiority. Indigenous peoples were considered either too primitive or else heathens and infidels, and therefore disqualified from owning or controlling lands, territories and resources. Such racistrationales as the "doctrine of discovery" –which is still a part of the case law in Canada and numerous other countries—purportedly provided European powers with a rationale to claim jurisdiction and sovereignty over Indigenous peoples' traditional territories.

Given these recognitions, international human rights monitoring bodies have also condemned the legal doctrines upon which such claims to European/settler-state sovereignty rest:

> The concepts of 'terra nullius', 'conquest' and 'discovery' as modes of territorial acquisition are repugnant, have no legal standing, and are entirely without merit or justification to substantiate any claim to jurisdiction or ownership of indigenous lands and ancestral domains, and the legacies of these concepts should be eradicated from modern legal systems. (United Nations Economic and Social Council, 1989, para 40(b) at 10).

Despite these condemnations, settler state governments and their judiciary continue to refuse to re-examine their court cases based upon these faulty concepts, and their assertions of sovereignty over Native lands and peoples. Such refusals are calling non-Native land tenures into question (Borrows, 1999: 544; Epstein, 2002: 46: Wilkins, 2003: 103-111, and note 223) and are creating a growing –internal and external-- crisis of political and legal legitimacy for the

Canadian government.[508] But much worse than this, settler state government and judicial refusals to re-examine their legally baseless assertions of sovereignty over Native lands and peoples are allowing these nations to perpetuate their mentalities of excepting themselves from common collective morality, and are allowing legacies of genocide to continue, unabated –for, as Lâm (2006: 149) and numerous others have noted: "The message indigenous peoples deliver is quite simple: their ability to survive as distinct peoples is inextricably tied to their right to occupy their traditional territories and control their resources."

Though many academics who study the Nazi Holocaust fail to see the links between that event and the Holocaust in the Americas,[509] certainly many similarities and differences between these two horrific periods in human/western history (see, for example, Kakel, 2011). Perhaps the most important differences, in the context of this paper, are in the fact that the Nazi Holocaust is over, ended by international intervention, and those responsible, when found, were brought to trial, while the perpetrating state was forced to make reparations to the survivors of those groups

[508] This legitimacy crisis is occurring both internally [as unjust Canadian courts and claims processes lead to an increase in Native protests over land and treaty rights, and non-Native businesses and residents increasingly demand that the Canadian colonial state repress Native protests and protect non-Native colonial interests] and externally [as the international community becomes increasingly aware of Canada's human rights violations at home and its anti-human rights stance in international forums relating to the rights of Indigenous peoples (for example, see: Joffe, 2010)]. See also Moses (2002: 60), Epstein (2002: 45) and Borrows (1999: 581 Note 320) on potential international consequences for Canadian sovereignty that is built upon an extralegal foundation of mere raw assertion. Such a legitimacy crisis could –if left unaddressed or improperly addressed long enough by the government and the judiciary—even lead to financial consequences for Canada [as potential investors become increasingly concerned with the growing potential for legal disorder and political instability in the country].

[509] "All German historians… seem to look in the same direction. None looks to the west. But Hitler did. What Hitler wished to create when he sought Lebensraum in the east was a continental equivalent of the British Empire. It was in the British and other western European peoples that he found the models, of which extermination of the Jews is, in Nolte's words, "a distorted copy" (Linqvist, 1996: 10). See also: Mohawk, 2000, p. 75 ("Of all the horrific genocides that have occurred in the twentieth century against the Armenians, Jews, Gypsies, Ibos, Bengalis, Timorese, Kampucheans, Ugandans, and more, none has come close to destroying this many—or this great a proportion—of wholly innocent people").

they had victimized. On the other hand, the atrocities committed against indigenous peoples in the Americas for centuries remain largely unacknowledged. No international intervention put an end to the Holocaust in the Americas, no perpetrators were found and brought to trial, and no governments have made reparations for the survivors of genocide. Further, the atrocities against indigenous peoples throughout the Americas (and around the world) continue, unabated, though now in a different form –one that is more appropriate to the technology and western cultural worldview of today.

Thus, while indigenous peoples are no longer subjected to mass murder, they are still faced with mass dispossession, and with all of the trappings of ongoing cultural genocide –i.e., the deliberate infliction "on the group of conditions of life calculated to bring out its … destruction." While there were no existing laws –domestic or international—that were violated by the horrific atrocities in Nazi Germany, there is an ever-growing body of law relating to the international human rights of indigenous peoples that are being violated in the ongoing dispossession of Native peoples. And yet, the horror continues.

By failing to act to stop these atrocities, we remain sided with the perpetrators, immune to the dehumanization and destruction of other human beings, and thus to our own dehumanization and loss of capacity to act as moral beings (Kelman, 1973: 52). As such, we are doing a grave disservice not only to indigenous peoples around the world, but also to ourselves, our children and our future generations who will be left to struggle with the increasingly psychopathological mechanisms associated with our unresolved and ongoing trauma as both the oppressors and targets/victims of our own internal mentalities of oppression.[510] Further, given the increasing

[510] As McFarlane and van der Kolk (2006), Kelman (1973) and others have noted, what we do to others we also, and primarily, do to ourselves. By treating others with intolerance we lose our

crises in the world around us, and the increasing possibility that we may have done so much damage to our environment as to have caused permanent, lasting, and increasingly violent and unpredictable shifts in climate, weather, and ocean levels, as well as long-lasting destruction to the quality and ingestability of increasing portions of our food and water sources, it is really not in our best interest to 1) continue on the destructive perpetrator path we are on or 2) destroy alternative models for structuring democratic societies and living sustainably in the world around us. If we continue to refuse to recognize, honor, support and promote the rights of indigenous peoples, and continue to be unwilling or unable to see non-western peoples (as well as all other life forms) as equal partners and co-owners[511] of this planet then we are, quite literally, choosing the path of perpetration, destruction and extinction.

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ability to care for and tolerate difficult parts of ourselves. By acting as perpetrators against others, we similarly internalize and engage in perpetrations against ourselves and our loved ones.

[511] The Western concept of "ownership" is used here because of the weight of the rights that ownership implies, which have long had a much higher priority and much heavier weight in western society than the rights of human beings (or other life forms, which have no rights in western society). Thus, the term is used with the intent of raising to the highest possible western standard, the right of all living things to have to an equal share of all that is, and to what they need to survive. At the same time, I am not using the term with any intent whatsoever of suggesting that the earth or even parts of it can actually be owned in the western sense of property.

Chapter 6

Non-Native reactions to the 2006 Haudenosaunee protest

> *They're scared. You know, those people are scared, because basically they've been lied to their whole life. And now we're standing there telling them a truth that they've never heard, and it scares them to think about their future and their past. What is the true history of their past? And so out of this fear and this hurt of being lied to, it makes them angry.*
>
> *~ Wendy Hill, Haudenosaunee, on the intense responses of non-Native residents to the 2006 Haudenosaunee protest, quoted in Haudenosaunee Confederacy, 2007*

> *In order to escape accountability for his crimes, the perpetrator does everything in his power to promote forgetting. Secrecy and silence are the perpetrator's first line of defense. If secrecy fails, the perpetrator attacks the credibility of the victim. If he cannot silence her absolutely, he tries to make sure that no one listens. To this end, he marshals an impressive array of arguments, from the most blatant denial to the most sophisticated and elegant rationalization. After every atrocity once can expect to hear the same predictable apologies: it never happened; the victim lies; the victim exaggerates; the victim brought it upon herself; and in any case it is time to forget the past and move on. The more powerful the perpetrator, the greater his prerogative to name and define reality, and the more completely his arguments prevail.*
>
> *~ Herman 1992, 8*

The two introductory quotes above represent two different facets of the non-Native opposition to the 2006 Haudenosaunee protest. The first represents the fears, doubts and insecurities that the Haudenosaunee protest triggered in local non-Native residents. In response to these uncomfortable or even intolerable emotions, some non-Native residents struggled both to deny their guilt, complicity, and responsibility for the historic and present-day harms caused to Native peoples and to maintain their privileges as dominant group members. Thus, the second represents some of the processes through which those non-Native residents who move vehemently opposed to the protest sought to hide their own guilt and/or complicity in ongoing perpetrations against the Haudenosaunee people. These processes primarily involved attempts to

discredit the Haudenosaunee protesters, as well as the Haudenosaunee people and Native people in general, so that their grievances could be dismissed without examination. These processes were largely inline with the similar processes of authorization, routinization and dehumanization perpetrated against Native peoples by government officials and other types of authority throughout Canada, which were discussed in more detail in chapter 4. As discussed in that chapter, the rhetoric and actions of the representatives of authority in Canada (government officials, the media, corporations, and even smaller local businesses), have created an environment in which Native peoples in Canada have long been identified as "fair game" for attack, primarily through projections, scapegoating, and Western societal forms of human sacrifice (see chapter 2). To this extent, the second introductory quote above can be used equally to describe 1) the processes of authorization, routinization and dehumanization that are promoted by government officials and other authorities within Canadian society, 2) the ways in which non-Native residents responded to and went along with these government processes, as well as collectively created and enacted their own processes of authorization, routinization and dehumanization. Some of these processes will be discussed in more detail in the text that follows.

Of course, *not all non-Native people* followed the lead of their government in this regard, and not all participated in the collective creation of processes authorizing and routinizing the dehumanization of Haudenosaunee protesters and Native people in general. There were many non-Native residents who openly, and even loudly, supported the Haudenosaunee protest. And there were many more residents who remained at least publicly silent on the issue, choosing to avoid taking a clear side in the debate. In the web of non-Native responses to the Haudenosaunee protest, both of these categories are complex and equally worthy of examination. For example,

non-Native residents who supported the protest, and who were a clear minority in the town of 10,000, demonstrated a wide range of reasons and motivations in their support, as well as fluctuations in the level of support their felt or demonstrated over time. Similarly, those choosing to remain publicly silent on the issue, who comprised a clear majority in the town, also likely had a wide range of reasons for their decisions from being too busy and focused on other aspects of their lives to get distracted by it to possibly taking the easy road, as many people often do, when faced with atrocities and perpetration.[512] What proportion of the silent majority were motivated by which reasons is still largely hidden in their silence.[513]

Originally, I had planned to write an entire dissertation examining the different non-Native views of the Haudenosaunee Six Nations protest, and relating these differing views of the protest to different ways of thinking and perceiving the world. To this extent, I found a number of factors corresponding with and/or influencing non-Native perceptions of and attitudes towards the Haudenosaunee protest, including: pre-existing worldview expectations and biases; government policies and practices towards, and treatment of, Native peoples; government statements; media reports and media responsiveness to correcting inaccuracies; and the actions of some of the Haudenosaunee protesters and non-Native interpretations of these actions. While

[512] Herman (1992) and others (McFarlane & van der Kolk, 2006) have suggested that choosing to remain neutral in the face of perpetration and atrocities is equivalent to siding with the perpetrator: "[W]hen traumatic events are of human design, those who bear witness are caught in the conflict between victim and perpetrator. It is morally impossible to remain neutral in this conflict. The bystander is forced to take sides. … It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear, and speak no evil. The victim, on the contrary, asks the bystander to share the burden of pain. The victim demands action, engagement, and remembering." (Herman, 1992: 7-8)

[513] Those who agreed to be interviewed on the topic in 2009 were largely those who had voiced opinions in one direction or another, with the exception of the local clergy. Many in this latter group attempted to maintain some degree of neutrality in the dispute, and had been actively involved in working to heal relations and/or bring people together from all sides of the conflict.

each of these factors corresponded with certain views on the Haudenosaunee protest, I quickly realized that each of these factors is much more complex and needs to be investigated on its own merit. For example, those most opposed to the Haudenosaunee protest appeared on first glance to unquestioningly believe everything the Canadian, provincial, or county governments said relating to the history of the land and the legitimacy of the Haudenosaunee protesters' grievances. They used these government statements to frame their anti-protest rhetoric and their extreme displays of anger. Yet, this alone did not fully explain the extent of non-Native anger displayed by many anti-protest individuals, nor did it explain the anti-Native sentiment that often accompanied this anti-protest anger. What's more, further investigation revealed that these non-Natives were not so unquestioning in their adoptions of whatever government officials said. They were actually quite strategic and sophisticated in their outright rejection and condemnation of anything that conflicted with their anti-protest views, as well as in their outright embrace of anything that supported these anti-protest views and their selective use of portions of information provided by elected officials, media reports, local businessmen and other non-Native residents. By selectively adopting and/or rejecting bits of information from other sources (and taking the cue from government authorization, routinization and dehumanization processes), the non-Native residents who most strongly opposed the protest were able to construct piecemeal narratives that lent credibility to their own anti-protest stances while also undermining every other stance. Thus, they believed that they were able to justify their own displays of anger and intolerance toward all other stances or views on the protest.

These findings became somewhat more disturbing after I began my investigation into the legal and historical facts surrounding the Haudenosaunee protest. As noted into the introduction, I expected to find that neither the Haudenosaunee protesters nor the anti-protest non-Natives

were entirely correct in their positions. I also expected that --given the predominance in media reports of facts and narratives that tended to diminish the Haudenosaunee protesters' credibility, while supporting the Canadian governments' version of events-- perhaps the latter had a stronger case, though the former likely did have some grievances. However, what I began to find (and continued to find) was quite the opposite. In fact, the Haudenosaunee version of history and law is far more credible than that put forth by the Canadian government, the provincial government, the county government, the media and/or the development company. The media simply did not report on --and government officials at the federal, provincial and county levels simply did not acknowledge-- Supreme Court of Canada rulings mandating consultation with Native nations prior to approving or undertaking development projects on lands under claim. As discussed in chapter 4, these rulings apply to all Native lands under claim, regardless of whether or not those claims have yet been proven in court. In addition, as discussed in chapter 1, the "General Surrender" of 1841 is not a legitimate document of surrender --as admitted by the Upper Canadian government, itself, a number of times during the 1840s and 50s (see other examples of problems with the Canadian government's official versions of law and history in chapter 4). What this information demonstrated to me was that non-Native Canadians who were most opposed to the Haudenosaunee protest were not only selectively adopting and rejecting narratives that fit a particular view that they wanted to have of the Haudenosaunee protest, but that the selective narratives they were creating were based primarily on inaccurate information.

Certainly, part of the reason why non-Natives were basing anti-protest (or anti-Native) arguments on faulty information was because they had been mislead by their government officials and by the media (which may also have been mislead by government officials) (see chapter 4). In this sense, non-Natives were reacting to the protest within the context of

government policies and practices that authorized and routinized various processes of dehumanizing and proclaiming open season on Native peoples and their lands, resources, treaty and human rights. However, all non-Native residents were equally subjected to this misinformation by government officials, the media, the developer and local businesspeople, but many nonetheless remained open to hearing other points of view and to adopting perspectives towards the protest that differed from the official, often-repeated versions of "facts." Thus, there are many other factors involved in the rigidity with which some non-Natives (in fact, a substantial portion of them[514]) selectively used facts to construct a *particular* anti-protest narrative. These non-Natives further demonstrated both an angry intolerance of other points of view and an inflexible need to be "right" in the inaccurate narratives they had constructed.

All of these dynamics should be of the utmost interested to any who are concerned about the present trajectory of Western society, with its countless symbolic wars at home and literal wars abroad, and with the rate at which it is rapidly destroying the planet and all life upon it. As discussed in chapter 2, these patterns of thinking and behavior are rooted far back in the history of Western society, and form a large portion of the foundation upon which this society has been built. Thus, while future attention also needs to be given to an examination of the motivations behind and dynamics involved in the varying levels of non-Native support for protest, as well as non-Native silence in the matter, this chapter will primarily focus its examination on the dynamics of non-Native opposition, all of which are contextualized within the problematic patterns of thinking and behavior that are common and even foundational to Western society.

[514] As noted in chapter 1, in a town of 10,000 people, 2,000-3,000 people participated in the largest anti-protest rally (during which some speakers expressed considerable anti-Native hostility). See below note.

To this extent, this chapter constitutes an examination into the various factors involved in the rigidity of anti-protest (and anti-Native) responses to the 2006 Haudenosaunee protest. More specifically, this chapter seeks to explain why it is that a significant portion –20-30%[515] -- of non-Native residents wanted, needed, and sought-out means (regardless of the correctness of information upon which these means were based) for delegitimizing and dismissing all Haudenosaunee grievances, while also justifying their own, sometimes extreme, displays of anger[516] over the continuation of the Haudenosaunee protest and the refusal (or failure) of the Canadian or Ontario governments to employ physical force to end the protest. Thus, the rest of

[515] Non-Native anger culminated in a series of ever-intensifying anti-protest rallies, some of which drew 2,000-3,000 people. (On there being 3,000 people at the April 24th rally, see: Bonnell, Gregory; Canadian Press. 2006. Ontario land-claim protest turns ugly. Breaking News from globeandmail.com. April 25, 12:05AM EST. Section A, B, National, Front). Meanwhile, from 500-1000 residents participated in one or more of the "near-riots" (described as such in: Harries, Kate and James Rusk. 2006. "Mayor loses speaking role on Caledonia; remarks about Six Nations protesters sideline Trainer, prompt council apology." *The Globe and Mail (Canada).* April 26; Adams, Jim. 2006. Six Nations Reserve repels Ontario police. *Indian Country Today*, April 21). On the numbers, see: Harries (2006b & 2006a); Harries and Rusk (2006); CBC News (2006a)

[516] In some instances, hundreds of non-Native residents (see note above), shouting racial slurs at protesters and insults at police, attempted to force their way through police lines in order to physically confront and remove Native protesters. These events were described by some as "near-riots" and by others as simply "intense, intense, irrational anger" (Harries, Kate and James Rusk. 2006. "Mayor loses speaking role on Caledonia; remarks about Six Nations protesters sideline Trainer, prompt council apology." *The Globe and Mail (Canada).* April 26; Harries, Kate and James Rusk. 2006. "Mayor loses speaking role on Caledonia; remarks about Six Nations protesters sideline Trainer, prompt council apology." *The Globe and Mail (Canada).* April 26). In addition, non-Native businesses reportedly refused to serve Native customers, and non-Native kids' sports teams refused to play neighboring teams from the Haudenosaunee Six Nations reserve (Muse, Sandra. 2006. Six Nations councils meeting on occupation. Tekawennake, April 12, page 4; Interviews with Caledonia residents, February-June, 2009). At least some non-Native business owners, such as contractors, continued to refuse to do business with Haudenosuanee Six Nations people more than three years later (Interviews with Caledonia residents, February-June, 2009). Further, some non-Native residents stated that they had stockpiled Molotov cocktails in their backyards or planned to ship guns into the town in the event that "shit hit the fan" and a "civil race war" broke out in Canada (something that people were still talking about three years later) (interviews with Caledonia residents, February –June, 2009).

this chapter will examine some of the various reasons why non-Native residents opposed to the 2006 Haudenosaunee protest, as well as some of the various reasons why and how these opposing non-Natives expressed such intense angry opposition to the protest. It should be emphasized here, as it has been elsewhere in the dissertation, that though this chapter examines responses of a group of non-Native residents who vehemently opposed to the 2006 Haudenosaunee protest, and though many examples of behavior by individuals within this group are provided to illustrate these dynamics, the label of "psychopathological" is not intended to apply to the *people* in this discussion. Rather, it is the society, along with the patterns of thought and behavior that it produces and encourages in individuals, groups and an entire society, that is psychopathological, and that needs to be examined, understood and changed if humanity or any other life form is to have a chance of surviving into the next century.

FINANCIAL GAINS

> *If the small colonizer defends the colonial system so vigorously, it is because he benefits from it to some extent. His gullibility lies in the fact that to protect his very limited interests, he protects other infinitely more important ones, of which he is, incidentally, the victim. But, though dupe and victim, he also gets his share.*
>
> *~ Memmi 1965, 11*

One of the most obvious reasons why non-Native residents opposed the protest and rallied to prevent the government from meeting any of the Haudenosaunee demands was the financial benefits non-Native residents experienced, or the financial gains they were expecting to experience through the ongoing dispossession of First Nations peoples from their lands, resources, treaties and human rights. The town of Caledonia was one of the fastest growing communities in southern Ontario. It had been experiencing rapid growth in the two decades previous to the Haudenosaunee protest, and was expected to more than double in size over the next two decades (see chapter 1, or see: Muse, 2005c; Hemsworth, 2006b; Harries, 2006b). With

residential development as the single largest industry in the area (Best, 2006a), many residents were expecting their housing values to dramatically increase, and had begun to build future life plans around this expected financial windfall: buying a newer, bigger house; paying for their children's college education, starting a new business, or simply planning their retirement (Interviews with Caledonia Residents, 2009). Many residents had also expected the rapid growth to bring in new tax revenues for schools, children's sports teams, and improvements to roads, sidewalks, water and other systems in the community.[517] At best, the protest appeared to be putting a temporary damper on these plans for several dozen families who were employed on or had invested in the occupied/reclaimed construction site, and possibly for a few business owners who claimed that business was much slower than usual.[518] But as the protest dragged on, those developers who had invested in the site began to worry about bankruptcy, or about dwindling interest in their development among prospective homebuyers (Windle, 2006h; Best, 2006c; Legall, 2006d). Meanwhile, other developers and realtors began to worry about an adverse financial impact on the building and trades industry as a whole (Legall, 2006l), and some residents began to worry about the protest hurting their town's image or their abilities to sell their

[517] The majority of people who chose to be interviewed in 2009 who brought up the issue of the expected growth had wanted the growth. However, there were also people who were not interested in (and were even opposed to) the new growth, which was expected to bring new problems as well. Some did not want to deal with the politics of all kinds of new people moving in and changing the workings of the town (some had already experienced some tension between the wants of the new residents and the status quo comfort of the old residents). Some wanted the town to stay small and rural for ecological and recreational purposes. Some were frustrated that the influx of people would push farmers out and eat up surrounding farmland… (Interviews with Caledonia residents, 2009).

[518] Court documents filed by Henco Industries Limited, Inc., stated that there were as many as 75 construction workers who were employed on the site (Legall, 2006d), though later news reports asserted that there were as many as 200 tradespeople ("such as carpenters, plumbers, roofers and bricklayers") who lost pay checks (Howard, 2006). On claims of slowed business, see: Canadian Press (2006u).

homes at a hefty profit, as previously planned (*Brantford Expositor*, 2006a; see also: Legall, 2006l; Jackson, 2006a).

Once residents learned of the protesters' demands for a moratorium on development on the site under protest, as well as on all Haudenosaunee lands under claim, these anxieties began to escalate (Jackson, 2006j), and residents mobilized to oppose this moratorium and to protect "the single largest industry (residential development) in our area"(Best, 2006a). Though the demand for a development moratorium on *all* lands under Haudenosaunee claim was never even considered by federal and provincial officials (see Appendix 1), provincial officials did appear to leave themselves open to at least the possibility of moratorium on development on the small tract of land under protest. The province made it clear that, in the event of such a moratorium, the it (together with the federal government) would fully compensate the developer, but this was entirely unacceptable to non-Native residents who feared that such a move would "set a precedent," jeopardizing development on all lands under Haudenosaunee claim. For example, local businessman Ken Hewitt argued that if a moratorium on development was allowed even on that small tract of land under protest, "then all other communities along the Grand River as well as across Canada will be equally compromised," and Haldimand County Councilmember Craig Aschbaugh made similar emphatic insistences that "a moratorium on development cannot be allowed" (Smith, 2006c; Best, 2006a).[519]

Intent on organizing support for these views, local developers, realtors, mortgage and financial brokers organized a counter-protest rally, appealing to residents' fears with a flyer announcing that "[i]f this situation is not resolve quickly we could all be looking at significant

[519] Real estate business owner and CCA organizer Bruce MacDonald similarly noted that the protesters' demands "would indicate that all lands [in the Haldimand tract] are subject to their interference" (quoted in: Best, 2006a).

decreases in our property values" (Best, 2006a; Pearce, 2006a; Brantford Expositor, 2006a; Autonomy & Solidarity, 2006d).[520] The flyer and speakers at the rally also encouraged residents to join with them in demanding that all builders, trades men, business owners, and home owners in the town –and not just the impacted development company-- should be paid a monthly stipend until the protest was resolved, to compensate them for the "inconvenience" the protest was causing them (Best, 2006a; Pearce, 2006a).[521] One reporter even used his weekly column to argue that, *whether tax payers liked it or not*, there was no question that builders, developers, workers and home buyers should be compensated for their losses "and put back on even ground. End of story"(Jackson, 2006d).[522] Yet, tellingly, not one speaker at the rally is reported to have extended these concerns for "just" compensation to the Haudenosaunee people, much less for seeing that land claims were resolved peacefully. Instead, only adamant opposition to the protesters' demands was voiced. To this latter extent, one resident even argued (incorrectly) in a letter to the editor that the Haudenosaunee had *already been paid in full, or even over-paid*, for the land under protest through tax credits; and further, that they *never should have been paid in the first place* because "throughout history subject peoples (including Scottish!) have rarely if ever been paid for their losses" (Flemming, 2006b). Another resident argued that the government should pay "interim compensation for the developer and inconvenienced home-buyers," and then

[520] The flyer was created by the Caledonia Citizens' Alliance, a loose, grassroots coalition of real estate and construction businessmen in order to oppose recognition of Haudenosaunee Six Nations demands.

[521] What inconvenience homeowners actually experienced from the rally at this point –April 4— is entirely unclear, since the protest was peaceful and contained to a tiny area of land on the far edge of town.

[522] "There's no point in getting into a big debate about whether or not builders and developers should be compensated for losses. Of course they should, now. … None of our laws have prevailed to resolve an ongoing land dispute and because of that, people who stand to lose the most --the developers, workers and home consumers who followed the laws and regulations before them-- should be granted compensation and put back on even ground. End of story. It doesn't mean that as a taxpayer or even a local business owner you have to like it."

"simply [walk] away until cooler heads [prevail]," leaving the protesters with nothing and with no bargaining leverage (Howard, 2006).[523] A third resident, and one of the leaders of the anti-protest counter-rally, likewise insisted that the government should not be negotiating with the protesters at all:

> We don't believe you can be in negotiations when one of the parties is performing an illegal act by blocking one of the roads. Our town shouldn't be the victim or the tool to control the government. (Ken Hewitt, quoted in Harries, 2006a)

Thus, many non-Native residents actively advocated the ongoing dispossession of Haudenosuanee peoples and ongoing colonial nation-building in Canada, and they did so because they were benefiting or were expecting to benefit financially from these ongoing activities. To this extent, these same non-Native residents actively opposed the demands of the Haudenosuanee protesters, who asked simply that development on lands under claim stop until the land claims were settled. Further, some residents even appear to have actively opposed any redress for past wrongs committed against the Haudenosaunee, by demanding that the government not talk to protesters, or by inaccurately asserting that the Haudenosaunee had already been paid for the land under protest and should not have been paid in the first place (since "subject peoples" are rarely compensated for such dispossessions). Further, it appears that many of these residents did not feel the need to justify their opposition to the protest or the protesters' demands at all. Their own perceptions that they might not gain financially in the ways they had been expecting to gain seemed more than enough justification for these residents. Thus, they demanded (and eventually received)—financial compensation for the inconvenience of

[523] The resident made this argument on the grounds that the protest had "rapidly turned nasty," apparently referring to the protesters' display of defiance when the local sheriff had read the newest injunction to protesters about a week prior. This statement was made on April 1, at a time when all the protest was peaceful by all accounts.

having been interrupted in their process of gaining financially from the dispossession of Haudenosaunee people.

Thus, many non-Native residents All of these double-standards and displays of a complete lack of empathy or sympathy for Native concerns clearly suggest a considerable degree of psychopathology at play. As discussed in chapter 4, government policies and practices had long authorized and routinized the ongoing dispossession of Native peoples throughout Canada so much and for so long that many non-Native residents were actually outraged when these processes were interrupted. Upon the slightest hint of this interruption, these non-Native residents demonstrated an urgent, emphatic concern for themselves, as well as any other non-Native who claimed financial injury because of the peaceful Haudenosaunee protest. Yet, they had no concern whatsoever for the Haudenosaunee people and the long-standing and ongoing injuries that they suffered, and were so lacking in concern as to not even feel it necessary to give symbolic lip service to the idea of justice for their Native neighbors. All of these factors, as argued in chapter 4, have made Canada ripe for atrocity-producing situations on an escalating basis, not only in the policy-driven forms discussed in chapter 4, but also in the form of local interracial, intercultural settler-colonial conflict. Further, non-native residents' unquestioned complicity with, participation in, and active advocating for these ongoing perpetrations against Native peoples demonstrates a psychopathological dehumanization of Native peoples, which can best be explained through the prisms not merely of "siding with the perpetrator,"[524] but of

[524] "[W]hen traumatic events are of human design, those who bear witness are caught in the conflict between victim and perpetrator. It is morally impossible to remain neutral in this conflict. The bystander is forced to take sides.

It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear, and speak no evil. The victim, on the contrary, asks the bystander to share the burden of pain. The victim demands action, engagement, and remembering." (Herman, 1992, p. 8).

actively modeling one's behavior after, and seeking *to be* the perpetrator, in whatever fashion possible. Such extensive dehumanization of others (and of oneself) is a result of the psychological processes of dissociation, splitting, and projection, taken to psychopathological extents, and observable not only in the complete lack of empathy for Native peoples and their concerns, but also in the various allegations levied against them: i.e., that they "turned nasty;" that they were lawbreakers and should be ignored; and that they were greedy, manipulative people seeking to get paid for things they were already paid for and should never have been paid for. In fact, all of these accusations, when considered within the historical context of non-Native displacement and dispossession of Native peoples (as well as in the present context of settlement and development on Haudenosaunee lands in 2006), much more accurately reflect the behavior and psychological patterns of those non-Native residents who were most opposed to the protest.

THREATS TO CULTURAL WORLDVIEW AND REASSERTIONS OF PRIVILEGE

> *Indeed, so strong was the drive to preserve slavery that, during the 1820s and 1830s, its defense became synonymous with nationalism, and hence patriotism. In response to European criticism that the U.S. was hypocritical in its claims to being democratic, many Americans argued that to be free, one must dominate others. In dominating absolutely, the U.S. was the freest of nations. And others added that, since property right was inseparable from freedom, the U.S. exalted liberty in raising property right to its highest form (as property in persons).*
>
> *~ Martinot 2003a, 408*

> *The very structure of their [the oppresse's] thought has been conditioned by the contradictions of the concrete, existential situation by which they were shaped. Their ideal is to be men; but for them, to be men is to be oppressors. This is their model of humanity. Thus, the behavior of the oppressed is a prescribed behavior, following as it does the guidelines of the oppressor.*
>
> *~ Friere 1971, 30-31*

> *His racism is as usual to his daily survival as is any other prerequisite for existence. Compared to colonial racism, that of European doctrinaires seems transparent, barren of ideas and, at first sight, almost without passion. A mixture of behaviors and reflexes acquired and practiced since very early childhood, established and measured by education, colonial racism is so spontaneously*

> *incorporated in even the most trivial acts and words, that it seems to constitute one of the fundamental patterns of the colonialist personality. The frequency of its occurrence, its intensity in colonial relationships, would be astounding if we did not know to what extent it helps the colonist to live and permits his social introduction. The colonialists are perpetually explaining, justifying and maintaining (by words as well as by deed) the place and fate of their silent partners in the colonial drama.*
>
> *~ Memmi 1965, 70*

The above section examined motivations behind the explosive and sometimes violent expressions of non-native anger in Caledonia relating to real or imagined financial hardships said to have been caused by the Haudenosaunee protest and to have unfairly harmed non-Natives. However, though these types of claims continued to pepper anti-protest rhetoric throughout the duration of the conflict (which continues today), the bulk of anti-protest rhetoric quickly veered away from them and towards rhetoric that served to denigrate Native protesters (and Native people in general) through assertions of race, class, gendered, legal and nation-based dominance. In large part, these various assertions of privilege can be said to be reflective both of a cultural worldview that is based upon the subjugation and oppression of other peoples and is incapable of dealing with difference, and of a fundamental tendency within this western cultural worldview to reenact past societal trauma –on one's self and others-- through what Elias has termed the "civilizing process" (see chapter 4). Both of these are integral parts of the other, and both will be briefly explained before a review of some of the relevant actions and statements of non-Natives in this regard.

Some of the Psychological Dynamics of Non-Native Assertions of Privilege

A large and ever-growing body of Social Psychological literature, often referred to as Terror Management Theory (TMT) has examined the importance of cultural worldviews on self-esteem and management of anxiety –particularly death-related anxiety (for an overview, see: Hayes, et al., 2010). Consisting of hundreds of articles, this body of literature holds that cultural

worldviews are essential to our abilities to manage anxiety and to feel good about ourselves and our place in the world. When these cultural worldviews are threatened, people strongly identified with them are likely to experience increased anxiety and to respond defensively in order to protect themselves from the psychological threat that is posed to their sense of well-being. Such defenses may include clinging to one's cultural worldview despite contradictory evidence (Greenberg et al., 2003) and/or efforts to socially distance oneself from "undesirable" others (Schimel et. al., 2000: 446). In both cases, people may engaged in various degrees of:

> derogating others to minimize the threat posed by their views, convincing them to abandon their beliefs in favor of one's own (e.g., missionary activity), or annihilating them entirely, thus proving the "truth" of one's own beliefs (Solomon et. al., 2000: 201).

These findings are in line with Devries' (2006) argument that culture provides us with positive social identity, shields us from stressful life events, and that threats to, or loss of, culture can lead to paranoia, aggression, identity confusion, negative identities, and socially regressive and exclusionary forms of bonding (see chapter 2 and/or appendix 2. See also: Hutchinson & Bleiker, 2008; Greenberg et al., 2003).[525]

These findings are also in line with various Sociological studies. For example, TMT studies have found strong elements of nationalism, racism and other expressions of dominant group privilege are elicited when dominant group privileges are symbolically threatened. When Schimel et al. (2007) exposed Canadians to materials that questioned or denigrated Canadian achievements and culture, they found that those who most strongly identified with Canadian nationalism experienced a significant increase in death-related thoughts (while those with other

[525] The latter source reports that: "[T]houghts of one's own death [and presumably also the death of one's own cultural worldview] affect a wide range of human activities, including prosocial behavior, aggression, nationalism, prejudice, self-esteem striving, sexual attitudes, risk taking, and close relationships."

primary identifications did not). Meanwhile, Branscombe et al. (2007 & 1998) studied the impact on dominant group members of reminders of the privileges (versus the "disadvantages") of dominant group status. The researchers found that being reminded of one's group privilege produced greater levels of racism among dominant group members who most strongly identify with their dominant group category (while eliciting a social-distancing effect among other, less identity-invested dominant group members. Elsewhere, Sociologists have also found that when White Americans were encouraged to think of themselves as "American" they exhibited higher levels of prejudice than they did when they were encouraged to think of themselves as "White American" or "European American," suggesting that "American" is a category that they feel needs to be defended for and by white people (Dach-Gruschow, 2006: 126). Perhaps in partial explanation of this phenomena, West-Newman (2004: 190) has argued that dominant group members –particularly in settler societies—have long come to expect that social relations of domination in which dominant group members hold privileged positions relative to others will be reproduced and reinforced through government policies and practices.[526] Likewise, Cramer (2006: 318, citing Gosset) has reported that dominant group members with the most to gain from the dispossession of Native peoples often exhibit the most hatred and contempt for Native peoples who assert their rights.

Thus, they psychological defense mechanisms associated with threats to one's cultural worldview, can be deeply intertwined with various race-, class-, gender-, nation-, culture-, and/or religious-based assertions of privilege and participation in oppression. In part, this is due to the anxiety that challenges to one's cultural worldview can produce, as well as, perhaps, the paranoia that accompanies the both the perpetration against others and the psychological defenses of

[526] See also, Litowitz (2000), on arrests as symbolic reenactments of social relations of domination.

denial, projection and scapegoating (Martinot, 2003a &2003b; Bladwin, 1965; Wise, 2005; Szasz, 1970; Sartre, 1977; Lifton, 1975).[527] These psychological defenses are likely to be particularly acute among dominant group members who, unlike non-dominant group members, may have experienced little prior exposure to alternative cultural worldviews (whereas non-dominant group members generally have these forced upon them). Further, as noted in chapter 2, Western society is built upon a foundation of psychopathological extremes of these various coping mechanism, and it provides its members with few healthy collective methods for resolving trauma or worldview-related anxiety. Instead, the defense mechanisms of choice, into which we are all socialized, are more likely to based on the regressive social bonding talked about by Devries (2006), Schimel et al, (2000) and others, noted above. Thus, in the face of challenges to their cultural worldview, or to their privileged status, dominant group members in Western society are already deep into the psychopathology of the Western worldview. In their Western-characteristic confusion, anxiety, fear, and paranoia, they may well feel justified in asserting their own claims of victimhood –as if those who challenge the Western cultural worldview are victimizers for "provoking" these uncomfortable emotions (see, for example: Lipsitz, 2008; Sommers & Norton, 2006). To this extent, Doane (2006: 269) has noted how, "Politically, casting whites as victims provides a strong base for neutralizing minority claims for racial justice and for activating white counter-mobilization for the defense of racial advantages."

[527] For example, Lifton (1975) wrote about the societal-wide "fearful sense that various forces of change threaten to destroy or kill something in the American cultural-ideological essence, a perception that is itself called upon in order to ward off the unacceptable feeling that the process of decay is internal (nationally and individually). Broadly speaking, one could say that Watergate and My Lai represented desperate last-ditch efforts to maintain a faltering cosmology around the American secular religion of nationalism, which was inwardly perceived to be collapsing"(p. 174).

(Guilt also plays a central role in many of these dynamics, and will be examined on its own in the next section).

In reasserting their dominant group privileges, or their alleged positions of domination over other, non-dominant groups, residents are at one and the same time seeking to defend these privileges and reenacting past societal traumas. The "civilizing process" in Western society, reenacted in abbreviated form in the lifelong socialization of each of its members, had long ago taught these residents about social hierarchies, social relations of domination, and how to act respectfully and deferentially towards their hierarchical "superiors." This is among the most essential lessons taught to members of Western society –as the existence of hierarchies of domination is largely the factor that set Western "civilized" peoples apart from those deemed "uncivilized" (see chapters 2 and 5. See also: Jahn, 2000). Even today in Western society, those who fail to learn their "place" in the hierarchies of social domination, and to act accordingly (with the requisite respect for their alleged "superiors") generally also fail to find "success" in schooling, in the workplace, and in gaining employment in the first place –unless, of course, they are independently wealthy, or wildly successful in their creativity.[528] After all, Western standards of "success" require obedience to authority and hard work for others, and Western myths hold that by following these rules and being "good citizens" one can gradually move up in the social hierarchy, gaining dominance over others as a reward. [To this extent, Jahn (2000: 56) noted that according to the social hierarchies of Western society upon their discovery of the New World, a

[528] Success in their creativity would require producing a product that was widely coveted by those with money, such as art, or producing a product that earned one lots of money, such as a dot.com or other such creation, and thus made him/her independently wealthy. Thus, in either case, according to the Western social hierarchies of domination, these individuals would deserve deference and respect rather than owe it to others –and thus did not actually fail to learn anything in this regard.

man's position in these hierarchies was determined by how much authority (domination) he commanded over animals, women, and other men (see also p. 59; and Todorov, 1999: 152-53)].

The 2006 Haudenosaunee protest challenged all of these assumptions around which many non-Native residents had built their entire lives --constantly playing by the rules and, if they were anything like perhaps the majority of people in Western society, repeatedly repressing their own desires, and even dissociating from the essence of who they each were as people, all in an attempt to move up the social hierarchy. To many of these by-the-rules non-Natives, the Haudenosaunee protesters demonstrated a blatant disregard for the rules and the socially accepted hierarchies of Western society. As such, they had not "earned" the right to demand deference from others, as perhaps many non-Natives imagined themselves to have done through their long lives of hard work, obedience and deference to "superiors." Further, in refusing to recognize, much less abide by, these hierarchical constructs, the Haudenosaunee protesters were challenging these cultural assumptions, thus threatening not only the cultural worldview and the privilege of non-Native residents, but the very meaning of their lives –lives that had been spent following, adhering to, conforming to the (arbitrary) rules. As Native protesters who either did not know or care about the place in Western society that had been assigned to them demanded to talk to federal officials, non-Native residents who had been lifelong obedient conformists in the social hierarchy of Western society were struggling to even be heard by their local mayor and county councilors. For at least some of these non-Native residents, the protesters' actions and demands absolutely could not be seen for what they were –legitimate grievances regarding ongoing and egregious violations of Haudenosaunee rights—because viewing them in this regard would require that non-Natives discard all of the assumptions around which they had built their obedient, rule-abiding, self-repressing lives. For some, the entire meaning of their lives, and to

the society and culture around which they had built their identities as good, moral, upstanding citizens, was under threat.

The protest thus also challenged the Western beliefs in moral purity (of Western society) and in a just world (that bad things happen to bad people, and vice versa). If non-Native residents opened themselves up to the possibility that the Haudenosaunee grievances were legitimate, both of these aspects of the non-Native worldview immediately fell apart. The entire nation of Canada –like western society itself-- has long been built upon the forcible dispossession of people(s), other life forms, and parts of the earth; but these facts had been conveniently forgotten long ago through the Western practices of rewriting history and the Western myths of progress and civilization. The protesters' grievances threatened to bring these intolerable, long repressed and denied facts to the surface, and this would completely invert Western assumptions regarding who was morally righteous and just and who was not. Haudenosuanee protesters were not only presenting grievances, they were presenting a version of reality that had long been denied, but that –even while actively repressed-- still held so much resonance of truth that it threatened the entire fabric of the lives of those most strongly identified with Western and/or Canadian mythology. Many of these non-Natives were thus among the most opposed any recognition of Haudenosaunee grievances, and actively demanded a forcible, violent end to the protest. When seeing that no end was in sight, these non-Native residents sought to take matters into their own hands by physically confronting and removing the Native protesters in vigilante fashion. They would have done anything to prevent the threads of their illusory lives from unraveling. As Haudenosaunee community member Wendy Hill remarked in the first quote introducing this chapter, non-Native people were terrified of what they might see, of themselves, of their society, of everything they had known in their lives, if these threads unraveled:

> They're scared. You know, those people are scared, because basically they've been lied to their whole life. And now we're standing there telling them a truth that they've never heard, and it scares them to think about their future and their past. What is the true history of their past? And so out of this fear and this hurt of being lied to, it makes them angry. (Haudenosaunee Confederacy, 2007)

The rest of this section will explore some of the assertions of privilege, and some of the claims to victimhood, made by non-Natives desperately seeking to hold onto either their privilege, their worldview, identity, and the meaning of their lives, or all of these. Only a few examples will be given for each point made, in the interest of time and space.

Examples of Non-Native Assertions of Privilege

Some of the ways that non-Native residents reasserted their privilege and defended against threats to their cultural worldview was by bonding together around a common national identity that implicitly (or explicitly) excluded Native peoples and that contextualized Haudenosaunee grievances within the broader Canadian project of nation-building through the dispossession of Native and non-Western peoples (see also: Dudas, 2005). For example, at one anti-protest rally, organizer Ken Hewitt sought to energize the Canadian-flag-waving crowd by asking them to think of the Olympics and to remember the troops in Afghanistan, adding:

> Reach out to all your political people and let them know we are not willing to stand still any longer. It's time the Canadian ideology that exists within these flags take precedent. (Ken Hewitt, quoted in Smith, 2006c)

Both the war in Afghanistan and the 2010 Olympics represent national imperialist and/or colonial ventures. At the time this statement was made, the 2010 Olympics in Vancouver were being built upon unceded First Nations lands, against the will of many First Nations people. Meanwhile, the war in Afghanistan was being carried out to promote the hegemonic dominance and strategic economic positioning of Western countries and their corporate elites. Thus, for Ken Hewitt and other non-Native residents at this rally, these colonial and imperialist activities were

to be celebrated, and their own "struggle" against Haudenosaunee protester demands was contextualized within the ideologies of Canadian nation-building and Western (White) supremacy. Other residents repeated this message, asserting to reporters, for example that: "I'm proud of my Country, I'm proud of my race, I'm proud of my town" (unnamed non-Native resident quoted in: Hayley & Harries, 2006; Horn, 2006).

At the same time that non-Native residents sought to exclude Native peoples from their collective, socially-constructed, national identity, they also attempted to reassert the dominance of this identity over Native peoples. They did so, in some instances, by repeatedly denouncing protesters' claims that the Haudenosaunee were (are) a sovereign people.[529] To this extent, one resident remarked in a letter to the editor that "Contrary to some protesters' beliefs, they are subject to the laws of Canada. Just ask any of the natives currently serving time in Canada's prisons,"(Lupton, 2006). Another non-Native editorial columnist asserted, oddly: "I keep reading media reports about the "peaceful" protesters in Caledonia and their claims to sovereignty. … [T]he natives are no more sovereign than breasts on a woman" (Jackson, 2006c).[530]

Further in line with the "Canadian ideology that exists within these flags," many non-Native residents who opposed the protest rhetorically advocated punishments for Native peoples asserting their sovereign status. One non-Native resident suggested that: "if natives are not Canadian, and do not deem themselves to be subject to the laws of Canada, then they should not be receiving the billions of Canadian tax dollars that they do now" (Shaver, 2006). Though the concept of providing funding to other nations only on the condition that these nations do what

[529] Protesters made statements about Haudenosaunee sovereignty to the press throughout the protest. Some media mentions closest to this time are included in: Canadian Press, 2006a, 2006u & 2006s).

[530] The implicit gender-based assertions of privilege here are also interesting, and there are a number of other, similar examples of this type of assertion. These will be explored in a future work.

Canada wants was not lost on this resident, these comments display a willful ignorance of the fact that historic treaty agreements with Native nations often explicitly stipulated that Europeans pay annuities and share in promoting the well-being of particular Native nations in exchange for permission to use portions of these nations' lands. Another non-Native resident went even further in her denunciations of Haudenosaunee claims to sovereignty, insisting that there could be no grey area on the topic: "If these people are not Canadians then they're bloody terrorists" (Lisa Parent, quoted in Bonnell & Canadian Press, 2006c), again towing the general assumption in the Western cultural worldview today that those nations and peoples who act contrary to Western interests are self-evidently terrorists.

Of course, non-Natives' defense of the western cultural worldview and assertions of privilege over Native peoples did not rest solely on constructions of (white) Canadian nationalism. They also sought to denigrate Native protesters (and peoples in general) through the use of stereotypes which perpetuated idea of Native peoples as low on the social hierarchy, and as less "civilized" than non-Native Canadians. For example, at their weekly anti-protest (anti-Native) rallies, non-Native residents intent on confronting Native peoples and venting their anti-Native anger arrived holding signs with slogans such as: "Get a job you filthy Indians" and "How 'bout Some Whiskey?" (*Tekawennake,* 2006b). Other signs proclaimed the protesters to be "cowards, thugs… half-wits, and terrorists," and proclaimed the protest site to be "Loserville" (signs shown in: Haudenosuanee Confederacy, 2007). Letters to the editor and editorial columnists further played on stereotypes of Native peoples as lowly and "uneducated" "loafers" or slum-dwellers who have nothing better to do than to destroy the investments of more civilized businessmen. As one resident remarked:

> If the police had shown any foresight in this matter they would have acted when there was only a handful of these clowns at Douglas Creek Estates. Now we have

> dozens of loafers living in a mini slum at the edge of town. Meanwhile, a local businessman is watching his investment circle the drain. (Thompson, 2006a)

Further, an editorial column proclaimed:

> Educated people who have bought homes are being held hostage as are the builders and developers who need to work to earn a living. And non-natives are getting increasingly frustrated with natives in general when they should be concerning themselves with a group of people who don't know any better and have nothing better to do. (Jackson, 2006c)

Other non-Native residents focused on stereotypes of Native people as welfare recipients, dependent upon non-Native hand-outs and needing to "finally learn that life is somehow more satisfying when you have to pay for your own lunch"(Flemming, 2006a); and even the local mayor advanced such stereotypes, suggesting that, unlike non-Native residents, Native protesters did not understand what it was like to have to work for a living: "[The non-Natives] don't have, uh, monies coming in automatically every month. They've got to work to survive. And, and the Natives' have got to realize that" (Mayor Marie Trainer, quoted in: CBC News, 2006a; Harries & Rusk, 2006; Rook, 2006f).

Numerous other residents utilized racial slurs and race-based assertions of dominance, directed at Native protesters as well as Native people in general who attempted to patronize local businesses. For example, one non-Native resident yelled urgently to his fellow non-Natives: "Don't let Indians get through that door!"(Hayley & Harries, 2006; Horn, 2006). Some of these race-based assertions of privilege and dominance will be further explored in the section on dehumanization.

As part of their cultural worldview of non-Native privilege and dominance, non-Native residents who vehemently opposed the Haudenosaunee protest had expected to see a show of force against the Native protesters, and many of them lined the roads around the protest site on the days of this expected show of force in order to get a good view of the symbolic reenactment

of Canadian society's social relations of domination.[531] When this show of force did not materialize, non-Natives' sense of entitlement and privilege within the social hierarchy of Canadian society was threatened. Many non-Natives responded to this sense of threat by reasserting their sense of entitlement, by simultaneously dismissing Native grievances outright, and by making exaggerated claims to non-Native victimhood. Some of these exaggerated claims will be explored in their own section, further below.

GUILT, SELF-ESTEEN, REFRAMING LAW, REWRITING HISTORY

> *The subject [that] would try to obtain liberation through oblivion from something that actually happened, looses a part of its history, and therefore a part of its identity. In this way, the subject walks around without a shadow and becomes "face- and history-less" and is yet permanently in restlessness and fear of being caught by its own shadow and its true face.*
>
> *~Hardtman 1998, 92*

> *People who imagine that history flatters them (as it does, indeed, since they wrote it) are impaled on their history like a butterfly on a pin and become incapable of seeing or changing themselves, or the world. … They are dimly, or vividly, aware that the history they have fed themselves is mainly a lie, but they do not know how to release themselves from it, and they suffer enormously from the resulting personal incoherence.*
>
> *~ Baldwin 1965*

Guilt and the struggle for self-esteem are important aspects of the dynamics discussed in the above section. Part of chapter 2 examined the loss of culture and the adverse impacts of that upon the people who experience it. It was also asserted in that chapter that cultural identities that were constructed from this loss were often built upon regressive forms of social bonding and other exclusionary and psychopathological patterns of thought and behavior. These assertions fall in line with the observations of others, such as Tim Wise (2005) and Vine Deloria, Jr.

[531] For more on this sort of phenomena, see Litowitz (2000) and West-Newman (2004). For some media accounts of this behavior, see: Windle (2006f) and Greenberg (2006a).

(1969),[532] who have both found that "white" Western culture is based more on exclusion and destruction than on the self- and other-affirming aspects associated with culture in indigenous and other non-Western societies. As such, Western culture in many ways fails to provide its members with any but the most fragile foundations for social support, for successfully navigating life's many stages, for the development of a "positive evaluation of the self in the social context," and for keeping its members sane and human (Diamond, 1974: 254; Devries, 2006: 400). In fact, as argued in chapter 2, the main means that Western culture offers its members for the construction of social identities are exclusion, domination and consumption (Horkheimer, 1996; Horkheimer & Adorno, 1997; Marcuse, 1964; Deloria, 1969; Wise, 2005). Wise (2005) elaborates on the fragile foundations of identity-construction in Western society, as well as one of the key problems of concern in this section:

> To define yourself, ultimately, but what you're not, is a pathetic and heartbreaking thing. It is to stand denuded before a culture that has stolen your birthright, or rather, convinced you to give it up. And the costs are formidable, beginning with the emptiness whites so often feel when confronted by multiculturalism and the connectedness of people of color to their various heritages. That emptiness then gets filled up by privileges and ultimately forces us to become dependent upon them. We are not ourselves anymore, but the overpaid, overfed, overstuffed slaves to a self-imposed, self-chosen system of cultural genocide.
>
> I can't help think that at the end of the day, we, too, got played. (Pp. 145-46)

Some of the Psychological Dynamics of Guilt

Because, as noted above, reminders of group-based privilege are often experienced as threats both to privilege and self-esteem, privileged group members frequently respond in ways intended to defend both of these, while also denying (repressing) associated feelings of guilt. Such efforts

[532] "As far as we could determine, white culture, if it existed, depended primarily upon the exploitation of land, people and life itself. It relied upon novelties and fads to provide an appearance of change but it was basically an economic Darwinism that destroyed rather than created" (p. 179).

may well include increased displays of racial or cultural prejudice among those most strongly identified with one's cultural worldview or in-group status and/or other forms of clinging to the cultural worldview that affords them privilege (Branscombe et. al., 1998; Branscombe et. al., 2007; Hayes et al., 2010). In part, some have argued, this is because feelings of guilt and acknowledgement of one's responsibility for past or ongoing atrocities can be "deeply painful" (Williams, 2000). Those who are not strongly invested in the dominant group identity may seek to socially distance themselves from the dominant group in order to relieve themselves of at least some of these feelings (Arndt et. al., 2007; Williams, 2000; Branscome, 1998 and 2007). Others who are more invested in these dominant group identities may attempt to repress feelings of guilt. Some do so out of fear that the negative emotions they will experience will be so great that they will never be able to recover from them, or out of fear that if they acknowledge these atrocities to any extent, they will be required to give up their "cheerfulness and liveliness" forever, and will be required to live their entire lives focused on past horrors that can never be undone (Bar-on, Ostrovsky, and Fromer, 1998; Goodwin, 1989). Others do so out of a need to maintain feelings of moral purity and superiority (Williams, 2008; Litz et al., 2009), or a need to adhere to cultural worldview myths of Western benevolence in imposing destruction upon non-Western peoples. Thus, by denying all guilt, these privileged group members are denying the reality of past and present perpetration, and thus construct identities around and adopt the mentality of justifying perpetration –referred to by Herman (1992) as "identifying with the perpetrator."[533]

[533] "[W]hen traumatic events are of human design, those who bear witness are caught in the conflict between victim and perpetrator. It is morally impossible to remain neutral in this conflict. The bystander is forced to take sides.

It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear, and speak no evil. The

Unfortunately, the willful (or even unconscious) adoption of this mentality is conducive to future acts of perpetration and atrocities, and the efforts required to repress and deny knowledge of past perpetrations is likely to evoke feelings of resentment and anger (Williams, 2000; Halloran, 2000; West-Newman, 2004; Lifton, 2002) which can "inevitably become sources of identity" themselves (Hutchinson and Bleiker, 2008: 396, 391). These can in turn evoke symptoms of paranoia, attack imagery, imagined persecution and/or imagined threats of disintegration (Williams, 2000: 137-38; Litz et. al. 2009: 699; Martinot, 2003; Lifton, 1975 & 2002: 67; Doane, 2006: 269), requiring psychopathological processes of blaming, blame-shifting, and scapegoating to maintain the illusion of cultural moral purity and righteous benevolence (Williams, 2000; Litz et. al., 2009; Bar-On, Ostrovsky and Fromer, 1998). All of these psychopathological mechanisms can serve to justify symbolic or actual physical assaults on already victimized groups in attempts to ward off otherwise intolerable feelings of guilt that one's fragile identity and sense of self-esteem cannot otherwise survive intact (Kelman, 1973; Martinot, 2003a; Williams, 2008; Hardtmann, 1998).[534]

Non-Native residents in Caledonia who adamantly opposed the Haudenosaunee protest chose the former option, constructing temples of illusion to protect their fragile identities, self-esteem,

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victim, on the contrary, asks the bystander to share the burden of pain. The victim demands action, engagement, and remembering." (Pp. 7-8)

[534] "For the children, the second generation in Germany, this means that they grew up with partially "face- and history-less parents." Insofar as they have identified with them, as, for instance, the right-wing radical youth, their own identity depends on an illusionary and brittle foundation. It is difficult for them to develop a defined identity of their own, to live a different history, and show a different face. To the extent that they develop this identity, they have to question the parental models and thus the yearning and loving feelings attached to them. They are orphans inside, reliant on surrogate mothers and fathers. The story of these surrogate mothers and fathers has not yet been written. From the psychoanalyst's perspective, it is not rare for the psychoanalyst to take over that function" (Hardtmann, 1998: 92).

and cultural worldview, and to reassert their privileged positions. The following discussion in this section will examine some of the ways in which they did so.

Applying the Dynamics of Guilt Repression and Denial to Non-Native Opposition to the Haudenosaunee Protest

Though the 2006 Haudenosaunee protest was a peaceful protest of perhaps a dozen or so people confined to a small plot of land on the outskirts of town (at least prior to the failed police raid), it confronted non-Native residents with a version of local and Canadian history that many had long sought to deny. Because of this long-standing denial and repression, many non-Natives were entirely unprepared for the feelings of guilt that arose within them when they were confronted with reminders of their deep, collective and personal, complicity in these harms. Perhaps without understanding the source of these feelings, but wanting to get rid of them quickly, many non-Native residents immediately opposed the events that provoked these feelings. The forced surfacing of these intolerable feelings of guilt with which they were wholly unprepared to deal may even have been one of the motivating factors behind non-Native opposition to the protest, particularly for non-Natives who were more dissociated from their emotions and less willing to engage in critical self-reflection necessary for processing unexpected emotions. Other residents, whose opposition may have been motivated by different factors (financial gain, desires to protect privilege and/or assert domination), were similarly forced to respond in some way to feelings of guilt associated with their opposition to justice for Native peoples, and many of these latter likely also sought to deny and repress feelings of guilt rather than confront and critically reflect upon them.

Thus, regardless of whether guilt was a motivating factor in opposing the protest or an unpleasant emotion that needed to be neutralized, non-Natives seeking to avoid intolerable

feelings of guilt utilized a number of psychological defense mechanisms for doing so. For example, as briefly mentioned above, some non-Natives who intensely protested the interruption in colonialism-as-usual denied that colonialism was present at all, or sought to shift blame away from their own behavior towards that of Native protesters (who had turned "nasty" or were "violating the law"). Other non-Native opposing the protest acknowledged that colonial perpetrations against Native peoples *had* existed *in the past*, but denied that non-Natives had any responsibilities to make up for them (since "subject peoples" allegedly do not have rights to redress, or since they weren't alive when these harms occurred) (Flemming, 2006b; Jackson, 2006b; Howatt, 2006b). Non-Native residents further denied the existence of ongoing colonial perpetrations in the present and projected their own acts of, or complicity in, present day perpetrations onto the peaceful Haudenosaunee protesters. According to these projections, the Haudenosaunee protesters –and not non-Natives who promoted the settlement and development on lands under Haudenosaunee claim-- were the ones who were attempting to acquire illegitimate gains from other, such as by allegedly demanding to be paid yet again for land that they (a resident inaccurately claimed) had already been paid in full, and even over-paid (Flemming, 2006b). Thus, through the psychopathological mechanisms of Western thinking, the peaceful protest was the victimizing action, and morally degenerate Haudenosaunee protesters were victimizing morally pure non-Natives.

Thus, to aid in their denial of past and/or present wrongs that their society had inflicted upon Native peoples, and to avoid intolerable feelings of collective and personal guilt with which they were wholly unprepared to cope, non-Natives engaged in elaborate attempts to construct alternate versions of reality in which non-Natives were morally pure and Native protesters victimized non-Natives. Many of these alternative versions of reality hinged on partial-truths,

such as was the case in locally constructed narratives of "law," "law and order," and history. Both of these will be explored briefly below.

Local constructions of law

Following the lead of their government, non-Natives constructed local narratives of law or "law and order" that entirely ignored relevant Supreme Court of Canada rulings, issues of Canadian constitutional law and treaty law, and international laws pertaining to the human rights of indigenous peoples that Canada is legally bound to uphold. Chapter 4 provides an overview of these various types of law, as well as the various ways in which government officials and media outlets ignored all of these. Since many non-Natives relied on the media and their government officials for information, it is understandable that many were mislead in relation to the actual laws that were applicable to the 2006 Haudenosaunee protest. Yet, non-Native residents were all equally exposed to this misleading information, and many non-Natives supported the Haudenosaunee assertions of rights or at least admitted that *they did not know* who was right or wrong. Many non-Native residents also willingly acknowledged the problematic history in their governments' past dealings with Native peoples and the need to repair past wrongs. However, those non-Native residents who were most opposed to the Haudenosaunee protest were not willing to acknowledge either past wrongs or their own present uncertainty. Instead, those most opposed to the Haudenosaunee protest framed issues of law and order with absolute certainty, asserting that *they* (morally degenerate Native protesters) were wrong, and *we* (morally pure non-Natives) were right.

In order to create such a narrative, these non-Native residents needed to ignore entirely everything that did not fit into the view of the world that they wished to construct. And so they did: insisting that the protest was an "illegal occupation" and that Haudenosaunee protesters had

"clearly broken the laws that we as Canadians abide by," (unnamed residents quoted in Rook, 2006e) or the "law of the land," as one non-Native resident remarked five weeks into the protest:

> I understand they have a cause. As Canadian citizens, they also have to abide by the law of the land. The only thing I don't understand is why the army, the police or somebody else in authority doesn't go in and put a stop to it. (Unnamed resident quoted in Legall, 2006f)

Interestingly, the phrase "law of the land" is generally associated with constitutional law [as in, "The Constitution of Canada is the supreme law of Canada" (Constitution Act, 1982: s. 52(1))], though this resident is ignoring the Canadian constitution, which assigns to the federal government –and not provincial police or provincial courts-- sole jurisdiction over matters relating to "Indians and lands Reserved for Indians" (s. 91(24)). Though this provision would indicate that provincial laws against protesting or "trespassing" are not applicable to Native land claims protests (see chapter 4 and also: Wilkins, 2003), the resident's rhetoric served its purpose, and numerous other non-Natives chimed in with similar statements or demands. For example, one argued that: "Sure, there is the spirit of some native people, but there is also the spirit of the law. Today's law,"(Jackson, 2006b), while others demanded that police at immediately to "Get those outlaws out of there"(non-Native resident quoted in Edwards, 2006a) and "Put an end to this now!"(protest sign quoted in Nolan, 2006c; Bauslaugh, 2006a).

There were, of course, a number of non-Native residents who were not blindly opposed to the protest, and who attempted to bring a more factual basis to locally constructed narratives of law. For example, one local resident who argued that the protesters' assertions that:

> "Canadian law doesn't apply to natives" is a fairly accurate statement. Under Canadian law, if you were to sell a parcel of land to someone, then they refused to pay for it, the government would help you either get the money that is owed to

> you or remove the person who is illegally on your land. That same protection however has not been afforded to Six Nations. (Davis, 2006)[535]

Other non-Natives who supported the protest also noted the longstanding history in Canada of criminalizing activists of all stripes whenever they attempt to assert their rights, thus confronting the locally constructed narratives of law and order:

> In our experience, where people stand up for their rights –including the labour movement—it gets turned into a law and order issue and we get criminalized. We stand with [the Six Nations]. It [the protest] should be resolved with discussion. (quoted in Pearce, 2006c)[536]

Yet, despite these attempts by some non-Natives to contradict the black-and-white narrative of legal certainty that was being constructed by local non-Natives opposed to the protest, the latter continued to intensify their opposition to the protest, and expanded their feelings of anger to encompass not just to the allegedly "lawbreaking" protesters, but also police, elected officials, and even media accounts that diverged from this law and order narrative. For example, one non-Native resident responded angrily to the suggestion of another non-Native resident that politicians pay compensation to non-Natives and then "walk away," insisting instead that police violently force "law breaking" protesters off the site:

> I can't believe The Spectator would advocate that the law not be enforced. The developers have a legal court order for the removal of the protesters. They should

[535] It should be mentioned again here, however, that the Haudenosaunee never sold this land: there is no evidence that they ever intended to /agreed to sell it, and there are no legitimate documents of surrender/sale (see the summary in chapter 1). Thus, the question here is not whether the Haudenosaunee were fairly compensated (they were not), but why the government has wrongfully treated the lands as if they were sold. The writer's confusion may have stemmed from the fact that the Six Nations Band Council was only seeking financial compensation for these lands at this time, which was against the wishes of vast numbers of traditional and non-traditional Haudenosaunee people in the Six Nations community (and was thus also one of the motivating factors for the protest, as noted in chapters 1 and 4).

[536] Pearce (2006c) is quoting Hamilton Steelworker and member of United Steelworkers Local 1005, Paul Lane. On the unions present, see also: Hamilton Spectator (2006e) and *The Marxist-Leninist* (2006a & 2006b)

> not "walk away until cooler heads prevail." They should insist these lawbreakers be removed now.
>
> It's time for the OPP to do their job and enforce the court order. Contrary to some protesters' beliefs, they are subject to the laws of Canada. Just ask any of the natives currently serving time in Canada's prisons. (Lupton, 2006)

Another resident, holding fast to local claims that the protest constituted an "illegal occupation," lamented the failure of police and elected officials to "uphold the law and protect citizens" and further demanded that while officials compensate non-Natives for the inconvenience, they likewise ignore entirely Haudenosaunee grievances. The resident justified these demands on the basis that law-breaking protesters were bullies who should not be catered to:

> I agree that those financially disadvantaged by the illegal occupation require government compensation to make up for the local, provincial and federal governments' failure to uphold the law and protect citizens.
>
> However, to turn the land over to the protesters, or even to leave it vacant, is not a viable solution. … If you give in to bullying and intimidation, it does not stop. … The intimidation and bullying of law-abiding citizens and businesses is not acceptable.[537]

In this same vein, while some non-Natives characterized the lack of police action (at least prior to the failed April 19 police raid on the protest site) as a "display of weakness" by law enforcement and other local authorities,[538] many others turned it into an alleged wrong that was being committed against them by police and local politicians. In constructing this narrative, local non-Native residents argued that the lack of police action against Native protesters demonstrated police favoritism towards Natives and discrimination against non-Natives. Residents argued repeatedly that: "[i]f that was us sitting out there holding a protest, we could have been taken out on the first day"(quoted in Nolan, 2006c) and "if it were any other group except natives, they would have been removed on Day 1" (Lupton, 2006).

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[537] Meyer, Ann. 2006. The bullying must stop. Hamilton Spectator, April 18, Final Edition, Opnion.

[538] Thompson, Bryan. 2006. Action should be taken now. Regional News. April 12. Page 6.

A few non-Native residents who did not blindly oppose the protest again attempted to point out that these assertions were actually not true. They gave examples of the Red Hill Valley protest, a few years back, in which tree-sitting non-Natives blocked construction of a highway for 105 days, (E. Marion, 2006).[539] But those non-Natives vehemently opposed to the protest completely ignored such reminders and instead ratcheted up their rallying cries against the Liberal government (Nolan, 2006c) and its alleged "state-sponsored racism" regardless of actual objective evidence. Further, the construction of this narrative of "state-sponsored racism" was begun a mere two weeks after the protest had started --long before the police actually had the authority to remove protesters.[540] The resident who can be credited with this invention (at least as the concept relates to this particular protest) wrote in a letter to a local paper that:

> [T]he Federal government should enact legislation abolishing state-sponsored racism. Giving special privileges to people because their great-grand parents belonged to the "right" racial group is morally indefensible.

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[539] "The letter writer is wrong to say that only natives could persist in civil disobedience for any length of time. None of the tree-sitters in the Red Hill Valley were native, and that lasted for 105 days, ending only when the last tree-sitter came down."

[540] As noted in Chapter 1, the March 3 order was merely a civil injunction pending trial of the merits of the case, this trial being scheduled on March 9 (Coyle, 2006; Legall, 2006i). The March 9 permanent, interlocutory injunction was apparently also a civil order (also pending trial of the merits of the case) rather than a criminal order, and thus the provincial police said they had no authority to enforce it (Canadian Press, 2006i; Legall, 2006j). The trial on the merits for the March 9th order was held on March 16 and 17, and the order that came out of that hearing, citing protesters for contempt of court, apparently contained an error that prevented police from enforcing it. After the March 22 deadline passed, Crown Attorney John Pearson noted that the March 17th order erroneously stated that protesters would be fingerprinted and photographed under the Identification of Criminals Act, though this act could did not apply to contempt of court cases. Pearson thus asked Marshall, after the March 22 deadline, to clarify the order by including in it both the statement that the fingerprinting and photographing would be done under a probation order, and the statement that protesters would be guilty of criminal as well as civil contempt. The order was amended on March 28. On Pearson's comments regarding the Identification of Criminals Act and his request to the judge, see: Legall (2006b). On irregularities in the March 17th order, the amending of the order, and the March 28th date of the order being amended, see: Best (2006f). For additional sources on the judge clarifying the order and/or ambiguities in the order, see also: Harries (2006c), Canadian Press (2006l), Bonnell & Canadian Press (2006d), Legall (2006n), Burman (2006b).

> Everyone would benefit, especially the natives who would finally learn that life is somehow more satisfying when you have to pay for your own lunch. (Flemming, 2006a)

Another resident lent his own version of this commonly-expressed them, expanding the category of alleged victimizers to include not only Native peoples and the police and government officials who refused to "enforce the law" upon them immediately, but also all non-White peoples:

> Any non-natives who decided to trespass on someone's property would be arrested without a court order, but if you're a minority living in Canada you can stay for eons. All police do is sit at the side of the road. (Jackson, 2006c)

After the Ontario Provincial Police failed in their attempted raid against the protesters, non-Native residents added to their long list of alleged victimizations against them the assertion that the provincial police and politicians had abandoned them and their town. They persisted in these claims despite the obvious fact that large numbers of police were actually everywhere in the town from that day until the road blockades were removed a couple months later. Thus residents asserted that police had abandoned their post and abandoned "our community, our safety, our business, our property values and our rights as Canadian citizens" (Edwards & Gombu, 2006; Edwards, 2006a). This alleged abandonment was further equated with forcing the rights of Canadian citizens to "take a back seat" to Native rights, because presumably the two could not be equally honored, but one (the former) had to predominate over the other. (Mayor Marie Trainer, quoted in Bonnell & Canadian Press, 2006c. See also: Healey & Nolan, 2006).

By perpetuating claims that they had been victimized by Native protesters, as well as police and elected officials, non-Native residents were able to avoid feelings of guilt and blame for their own complicity in the ongoing perpetrations against Haudenosaunee people, largely by projecting this guilt and perpetration onto Native peoples and anyone who did not engage in behavior aimed at immediately and forcefully ending the Haudenosaunee protest and returning

things in town to dispossession and colonialism-as-usual. Further, because these psychological mechanisms are frequently taken to psychopathological extremes in Western society, many non-Native residents may have been entirely unaware of the existence of their denied guilt, and may well have convinced themselves that they were the innocent, morally-pure victims suffering by the wrongs done to them by everyone else around them who did not do what they wanted/demanded. Indeed, these non-Native residents may well have *felt* like suffering victims, as this is characteristic of the psychopathological mechanisms for denying, repressing and projecting onto others intolerable feelings (Hardtmann, 1998; see also Appendix 2).

Further, the alleged failures of police and politicians to do what non-Native residents wanted represented, for some of these residents, a violation of their cultural worldview expectations of privilege that had long been reinforced by government policies and practices of dispossessing Native peoples. The conditions for atrocity (discussed in chapter 4) had long been present and normalized in the national consciousness of Canadian society's dominant group (and in Western society in general), and non-Native Canadians, long socialized into these conditions, had expected police and government authorities to reenact these conditions locally through displays of domination that would immediately end any interruption in Canada's ongoing norm of dispossession and colonialism-as-usual. When these reenactments did not occur, non-Natives felt betrayed, not only because they were then confronted with long-repressed and denied feelings of guilt and complicity in these perpetrations against Native peoples (as the only ones demanding the forced end to the protest), but also because the expectations they had long been socialized to expect were not being met. Because their locally constructive narratives of law and order had left them completely blind to the actual domestic and international laws that were most relevant to the conflict, these anti-protest non-Native residents were unable to understand why no

one was acting as they demanded. Filled with intolerable emotions that were not being assuaged but were only making them increasingly more uncomfortable and anxiety-filled, these non-Natives came to the only conclusions that their denial and intense emotions would allow: everyone was victimizing them in horrible, morally and legally degenerate ways. That the extent of this believed victimization, and the exaggerative lengths that non-Native peoples went to express their actual feelings of victimization, far outweighed any possible empirical interpretation of reality was of little concern to these residents, because they were struggling so intensely with intolerable anxieties and fears as to be wholly incapable of seeing empirical reality (something quite typical of people in such a situation, as noted in the discussion on trauma, above). Some of the more extreme and exaggerated claims to victimhood made by non-Native residents will be further explored more in another section below. But first, local versions of historical facts, as they were constructed by non-Native residents who opposed the 2006 protest, will be examined.

Local constructions of history

While claims regarding the legality of the Haudenosaunee protest took front and center in non-Native rhetoric against it, in order to be fully convincing in these claims –as well as in their claims to moral purity and victimization—non-Native residents who most vehemently opposed the protest also had to neutralize and counter Haudenosaunee grievances pertaining to the status of the lands under protest. As already noted above, some non-Natives were able to satisfy themselves with (entirely false) claims regarding the alleged compensation (or "over-compensation") received by the Haudenosaunee (Flemming, 2006b). But the majority of non-Natives opposing the protest and demanding a return to colonialism-as-usual, even these admissions of past colonialism were risky. Thus, to ease their collective guilt in their own eyes

and the eyes of others, they sought to discredit Haudenosaunee claims to injury entirely. To these ends, just weeks after the start of the protest, non-Native residents opposing the protest began constructing an elaborate local version of history as it pertained to the Haudenosaunee land base. For example, in his March 22nd opinion column, reporter Bill Jackson confidently (and incorrectly) asserted to his readers that "[m]ost of the land Six Nations held originally was sold legitimately" (Jackson, 2006b). Jackson further bolstered this false assertion with further false assertions, arguing that the Haudenosaunee had only filed land claims on a "relatively small fraction" of their original 950,000 acres, and that any past wrongs the Haudenosaunee had suffered were at least partially their own fault. After minimizing Haudenosaunee claims in this way, Jackson then sought to dismiss them entirely, asking his readers if it was really "wise to let misappropriation –both native and non-native—dating back centuries get in the way of good judgment"(with "good judgment" apparently meaning non-Native accumulation through the dispossession of Native peoples) (Jackson, 2006b). About a month later the editor of the paper took Jackson's statements even further, asserting a new, and entirely inaccurate, version of history, which held that:

> some 150 chiefs signed the document giving away title to the land, and the natives should come to the realization that, just as for other Canadians, they cannot and could not always trust their leaders. (Pickup, 2006)

Though many of Jackson's assertions could have been easily debunked by any non-Native residents who were interested in knowing what really happened,[541] other residents quickly followed Jackson's lead of attributing to the Haudenosaunee at least equal blame and

[541] For example, all of the Haudenosaunee claims to land are posted on the Six Nations Lands and Resources website, and even a quick glance at the site would have revealed that claims have been filed on *most* of the original 950,000 acres. Further, almost all of the rest of the land that is not under registered claim *would be* under registered claim, if the federal government had not prevented the Haudenosaunee from filing additional claims in response to the Haudenosaunee's 1995 lawsuit against Canada and Ontario.

responsibility for their own past injury. For example, another resident argued in his letter to the editor that the situation was really quite ambiguous, that there had been broken treaties "on both sides," and that non-Natives could not really be blamed for never being able to "grasp the fact that striking a deal with one tribal chief didn't necessarily mean a deal had been reached with the whole tribe" (Dreschel, 2006).[542] This version of history, though wildly inaccurate, clearly made a better story for angry non-Natives than did the version generally accepted by historians and Canadian courts alike, but it still acknowledged some guilt and responsibility on the part of non-Natives for the Haudenosaunee grievances. Thus, not surprisingly, other versions history were constructed that were much less "ambiguous" on this point (and, of course, much less accurate). Examples of this latter historical narrative was demonstrated at one of the first rallies organized by local developers and realtors, when local real estate lawyer Ed McCarthy emphatically and confidently (and also incorrectly) told a crowd of several hundred non-Native residents that the Haudenosuanee had "absolutely" surrendered the lands under protest in 1841, and that both the protest and the police failure to remove the protesters were flagrant violations of the law:

[542] In fact, considerable historical evidence demonstrates not only that non-Natives were fully aware of the fact that striking a deal with one person did not equate striking a deal with an entire Native nations, but that they routinely and purposefully sought to exploit this fact –preferring to find individual non-Natives who had no authority over anything, to bribe them to sign documents of surrender, and then to attempt to pass these documents off as legitimate surrenders. Far from being a result of non-Native naïveté, the practice was often the preferred method for obtaining a (fraudulent) surrender from Native peoples, since the laws of most Native nations prohibited the alienation of land, and the consensus basis on which many of these communities were run was not otherwise corruptible (McNeil, 2001-2002). Further, the desire to avoid dealing with entire communities and their democratic or consensus-based decision-making processes was a primary motivating factor behind the passage of the Indian Act, which authorized the Canadian government to forcibly impose elected systems of government upon Native communities (as a way to get around working with traditional systems of government) (Reid, 2004). See chapter 4 for more on Native laws prohibiting the alienation of land, and on recognition by Canadian courts that these fraudulent practices were routine and purposeful –but that documents obtained through such practices are not legitimate documents of surrender.

> The laws are being flagrantly violated…. There's a need to bring this to an end and to bring it to an end promptly…. The law of the land has to be enforced…. This land belongs to Henco Industries Ltd. Nobody has the right to interfere with it. (Nolan, 2006c; Bauslaugh, 2006a)[543]

Though the local real estate lawyer was not a historian, and apparently knew very little about Canadian court rulings regarding the validity of purported surrenders (see chapter 4), the local mayor and other residents quickly jumped on the bandwagon of claiming (without evidence) that "there's no doubt" the land was surrendered legally; that the Haudenosaunee protesters were "from a legal standpoint … wrong;" and that, despite "the evidence," "the Natives are not believing anyone or anything" (Haldimand County Mayor Marie Trainer, quoted in Pearce, 2006a; and Caledonia resident Doug Flemming in Flemming, 2006c). Of course, all of these assertions that allegedly described Haudenosaunee protester behavior far more accurately portrayed the behavior of non-Native residents. In large part this is because the latter, in an almost desperate need to believe their own fabrications, projected their revisionism upon the Haudenosaunee protesters, claiming it was they –and not the non-Native residents-- who had falsely constructed versions of history that had no relation to facts, and who refused to "believe anyone or anything" With this reconstructed version of history in hand, non-Native residents who opposed the protest were able to more confidently label Haudenosaunee protesters as criminals and outlaws (Mark Roberge, quoted in Jackson, 2006i; unnamed non-Native resident, quoted in Edwards, 2006a). They were also more able to justify their vehement (and non-objective) anti-protest anger. Thus, after establishing their fabricated local versions of history, non-Native residents proceeded to refer to the land under protest not as contested land, but as "other peoples' [i.e., not Native] land," "crown land" and even "our land" (Mark Roberge,

[543] Articles estimated that from 250-500 residents attended this first anti-protest rally. See: Bauslaugh (2006a), Pearce (2006a), Windle (2006b), Smith (2006b), Fragomeni (2006), Canadian Press (2006o), Graham & Canadian Press (2006), Graham (2006), Nolan (2006c).

quoted in Jackson, 2006i; unnamed non-Native resident quoted in Rook, 2006e).[544] In doing so, non-Native residents were able to insinuate that they were being directly victimized by the ongoing protest, because it was the Haudenosaunee protesters who had no legitimate grievances, who enjoyed privileges, who behaved as "unruly children," and whose "Native tradition of constantly identifying themselves as victims [was] getting old" (Thompson, 2006b). All of these accusations were, again, more applicable to the behaviors of non-Natives who vehemently opposed the protest, but these latter actors avoided any acknowledgement of this fact through their psychopathological mechanisms of denial and projection. And so long as non-Native residents were able to discredit the Haudenosaunee protesters through these projections, they were able to avoid a conversation with these parts of themselves.

Some local non-Natives who did not oppose the protest attempted to call these false constructions of history into question, asking for example why media assertions that the lands under protest had been surrendered in 1841 only ever cited "anonymous" federal or provincial authorities, and further questioning why "is the public not pushing for the government to look at the claim objectively and why such disdain for Six Nations people?"(Hirota, 2006). This line of questioning made it clear that no federal or provincial official was willing to go on record with assertions that the land was sold in 1841. It also pointed out that local anti-protest hostilities and locally-constructed versions of history were both disproportionate and out of touch with a reality in which there was, at best, considerable confusion pertaining to the ownership of the lands under protest.

[544] "'My sign signifies the fact the government is doing nothing about a bunch of criminals taking up crown land in the middle of Highway 6,' Said Mark Roberge" (Jackson, 2006i). And the unnamed resident: "We do not support the protesters' illegal occupation of *our* land and illegal occupation of our public streets. They have clearly broken the laws that we as Canadians abide by" (Rook, 2006e).

Thus, historical rewrites pertaining specifically to the ownership of the land could not, themselves, suffice, and other rewrites were necessary. Some of these attempted to paint non-Natives and their government as benevolent and morally pure. For example, one non-Native resident argued in a letter to the editor that Canadians had "given" the Haudenosaunee their lands in the first place and that the Haudenosaunee should be thankful rather than holding "for ransom the country that gave them shelter and gifts."(Howatt, 2006a). The letter writer then went even further, asserting claims of *trans-generational victimization* of *non-Natives* by *Natives*:

> Several generations of Natives and European/British decendents [*sic*] have been and are being punished for errors that were made in the past. Whether a few native leaders got together and sold land that had been given to their people or a few 'Whitemen' took advantage and bought it at a disgusting price is really a non issue [*sic*]. The land was originally given as a gift and unfortunately was somehow bartered away. That land cannot be given back due to development.

Such claims to white benevolence and victimization at the hands of Native peoples fly in the face of historical facts, but were psychologically useful for local non-Natives who, angrily and with an increasing willingness to employ violence, were doing everything they could to maintain narratives of non-Native innocence and suffering at the hands of guilty, criminal Native protesters. Such claims also follow the lead of elected officials who entirely dismissed, discredited and demeaned the traditional government of the Haudenosaunee people (see chapter 4). To this extent, the resident argues that, after all, it was likely "native leaders" themselves who "got together and sold the land that had been given to their people" by benevolent whites – i.e., Native people did it to themselves, and it is not the fault of non-Natives (this theme will be taken up again later). Though such claims would not stand up to historical scrutiny, among non-Natives who were seeking out any means for denying guilt or responsibility, they found fertile ground and were able to flourish and proliferate. So, too, were the assertions by this resident

that, regardless of what happened, history cannot be undone, and the land cannot be given back, "because of development" –assertions that will be reviewed in the next section.

THE TRANSCENDENTAL MISSION OF "PROGRESS" OR: "IT'S HISTORY, GET OVER IT!"

> *[W]e cannot change history that happened in the past two hundred years. It is physically and financially impossible to remove all non natives from the Haldimand Tract because of what happened over the last 200 years. I feel badly about how the land was transferred and the Natives lost. However, I feel we must now put this behind us and learn from our mistakes and move on.*
>
> *~ Local non-Native resident Gerald Stoneman 2006*

> *For he cannot surrender the notion of progress without destroying the rationale for his entire civilization. No matter how critical he may be of the realities of his society, he clings to his progressivism as he would to his sanity. It is the notion of progress that mediates his alienation, and makes it possible for him to construct a reality which he does not actually experience.*
>
> *~ Diamond 1974, 39*

A few days after the Ontario Provincial Police failed in their attempt to remove Haudenosaunee protesters from the land they had reclaimed, the *Ottawa Sun* polled reader opinions on the conflict. Readers were given two choices: (a) the protesters have a "legitimate cause" and "land deals made in the past should be examined," or (b) the protesters were "breaking the law" and the land claim issue was "ancient history" (Sun Media, 2006). The wording of the first part of the question was based on the assumption that a deal had been made, and the only question was whether past deals should be subject to reexamination. In fact, the Haudenosaunee protesters had repeatedly stated that no deal had ever been made, and that the land under protest had simply been taken against the will of the Haudenosaunee people. The wording of the second part of the question suggests that land claims filed by First Nations could actually be considered "ancient history." This suggestion contradicts the entire concept of land claims in Canada. The very existence of Canada's land claims process is an acknowledgement that lands were wrongfully

taken from First Nations and that the ongoing problems that First Nations face because of this need to be resolved in the here and now. The misleading and one sided wording of this poll suggests not only that a conservative element runs the *Ottawa Sun*, but that for all it's government's rhetoric about reconciliation, the Canadian people are largely ignorant of issues pertaining to First Nations land claims. This ignorance persists despite the fact that virtually every First Nation in Canada has either filed claims or has the potential to do so, and that there are well over 800 Specific claims already filed, several hundred Comprehensive claims filed, and many hundreds more claims that in the process of being researched and filed across Canada (see chapter 1, second footnote). Some argue that as much as 90% of Canada is unceded Native territory to which the Canadian government has no legitimate legal claim according to its own laws (Chrisjohn, N.d.) The general, nation-wide ignorance of the epidemic of past wrongful dealing that the present Canadian and provincial governments are responsible for resolving demonstrates the degree to which First Nations and First Nations' concerns have been singled out as both dismissible and fair game for attack in Canada (see chapter 4).

Given the misleading conceptualization and wording of the poll, as well as the longstanding government authorization and routinization of verbal (and physical) attacks against Native peoples, it is hardly surprising that 69% of poll respondents answered "b" while only 31% answered "a." In fact, further inspection of the wording of the poll demonstrates the role of Western society's transcendental mission in dispossessing Native peoples –i.e., the myths of Western "progress" and mythical western conceptions of "civilization." As discussed in chapter 2, through both of these myths, Western society is perpetually reenacting its centuries-long history of trauma and perpetration upon other peoples and other life forms through the "civilizing process" which it inflicts upon these non-Western others. And by "civilizing" these other peoples

and life forms (i.e., forcing them to conform to Western patterns of use), it directly or indirectly pursues the elimination of everything other than itself, either because these non-Western forms are simply in the way of what Western society wants to do, or because the transformation of these non-Western forms into potential or actual capital *is* what Western society wants to do (see Harvey, 2003). John Mohawk (2000 & 1997) has discussed these processes in the context of utopian thinking (also see chapter 2), through which it is reasoned that in order to arrive at the future utopia, sacrifices of other peoples and life forms will have to be made for the greater good, to which only Western society can lead the world. Kelman (1973) similarly discusses these processes, using the term "transcendental mission" to describe the exact same process of killing and "sacrificing" others in order to read some future, unobtainable goal (see chapter 4). As both authors argue, in this type of thought process, characteristic of Western thinking, the vague and never-achievable ends are used to justify whatever means are necessary to move "towards" this vague and never-achievable ends. Thus, taking Native lands and squashing Native assertions of land and treaty rights are all in a days work towards this transcendental mission of progress, or capital accumulation in the name of progress (Harvey, 2003) and, according to this line of thinking, Native peoples would be better off understanding this and accepting it.

While these problematic mythical forms of thinking present themselves everywhere throughout this history of Native-non-Native interactions (see, for example, Toqueville, 2000), it is sometimes less obvious to the casual observer that these old, colonial and genocidal mythical justifications remain alive and well today. Yet, examples of these myths, and their reenactment in various forms abound in the rhetoric of non-Native residents who opposed the 2006 Haudenosaunee protest. This section will provide an overview of a few of the ways in which they were applied and reenacted in this conflict.

Though examples of this myth abound in the rhetoric of non-Native residents opposed to the protest, some of the best examples of local expressions of this myth appeared in two March editorial columns written by reporter Bill Jackson. In the first of these, which appeared about a week after the Haudenosaunee protest had begun, Mr. Jackson began by asking his readers how far back in history one can legitimately go to "form a basis for contemporary reality?" (Jackson, 2006a). Not very far, he concludes, after taking his reader through a series of exaggerated examples and faulty reasoning. A portion of his column is quoted here:

> [I]n today's fast paced world where forward thinking dominates our society, it's interesting a land deed dating back to 1784 is getting so much attention, press and respect. Just how far can we go back in history and legitimately form a basis for contemporary reality, more specifically future land development? Well, judging from the fact construction workers have stopped building on a Caledonia subdivision because of a 'peaceful protest' by Six Nations Confederacy members, at least 221 years. Here you thought we were moving forward when all along we should be adhering to the rules and regulations of Upper Canada or maybe even the New World. Or maybe even the Vikings.
> …
> It's just that if you're going to go back 221 years and start living with the rules of that day, you should also live like people did back then. Don't be a mennonite [sic] with a microwave. (Jackson, 2006a)

In the quoted portion, Jackson juxtaposes Western assumptions about progress and "moving forward" with Native assertions of historical treaty rights, presenting the latter to be the opposite of the former, and presenting the former as the obvious and only desirable thing to do. Jackson's assumptions about progress and "moving forward" will be further examined below. But first, it seems worthwhile to examine Jackson's juxtapositioning of the present and the future as states that are completely separate from the past. Through this line of (faulty) reasoning, Jackson argues that one can only live according to anything in the past if one lives according to *everything* in the past. As such, Native assertions of historic treaty rights can be presented as acts of victimization, perpetrated against non-Native peoples by hypocritical (morally

degenerate) Native protesters who want to force the former to live back in time, but who do not themselves live like their ancestors did 200 years ago. According to this reasoning, because Native protesters go to Tim Horton's for coffee, or sleep in campers or cars (on the protest site), they are enjoying modern conveniences and are thus hypocritical for demanding that non-Natives honor treaties made in the past. Further, by making this latter demand, Jackson claims, Native protesters are trying to force progress-loving non-Natives to adhere to all rules and regulations from the past –perhaps even going back as far as the Vikings. When will this unreasonableness end? He seems to be asking.

Yet, despite applying this arbitrary rule to the protesters (if you are going to live according to *anything* in the past, you have to live according to *everything* in the past), it is clear that neither Jackson nor the non-Native residents who adopted his rhetoric ever intended to apply this arbitrary rule to themselves. After all, most institutions in Canada are based on rules and documents that date back in history, some hundreds of years. (And certainly the attitudes and opinions expressed in Jackson's comments date back at least that far!) Yet, Canadians still celebrate historic events like Canada Day, or various historic war victories. Further, a portion of the Canadian Constitution dates back to 1982, but the column's author would not have argued that judges, lawyers or citizens who apply the constitution must abide by all-things-80s: music, clothes, hairstyles, and so forth. Instead, these arbitrary rules were created and selectively applied to a particular group (the protesters, or all Native people who refer to historical documents) in a particular situation (this protest, or any assertion of treaty rights) so that non-Native residents could label the former "hypocrites" and claim victimization at the hands of hypocrites. The hypocritical nature of applying to other people arbitrary rules that one does not, him or herself, plan to ever follow, escapes non-Native residents entirely –at least in so far as it

might apply to themselves—because they have dissociated from their own actions and projected them onto other people, in this case the Haudenosaunee protesters. Such hypocrisy further allows non-Natives to dismiss outright Haudenosaunee grievances without ever having to address historical facts that did not fit with the view of reality they sought to construct, thus further victimizing the Haudenosaunee people. Thus, the behaviors Jackson describes: creating arbitrary rules and applying them hypocritically to others in order to victimize these others, is far more applicable to Jackson's argument than it is to the Haudenosaunee protest –once again demonstrating the use of denial, projection, blame-shifting, and the complete lack of critical self-reflection displayed by those non-Native residents who most vehemently opposed the protest. Thus, despite the obvious faulty character of the reasoning employed in these arguments, numerous non-Natives adopted them uncritically, and used them to stir up further non-Native anger and resentment in an effort to bolster their anti-protest (and even anti-Native) stance (Interviews, 2009).[545]

Some local Native and non-Native residents who were not blindly opposed to the protest attempted to point out the logical flaws in this line of reasoning. To this extent, George Beaver, a freelance Haudenosaunee journalist contradicted the idea that looking back in history is regressive and we should all only look forward:

> Recently in Caledonia, some people have questioned why a document written in 1784 should still be relevant today. The Declaration of Independence was written in 1776. Try to tell an American it's no longer relevant. How about the Bible? It's a lot older.[546]

[545] See, for example, See also any number of letters to the editor or editorial columns, including: Blizzard (2006), whose asked her readers: "So who's running this place? A ragtag bunch of activists who are acting like bullies? First they defy a superior court injunction. Now they want to roll back history 150 years."

[546] Beaver, George. 2006. Six Nations land protest brings pride. Brantford Expositor. April 10. Local News, Our Town, Page A4.

Yet, despite these more clear-reasoned rebuttals, the local constructions of the narrative of victimization and progress continued to be utilized, and often involved a number of intertwining (and often contradictory themes). In this way, attacks on one or two strands within the narrative could thus easily be ignored, and non-Native who needed to believe these narratives simply shifted their attention to other strands within the narrative without admitting the incorrectness of any part of the whole. These contradictory strands can be seen in the same column written by Jackson and quoted above. Towards the end of this column, Jackson summarized and concluded his argument:

> Now I think it's fair to say times have changed. Relations between natives and the 'white man' are better today. None of us living had anything to do with what happened centuries ago. What we do have is a county called Canada. And we can all work together to make it a better place, or put up fences and prevent progress. … The Land Claim group's message is borderline racist. … Trying to prevent responsible development by affecting people who had nothing to do with rules set out 200 years ago or today is only creating a divide that I thought we'd all overcome for the most part. (Jackson, 2006a)

Here, the themes of progress are even more overt. Again, themes of non-Native suffering and victimization at the hands of Natives are intertwined with these themes in the author's claims that, while non-Natives have worked to overcome divisions and racism, Haudenosaunee protesters are regressively putting up fences to prevent progress and creating a "borderline racist" divide. Though the writer doesn't explain how the "Land Claims group is borderline racist" (because he can't. It isn't[547]), his assertion that it is is enough to encourage non-Natives

[547] The Haudenosaunee protesters' message had nothing to do with non-Native people, with the one exception being that local non-Natives were asked to pressure the government to resolve land claims. The rest of their message was directed at the Canadian and Ontario governments, demanding that lands that Canada could not prove it had acquired legitimately not be treated as if they belonged to Canada (or Ontario) until a resolution to these past wrongs could be negotiated. The Haudenosaunee protesters were quite clear about the fact that their grievances were with the government, and repeatedly stated that their issues were not with non-Native residents. There was absolutely nothing racist, or even conceivably "borderline racist" about it.

to deny and project their own racism onto the Haudenosauene protesters, and thus to feel justified in claiming moral purity and victimhood. This need among some non-Native residents who vehemently opposed the protest to rid themselves of all moral impurity, and to rid the Haudenosaunee protesters of all moral purity, suggests a struggle that these non-Native residents were having within themselves. They appear to have desperately needed to repress, deny, and otherwise avoid any acknowledgement of their own complicity in past and present wrongs, and their own responsibility for ending and resolving these wrongs. This need was so great that all logical reasoning was abandoned, and any fragment of an argument that could be used to protect non-Natives from their repressed and unresolved feelings of guilt and complicity were used.

At the same time, the Western narrative of progress had long been used to justify the gains of Westerners through the dispossession of everyone (and everything) else, and has long ago become an important part of the Western cultural worldview. Westerners who have long adhered to this cultural worldview and its unquestioned assumptions about "progress," are likely to experience negative emotions when these are questioned or challenged. Thus, though the Haudenosaunee protesters were not making the ridiculous anti-progressive demands of which they were accused, apparently the very accusation that they were (however faulty the reasoning) was seen as a challenge to the ways of life of those non-Native residents who already opposed the protest and were searching for a justification for their opposition.

Thus, the Haudenosaunee grievances elicited feelings of guilt and shame in non-Native residents who had long repressed and denied them, and who were entirely unprepared and unwilling to deal with them. Unable and unwilling to tolerate these feelings, and entirely unaware of their internal source, local non-Native residents responded as if the Haudenosaunee protesters had *caused* these feelings, and as if the protest was somehow a personal attack upon

local non-Natives. The intensely unpleasant feelings that arose within some non-Native residents when they were confronted with past –and ongoing—wrongs likely *felt like* an external attack, particularly for those non-Natives who, clinging to denial, had long ago dissociated themselves from portions of the reality around them. These latter then projected their own "borderline racist" thoughts and behaviors onto Haudenosaunee protesters, who had no issues with non-Native residents, but had always made convenient scapegoats in Canadian society, and thus were already an appropriately authorized and routinized target of attack.

Yet, though they were able to remain in complete denial regarding their complicity in ongoing wrongs committed against the Haudenosaunee, they were unable to fully convince themselves of the complete absence of past injustices –even despite the local historical rewrites and the locally manipulated versions of law. Thus these past wrongs –and any link to non-Native guilt in the past—were dismissed entirely as things that were in the past. Looking into the past at these wrongs was likened to "putting up fences to prevent progress." Both of these were likened to refusing to work together to make Canada a better place, such as by overcoming "borderline racist" divides that progress-loving non-Natives had long worked to overcome, and had thought "we'd all overcome for the most part."

Given the prominence in Westerns society of myths of "progress" and "civilization," it is hardly surprising that these myths arose in some form. Yet, the logic through which these myths found expression in local narratives was so inconsistent and contradictory as to fall apart upon examination by external others. For example, any sociological study of transgenerational wealth, income and social capital could easily belie the notion that there is no connection between past wrongs and the present privileges of non-Natives living today in settler colonial states. Further, it is Western society, not Native society, that has the long history of quite literally "putting up

fences" to keep other people out –from the enclosures of the Middle Ages to the privatization of virtually everything everywhere that belongs to other people, including indigenous lands worldwide. Locally, the development company was most certainly interested in putting up fences and keep the Haudenosaunee out, but in all of these cases putting up fences was interpreted by Western non-Natives as progress. It was only when the Haudenosaunee (or other Native peoples throughout Canada, or other non-Western peoples elsewhere in the world) assert their own claims to property, which exclude Western non-Natives, that such behavior is interpreted by the latter as halting or standing in the way of progress. Thus, it becomes clear that --as has always been the case with the Western myths of "progress" and "civilization"-- what Western non-Natives really mean by impeding progress is *getting in the way of what wealthy Western non-Natives want to do*. After all, as discussed in chapter 2, the term progress in Western society has always referred to the accumulation of capital by wealthy Western elites through the conquering, plunder and dispossession of other peoples, life forms and the earth. This is still true today: progress means the growth of capital, and the growth of capital requires the transformation of (other peoples') lands, resources and/or labor power into products, as well as the privatization and exploitation of non-capitalist social forms (Harvey, 2003).

Furthering their local narratives of progress in this way, Jackson and other local non-Native residents suggested "better things" that Haudenosaunee protesters could –and supposedly should—be doing with their time. For example, in this same column, Jackson suggested that:

> Native protesters would be better using their time to address Six Nations' garbage woes, or perhaps join the fight for safer drinking water. That would be a lot more worthwhile. Six Nations is recycling only two per cent of its garbage. It's rather strange that they choose to fight for land when they have so many problems associated with their own land to begin with. (Jackson, 2006a)

Other non-Native residents similarly points out the various social ills associated with Native reserves in Canada (including: sexual abuse, unclean water, obesity, poverty, drugs, alcohol), and one resident concluded that the reserve system itself is the problem –not ongoing colonialism or the dispossession of Native peoples from their lands, resources, trust funds and human rights. Claiming that the congregation of Native peoples on the few small parcels of land still reserved for their exclusive use[548] --and not Canadian colonialism that seeks to dispossess Native peoples of even these lands-- promotes segregation and should be abolished. Thus, rather than returning wrongfully taken lands to Native peoples, the author advocates taking whatever has not yet been taken, in the interest of ending segregation (and forcing assimilation) (Howatt, 2006b), apparently because she believes that this course of action is benevolent and just. Though these views are taken right out of the 1800s (see for example, Tocqueville (2000) for an almost word-for word expression of the same ideas), they are considered "progressive" by the author and other non-Native residents who are complicit in the ongoing dispossession of Native peoples.

The looting of every last bit of wealth that is collectively controlled by Native peoples, and their complete destruction as distinct peoples, is thus seen as "desirable" and "progressive" by this resident, because this type of dispossession and destruction is exactly what the Western myth of progress has always served to rationalize and justify. Though occasionally the results of this line of thinking are recognized as genocidal (Powell, 2011; Kakel, 2010; Sartre, 1967; UN General Assembly, 1948),[549] Westerners have long denied the connection between the two,

[548] As noted in chapters 1, 4 and 5, the Canadian government claims to own all the land within its geographical borders (despite the fact that up to 90% of this land was never ceded (Chrisjohn, N.d.), including those areas of land set aside as Native reserves.

[549] "[T]here may not be so much difference between the anti semite and the democrat. The former wishes to destroy him as a man and leave nothing but the Jew, the pariah, the untouchable; the latter wishes to destroy him as a Jew and leave nothing but the man, the abstract and universal subject of the rights of man and the rights of the citizen" (Sartre, 1977: 57). The

sometimes through the aid of an appropriated form of Multiculturalism, which seeks to mitigate tension between, for example, settlers and Natives (see Veracini and Hage, both cited inMoses, 2011: 150).[550] Thus, the resident insists that, though they will be plundered and destroyed as distinct peoples, they can still keep their "cultures, music and art alive through festivals, concerts, restaurants and numerous other venues" (that non-Natives enjoy) (Howatt, 2006b). Unwilling or unable to look outside of her Western myth of superiority and progress, the writer missed (or ignored) entirely the fact that being reduced to occasional displays of traditional art, music, and dress was *exactly* what the traditional Haudenosaunee people were struggling against, and this was *exactly* why they were protesting and demanding a return of lands that were unfairly taken: so they con preserve their culture and their identity as distinct peoples, and regain their independent self-sufficiency. Writing in the spirit of Western liberalism, which has long been intolerant of anything that is not Western and liberal, the writer suggests that she knows better than Haudenosaunee people what should be done with all that is owed to them: it would be better used on improving "health care, poverty, education and drinking water" *for all Canadians*. After all, she argues (correctly), "there is no amount of money that can pay for what happened in the past," and non-Natives certainly aren't willing to part with their money anyway. Hence, "moving forward" and "progressing" --i.e., *doing what non-Natives want to do*-- is the only solution, according to this line of reasoning (Howatt, 2006b). This section of the resident's letter is worth re-quoting here, for what comes before it:

UN General Assembly (1948) has defined genocide as including the commission of acts "with intent to destroy, in whole or in part, a national, ethnic, racial or religious group" (Article II).

[550] For example, Moses (2011: 150) notes that Veracini argues that multiculturalism is "easier than insisting on the need to decolonize settler colonial sovereignties … and disturbing the foundational determinants of settler colonial polities," and Hage argues that such policies have "effaced genuine immigrant otherness by requiring it to become sociologically 'white' to qualify for citizenship participation."

> A very important step in healing rifts between groups is to be forgiven for past transgressions and move on from there. There is no amount of money that can pay for what happened in the past. Wouldn't that money be better spent on improving health care, poverty, education and drinking water for all Canadians? (Howatt, 2006b)

Equally in the spirit of Western liberalism and progress, the writer's version of reconciliation requires not that non-Natives make amends for past the wrongs they have committed against Native peoples, but that Native peoples forgive non-Natives, because they need "to be forgiven." In other words, the group of people who have perpetrated past historical wrongs against Haudenosaunee people (and Native people in general) should get something out of this process (being forgiven), but should not, themselves, be required to give or do anything at all, except for those things that they already want to do: demolishing reserves and thus taking all that currently remains in the hands of struggling Native communities. Further, Native people should not only give their forgiveness and all that remains in their possession, but should entirely give up on seeking redress for past wrongs or seeking to maintain what they currently have –i.e., they should "move on from there" in the name of Western progress. This, according to the resident, is the only solution. Thus, she did not ask, listen to, or even leave space open for Native people to voice what they needed for reconciliation to occur. And though the protesters had already begun to give voice to some of these needs, it was more convenient for the resident (and more in line with Western liberalism and progress) to ignore entirely what Native people said they needed. After all, according to this line of thinking, Westerners always know best, because they are "civilized" and can thus lead the rest of the world in their transcendental mission of "progress" towards an always-unreachable utopia. Denial, dissociation, splitting, projection, projective identification and a complete lack of critical self-reflection are all at play in this non-Native resident's line of reasoning. This is not reconciliation at all, this is a continuation of the

devastation, dispossession, and destruction of non-Western peoples, with the added extra element of demanding that Native peoples who have had everything taken from them now give yet one more thing: their blessing for past, ongoing and even escalating future perpetrations. Yet, any other path, according to many non-Native residents who opposed the protest, would be harmful to all parties. As one resident summarized his own "progressive" views on the matter of what should be done about the protest:

> [O]nly one thing prevents me from passionately arguing for, at all costs, more tolerance, more patience and more restraint on the part of the authorities as we go forward into the uncertain future.
>
> To my sensitive ears, that sounds very much like a patronizing modern version of the white man's burden. (Dreschel, 2006)

ENTITLEMENT, EXAGGERATED CLAIMS TO VICTIMHOOD, PROJECTION, AND AVOIDANCE OF CRITICAL SELF-REFLECTION

> *[E]very generation of Anglo-Americans down to the present has followed the pattern set then and has repeated, with minor variations, such justifications for burning natives in their villages and rooting them out of their swamps.*
>
> *~ Drinnon 1990, xii*

> *The self, mutilated and amputated by projection, is permanently threatened from the inside, by the reappearance of the suppressed parts, and from the outside by the fact that the object normally resists the projective identification. It thus lives in a two-front war, threatened from both the inside and the outside, cleft and torn from itself.*
>
> *~ Hardtmann 1998, 92*

Another tactic non-Native residents used for denying potentially threatening feelings of guilt, and defending against threats to their cultural worldviews and self-esteem, was to make greatly exaggerated their claims to victimhood. By presenting themselves as victims, and by greatly exaggerating their victimization claims, non-Natives sought to overshadow and drown out Native grievances in their own chorus of complaints. But aside from merely seeking to down out Native grievances, non-Native residents engaged in an elaborate projection or blame-shifting, which

allowed them to project all of their moral impurities onto the Haudenosaunee protesters (or Native people in general). Freed from their moral impurities and in denial the existence of ongoing wrongs committed against the Haudenosaunee (or about non-Native roles in these wrongs), local residents who opposed the protest were able to treat the Haudenosaunee as victimizers, and to claim for themselves a status as morally pure victims. Many of these non-Native residents' exaggerated claims to victimhood were based on the entitled expectations of a privileged dominant group that was both furious to see their privileges threatened and desperate to defend these privileges to themselves and others. This behavior is in line with that described by Branscombe (1998 and 2007), who found that dominant-group members struggle to avoid reminders of their own privilege, and can sometimes resolve this struggle when they imagine "drawbacks" to their own membership in the dominant, privileged group, or imagine the "deservingness" of members of disadvantaged groups. Thus, as was the case in the above discussions of other behaviors, feelings of threat may have been very real to non-Native residents, but the cause of these feelings (non-Native complicity in, privilege from, and morally compromised status due to ongoing colonialism) remained repressed, unexamined, denied and projected onto the Haudenosaunee protesters. Some of the various ways in which non-Natives did this will be examined below.

Minimizing, Denying and Supplanting Haudenosaunee Grievances with Exaggerated and Unrealistic Claims of Non-Native Victimhood

One of the main issues around which non-Native residents demonstrated expectations of entitlement and claimed victimhood when this entitlement was perceived as threatened was the police and government failure to immediately end the Haudenosaunee protest "on day one." As one resident, who described the protest as "lawlessness at its finest," remarked:

> I've been unhappy about this (the protest) since day 1. I hoped they would be kicked out. I'm very disappointed in the police. It should have been on day 1. Not day 60. (Caledonia resident Kevin Clark, quoted in Legall and Morse, 2006)

Like many other non-Native residents, this resident based his anger and frustrations upon unexamined and/or purposefully manipulated versions of law and order (discussed above). By providing a completely one-sided view of the law, and entirely ignoring constitutional issues, Supreme Court of Canada rulings, and binding international human rights requirements, the resident was able to present the protest as "lawlessness." In doing so, he felt justified in wanting to see the protest forcibly ended on day one, when it was entirely legal under even local and provincial laws.[551] The sense of entitlement expressed by this resident is visible in just behind the resident's assertions: the status quo that benefits him should not be disturbed, even through peaceful, legal protests held by a group of people whose rights are being violated by this status quo.

Another resident expressed these same sentiments more clearly by arguing that the police should have ended the protest sooner, adding: "I'm not against native rights, but what about my right to go about my life and drive down the road without getting turned back at a roadblock?" (unidentified resident quoted in Harries, 2006e).[552] Like the first resident, this resident voices his expectations not to be disturbed in his daily routine, even if this status quo routine is destructive of the rights of others. In fact, the resident minimizes the rights violations being

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[551] See chapter 1. The OPP did not have an enforceable criminal order to remove protesters until the end of March –many weeks into the protest.

[552] The full context provided with this quote is as follows:

Others, less sympathetic, thought the police action was overdue. "If they were going to go in and do this, they should have done it sooner," said a Caledonia-area resident who did not want to be identified.

"Now [the protesters] have had a chance to get organized. I'm not against native rights, but what about my right to go about my life, and drive down the road without getting turned back at a roadblock?"

perpetrated against the Haudenosaunee, while elevating his own personal preferences to the status of "rights." By this line of reasoning, his preference of not being inconvenienced in his daily routine is presented as being *at least equal* to the international human rights, constitutional rights, and Supreme Court mandated rights of the Haudenosaunee protesters. Yet, the resident's preference for not being inconvenienced is not a right, it is an expectation of entitlement that is worth some examination. When this resident voiced his frustrations with the interruption of this entitlement, the road blockades had only been up for one or two days. Further, while some roads were blocked by police and protesters, there were a number of alternate routes for getting around town which resulted in, at worse, a seven-minute detour (Interviews, 2009).[553] Thus, the resident is suggesting that his expectations that he not be forced to take a seven minute detour for one or two days is somehow at least equal in stature to Haudenosaunee protesters' grievances: that hundreds of thousands of acres of their lands have been stolen and are being built upon; that their culture and existence as a distinct people has been threatened for centuries by this theft and by the forcible imposition of a colonial system of government upon them; and that the Canadian, Ontario and Haldimand county governments are refusing to recognize not only their internationally recognized and legally-binding human rights, but their Constitutional and Supreme Court mandated rights. Clearly any objective observer can see that the alleged injury to

[553] Further, evidence suggests that when non-Native residents really needed to get through the Native roadblocks, and when these people went to Native protesters with their concerns, these concerns were addressed and residents were allowed to go through. Such was the case with emergency vehicles, church services, residents living close to roadblocks, and even residents who had friends coming to feed their fish and water their plants. Of course, residents who felt their privileged status or financial interests were threatened by the protest, and/or who engaged in various reassertions of privilege and denigration of Native protesters (or Native people in general) were the least likely to approach Native protesters and talk to them like fellow human beings. Doing so would not have occurred to those who needed to establish Native protesters as enemies and/or who were more interested in promoting anti-protest/ anti-Native rhetoric and halting any movement whatsoever on Native grievances.

this non-Native resident is nowhere near the injury that has been (and is being) done to the Haudenosaunee people. And yet, the resident not only minimizes the latter and greatly exaggerates the former in an attempt to make them seem equal. He then proceeds to imply by his very complaint that perhaps his "right" to not be inconvenienced is a bit more important than the various Haudenosaunee rights involved.

Along these same lines, a number of residents made similarly exaggerated claims, insisting on the first or second day of the road blockades that these blockades were preventing non-Natives from living their lives. To this extent, one resident yelled angrily at police: "Hey, you guys what's the matter with you. You guys are standing around like a bunch of bozos. At least clear the road so we can get on with our lives" (Nolan, 2006d).[554] Such expressions of anger at the police and claims of alleged victimization at the hands of both police and protesters was rooted in the same sense of entitlement as that displayed by other residents, above. It also relied on the same minimization or outright denial of Haudenosaunee grievances, and the same exaggeration or outright fabrication of non-Native victimization. Further examples of this sort of entitled expectations, minimization/denial and exaggerated claims to victimhood abound, and can be seen in the county mayor's comments that residents felt their rights were "taking a back seat" to Native rights (Bonnell & Canadian Press, 2006c). It can also be seen in assertions made by local residents on the first or second day of the road blockades, which were located in one far corner of the town. One resident claimed that the protest was "closing our town down" (Nolan,

[554] The full context with the quote is as follows:

> While calm had returned to the scene, there is still evidence of frustration and tension over the affair. One man hollered angry comments this morning at four OPP officers standing by a cruiser at the police perimeter line.
>
> "Hey, you guys what's the matter with you," he said. "You guys are standing around like a bunch of bozos. At least clear the road so we can get on with our lives."

2006d),[555] another suggested the town had been taken away from residents and they needed to take it back (Nolan, 2006c; Bauslaugh, 2006a),[556] and yet another resident insisted that the protest was "stopping our way of life in town" (Dunfield, 2006).[557]

In all of these examples, preeminence was given to the desire of non-Native residents not to be inconvenienced, while serious ongoing violations of Haudenosaunee rights were completely ignored. Various non-Native residents attempted to equate an inconvenient detour of a few minutes with an end to residents' way of life, or with a loss of the residents' town, while Haudenosaunee concerns about encroachment on their lands and the ongoing assault on their existence as distinct people –i.e., concerns that were actually about a threatened way of life and a real loss of land-- were dismissed completely as unworthy of attention. Thus, the sense of entitlement in these various non-Native manipulations –i.e., the demands that non-Natives should

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[555] Nolan is quoting Caledonia resident Kelly Muir. The full context of this quote is as follows:

> The occupation drew the curious, even into the small hours of the morning. Kelly Muir, 19, Rachel Binek, 17, and Rob Weatherstone, 21, found a piece of grass in front of the nearby Tim Hortons, sat down and covered themselves with a sleeping bag. They planned to stay the entire night to see if there might be another police raid on the site, but left after a few hours.
>
> They weren't too impressed with the standoff and, like many Caledonia residents, wished the authorities would close it down permanently.
>
> "They're closing our town down over this," said Muir. "People are scared in this town."
>
> She said she has a lot of friends from Six Nations and they do not support the occupation. "They think it's ridiculous," she said.

[556] The sources are quoting signs carried by anti-protest non-Native residents, one of which read: "We want our town back!"

[557] Dunfield is quoting Caledonia resident Amanda McSkimming. The full discussion of McSkimming's comments are as follows:

> Amanda McSkimming, a resident of Caledonia, said people are shocked and said that this is happening in their community. A business owner, she complained that she had to close business yesterday. As well, she said, her children are missing school because schools in the area have been closed. Ms. McSkimming wants to see the occupation ended by police. "We need them out of here, it is stopping so many businesses, it is stopping out way of life in town, you know?"

always get what they want, even to the detriment of others-- is clear, as are the exaggerated claims to victimhood, which will be further explored below.

Exaggerated Claims of Victimization and Allegations of Police Discrimination and "State-Sponsored Racism"

Because such a large number of non-Native residents felt entitled to a continuation of colonialism-as-usual, and expected this to take place at any cost, many residents were quickly angered by the failure of police to act immediately according to these entitled expectations. The disappointment of these expectations led many of these non-Native residents to feel betrayed or even "victimized" by the police (Nolan, 2006a).[558] Some of these residents accused police of having "deserted" them or having "abandoned their post" (Edwards & Gombu, 2006; Healey & Nolan, 2006).[559] The fact that police were maintaining a large presence around the town and around the protest site was ignored by residents, because what they really meant by these claims of victimization was that police did not do what residents opposed to the protest had wanted: i.e., forcibly evict the Haudenosaunee protesters. Other residents made even greater exaggerations, with one claiming that "in no other country or province or state are there roads being blocked off and businesses closed due to a militant group of disgruntled people" (Huges, 2006). Other residents who opposed the protest satisfied themselves with only slightly less exaggerated claims, such as the claim that the failure of police to do what non-Native residents had wanted was equal to "state-sponsored racism." In rallying against alleged police discrimination against

[558] For example, Nolan reported that: "Some Caledonia residents are upset the government has let the protest get this far and believe the victims are the people who live in the community."
[559] Edwards, Peter and Phinjo Gombu (With files from Richard Brennan, Rob Ferguson, Sean Gordon). 2006. Standoff at Caledonia. The Toronto Star. April 21, News, Page A01 [quotes an area resident claiming police "abandoned their post."]; Healey, Deirdre and Daniel Nolan. 2006. Angry Clash; Natives, townspeople in a faceoff after police arrests spark fires, anger. The Hamilton Spectator. April 21 (SISIS) [quotes a resident claiming police 'stirred up a hornets nest and then deserted' them].

White non-Native residents, or against a conspiratorial system that allegedly granted "special privileges" to people belonging to the "right" racial groups (Flemming, 2006a; Jackson, 2006c), non-Native residents who opposed the protest were able to project their own racism elsewhere.

By accusing others of racism in this way, non-Native residents who most vehemently opposed the protest seem to have freed themselves to express outright racist views, so long as these views were couched in the language of their own alleged victimization. The expressions of these views quickly expanded to include not only Haudenosaunee protesters and Native people in general, but also immigrants and minorities throughout Canada --i.e., non-White and non-Western people. As one local reporter complained, in Canada "even newly landed minorities are granted more support than lifetime citizens" and while "flags of foreign countries are proudly stuck on back bumpers before a maple leaf" "certain races and religions are given special privileges" (Jackson, 2006a). Of course, the writer was not talking about the obvious privileges of White Canadians, which non-Native residents denied and dismissed completely. Rather, he was complaining about the interrupted entitlement or jealousy that White non-Native Canadians like him apparently experienced subjectively whenever someone other than them appeared to gain something they did not have. Through these exaggerated claims to victimhood, those who fancied themselves non-minorities and "lifetime citizens" (i.e., White Canadians) expressed their racism and resentment towards virtually every other group, conflating the groups into a common "them." They further engaged in the socially-regressive bonding that DeVries (2006) and others (McFarlane & van der Kolk, 2006; Shiva, 1997) have identified as psychopathological defense mechanisms resulting from a loss of culture. Though these non-Native residents were not experiencing a loss of culture, they were experiencing a threat to their cultural worldview, which was identified in chapters 2 and 3 as being an unhealthy and psychopathological shell of a

culture (see chapters 2 and 3, including the quotations from Deloria, 1969; Wise, 2005; Baldwin, 1965; Forbes, 2008). In bonding regressively and psychopathologically –the primary means of bonding in the bankrupt Western culture (see also: Szasz, 1970; Sartre, 1977)—these non-Native residents voiced their anger and resentment towards not just the Haudenosuanee protesters, but all Natives, all non-White Canadians, and all non-Canadians in general. They then transformed their hateful verbal attacks on all these other groups into a narrative of their own alleged victimization by these other groups, which further fueled their angry, hateful, regressive and psychopathological bonding.

Other non-Native residents continued making claims in this vein, projecting their own behaviors onto the Haudenosaunee protesters while completely failing to engage in any form of critical self-reflection. One example of this, already mentioned in a section above, was in the statement by one angry non-Native resident that "the native tradition of constantly identifying themselves as victims" was getting old (Thompson, 2006b). Another resident, equally oblivious to his own projections and devoid of any critical self-reflection, demanded to know "Why is it that the very people who insist on flexing their own rights have so little regard for the rest of us?" (Matthews, 2006). Indeed. Continuing with his projections and complete lack of critical self-reflection, he continued:

> I'm angry because they're breaking the law to get their own way. They're telling the rest of society to go to hell because it's only their point of view that matters. … [I]n a democracy we don't get to pick and choose the laws we like and then obey only them. (Matthews, 2006)

It probably doesn't need to be pointed out that each of these complaints the resident had seem far more applicable to the attitudes and behavior of non-Native residents who opposed the Haudenosaunee protest than to the attitudes and behavior of Haudenosaunee protesters. Meanwhile, other residents made increasingly exaggerated claims to victim status at the hands of

Haudenosaunee protesters: the county mayor claimed the entire town was being held hostage or held for ransom (Bonnell & Canadian Press, 2006c), some non-Native protesters suggested that Haudenosaunee protesters might next try to take over the homes of non-Native residents (Bauslaugh, 2006a),[560] and others even made comparisons that likened the Native protesters to Nazi Germany (Interviews, 2009).

Non-Natives Alleging Victimization for the Loss of Harmonious Relations

Another common claim made by non-Native residents who opposed the protest was that the protest was "creating a rift" and had to be ended "before it causes resentment"(Unnamed resident quoted in: Canadian Press, 2006t & 2006c). Variations of this complaint were that the protest was polarizing the town and leading to mistrust (unnamed resident quoted in: Oliveira, 2006), driving "a wedge through the community" (Haldimand County Mayor Marie Trainer, quoted in: Bauslaugh, 2006b), and that the Haudenosaunee protesters were "creating a divide that's only going to get bigger as the days go by" (Jackson, 2006a & 2006c). Interestingly, the residents making these assertions uniformly blamed the protest or the Haudenosaunee protesters for creating whatever problems existed between Natives and non-Natives in the town, never considering for once that perhaps the non-Native behavior –including vehement opposition to the protest, demands that protesters grievances be ignored, insistence on the continuation of settlement and development on Native lands, complete lack of concern for whether Haudenosaunee land claims were resolved justly, outright racist remarks, and blatant discrimination against Native customers in local businesses—was the actual cause of whatever

[560] Residents at an anti-protest rally allegedly demanded to know: "What's to say they won't come and try to take my house?" The Haudenosaunee Confederacy Council and protesters had repeatedly assured residents that they were not interested in dispossessing non-Native residents already living in the town, but that they simply wanted to prevent more non-Native residents from moving onto the lands under claim.

"divide" they saw growing. In other words, the terms rift, divide, mistrust, polarize, wedge, and so forth were code words to indicate non-Native anger that Native people were getting in the way of what non-Natives wanted to do. Equally interesting, as pointed out by some non-Native residents who were not vehemently opposed to the protest, racial tensions had always existed in the town and, according to these latter residents, had been the result of non-Native prejudice against Natives. As one non-Native resident pointed out:

> I know a lot of guys in town that have a prejudice against natives, they feel they get too many privileges. There's a lot of fights at hockey games. Some of the natives don't stand for the anthem and it bothers a lot of people. You hear things like, 'If you don't stand up for Canada you should get … out of the rink.' This conflict is just going to fuel that hate even more. (Resident Pat McKillop, quoted in: Oliveria, 2006).

Instead of blaming the protesters and the protest for all of the growing animosity, this resident was clear that the source of the problem was anti-Native hatred among non-Natives, and that this hatred was bound to grow as a result of non-Natives becoming angry at the protest, just as it grew any time Native people did something many local non-Natives did not like.

Reminders that racial tensions had always existed, and that non-Natives were largely responsible for these tensions, had little effect on those non-Native residents who sought to blame the Haudenosaunee protesters and people for all of their anger. These latter residents were too caught up in projective blame shifting to critically self-reflect on their own behavior, and narratives that implicated them in any way in the growing "rift" would destroy the identity they had been constructing for themselves as morally pure victims. These narratives allow non-Native residents who vehemently opposed the protest to claim that they were justified in their demands that authorities end the protest, because they were making these demands benevolently –i.e., they were merely concerned about worsening relations between Natives and non-Natives. Such narratives of victimization and moral purity, and such claims of benevolence, allowed the

angriest non-Native residents (who were, in many cases, the most prejudiced against Native people) to deny their own racism, and even to project it onto Native protesters, thus confusing the issue in the realm of public opinions and avoiding the stigmatization that comes with more behavior more obviously motivated by racism. Tellingly, though, while these residents demanded in the name of benevolence that the protest be ended immediately, *how* the protest was ended was of virtually no concern to them, so long as it was ended. Thus, the alleged morally-pure justification for ending the protest –benevolence in one's concern about resentment and souring relations—was betrayed with the complete lack of concern for any resentment that forcibly ending the protest and returning to colonialism-as-usual would create for the Haudenosaunee. In other words, those non-Native residents who subscribed to this justification when demanding an end to the protest were solely concerned with non-Native feelings: non-Natives did not want to feel resentment (i.e., feel like they had gotten the short end of the stick), which they would feel if the protest continued, and so the protest needed to end before they were forced to feel this. To this extent, these non-Native residents were not really concerned with a rift at all, since certainly one would be created by forcibly ending the protest and continuing colonialism-as-usual. If these non-Native residents had really been concerned with positive relations (rather than just with how non-Natives felt), they would have acknowledged the Haudenosaunee's grievances and demanded a just resolution to Haudenosaunee land claims. They would also have supported –at the very least-- a partial or temporary development moratorium on lands under claim until this just resolution was found.

However, such concerns were never voiced by many of the non-Natives who used this narrative to justify their demands for an end to the protest. Neither the ongoing anti-Native racism not the ongoing perpetrations against the Haudenosaunee people had any relevance in the

minds of these residents, who only appeared to care about ending the interruption in what non-Natives wanted to do, so that they did not feel resentful. Further, because Haudenosaunee protesters had made it absolutely clear that they were not willing to leave the protest site until their grievances were fairly resolved, those non-Natives who demanded an immediate end to the protest also seemed to be demanding an end to negotiations aimed at finding a peaceful resolution to the protest. Thus, they appear to have been advocating a *forced* end to the protest. In such a case, not only were Haudenosaunee grievances to go unaddressed, they were to go unheard. It is thus difficult to see how any person could expect that these non-Native demands would not be responsible themselves for creating a rift –as advocating armed violence against one's neighbor generally does. For this reason, other residents who demanded an end to the protest perhaps voiced the true nature of these concerns more accurately when they complained not so much about a rift, but about the "tremendous harm" being done to non-Native residents and businesses in their town (resident Carol van Imp, quoted in: Edwards & Gombu, 2006). As two different residents argued: "Something has to be done or it's going to hurt Caledonia. People won't want to come here" (unidentified resident quoted in Brantford Expositor, 2006a); "The government needs to come in, bring in the army and clean it up," she said. "This is not going to be solved peacefully" (resident Carol van Imp, quoted in: Edwards & Gombu, 2006).

Exaggerated Claims of Financial Victimization and Assertions of Entitlement

In addition to the above exaggerated claims to victimization, many non-Native residents seeking to fuel anti-Native resentment preyed upon non-Native misconceptions and exaggerations about tax credits that benefit Native people. Under the *Indian Act* (Canada, 1985), the historic relation between the British Canadian government and Native peoples of North America has been deemed to qualify Natives in Canada to certain tax breaks. For example, individual Natives

living on Native reserves do not pay property taxes to non-Native municipalities, and Native-owned businesses that operate and/or do most of their business on Native reserves are not (supposed to be) required to pay income taxes. In addition, when making certain purchases, particularly purchases of services rendered on Native reserve lands, registered Natives are not charged sales tax, or (off reserve) are not charged full sales tax (BDO, N.d.; First Nations Tax Commission, 2007). Though many of these tax breaks are based on long-standing, historic relations and agreements between Native nations and the British-Canadian government,[561] there has been a long-standing campaign among resentful non-Natives to abolish all "special" tax privileges that apply to First Nations people. This campaign has provided selective information to the general public with the intent of fueling further non-Native resentment and anger towards Native peoples (i.e., regressive social bonding) in order to pressure government officials to repeal all Native tax breaks. However, because those involved in this campaign selectively pick and choose what information they present to the public, they fail to provide an accurate picture of the "benefits" Native people actually gain from these tax breaks. Some discussion of the actual tax breaks to First Nations peoples is thus in order before going on to examine the ways in

[561] Some of these tax breaks are based on long-standing, historic relations and agreements between Native nations and the British-Canadian government, while others may be based on government attempts to break long-standing agreements. For example, on first guess, one would assume that the property tax exemption arises out of treaty agreements and recognition that all lands derived from First Nations, and those lands still owned by First Nations, do not fall under Canadian jurisdiction. However, the Canadian government claims that it owns all of the land within its borders, whether or not it ever received these lands through treaty agreements (and up to 90% of the land in Canada was not surrendered by First Nations [Chrisjohn, N.d.]). Therefore, it may well be, according to the Canadian governments' rationale, that Native people do not pay property tax on reserve lands because the Canadian government claims that they are not the owners of the property, only have occupancy rights, and are using property that belongs to the government. More research would be needed to fully draw any conclusions on what the government's exact legal narrative is on this issue, but it seems clear that –though certainly Native people should not pay property tax to non-Naïve governments for lands that still belong to Native people—the Canadian government's legal intent behind the tax exemption may be something entirely predatory rather than beneficial to First Nations.

which local non-Native residents who were opposed to the protest sought to build upon already-existing non-Native resentment on the tax issue in order to generate further resentment and anger towards the Haudenosaunee protest.

The anti-Native-tax-break campaigners have spread the claim that Native people don't pay any taxes at all, that non-Native people financially support Native people through their taxes, and that this form of "welfare" unfairly benefits and privileges Native people at the expense of non-Natives. However, this information is absolutely incorrect. For example, the vast majority of Native people pay income tax at the same rates of non-Natives. The only Native people who do not pay income tax are those who work in a business that is Native-owned at that operates on reserve lands, which are legally exempt from federal taxes. However, even though reserve lands are legally exempt from taxation, federal and provincial governments periodically harass Native business owners whose businesses operate on reserve lands, threatening them with loss of their business if they do not pay taxes.[562] While this harassment is not legal under Canada's own Indian Act, it does generate revenue for the Canadian and Ontario governments in that many Native business owners give up and start paying federal and provincial income taxes –estimating that these payments are potentially less costly than court cases against these governments. To this end, the multi-million dollar business, Grand River Enterprises, on the Six Nations reserve calculated that it would simply be less costly to pay these taxes than to fight the constant harassment, seizure of product, court costs, and so forth. Grand River Enterprise now pays upwards of $60 million a year in taxes to the federal and provincial governments. This amount far exceeds the funding that federal and provincial governments provide annually to the Six

[562] This assertion is based upon an informal review of six years of coverage on the issue by the *Tekawennake* and *Turtle Island News*, as well as other news sources. Specific examples and news articles can be provided to interested readers, and may be compiled for a future article on the topic.

Nations community by tens of millions of dollars.[563] Clearly the Six Nations community and its members are thus paying far more in income tax than their community receives in government funding. Income tax generates about 41% of all tax revenue in Canada (First Nations Tax Commission, 2007: 7).

A large number of Native people, perhaps a majority, also pay property tax either because their local (often federally-imposed) government collects these taxes from those living on reserve or, more often, because they live on lands that are not recognized by the Canadian, provincial, and local governments as reserve lands. Often times these latter lands are, in fact, unsurrendered lands that should be considered reserve lands (see chapter 4 on extinguishment and jurisdiction). Further, often the small parcels of lands that *are* recognized by non-Native governments as reserve lands are too small to accommodate all Native peoples who wish to live within their own communities. On the Six Nations reserve, there is a 10-year waiting list for housing loans, and far more Haudenosaunee Six Nations community members live off reserve than one it (Alcantara, 2005).[564] Thus, the majority of Six Nations people pay property taxes to local non-Native municipalities. And while Six Nations people who live on reserve do not pay property taxes, this actually has no impact at all on non-Natives. This is because property taxes stay within the community or municipality that collects them, to fund street repairs, and other local improvements (First Nations Tax Commission, 2007: 7). Because the Six Nations reserve is not

[563] Interview with Caledonia and Six Nations residents, February-June, 2009.
[564] There are an estimated 25,000 Haudenosaunee Six Nations members, but less than 10,000 of these people live on the Six Nations reserve because of a shortage of land in the area officially recognized as reserved for the Haudenosaunee. Many lands that were long ago set aside for the use of future community members were sold by non-Native governments and are presently under claim. But as the claim process drags on for decades, non-Natives are settling on and developing these lands as if they are non-Native lands, when at best they are contested lands, and most likely are Haudenosaunee lands. This issue was, of course, a key motivating factor for the 2006 protest.

under the jurisdiction of any local non-Native municipal government, even if inhabitants of the Six Nations reserve were to pay property taxes, local non-Native governments would not gain any tax revenues from these payments, and thus cannot claim to be losing any tax revenues because these payments are not made.

Some non-Natives have attempted to get around these facts by arguing that the exemptions from property taxes paid by Native people *do* impact them, because Native communities receive funding from the federal government. It is true that the federal government is obligated under treaty agreements to pay certain annuities to, provide for the well being of, and/or fund certain services for Native communities (such services include education, health care and so forth). And according to disgruntled non-Native logic, since non-Natives have fewer tax exemptions than Native people, these funds are coming out of non-Native pockets. However, this logic falls apart when subjected to further scrutiny, in part because the federal government provides *all* communities with funding –and these federal dollars do not come from property taxes, they come from income tax (which the vast majority of Native people pay) and/or from sales tax (discussed momentarily). Further, Native communities actually receive disproportionately *less* funding than do non-Native communities, because the latter receive far more funding from provincial governments. For example, in Toronto, combined government spending (federal, provincial and municipal) per resident is about $24,000 per year, while in some reserves in Ontario, which primarily rely upon federal funding, government spending equaled only $11,355 per capita (Land, 2011). Further, government spending increases for First Nations has been capped at 2% since 1996, despite the fact that Natives comprise the most rapidly growing population in Canada, and that much of government spending for First Nations goes to paying salaries for Aboriginal and Northern Affairs Canada bureaucrats, and consulting fees for third

parties (Land, 2011). This dramatic funding disparity between Natives and non-Natives has resulted in catastrophes such as the emergency housing situation routinely suffered in Ontario's Attawapiskat reserve (Lux, 2011), and ongoing, 'non-emergency' conditions such as the lack of clean drinking water and indoor plumbing in a large portion of houses the Six Nations reserve (something common to many Native reserves, see: Stastna, 2011). In addition to all of this, as mentioned above, the Grand River Enterprises on the Six Nations reserve pays many millions more in federal and provincial taxes than the Six Nations reserve receives in funding from both governments combined. Thus, if anyone should complain about funding the other group's lifestyle, or about special privileges and financial discrimination as it relates to federal and provincial funding, it should be Haudenosaunee people complaining about funding non-Native lifestyles, and not the other way around.

Sales tax exemptions are therefore the only form of tax exemption that is enjoyed by registered First Nations members and not equally enjoyed by non-Native citizens. This sales tax exemption is conditioned upon, a long history of Euro-native relations and treaty agreements that recognized Native independence from the British-Canadian government, that pledged non-interference in each others' affairs, and that required the latter to provide for the well-being of the former in exchange for permission to use of certain areas of First Nations' land. This form of tax exemption is certainly a benefit to First Nations people. However, it is not as beneficial as non-Natives opposed to First Nations treaty rights would present it. This is because the various provincial governments are constantly attempting to find ways around these sales tax exemptions, such as through creating other forms of sales tax that do apply to First Nations people, or through "harmonizing" all forms of sales tax into one, causing confusion among business owners as to which taxes do and do not apply, and leading to inapplicable taxation of

First Nations people (CNW, 2010; Alexander & Glasner, N.d.). Finally, a commonly recurring story among Native people is that some non-Native merchants refuses to honor sales tax exemptions of First Nations people, either refusing to serve the customer who insists on these exemptions or refusing to accept Native status cards and charging full sales tax on all customers (Interviews, 2009). Certainly this is a form of discrimination that seems unlikely be reproduced if it were a group of non-Natives who exclusively had this exemption, but because this sales-tax exemption is associated with a distinct group of people (the group most often targeted for derision and scapegoating in Canadian society), it infuriates non-Native people, who conveniently ignore their own forms of privilege, and can't stop fixating on the fact that another group that is supposed to be lower on the social hierarchy has something they do not.[565]

Early on in the protest non-Natives used the issue of Native tax exemptions to assert claims to victimhood and to create and mobilize non-Native resentment and anger towards the Haudenosaunee protesters or towards Native people in general. To this extent, non-Native

[565] The fact that many non-Native people feel –quite intensely and angrily—that Native people should be lower on the social hierarchy than they are is evident in media coverage of Native issues, and was also quit evident in interviews with non-Native residents (February-June, 2009). For example, many non-Native residents would angrily tell anecdotes about seeing a Native person or various generalized Native people driving nice, expensive cars. Often these anecdotes were immediately related in some way to alleged "special privileges" –with non-Native residents all but stating (or sometimes actually suggesting outright) that it had been them who had purchased those cars for Native people –through their taxes. In their telling these anecdotes, it was always simply assumed that I would immediately understand and commiserate with their anger at such an injustice as a Native person driving a nice, expensive car that "even" the non-Native resident could not afford to drive ("even I couldn't afford that" –clearly the suggestion in "even I…" is that "I" should be better and have better in everything than a Native person). This expectation of my immediate understanding was evidenced in the fact that many angry anecdotes about how a Native person had something nice (or nicer than even the storyteller had) were not accompanied by any explanation, and were told as if the injustice was self-evident. In these cases, it was only after further inquiry that I was made to understand that the anger came from the fact that the non-Native person had convinced him or herself that he/she had paid for the Native person's nice item through taxes –even though there are no government programs that help Native people purchase automobiles or other consumer goods, much less very nice automobiles or consumer goods.

residents used the term “taxpayers” as if it were an exclusive category synonymous with non-Native residents. They carried signs to anti-protest rallies proclaiming: “We work and pay taxes!”(Haudenosaunee Confederacy, 2007), and organizers of these rallies played upon potential non-Native resentment over the issue with statements such as: “We feel its time that Canadians hear from the tax-paying community of Caledonia” (rally organizer Ken Hewitt, quoted in Harries, 2006a). Other non-Native residents voiced related, exaggerated complaints that “the natives get everything for free with their special cards” (Toronto Star, 2006b), or wrote letters-to-the-editor complaining about the financial advantages Native peoples allegedly “enjoy over non-natives,” and telling Native people: “I wish no hardship on you people. I just want you to pay your way like the rest of us do”(Flemming, 2006c). Even the Mayor got in on the action (as noted above), implying on national TV that Native people didn’t understand what it was like to have to work to survive: “[The non-Natives] don’t have, uh, monies coming in automatically every month. They’ve got to work to survive. And, and the Natives’ have got to realize that” (Haldimand County Mayor Marie Trainer, quoted in: CBC News, 2006a; Harries & Rusk, 2006; Rook, 2006f).

The misinformed and exaggerated assertions of Native “special privileges” and non-Native victimhood did not stop with the issue of taxes, but escalated from there. Non-Native residents angrily opposed to the Haudenosaunee protest painted Native people in general as extortionists, or more accurately, “hypocrites wailing about assimilation, native traditions and living with nature while they use the system to extort the government”(Lupton, 2006). Others, as mentioned in a previous section, insisted that “the natives” were extortionists because they had already been paid –even over-paid-- for their land through tax credits, and should never have been paid in the first place (Flemming, 2006b). And still other residents played upon these issues of tax credits

and non-Native victimization in their exaggerated and misinformed complaints that the federal government "has done nothing but throw money at the native community for years and they still are not satisfied" (Thompson, 2006b) or their complaints about an alleged "millions of tax dollars and generations of time wasted by Aboriginal people and their disputes" which were ultimately "settled in the courts at our expense" (Smith, 2006c, quoting and paraphrasing Ken Hewitt).

Other non-Native residents expressed claims to have been financially victimized by Haudenosaunee protesters in yet another way, equally demonstrative of their sense of entitlement. For example, within the first two days of the roadblocks which forced residents to take a seven or so minute detour around town, one resident demanded to know "Who is going to pay our wages when we can't go to work?"(Janet Whintemute, quoted in Healty & Nolan, 2006). Now, certainly the day of the failed Ontario Provincial Police raid was extremely chaotic, with schools being closed and many residents being forced to come home early from work to watch their kids and worry over the events in their town. Many schools were also closed on the day following the failed police raid, as well (which was a Friday). But both the mayor and the county council had assured residents that schools and everything else in the town would be functioning normally on Monday, and had insisted that residents should go on with their lives regardless of whether the roadblocks remained. In addition, though there were roadblocks up on some of the streets at one far end of the town, residents were still able to get anywhere they wanted, including work. They simply to take streets other than those they would normally travel to get there. So the suggestion by this resident that people in the town would not be able to go to work was an exaggeration. However, of even greater interest is this resident's suggestion that someone is responsible for paying the residents' wages if they could not go to work. This

resident clearly felt that non-Native residents are entitled to get what non-Native residents expect to have. There is no fault in this expectation, except in that it is not equally applied to the Haudenosaunee protesters. Though non-Natives in this resident's unrealistic scenario should have whatever it is that they expect to have, and should have any losses in these expectations recouped, Haudenosaunee protesters, who are dealing with an actual loss far more sizable than a couple days pay, should be forced off the land and given nothing, so as not to inconvenience non-Native residents. The sense not only of entitlement, but of exclusionary privileges, speaks volumes, as does the discriminatory double-standard and complete lack of critical self-reflection.

DEHUMANIZING THE TARGET GROUP AND SETTING THE STAGE FOR VIOLENCE

> *In dehumanizing his victims, he loses his capacity to care for them, to have compassion for them, to treat them as human beings. He develops a state of psychic numbing and a sense of detachment which sharply reduce his capacity to feel. Insofar as he excludes a whole group of people form his network of shared empathy, his own community becomes more constricted and his sense of involvement in humankind declines. …. As he gradually discards personal responsibility and human empathy, he loses his capacity to act as a moral being.*
>
> *~ Kelman 1973, 51-52*

> *Once [some non-Natives] don't get their way then, not all of them, but some do the racism, thing, and, you know [argue] that these are … you know, they're not normal, they're not real people. They have some lesser rights or have some characteristic different than the rest of us.*
>
> *~ Ralph Gerstenberger, President Local 1005 United Steal Workers Union, Hamilton Ontario, quoted in Autonomy & Solidarity, 2006f*

> *Afterall, violence is the last resort of the incompetent.*
>
> *~ Caledonia Resident Lorrie Harcourt, Harcourt 2006*

In the beginning of chapter 4, some of the dynamics and impacts of government polices and practices of violence were discussed and it was noted that such policies and practices often result in what Herbert Kelman (1973) calls the authorization and routinization of attack against and dehumanization of a group of people who have been set apart from the rest of society as "fair game." Together, all of these processes work to diminish or destroy the moral restraints that most

individuals normally have when it comes to committing acts of violence against other human beings. The non-Native residents who most angrily and vehemently opposed the 2006 Haudenosaunee protest cannot be said to have participated in sanctioned massacres against the Haudenosaunee people, but the Canadian and Ontario governments, with the complicity of these non-Native residents, can be said to be engaging in ongoing atrocities against the Haudenosaunee and other Native peoples throughout Canada. Similarly, some of the non-Native residents who most angrily opposed the Haudenosaunee protest did engage in acts of violence that would not have been acceptable without these government-authorized and routinized processes of targeting and dehumanizing (indirectly, in pursuit of policy objectives) Native peoples in Canada. As Kelman (1973) and others have noted, these processes work on a continuum. The examination of these processes can serve to explain incidents like Abu Ghraib, or massacres in Vietnam, but they can also serve to explain much lower-level attacks, such as those seen in the Standford Prison experiment, Stanley Milgram's famous experiment, and the escalating hostilities and periodic violent attacks upon Native protesters by local non-Native residents. This section examines some of the ways in which local non-Native residents –clearly playing off of the government and media example— collectively participated in these processes and fueled the lessening of their own moral restraint, particularly by engaging in collective dehumanization ceremonies aimed at Native people, with the intent of legitimizing non-Native demands for violence and justifying non-Native incidents of attempted or actual violence. As with the rest of this chapter, the vast majority of the examples provided in this section are from statements and actions that occurred within the first two months of the protest, and thus this discussion is not entirely reflective of the intensified anti-Native rhetoric and violent tendencies that developed after this two month period, examination of which will have to be reserved for future work.

Dehumanization Ceremonies

One of the primary ways in which non-Native residents who opposed to the Haudenosaunee protest authorized and routinized the dehumanization of Haudenosaunee protesters and increasingly violent expressions of this anger was through their regular gatherings as close as they possibly could to the protest site. Gathering almost every Friday night, as well as on other nights and days of the week, non-Native residents yelled racial slurs at Native protesters and insults at police officers, and sometimes proclaimed their intent to physically confront and forcibly remove Native protesters from the site vigilant-style. But their main audience was each other and their primary purpose was to bond in socially-regressive ways, feeding off of their common anger and hatred towards Native protesters and Native people.

Many non-Native residents who regularly rallied at the barricades considered these gatherings to be social events. They saw friends they hadn't seen in a while, bonded with strangers, brought their children along with them, and attended the events as families (Interviews, 2009).[566] These regular gatherings also became hotspots for local youth looking for excitement, and local youth some times made up to 3/4ths of those present (Autonomy & Solidarity, 2009). Yet, though many non-Natives who attended these rallies did so on a social level, the underlying purpose of the gatherings was clear in the signs, statements, and actions of residents present. For example, many residents attending these regular gatherings carried signs with messages that intended to denigrate Native protesters or Native people. Signs bore remarks such as "I agree with Marie"(Autonomy & Solidarity, 2006j), referring to the mayor's off-color remarks implying that Native protesters did not understand what it was like to have to work for a living, rather than having checks coming in automatically every months. Signs played upon and reinforced

[566] Three years later, some parents spoke proudly of the fact that they were one of those families that attended the events together (interviews with Caledonia residents, February-June, 2009).

stereotypes of Native people as criminals and car thieves,[567] such as signs demanding: "Get off our land and give back my ATV," implying not only that Native people were car thieves, but that Native protesters were also trying to steal non-Native ("our) land. Another sign playing upon this stereotype read: "Lost, 1 white mini van," and the individual carrying the sign simply assumed (correctly) that everyone present would get the intended meaning of the joke (Autonomy & Solidarity, 2006j). Other signs present at the protest were even less subtle in the non-Native racism they expressed, reading, for example: "CAUTION: running rampant, please do not feed the animals" (Autonomy & Solidarity, 2009), or: "Where is John Wayne when you need him?"(Autonomy & Solidarity, 2006j). And other signs emphasized the carriers' desire to see violence against the Haudenosaunee protesters by asking for United States intervention or asking: "What would W do?" referring non-Native residents' perception of US President George W. Bush as a violent war monger (who would quickly end such a protest just as he quickly started wars in Iraq and Afghanistan (Haudenosaunee Confederacy, 2007).

It was not just the signs that non-Native residents carried that turned these gatherings into dehumanization ceremonies. It was also what non-Natives said and did at these rallies. For example, video footage of one of these rallies shows a large number of youth gathered around a barrel fire, singing alternatively the Canadian national anthem and a set of four words chanted over and over again in the style of mocking Native music: "Hey-how-are-ya, hey-how-are-ya, hey-how-are-ya." These chants and songs were simultaneously intended to exclude Native

[567] A number of stolen vehicles are found abandoned, sometimes after having been thoroughly torched, on the Six Nations reserve every year. The assumption among non-Native residents has always been that Six Nations people (or Native people) are responsible for all of the car thefts. This may or may not be the case, but there is at least some evidence that non-Natives use the Six Nations reserve –which has left much of the original forest still in tact, and thus provides numerous isolated hiding spots-- as a dumping ground (Interviews with Caledonia and Six Nations residents, February- June, 2009).

people from the Canadian nation and to denigrate Native singing and Native people. As the youth stood there, various older adults walked by with their signs that make derogatory comments about Native people in the same manner as described above. One of the teens, referring to a John Wayne sign, proclaimed "cowboys and Indians," obviously suggesting that the non-Native residents were the cowboys. Another youth present responded to this comment, asking if anyone has any feathers they can throw on the fire. The rest of the youth broke out in a spontaneous, repeated chant of "burn, Natives, burn!" (Autonomy & Solidarity, 2006j).

Other video footage shows non-Native residents attempting to get as close as they can to the police barricades, and responding furiously when provincial police stop them from crossing the barricades onto the Native protest site (Autonomy & Solidarity, 2006l). A sizeable portion of those stopped then searched for ways to sneak around the police barricade and onto the protest site. Another video shot that same weekend shows a group of male non-Native teenagers, accompanied by a non-Native adult, trying to sneak onto the protest site by climbing a fence away from the police barricades, all the while talking about how they want to shoot the Natives (Autonomy & Solidarity, 2006a). When the police eventually stepped in to prevent these non-Natives from climbing a fence and entering the protest site, the latter accused the police of discrimination against non-Natives. Non-Native teens are then shown continuing to talk about wanting to shoot Natives, as a non-Native adult who was later identified as a member of a White Supremacist organization tells them that he understands, but that they need to pick their battles. For example, a portion of the discussion follows. Each line indicates a different teenage speaker, while the adult's statements are indicated with the word ADULT:

> They always surround the white guys.
> Ya.
> That's discriminatory, why are you always surrounding us?…
> How discriminatory is that?

I want to fucking shoot every single one of them…
ADULT: Exactly. But you can't do it today.
We still gotta try.
ADULT: Not today. You have to pick your battles.
This is our tribe, this is our white tribe.
This is our tribe, ya.
White tribe.
White power!
White power!
Ha ha.
Ya. (Autonomy & Solidarity, 2006a at 3:00 min to 3:30 min)

These regular gatherings/ dehumanization ceremonies were also breeding grounds for all of the various behaviors discussed above in this chapter –particularly non-Native residents' exaggerated claims to injury and victimhood. exaggerated claims to victimhood (and lack of critical self-reflection). For example, one video shows a woman, standing in an angry mob of non-Native residents gathered as close as possible to the Native protest, screaming angrily that: "[we're] not frightening their children, but they're frightening ours!"(Autonomy & Solidarity, 2009 at about 14:30min). Another resident, a non-Native teenager, claimed that her university acceptance was going to be cancelled because the protest caused her to miss two days of school (Autonomy & Solidarity, 2009), while other residents compared the Native protesters to Nazis (ignoring the presence of several actual neo-Nazis with in the mob of non-Natives) (Autonomy & Solidarity, 2006c).

While these dehumanization ceremonies offered residents a chance to physically congregate and to bond in their socially-regressive (and psychopathological) hatred towards Native protesters, the socially regressive bonding, projection, scapegoating and so forth was not limited to these dehumanization ceremonies, as much of the rest of the chapter has demonstrated. These nightly dehumanization ceremonies worked in conjunction with other daily activities in the lives of non-Natives, and local non-Native residents who vehemently opposed the protest engaged in

numerous other actions in their daily lives that demonstrated their collective expressions of opposition to the protest and to Native people, in general. Through these daily activities, non-Natives authorized and routinized for themselves and each other the actions that attacked and dehumanized Native people in was that would not otherwise be acceptable. These daily activities thus served to intensify the anger, hatred and willingness to commit violence at the frequent nightly gatherings near the protest site. Examples of this sort of behavior include the discrimination displayed by some local non-Native businesses against Native people who attempted to shop in their establishments. The Kentucky Fried Chicken in town, along with several other non-Native businesses, refused to sell food to Native people (Autonomy & Solidarity, 2006i). Non-Native businesses that did not follow suit were threatened with boycotts by angry non-Native residents who wanted all business to Native people in their town refused (Autonomy & Solidarity, 2006a). In similar discriminatory fashion, on the day of the failed police raid school administrators asked Native students to leave school (on that day) "for the safety of everyone" (Autonomy & Solidarity, 2006i). And elsewhere, before and after the failed police raid, non-Native residents threw trash out their car windows at Native people walking on the sidewalk (Haudenosaunee Confederacy, 2007). Despite all of these acts of aggression (and more not mentioned here), non-Native residents insisted that it was they, and not the Haudenosaunee people, who were discriminated against. To this end, non-Native residents complained about the alleged discrimination they suffered when police and politicians did not do what they wanted (Lupton, 2006), and others carried protest signs at rallies and regular gatherings intended to make this same complaint. For example, one sign bore the word: "Discrimi-nation?" surrounded by question marks (Haudenosuanee Confederacy, 2007) though

the primary "special treatment" that Native people experienced was the racist refusal of service of non-Native establishments.

The local media also played a key role in fueling the daily dehumanization of Native people, and in setting the stage for violence at the regular non-Native gatherings and rallies (see for example, Autonomy & Solidarity, 2006f). For example, particularly after the failed April 19 police raid on the protest site, but also weeks before (and almost from the start of the protest), non-Native papers attempted first to call into question the peacefulness of the protest, and then to declare it outright violent. Some of the first news articles taking this angle can be found in the *Regional News*. In fact, months before the protest even began, the editor of that paper seems to have attempted to portray an informational picket by Haudenosaunee people as less than peaceful (Regional News, 2005).[568] Months later, and a mere week into the Haudenosaunee's small, peaceful protest on the edge of town, the columnist for that paper used single quotation marks around the words 'peaceful protest,' implying that the protest was something other than peaceful, but offered no further explanation for the quotation marks (Jackson, 2006a). The paper continued utilizing these quotation marks in other weekly editorial columns (Jackson, 2006b & 2006c), while also dialing up the accusations. For example, in his April 5 column he stated that: "It makes me laugh every time native protesters off Highway 6 say they're peaceful. Nothing could be further from the truth" (Jackson, 2006c). What had the protesters done, according to the author, that qualified them as less than peaceful? They made demands that were supposedly equal to threats, and some protesters had insulted local police officials.

[568] For example, below an image of this peaceful informational picket, a caption read, in part:
> While the group of about 15-20 people said they were conducting a peaceful protest, they were also handing out flyers that say "it is fully legal for Six Nations to reclaim the land and issue eviction notices, without restitution to the homeowners."

Early into the protest, other residents also jumped on board the "not peaceful" trend, with some insisting that things were "just a heartbeat, or a momentary flash of temper, away from violence"(Howard, 2006). Residents also insisted that when Native protesters repeated statements that non-Native residents had made at an anti-protest rally, this was "reckless and inflammatory" (Howard, 2006). The Native protester in question was summarizing comments by non-Native residents demanding police force and/or asking: "So we can shoot them when?" (Nolan, 2006c). In summarizing these comments, the protester allegedly remarked that "They want the OPP to 'get over there and shoot the hell of dem bad Injuns'" (Howard, 2006). For the offended non-Native resident, it was the act of repeating these statements, rather than the fact that they were made in the first place, that was "reckless and inflammatory." The fact that these statements had been made at all –repeatedly—did not even merit consideration.

Thus, again, in the minds of non-Native residents seeking to project their undesirable traits onto others, those targeted for attack were guilty and wrong no matter what they did, while the behavior of the allegedly morally pure non-Natives needed no scrutiny. After the failed police raid on the protest site, this sort of thinking escalated along with escalating claims that the protesters were violent (and criminal, and thugs, and terrorists…). The Non-Native media called Caledonia "a town under siege" (Rook, 2006d) and liberally peppered their news stories with references to alleged Native violence. The protest was described as "bigger and angrier than ever"(CTV News, 2006h), or as as "burning rage" (Hamilton Spectator, 2006a) frustrations that had "blown wide open" (CTV News, 2006h). It was just a matter of time, the non-Native media implied, before Native protesters brought in guns. As one news host stated: "No guns visible yet, but [the protesters are] now saying they won't back down, and they're ready for whatever comes" (CTV News, 2006h). While these accusations of violence were being levied at Native

protesters, most of the violent rhetoric was coming from angry non-Native residents, such as the resident who wanted to know: "Have (the police) shot them all yet?" (Oliveira, 2006),[569] or the countless residents who demanded military force to end the protest (see, for example: Edwards & Gombu, 2006; CTV News, 2006h; Haudenosuanee Confederacy, 2007).

Other residents took a different angle on the same "not peaceful" line of accusations, arguing that they were not so much concerned with themselves, but were benevolently concerned for the "majority of the" Haudenosaunee people, who were allegedly victimized by the protesters. According to this narrative, because many of the protesters were from other Native reserves around Canada (including many of the other Haudenosaunee reserves), they did "not represent Six Nations"(Jackson, 2006b),[570] and were even victimizing the people of the Six Nations reserve.[571] Some non-Native residents even claimed that the Natives on the site were paid "professional protesters" (Haudenosuanee Confederacy, 2007),[572] or at least a "ragtag bunch of activists who are acting like bullies" (Blizzard, 2006; Dreschel, 2006. See also: Best, 2006g),

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[569] The full context of this quote is as follows:

> "We've been here all day and (the protesters) have done nothing wrong," said one woman who asked not to be named.
>
> She said she was disgusted by stories she heard of police raiding the compound early Thursday morning, allegedly using Tasers and tear gas to subdue the crowd.
>
> "I'm embarrassed to be Canadian right now," she said, and added she was horrified to hear one woman matter-of-factly ask, "Have (the police) shot them all yet?"

[570] "[T]he protesers do not represent Six Nations. Many of the most vocal are from reserves miles away from here."

[571] "They're being victimized, because, like he says to me, it's the Mohawks who don't even live here that are causing all the trouble. If the people on the reserve start to speak out, they've been threatened with violence, they'll be beat up, they'll be assaulted. They'll even go to the point where you know they'll burn –I've heard that they'll burn their homes down with them in it" (Interviews with non-Native residents, February-June, 2009).

[572] For example, one sign shown in the cited video spun off from a credit card commercial: "Imported professional protesters: $400/week; 1 OPP Constable: $1330/week; The value of our kid's safety and peace in our community: PRICELESS! Open the Roads."

and a bunch of terrorists "holding us hostage" and seeking war (Autonomy & Solidarity, 2009). As residents remarked in one video:

> "It's a terrorist attack. That's what it is. They're holding us hostage," stated one non-Native resident at an anti-protest rally. "You know what, this would not happen in the United States. They wouldn't put up with this shit there, you know what I mean? It's a terrorist attack on us. And you know what, it's not our problem, it's the frigging government that has to step in here and clean up this shit… It's got nothing to do with Caledonia, just get out there and clean up the crap." (Autonomy & Solidarity, 2009)

And:

> "They're not leaving. They want war… They want war." (Autonomy & Solidarity, 2009)

Other residents complained angrily about "the bloodshed protesters seem so eager to see happen" (Thompson, 2006a). According to this narrative, then, since Native protesters were not peaceful, and even *wanted* violence and war, this is what they should get. Thus, in perhaps the only time that non-Native residents opposed to the protest sought to give to Native people something they allegedly wanted, these residents advocated just this (see above examples). As terrorists, bullies, anarchists, and criminals, it was clear to non-Native residents (as it generally is to White Westerners) that absolutely no negotiations should take place with those who disagree with them, and this sentiment that was repeated again and again in only slightly varied ways, such as asking for George Bush or US intervention, or demanding: "No negotiations or discussions should be made with disrupters of the peace"(Huges, 2006) and: "Negotiating with criminals not only gives legitimacy to their false claims but also will encourage future illegal acts"(Thompson, 2006b; see also: Meyer, 2006)[573]

[573] According to this last source: " If you give in to bullying and intimidation it does not stop. … The intimidation and bullying of law-abiding citizens and businesses is not acceptable."

According to non-Native residents, negotiations were not possible anyway, because the Haudenosaunee people allegedly couldn't get along with each other and couldn't effectively govern themselves because they had no idea who was in charge or because "the unruly individualism of their spiritual ancestors" that was living on in the present was yet merely "a convenient excuse for pure anarchy" (Jackson, 2006b; Dreschel, 2006).[574] Further, the Haudenosaunee community couldn't competently manage the land they had (Jackson, 2006a; Stoneman, 2006).[575] Thus, as this anti-protest narrative went, "no matter who owns the land"(Mark Vandermaas, quoted in vidkid1983, 2007) it would not be "a viable solution" to turn the land "over to protesters, or even leave it vacant" (Meyer, 2006) (because this was not what non-Natives wanted to do). The insistence on not negotiating also played upon illusionary wording that was intended to obscure the issue of land ownership altogether, such as by referring to the land as "our land" or discounting the concept of land ownership altogether when acknowledgement of the Haudenosaunee claim was unavoidable. For example, one non-Native resident confronted with potential Haudenosaunee ownership of the land quickly dismissed this possibility by referring to the land as everyone's land: "It's all our land… we're all human beings, we all live on this earth. How the hell can they said it's their land… I'm just as native to this land as they are. I was born and raised on this land…" (Autonomy & Solidarity, 2006e). He

[574] The latter source asked rhetorically: "who do you try to strike a conclusive agreement with when you're dealing with a longhouse divided against itself?" The former source stated ignorantly: "It sounds like natives on Six Nations have a hard enough time getting along themselves. Between different tribes, a band council, confederacy council, a group of Mohawks, the Haudenosaunee people, hereditary chiefs and clan mothers, no wonder they have no idea who's in control."

[575] The first source was already quoted in an above section. The second source complained that: "As Keepers of the Land you seem to have a lot of Smoke Shops and Strip Malls close to reserve borders."

then quickly reverted back to assertions of non-Native ownership: "We'll get our land back" (Autonomy & Solidarity, 2006e).

Despite these persistent refusals of non-Native residents to acknowledge or deal with reminders of the Haudenosaunee claims to ownership, according to the Local President of the Steel Workers Union in Hamilton, non-Native residents of Caledonia knew when they purchased their homes that the Haudenosaunee claimed ownership of the land:

> [I]t turns out that all of the residents of Caledonia know that there's an issue of a land dispute. Like, 20-30 years ago, the reason you could buy houses cheaply in Caledonia was because you weren't really sure if you owned the land or not. So, it turns out everyone in Caledonia knows that. And, uh, they may not have liked it, but they know that this is the six miles on each side of the Grand River, they knew that. (Ralph Gerstenberger, quoted in Autonomy & Solidarity, 2006f)

Years later, when confronted with the claim they had known about all along, the only response of non-Native residents was to demand that their government "come in, bring in the army and clean it up" because no other, less violent solution was allegedly possible (Carol Van Imp, quoted in Edwards & Gombu, 2006; see also: Howatt, 2006).

Such sentiments were widely-expressed at the anti-protest rallies, where non-Native residents, waving Canadian flags and demanding the forceful intervention of the army, became increasingly vocal of their anger and willing to engage in violence. In some cases this violence was taken out on police officers, as non-Native residents demanding "law and order" jumped on police cars or threw punches at police officers (Autonomy & Solidarity, 2006i).[576] Non-Native anger was also directed at other non-Native people who supported the protest. Some of these non-Native supporters of the protest were called traitors, "Indian lovers," or other racial slurs.

[576] Talking about a previous rally, one non-Native resident noted nonchalantly: "[I]t was just mostly townspeople getting a little bit rowdy, just crossing that yellow tape, and nothing really happened –a couple people threw a couple punches at a couple police officers, but it was nothing totally out of control."

They were also subjected to loud accusations about their sex lives (such as speculation that the person must be “fucking an Indian”), and to verbal and physical threats and intimidation and outright physical assaults (Interviews, 2009; Autonomy & Solidarity, 2006g, 2006h, 2006d). In fact, non-Native residents who opposed the protest were apparently so angered by the existence of non-Native support for the protest that they spoke in anti-protest meetings about finding the homes of people who had supported or given money to the protesters in order to do damage to the homes or physically intimidate and threaten them into ending their support activities (Interviews, 2009; Autonomy & Solidarity, 2006h). As a result, at least some of these local non-Native residents experienced various low-level attacks on their homes, as well as verbal and physical assaults on the street (Interviews, 2009; Autonomy & Solidarity, 2006h). Yet, according to those committing the attacks, the Native protesters were the ones who were thugs and bullies, and non-Natives opposed to the protest were the ones who should not give in to intimidation and threats. Or, at least, this was the version of the world that these non-Natives engaged in projection, scapegoating and a complete lack of critical self-reflection chose to create.

Similarly, non-Native residents who were upset with the lack of police force, frequently suggested taking matters into their own hands, and clearing the Native protesters off the site themselves --either with permission of the police:

> You know this is just going to escalate. You’re gonna bring people from all over the province. You guys can’t do your jobs? Give your job up, hand your arms over to us, we’ll take care of it. (Non-Native resident shown in Haudenosaunee Confederacy, 2007)

Or without this permission:

> "Come on," said one instigator carrying a large Canadian Flag at the end of the rally. "There's 1,500 of us, let's go over there and get them out ourselves if the OPP can't do it." (Non-Native resident quoted in Windle, 2006c)

In some cases they appear to have had partial permission from the police to escalate their angry anti-protest and anti-Native rhetoric to action. For example, according to one non-Native resident living near the protest site, the OPP gave him permission to arm himself (Autonomy & Solidarity, 2006d). Other residents, particularly in the neighborhood closest to the protest site, did just this, lining their back fences with Molotov cocktails that were ready to light and throw at Native protesters, cleaning large gun collections openly in their backyards to intimidate protesters (Interviews, 2009) and even making plans to have guns shipped in from Hamilton or elsewhere in the event that the "shit hit the fan" and non-Natives needed to fight a race war with Native protesters/people (Interviews, 2009).

Chapter Conclusion

Non-Native residents who were vehemently opposed to the protest expected to see a symbolic enactment of Canadian social relations of domination through a quick, forceful end to the Haudenosaunee protest. These expectations were reinforced by the rhetoric government officials and local authorities employed, which dismissed entirely the Haudenosaunee grievances and, along with policy practices, authorized and routinized the targeting of Haudenosaunee protesters/ people for dehumanization and attack (see chapter 4). When the expected symbolic enactment did not occur, residents who were most vehemently opposed to the protest were faced with a number of uncomfortable and even intolerable emotions that bubbled up from their subconscious. Those most unwilling or unable to face or tolerate these emotions dissociated from their emotions and projected them onto Native protesters and Native people in general, who had long been identified as "fair game" for targeted attacks in Canadian society. By dissociating from their own socially-unacceptable thoughts and behaviors, and from the root of the emotions

they experienced, and by projecting their guilt, aggression, and moral impurities onto Native protesters, non-Native residents psychopathologically discarded aspects of themselves through projective identifications. These projective identifications allowed the most angry non-Native residents to view themselves as morally pure victims, and thus to feel justified in their rage and hate-filled rhetorical attacks on the Native protesters and Native people more generally. The resulting feelings of justification and "victimization" led many of these residents to begin taking matters into their own hands --playing off the rhetoric by government and local authorities and further engaging in their own, collective forms of authorization, routinization and dehumanization. All of these activities set the stage for the various instances of attempted and/or actualized, racialized violent aggression that followed.

Thus, through this imagined, attempted, or actualized aggression and violence, local non-Native residents appear to have been seeking to compensate for feelings of, on the one hand, guilt, fear, anxiety and paranoia and, on the other hand, powerlessness, loss of identity, and threats to their cultural worldview/ self-esteem. This imagined, attempted, and/or actualized aggression and violence provided non-Native residents with the illusion that they were in control (Kelman, 1973: 58; Litowitz, 2000),[577] and thus was a way for many non-Native residents to attempt to reclaim and/or defend their privilege. Yet, though these dissociations and projective identifications allowed non-Native residents to hide from themselves their guilt, complicity and criminality in the ongoing dispossession of the Haudenosaunee (and other Native) people, they

[577] As Kelman noted: "Both regimentation and oppression create a feeling of powerlessness, a loss of personal agency, a deprivation of the sense of identity. Violence can offer a person the illusion that he is in control, that he is able to act on his environment, that he has found a means of self-expression. It may be the only way left to him to regain some semblance of identity, to convince himself that he really exists. The sad irony is that violence is a response to dehumanization that only deepens the loss that it seeks to undo; it is an attempt to regain one's sense of identity by further destroying one's sense of community."

did not hide much of this from the casual outside observer. Or, at least, they did not hide any of this from those who have not been indoctrinated into the Canadian status quo, which sees Native people as permanent "fair game" for attack in Canadian society, and treats Native peoples as permanently "in the way" of government and other authorities' pursuit of policy objectives –i.e., of "progress"-- such as the accumulation of capital from the theft of Native lands and resources. To these latter observers, non-Native residents who were most actively opposed to the Haudenosaunee protest, and who made up at least 20-30% of the small town of 10,000 residents, frequently behaved in ways that were much more reflective of the accusations they hurled towards Haudenosaunee protesters than the protesters did themselves.

This chapter has focused on the patterns of thought and behavior exhibited by large numbers of non-Native residents in Caledonia during the first two months of the 2006 Haudenosaunee protest, and while many of these patterns of thought and behavior are rather reprehensible, the non-Native residents of Caledonia and surrounding areas cannot bear the weight of this reprehensibility alone. As others have noted (see chapter 4), the conditions for the production of atrocities rely upon government policies and practices to authorize and routinize the targeting and dehumanization of particular groups in society (Kelman, 1973; Lifton, 1975; Kakel, 2011). As chapter 2 has attempted to demonstrate, the existence of conditions for the production of atrocities is an inherent part of Western society. This society and its cultural worldview have been built upon more than a millennium of societal trauma and atrocities that have yet to be acknowledged and examined, and form which Western society has yet to heal. These traumas and atrocities, and the psychopathological responses coping mechanisms that accompany them, are not only integral parts of Western society and the Western cultural worldview, but comprise the foundation upon which these have been built. As such, it should be little surprise that these

patterns of psychopathological thinking and behavior are reproduced and reenacted daily in the behaviors of large portions of the individual, group, and national members of Western society and/or adherents to the Western cultural worldview. Non-Native residents in Caledonia are mere products of this society, socialized into their patterns of thought and behavior throughout their lifetimes. In other words, the:

> psychogenesis of the adult makeup in civilized society cannot, therefore, be understood if considered independently of the sociogenesis of our 'civilization'. By a kind of basic 'sociogenetic law' the individual, in his short history, passes once more through some of the processes that his society has traversed in its long history. (P. 42).

As I have argued elsewhere in this chapter and in this dissertation, it is not the *people* in Western society who are psychopathological, it is the society itself, and the patterns of thinking and behavior that it instills in each and every individual and group within reach of its socializing/ "civilizing" processes. This is not to say that non-Native residents who engaged in the above-discussed behaviors are not individually responsible for their behaviors. They definitely are. And as also mentioned above, all non-Native residents in Caledonia were exposed to Western socializing/ "civilizing" processes, and were exposed to the same levels of government and authority-promoted authorization, routinization and dehumanization targeting Native people. Yet, many non-Native residents chose to follow a different path, either supporting the protest to greater or lesser extents, remaining neutral, or simply remaining silent and refraining from (public) participation in the behaviors described in this chapter. Thus, despite the very valid observations on hegemony and the near futility of resisting it (see for example, Litowitz, 2000; Kennedy, 11982; Gramsci, 1971; Foucault, 1995; and perhaps also: Horkheimer, 1996; Horkheimer & Adorno, 1997; Marcuse, 1964), resistance is always thinkable, if one is willing to think. Part of the problem is, as John Trudell (2003) has frequently pointed out, independent

thinking is somewhat of an anomaly in Western society,[578] which has long valued obedience to authority and conformity to social expectations over the individuality it so prides itself on (supposedly) characterizing (see chapters 2 and 4, as well as: Kelman, 1973: 41; Haney & Zimbardo, 1973a & 1973b; Milgram, 1974; Fussell, 1992; Bourdieu, 1986).

Of course, none of this is stated to suggest that when residents exaggerated, fabricated, twisted and manipulated facts and arguments to justify their anti-Native positions and actions, they could not help themselves. As pointed out in this chapter, the other part of the problem is that these 2,000-3,000 non-Native residents *chose* to engage in the behaviors that they did because they consciously or unconsciously wanted to defend the financial and/or social privileges that they enjoyed at the expense of Native peoples (and defend these by virtually any means necessary). However, when they made this choice, they did so according to the status quo patterns of thinking and behavior of the society in which they live. For these residents, for a number of reasons discussed in this chapter, following this status quo, however psychopathological it is, demonstrated not only self-interest, but obedience within and conformity to the norms of Western society. In this context, it was neither the opposition to hearing Haudenosaunee grievances or the racism against Native people that was abonormal, nor was the silence of the vast majority of residents abnormal. Rather, the assertive challenge to the colonial status quo of ongoing dispossession of Native peoples from their lands, resources and

[578] Particularly in modern Western society, we are constantly bombarded with information, much of which tells us we are inadequate so that we will buy products or fashions in an attempt to (temporarily) alleviate our alleged inadequacies. In this environment, many people prefer to conform to the external and arbitrary standards of fashion and society over thinking and being true to oneself (or even knowing oneself). While they do this, they often have the illusion of expressing themselves individually, but most often this is through consumption of goods already mass-manufactured and marketed for the purpose of making the masses feel their purchase represents their "individuality" (See also: Horkheimer, 1996; Horkheimer & Adorno, 1997; Marcuse, 1964).

human rights was incredibly "abnormal," as was the support that trickled in from sympathetic non-Natives living near and far from the protest site. By assertively challenging their ongoing colonial dispossession, Native protesters were challenging the very foundations of Western society and the Western cultural worldview, and non-Native residents who responded angrily to these challenges were seeking to preserve and protect that foundation from crumbling before their eyes. The fact that the latter saw themselves as patriotic heroes, and as the real Canadians who would fight to the end for "their" country by forcing "lesser" others to know their place, is far more representative of the psychopathological values of Western society as a whole than it is of any individually-based psychopathology.

At the same time, though 20-30% of the people in this small town of 10,000 residents publicly participated at least some of the anti-protest/anti-Native activities, many non-Native residents were supportive of the protest. Those who supported the Native protesters did so because they saw the common collective humanity that all people share. They were able to engaged in critical self-reflection, to put themselves in the place of "the other" (see for example, Mead, 1962). As such, they were able to feel sympathy and empathy for others, and to hear the grievances of others without feeling overwhelmed by the threat of destruction (of themselves, their self-esteem, or their cultural worldview) (Lifton, 1975 & 2002). In other words, they had not dehumanized themselves and others to the extent that they were no longer capable of acting as moral beings (Kelman, 1973). As such, they sought to be honest with themselves about what is just and what is unjust, and they sought to speak and/or act out this truth in their behaviors *despite* the norms of the society in which they live. Perhaps one could say that they interpreted the Liberal rhetoric of universality in ways that the Western cultural worldview never fully intended, interpreting an inclusive, justice-driven universality that is far more reflective of the

collective, communal ideas of Native cultural traditions, such as Haudenosuanee Great Law of Peace. John Mohawk (2008) summarizes part of this non-Western universalistic ideal as the essential understanding that justice cannot be achieved until everyone's interests are included:

> The pursuit of peace is not merely the pursuit of the absence of violence. Peace is never achieved until justice is achieved. And justice is not achieved until everyone's interests are addressed. You can't achieve peace unless it is accomplished by a constant striving to address the issues of justice.

Of course, some would argue that addressing everyone's interests is nice in theory but impractical and impossible in reality, because it takes a considerable amount of time and effort, and is messy, difficult, and sometimes painful. It also requires that the interests of the privileged, dominating few are put at par with the interests of the masses, and that the ongoing accumulation through dispossession, which has characterized Western society from perhaps its inception, ends. So unappealing is this non-Western universalism to holders of Western wealth and privilege that the founding fathers of the United States self-interestedly concluded that it could never 'work'. These founding fathers, like many other Western governments, instead chose of model of representative democracy, which originally limited the vote or the ability to represent anyone to White, Protestant, property-owning males with ancestry from certain European countries. But this type of thinking and structuring of society is destroying the planet, and has been destroying other life forms, other human cultures, and other ways of structuring society for too long. Westerners have long forgotten how to be part of self-governing, inclusive communities that flourish from out individual strengths, interests and abilities and have instead become passive and dependent upon distant, dishonest, and self-interested government representatives who are more interested in pleasing their corporate partners' drive for capital accumulation than the pursuit of justice or the defense of the moral (and legal) rights of the vast majority of human beings not only within their districts but on the planet. The psychopathology of Western society,

thus, really *is* like a disease or a cancer that is consuming everything last living thing and destroying its host in the process. As a result, our entire planet now suffers form a sickness it may not be able to overcome before or until plant and animal and human life have been extinguished. This sickness only continues to worsen daily because of Western obedience, conformity, complacency, and complicity in it, which has left no room in our worldview or imaginations for alternatives to our present, dominating and monoculture that destroys alternatives and smashes dissent from within and without Western society.

Conclusion

> *How to live in this life? is the real question we all face. All other subjects are insignificant when compared to this one.*
>
> *~ Forbes 2008, xxi*

Despite the rhetoric of government officials, local authorities and many non-Native residents, the Haudenosaunee were correct in their assertions about their land. Neither the Canadian nor Ontario government has ever been able to produce documentation demonstrating that the lands under protest in 2006 were legally surrendered. Lacking evidence of legal title to the land, government officials launched a public relations campaign to discredit the Haudenosaunee protesters and their traditional government. This campaign characterized the protesters and their government as a "radical faction" that acted impulsively and irresponsibly and that allegedly used misinformation or fabricated claims to justify the 2006 protest. In fact, these characterizations more accurately represented the behavior of the government officials who employed them. They also more accurately represented the behavior of non-government authority figures and the non-Native residents who most vehemently opposed the protest. The use of such characterizations further reflect a long-standing pattern in Canada of authorizing and routinizing the targeting of Native peoples as "fair game" for attack in the pursuit of policy objectives that benefit government, its corporate partners, and virtually all non-Native people to some extent.

The ongoing perpetration of atrocities against Native peoples in Canada is not an aberrant phenomenon in Western society, but is part of the foundation on which this society has been built and continues to operate. Thus, the problematic patterns of thought and behavior displayed by government officials, local authorities, and non-Native residents during the 2006 Haudenosaunee protest are part and parcel of the same patterns of oppression and destruction

that devastated the European masses and their collective communities in the Middle Ages and that continue to destroy communities and dispossess peoples around the globe. The European masses that had once fought so bitterly against these forces of destruction eventually became so pacified, tamed, and "civilized" as to embrace the imposed social relations of domination –and to be wholly unconcerned with the death and destruction wrought by their society upon other peoples and life forms in the world. As numerous scholars have stated, the failure to feel sadness or compassion for those who are victimized is a form of sickness, reflecting one's dehumanization of oneself. The acceptance of this dehumanization, and its imposition upon others, only speaks to the power of the devastation and trauma wrought by this society and its cultural worldview on its own members, as well as other peoples and life forms.

Though Western society continues to justify itself and its foundational behaviors in the name of "progress," "civilization," and other forms of Western arrogance and delusion, many non-Western cultures have long viewed Western society as a predatory and destructive form of disease that has sought to spread its unhealthy monoculture over the entire planet, destroying everything in its path. Unfortunately, these non-Westerners are far more accurate in their assessment than many Westerners still care to admit. But today even growing numbers of "civilized" Westerners are beginning to question the value of their society's constant quest for accumulation, which has destroyed large potions of the planet for human habitation, has forced a mass extinction of life forms, and has posed an increasingly serious threat to the future existence of all life on the planet.

Some of the contributions that I hope this dissertation has made to academic literature include, first of all, an understanding of the various issues involved in the 2006 Haudenosuanee protest, of the Canadian government's policies towards indigenous peoples within the

geographical borders of Canada, and of the legal and historical issues surrounding this protest, including international law as it relates to the rights of indigenous peoples. Further, this dissertation has provided a framework for identifying problematic patterns of thought and behavior in Western society, and for understanding the historical origins and present-day perpetuations of these problematic patterns. This framework may contribute to the literatures of cultural studies, and historic sociology, as well as comparative cultural studies, through the comparison and contrast of the Western cultural worldview with non-Western, indigenous cultural worldviews. This dissertation has also proposed a theory and framework for the study of transgenerational societal trauma including through examples of the ways that unresolved trauma is perpetuated, reproduced, and reenacted anew by Westerners upon themselves and other Westerners, as well as upon non-Western peoples and other living things. The examination of the psychopathological nature of some forms of unresolved trauma makes a contribution to the trauma literature, particularly the small but slowly growing literature on societal trauma, as well as the small but growing literature on healing traumatized societies.

This dissertation also forges an understanding of many of the psychological and sociological dynamics present in settler colonial societies, including the failure of these societies and their members to see themselves as complicity in the perpetuation of the colonial oppression of indigenous peoples. Additionally, by considering the various motivations and justifications involved in racial, ethnic, cultural, national and, to a lesser extent, gendered assertions of domination, this dissertation seeks to make a contribution to the literatures of settler colonial studies, racial and ethnic studies, and interracial conflict. Finally, by contextualizing the ongoing human rights violations (atrocities) in Canada within Western society's historic cultural patterns of thought and behavior, this dissertation seeks to contribute to the literature on atrocities and

atrocity producing situations. Certainly a number of other scholars have also examined the linkages between historic, unresolved trauma and, for example, the rise of fascism in Nazi Germany (see chapter 4 or Appendix 2). So this part of the dissertation builds upon ideas already expressed in the clinical trauma and other literatures and adds to them with an examination of historical trauma which goes much further back in time than these other studies have. This portion of the dissertation also adds to the already substantial body of literature concerned with unquestioned obedience to authority, by tracing these patterns far back in time in Western society, and relying on Sociological theories (such as Elias' theory on the Civilizing Process) to offer some additional, underlying explanations for this phenomenon.

TOWARDS A THEORY OF SOCIAL JUSTICE

Those not familiar with settler colonialism literature may have some concerns over, or questions regarding my decision to focus on non-Native government and resident responses to the protest, as opposed to focusing on examining Haudenosaunee society and reasons for Haudenosaunee protest. Within the context of settler colonialism literature, this is an entirely legitimate line of inquiry. Outside of the realm of settler colonial studies, the most useful analogy I can think of at present would be socio-historical studies of slavery in the US south. There are probably very few academics today who would insist that someone studying slavery in pre-civil war south, or even Jim Crow segregation in the post-civil war south, needs to look equally at "all sides." Few people today would sympathetically consider and defend the decisions of slaveholders to hold slaves, or of policy makers to justify slaveholding. Those who do will face harsh criticisms of white supremacy and racial bias. Further, it is not very difficult to understand why slaves would want to revolt, and their decisions to do so, while interesting in the numerous factors involved, are rarely the focus of inquiry. Rather, what academics study, and what still desperately needs to

be explained, is how and why some human beings decided that it was okay to enslave and own as property other human beings, and how and why the first group justified and perpetuated this practice for several centuries (or how and why the first group vehemently opposed and resisted the end of slavery and/or the end of segregation).

Likewise, when studying the ongoing colonial oppression of indigenous peoples who are surrounded by settler colonial societies, what desperately needs to be understood is not so much why indigenous peoples occasionally chose to protest against their ongoing colonial dispossession, but how and why the present society, and its members, justifies and perpetuates this ongoing dispossession. As such, insistence that a student of settler colonialism must look with equal sympathy upon "all sides" in a conflict between indigenous peoples and the settler colonial societies that oppress them is racially, culturally, and nationally charged, and ignores the fact that relations among all sides are far from equal. Just as there was with slavery in the US south, there actually is an objectively moral right and wrong on this issue. But just like historic writers such as Toqueville, many living within settler colonial states today have not yet come to see it. Fortunately, international human rights law, created long ago by developing Western "nation-states," has not remained constrained by the Western mentality and continues to increasingly recognize the inherent and wide-ranging rights of indigenous peoples worldwide, with the support of the majority of nation-states in the world. For this reason, I suggest that, while there probably won't be a civil war to end ongoing colonial oppressions of indigenous peoples in settler colonial states, this colonial oppression will be ended eventually, and will one day be looked back upon as another horrifying chapter in human history that is finally clearly seen as morally wrong. I ask readers to consider this, as they form reactions to the dissertation, and consider their position in this history.

Sociologists who spend an entire book or dissertation criticizing something are generally expected to provide some sort of social policy prescriptions. Once we know what is wrong with something, we become far more interested in the solution(s) than the criticisms. So to this extent, I want to offer some "social policy prescriptions" here, though in this particular case "social policy prescriptions" is not really the correct term. This is because, in Western society, the concept of social policy generally implies top-down decisions that are made by a handful of people who then impose these decisions upon the rest of society. Particularly when there are negative consequences to these policy decisions, those doing the imposing are often not, themselves, impacted. Of course, this procedure fits snuggly into the norm of Western society and the Western cultural worldview, but it is exactly this society and cultural worldview, with its top-down way of adversely impacting the lives of Westerners and non-Westerners alike, that has been problematized in this dissertation. Thus, something other than prescriptions of the "social policy" sort is in order. There is much more than can be said than is said here. Below are just some general ideas of where things need to go now. A fuller discussion of these ideas will have to be reserved for a future work.

Though this is, in part, a dissertation about a Native land claim in Ontario, Canada, the psychopathological patterns of thinking and behaving which have been examined in this dissertation have an impact far beyond Ontario, Canada. For this reason, even those who are alienated from themselves and their ability to feel compassion for others should be concerned about what happens to the Haudenosaunee in Ontario, as well as all people(s) and all life forms around the globe. The issues discussed in this dissertation impact all of the people and living things on the planet, and continue only to the detriment of us all.

To this extent, all people have a responsibility to act now, in whatever fashion possible, to stop the mounting destruction spurred on by the psychopathological patterns and processes inherent in Western society. Members of Western society have a particularly large and urgent responsibility. As members of a society that has perpetrated and that continues to perpetrate horrible wrongs against other peoples, life forms, and the planet, members of Western society have been the prime beneficiaries of these destructive processes and have a moral responsibility, to themselves and all other peoples and life forms, to act to stop this destruction from within the society that is perpetrating it. Part of this moral responsibility to end this destruction includes the responsibility to heal ourselves collectively and individually from the past societal, group and individual traumas that have been inflicted upon us during our lifetimes and that have been passed down to us through the generations. Both our healing as Westerners and our imperative transformation from destructive ways of living to a healthy society require that we rediscover our own humanity and our connections to others and to the world around us, that we regain our ability to act in the world as moral beings, and that we reconstruct new communities and identities in ways that nurture and heal rather than oppress and destroy.[579]

Key to succeeding in these endeavors is our ability to rediscover and reclaim our self-determination, as individuals and communities. In this area we owe a great debt to the indigenous peoples of the world who have worked long and hard to wrench the international legal concept of self-determination away from the realm of exclusive state-centric thinking and acting. Numerous developments in international human rights law over the last few decades have advanced an international recognition that the right to self-determination applies not only to

[579] On these being requirements for healing from trauma, see: Kelman (1973); McFarlane & van der Kolk (2006), Egendorf (1975: 123), Hutchinson & Bleiker (2008: 395), Bar-On et al. (1998: 395), Hardtmann (1998); Korn (2002: 9), and so on.

"nations" of people who are governed by hierarchical, dominating "nation-state" governments, but also to indigenous peoples and their traditional forms of self-organization and self-governance. While most *non*-indigenous peoples still do not have an internationally-recognized right to self-determination *outside* of the Western-style nation-state system, our ability to achieve this in the future, and to recognize self-determination for a broad range of non-state-centric social organizational forms can only be strengthened when we support and promote the self-determination rights of indigenous peoples around the world.

We also need to recognize that, while self-determination is a form of independence, one of its most important aspects is the acknowledgement and advancement of our collective interdependence with all other peoples, both within our own local communities and between these communities and all other Western and non-Western communities. Indeed, as Haudenosaunee and other indigenous cultures have long taught, all peoples and all life forms have an equal right to what they need to survive and to share in the natural world that belongs equally to all of us. If we truly want healthy, non-pathological communities and cultures, we need adopt non-Western conceptions of universal justice and sovereignty, which not only recognize these inherent rights of all people(s) and living things, but that also require active striving for the fulfillment of these rights. Westerners can only hope to begin moving in this direction if we abandon our insecure and arrogant need to feel superior to all other peoples and living things. Westerners need to humble ourselves and to begin the process of critical self-reflection, which requires really listening to and learning from the vast accumulated wisdom of non-Western peoples around the world. In particular, we need to listen to and learn from the indigenous peoples around the world whose traditional cultures contain much of the antidote Western society so desperately needs to save itself from itself. These very indigenous peoples

have been leading the struggle against Western society's psychopathological destruction from their earliest encounters with it, many centuries before even the most observant Westerners recognized it for what it is, and they have managed to survive and maintain their indigenous identities and cultures despite several hundred years of plunder, pillage, enslavement, genocide, and colonialism. These are, indeed, cultures containing far more wisdom than Western society can claim to have. Thus, the pathway to our liberation lies in our ability to look beyond the Western monocultural, hierarchical domination that has robbed us of healthy cultures and caring communities and has alienated us from aspects of ourselves, including our shared humanity.

Though rebuilding our communities in the image of participatory, self-governing, and even self-sufficient entities is time consuming and difficult work, particularly now when so many people are suffering from so much past and present trauma, we have few other choices if we want our children and grand children to have an environment that can actually sustain life. The alternative, as many Westerners are beginning to learn, is simply not sustainable for life on the planet. Westerners, tamed and "civilized" into their own alienation and oppression, have long benefited from the "civilization" (traumatization and domination) of other peoples and life forms. But just as unresolved trauma is perpetuated and reproduced in various forms, multiplying the pain and destruction suffered through the generations, traumatized Western society's psychopathological obsession with accumulation through dispossession will be (and is) always eventually turned back upon the Western masses and non-elites. What we do or allow to be done to other people really is, now and in the future, reenacted upon ourselves.

I'd like to end with two quotes, the first of which illustrates, in part, the sentiments of this last point.

> I'm the one who has seen all the genocide first hand
> They couldn't cheat me fast enough to take what I had
> And now they build their trophy houses right on top of my grave

> If they have no honor, let me have no shame
> And don't forget about me
> I'm the voice singing in your head
> And don't forget about me
> I've told the stories that you've had
> Don't forget about me
> Take notice of all they do
> Cause if they do it to me
> Who's to say they won't do it to you?
> (Bucher 2007)

And finally, in the words of my dearest friend Dehatkadons Arnie General, "That is all, for now."

Appendix I

March 27th, Confederacy Letter to Michael Coyle, and April 12 suggestions in negotiations	April 12, Band Council Chief David General's Proposal ("A Way Forward: Dissolving the DCE Blockade").	April 17th "Joint Offer for a New Understanding Among Six Nations[,] Canada and Ontario."
Moratorium on development on lands under claim until there is a broader resolution of Six Nations land rights		Haldimand County will maintain some agricultural lands between Caledonia and SN
Resolve among all Crown agents to not criminalize the actions of Six Nations protesters	OPP: Limit efforts to maintenance of peace, public safety and law and order. Band Council: Intervene on behalf of "John and Jane Doe" who cause no problems during the exit from the DCE.	
An end to the self-dealing, and the elimination of the Indian Act (Band) Council on all issues related to Six Nations lands.	Confederacy: Provide cleansing for Six Nations territory through a reading of the Great Law; Explore governance issues with the Band Council. Band Council: Acknowledge role of traditional government and explore governance options for the Six Nations Grand River Territory.	Canada: Will provide funding for Band Council and Confederacy Council to discuss governance of community, in order to move forward on other initiatives relating to the past and future of the Haldimand Tract.
	Canada should reinstate funding for Six Nations Band Council to research land claims	Canada commits to re-instate funding to SN for research into land and resource claims
	Canada should help to fund the Six Miles Deep educational campaign	Canada and Ontario commit to providing funding for the public education campaign
	Canada: Commit to discussions on remaining claims that could involve land	Canada and Ontario commit to further accelerating process to resolve SN claims, through negotiations with Band Council on two previously agreed to claims. Canada commits to fast-track some land claims, resulting in settlement payments, if ratified by community [[through voting process determined by Canada]]. Canada commits to facilitating the addition to reserve lands that Six Nations acquires over time.
	Ontario: Reopen discussions on 30 parcels of land previously discussed;	Ontario agrees to reopen discussions on these 30 parcels of unsold, surrendered lands

	Ontario: Begin a discussion of all claim lands that are currently owned by the province and administered by the Ontario Realty Corporation.		Ontario has land holdings in the area of the Six Nations reserve, notably the former Burtch Correctional Facility, the south Cayuga lands, and the Townsend land assembly. In recognition of the development pressures in the Haldimand tract, and to help support the future development of Six Nations, Ontario is prepared to immediately start discussions about how to make these lands available to the community. Ontario proposes that any lands made available pursuant to these discussions would be credited or set off against any lands transferred to any claims settlement agreements. Ontario and Canada would provide resources to assist Six Nations in developing and maintaining the capacity to assemble these and other lands as they come into Six Nations hands over time.
	Band Council: Create a Land Development Unit to process Impact Benefit Agreements (IBA) immediately. This unit should look at encouraging involvement and capacity development within traditional perspective by employing qualified options for the SNGRT. Canada: Encourage consultation and accommodation with Six Nations by provincial and municipal governments. Haldimand: Begin discussion regarding development on claimed land and seek all opportunities to work out joint initiatives that will be mutually beneficial to Six Nations. Developers: Commit to coming to the table with the Six Nations Land Development Unit to discuss an Impact Benefit Agreement.		Canada and Ontario agree to work with the SN to put into place appropriate measures regarding the implications of SCC rulings, and to have a continuing dialogue to discuss the impact of development in the Haldimand Tract and to gain an understanding of Six Nations' views of its rights and interests in respect to this development.

Light grey indicates that the item on the right seems to have been a very partial response to the item on the left.
Dark grey indicates that the item on the left was not addressed by any item on the right.

Appendix 2

Trauma, the Individual and Society: An Overview of Trauma Theory

This appendix provides the reader with an overview of individual responses to trauma as understood in the clinical literature. It also attempts to compile a basic working profile of traumatized societies by examining the various ways in which some of the psychopathological coping mechanisms discussed in chapter 2 come into being and come to be institutionalized in societal behavior and cultural worldviews. This is a much-abbreviated discussion. In giving the reader an overview of the dynamics of individual trauma, and in laying out a beginning working profile of societal trauma, this appendix is expected to 1) demonstrate some of the psychologically-acknowledged processes behind individual and societal trauma and 2) lay a groundwork for the discussion of both: (a) Canadian government policies as they relate to atrocity-producing situations (chapter 4), and (b) non-Native responses to the 2006 Haudenosaunee protest in the context of these government policies and of societal trauma (chapter 6).

It should be emphasized that the various behaviors and psychological mechanism used to psychopathological extremes described below are societal phenomena, and are specific to Western society. Other societies may display some of these various patterns of thought and behavior, but other societies have not been examined here, Western society has. Further, these patterns of thought and behavior are quite useful in examining various conflicts and issues displayed within Western society –particularly by dominant groups in Western society—but they cannot be used to make generalizations about individuals.

TRAUMA AND THE INDIVIDUAL

Traumatic experiences are those characterized by a sense of physical and psychological threat that evokes extreme feelings of fear, terror, helplessness and loss of control that lie "outside the range of ordinary emotional experience" (Herman, 1992: 42, see also 33). During the traumatic event, these intense feelings overwhelm an individual's (or society's) mechanisms for self-protection, self-defense, self-organization and coping (Herman, 1992: 34; van der Kolk & McFarlane, 2006: 4). As they become overwhelmed during the traumatic event, an individual's component responses to danger become severed and fragmented, resulting in a temporary state of psychological shock that is often characterized by some combination of disorganization, confusion, immobilization, denial and/or dissociation (Williams, 1989: 75; Herman, 1992: 34-35). These normal psychological defense mechanisms generally serve to protect an individual by lessening the impact of the traumatic event (Goodwin, 1989: 10) and frequently resulting in partial or total amnesia surrounding aspects of the traumatic event (van der Kolk & McFarlane, 2006: 10).

After experiencing a traumatic event, most people re-experience parts of the trauma through involuntary repetitive memories of the event (van der Kolk & McFarlane, 2006: 5, 8), which may be accompanied by anger, self-doubt and/or depression (Williams, 1989: 76). This repetitive replaying of the memories, emotions and/ or sensations related to the traumatic event usually helps people to modify and build a tolerance to these intense, trauma-related emotions, and to eventually integrate these emotions, sensations and memories into the existing schemas that they hold about themselves and the world around them (van der Kolk & McFarlane, 2006: 3, 5, 8; Litz et al. 2009: 698). However, in a portion of people who experience traumatic events, these overwhelming emotions, sensations, and memories cannot be properly modified, tolerated and/or

integrated. Instead, they remain disorganized, fragmented, and disconnected from personal schemas, and it is at this point that these overwhelming emotions, sensations, and memories begin to "take on a life of their own" (Herman, 1992: 34, 35; van der Kolk & McFarlane, 2006: 8). Small reminders of the traumatic event can trigger sensory, emotional, visual flashbacks, which in turn trigger biological/neurological responses as the person's body reacts as if the traumatic event is recurring (van der Kolk & McFarlane, 2006: 9-10, 13).[580]

Over time, if the trauma and these reactions to it are not resolved, the trauma survivor can become progressively sensitized to increasingly generalized environmental cues, or even to normal physical sensations and internal emotional states (van der Kolk & McFarlane, 2006: 9-10, 13). This increased sensitization generally is accompanied by prolonged, repeated states of hyperarousal in which a trauma survivor's biological, neurological and psychological resources become depleted (van der Kolk & McFarlane, 2006; 12) and the survivor loses the ability to respond normally to non-trauma-related stimuli in the surrounding environment (Ibid: 12, 13). Increased sensitization can also result in kindling, or neurological and biological changes that are incredibly difficult to reverse (van der Kolk & McFarlane, 2006: 8, 9-10, 13; Korn, 1997: 5), including changes in the size and functioning of certain brain structures, changes in "normal" levels of certain hormones in the blood, and even changes at the RNA[581] level (van der Kolk et al., 1997; Post et al., 1995; Post et al., 1998). These neurobiological changes and the increased sensitization that accompanies them cause the traumatic memories to become more firmly entrench in an individual's mind, biology, and nervous system, making it difficult for a trauma

[580] For example, van der Kolk and McFarlane (2006: 10) refer to one firefighter who avoids watches because these remind him of previous urgent calls in which he had only minutes to respond (van der Kolk, 2006: 10).
[581] RNA stands for Ribonucleic Acid, and is the genetic material that aids in cell reproduction through binding with and transcribing cellular DNA.

survivor to pay attention to internal and external stimuli that are not threatening or related to the traumatic event, to sort out relevant from irrelevant stimuli, or "to define their needs, anticipate how to meet them, and plan for appropriate action" without becoming distressed, overstimulated and hyperaroused (van der Kolk & McFarlane, 2006: 14, 10, 13).

As the processes of sensitization and kindling cause a trauma survivor's hyperaroused state to become associated with an increasingly wide range of internal or external stimuli, the trauma survivor begins seeking ways to numb his or her pain and avoid this state of hyperarousal. The latter requires that the trauma survivor avoid an increasingly large range of daily experiences by reorganizing his or her life around avoiding specific and more generalized triggers of the trauma (van der Kolk & McFarlane, 2006: 6, 12), which prevents them from developing larger "repertoires of neutral and pleasurable internal and environmental sensations" that could help them to begin to reduce the disproportionate impact that past traumatic events continue to have on their lives (van der Kolk & McFarlane, 2006: 10, 14, 12; Herman, 1992: 47). As their "inner life and outer range of activity" become constricted even from neutral or potentially pleasurable situations (Herman, 1992: 49; van der Kolk & McFarlane, 2006: 12), so does the range of emotion that a trauma survivor allows him or herself to feel. Many survivors who are not in a state of hyperarousal report feeling emotionally numb, even dead inside, and have difficulty experiencing any feelings, including those of love or compassion for others (Herman, 1992: 48-49; van der Kolk & McFarlane, 2006: 12; Goodwin, 1989: 10). Trauma survivors may further exacerbate these problems through the extensive use of drugs, alcohol, and/or other forms of sensation seeking to numb or cover over intense, painful emotions, sensations, and memories, all of which lead to further withdrawal and detachment from the world (Williams, 1989: 79; van der

Kolk & McFarlane, 2006: 12; Korn, 1997: 5).[582] Over time these avoidance and numbing mechanisms lessen the frequency of intrusive reliving experiences and hyperaroused states, but also lead to the maintenance of an "altered relationship with the self and others" and a distorted sense of the world and reality, which is sometimes accompanied by magical thinking, and is often mistaken as characteristics of a survivor's personality, rather than symptoms of traumatic stress disorder (van der Kolk & McFarlane, 2006: 16-17; Herman, 1992: 46-49).

Generally, trauma survivors who develop some form of chronic trauma stress disorder[583] alternate between states of isolated avoidance, numbing, depression and hopelessness, on the one hand, and on the other hyperaroused states of intense anxiety, fear, anger, panic, restlessness, exaggerated startle response and irritability, difficulty concentrating and processing information, nightmares and sleep disturbances and intrusive memories, sensations and emotions relating to the trauma (Williams, 1989: 77; van der Kolk & McFarlane, 2006: 13, 16-17; Herman, 1992: 1, 47, 56; Kon, 1997: 5). In this oscillation between intrusion/hyperarousal and avoidance/numbing, the trauma survivor is both unable to process and integrate the traumatic memories and to find a balance between these two extremes (Herman, 1992: 47). Further, this constant oscillation can multiply a trauma survivor's sense of unpredictability and helplessness (Herman, 1992: 47) and leave him or her more sensitized and vulnerable to new traumas and/or less able to cope with the accumulation of additional stress (Williams, 1989: 77-78; van der Kolk & McFarlane, 2006: 9).

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[582] "THUS, many people with PTSD not only actively avoid emotional arousal, but experience a progressive decline and withdrawal, in which *any* stimulation (whether it is potentially pleasurable or aversive) provokes further detachment. To feel nothing seems to be better than feeling irritable and upset" (van der Kolk & McFarlane, 2006: 12).

[583] The Diagnostic and Statistical Manual of Mental Disorders officially recognizes only a small number of these, such as Post-Traumatic Stress Disorder (PTSD). PTSD represents only one rather narrow range of symptom combinations, but there is a much broader range of ways in which traumatized people respond to, and express, traumatic stress symptoms.

Perhaps in an attempt to gain mastery over incredibly painful intrusive experiences, many trauma survivors suffering form chronic forms of traumatic stress engage in various compulsive, and often unconscious forms of re-exposure or reenactment of the trauma (van der Kolk & McFarlane, 2006: 10-11; Herman, 1992: 39-42). Such reenactment or re-exposure can include risk-taking, self-destructive behaviors and various forms of "acting out," as well as behaviors that involve harm to others, such as reenactments of the original trauma in which the survivor takes the role of the perpetrator, creating new victims. Van der Kolk & McFarlane (2006: 10-11) offer some examples of this sort of reenactment:

> …combat soldiers may become mercenaries or join police swat teams; abused women may be attracted to men who mistreat them; sexually molested children may grow up to become prostitutes. Understanding this seemingly paradoxical phenomenon is of critical importance, because it could help clarify many forms of social deviance and interpersonal misery. Freud (1920/1955) thought that the aim of such repetition is to gain mastery, but clinical experience shows that this rarely happens; instead, repetition causes further suffering for the victims and for the people around them. In this reenactment of the trauma, an individual may play the role of either victimize or victim.

In some cases, this compulsive risk-taking, self-destructive, re-experiencing behavior can be directly linked to feelings of guilt that many people who survive traumatic events carry with them.[584] For example, Goodwin (1989: 11) has observed that many combat veterans racked with guilt over their survival perpetually "set themselves up for hopeless physical fights with insurmountable odds," find themselves in repeated auto accidents, or donate blood compulsively. Similarly, Williams (1989: 77) noted that trauma survivors often compulsively ruminate over various alternate "if-only" scenarios of things that they could have done to prevent the trauma, and Herman (1992: 53) noted that rape victims often do the same, blaming themselves for their

[584] Though this is not always the case, and other self-destructive behaviors also have links to childhood traumas or "painful encounters with hostile caretakers during the first few years of life" (van der Kolk & McFarlane, 2006: 11).

victimization, perhaps because imagining "that one could have done better may be more tolerable than to face the reality of utter helplessness."

Likewise, on the same theme of guilt, Litz et al. (2009) have found that traumatic experiences often violate an individual's most basic sense about him or herself and the world around him or her. One common belief in liberal, individualistic-oriented Western society is the belief that the world is just, that individuals control their own fates, and that bad things do not happen to good people (Litz et al., 2009: 699; McFarlane & van der Kolk, 2006: 26, 28, 35; Devries, 2006: 399, 402). Thus, when people holding these beliefs are traumatized, they may experience intense feelings of guilt, shame, confusion and self-blame for the traumas they experienced –feelings which may be reinforced by unpredictable states of hyperarousal, including uncontrolled expressions of anger.

Individual Vulnerability to Trauma

Though the study and awareness in Western society of psychological responses to traumatic events has been characterized by "episodic amnesia" (Herman, 1992: 7), as well as episodic attempts to link post traumatic reactions to individual weakness or predisposing factors,[585] the fact remains that any one –including "people of the clearest intellect, strongest will, greatest character, and highest critical power" can suffer from post traumatic reactions after surviving a

[585] Van der Kolk & McFarlane (2006: 6) have linked these attempts to the psychological "need to deny that all people can be stressed beyond endurance," noting:

> When the issue of causation becomes a legitimate area of investigation, one is inevitably confronted with issues of man's inhumanity to man, with carelessness and callousness, with abrogation or responsibility, with manipulation, and with failures to protect. In short, the study of trauma confronts one with the best and worst in human nature, and is bound to provoke a range of intense personal reactions in the people involved.

traumatic event (Herman, 206: 12, 3).[586] There is, however, both a broad range of traumatic disorders and a broad range of traumatic experiences precipitating these disorders, and there are a number of factors that influence who will suffer from various post-traumatic stress disorders and how severely these people will suffer. Perhaps the most powerful of these factors would be the nature of the traumatic event itself, and Herman (1992: 57) has argued that there is a "simple, direct relationship between the severity of the trauma and its psychological impact, whether that impact is measured in terms of the number of people affected or the intensity and duration of harm." Thus, while virtually everyone exposed to a traumatic event experiences some degree of intrusive symptoms in the first few days, weeks, or months following the event, Herman (1992: 47-48) has suggested that many people who are exposed to a single traumatic event that is relatively short in duration are less likely to develop post traumatic symptoms lasting more than six months, though they may typically remain fearful and anxious for up to a year after the event. However, such an estimated time frame for resolution of post-traumatic symptoms does not apply to all survivors of all forms of trauma, and several studies of rape victims have demonstrated that intrusive symptoms can sometimes persist for many years.[587]

As the duration and intensity of the trauma increases, so does the duration and severity of post-traumatic symptomatology, something demonstrated repeatedly in studies of combat

[586] Here Herman is quoting Bruer and Freud in their studies on what was then referred to as hysteria (but is now recognized as a combination of symptoms frequently found in those suffering from post-traumatic stress).

[587] Herman (1992: 47-50) reports on a number of studies involving rape victims who were still suffering from intrusive thoughts and fears a year later, 2-3 years later, and even 9 or more years later. In this last study, post-traumatic symptoms were not examined, but participants were reported to have had "more nervous breakdowns, more suicidal thoughts, and more suicide attempts than any other group. When prior to the rape they had been no more likely than anyone else to attempt suicide, almost one in five (19.2 percent) made a suicide attempt following the rape."

veterans (Herman, 1992: 57).[588] But other aspects of the traumatic event also influence a survivor's ability to resolve the inevitable intrusive symptomatology after the trauma. For example, man-made traumatic are associated with much higher rates of severe and long-lasting post-traumatic symptoms than natural disasters (Herman, 1992: 7). Other factors influencing the severity and duration of post-traumatic symptoms include the extent to which --and whether or not-- a person is: taken by surprise, trapped, exposed to extreme violence, physically injured, witness to the death or injury of others, exposed to dead bodies, brought to the point of exhaustion, threatened with death of bodily injury, and/or made to feel hopelessness, helplessness, and terror (Herman, 1992: 33-34, 54, 59; Litz et al, 2009). Further, one's own role in the traumatic event, and the responses of others to the event and/or the survivor can have lasting impacts on a trauma survivor's ability to resolve intrusive symptomatology, with acts of socially cooperating with others to survive the trauma leading to relatively lower symptomatology (Herman, 1992: 59)[589] acts of perpetration, killing, and participating in, witnessing and failing to stop atrocities result in some of the highest rates of severe and long lasting post-traumatic symptoms (Litz et al., 2009: 695, 697-98, 700; Kelman, 1973; Lifton, 1975, 2002; McNair, 2005; Grossman, 1996; Herman, 1992: 2, 54).

Probably the second most important factor influencing the severity and duration of an individual's post-traumatic reaction is the subjective interpretation and meaning that a survivor

[588] Similarly, a study of people who had been held hostage found that the longer a person had been held hostage "the more symptomatic they were, and the slower they were to recover" (Herman, 1992: 48). A follow-up study with the participants nine-years alter found that almost half were still experiencing symptoms of avoidance and over a third were still experiencing intrusive symptoms. Further, while "general anxiety symptoms tended to diminish over time, psychosomatic symptoms actually got worse."

[589] Herman (1992: 59) notes that high levels of sociability, cooperation with others and internal locus of control are factors positively influencing combat veteran's ability to survive traumatic events relatively unscathed, while some of these same factors serve as more of a liability for women who survive a sexual assault.

attaches to the traumatic event (van der Kolk & McFarlane, 2006: 7, 6). Of course, a person's subjective interpretation of an event is very much dependent upon prior experiences, current attitudes, beliefs, cultural worldview, and ideas about one's self worth and one's place in the world around him or her. Part of what gives traumatic events a long-lasting impact upon survivors is that they violate many of these fundamental attitudes, beliefs, ideas and worldviews (Litz et al., 2009: 698) --or, in some cases, these events confirm previous beliefs than an individual has tried to deny (van der Kolk & McFarlane, 2006: 8). Attitudes and beliefs that are commonly violated by traumatic events include the previously-mentioned assumptions commonly made by members of Western society --who have long been accustomed to blaming individuals for their suffering and to Calvinistic interpretations of good fortune[590]-- that good things happen to good people and bad things happen to bad people (McFarlane & van der Kolk, 2006: 26, 28, 35; Devries, 2006: 399, 402; Litz et al., 2009, 698-99). In addition, traumatic events frequently violate one's sense of trust, safety, independence, intimacy, control, self-esteem, feelings of personal goodness and worth, sense that the world has meaning, and deeply held moral beliefs or ideas about law, justice and fairness (Litz 698-99; Herman, 1992: 51-52, 54). Further, these events frequently "call into question basic human relationships," and severely

[590] The preachings of Calvinism generally held that our fate is predestined, that personal actions on earth could not influence our fate (though clergy members might be able to do so, having a more direct line to God), and that only a few, select individuals will enjoy everlasting life after death. According to Weber (1930/1992), these beliefs caused considerable anxiety for followers of Calvinism (and Protestants in general), which was so intolerable as to cause Calvinists to search –despite their doctrine-- for earthly "signs" that they were among the saved. Personal good fortune came to be one of the main signs of personal salvation after death (good things happen to good, "saved" people), and the pursuit of personal wealth became an almost compulsive activity for those who could never truly be sure whether they were among the saved –or, at least, this already compulsive activity (see chapter 2) was extensively justified and promoted by the Calvinist/Protestant religion. Remnants of these beliefs/justifications have long since remained influential in western society, which partially explains why the "just world" assumption described in the text is inherent in, but also entirely unique to, western society (see the citations in the text).

challenge or shatter attachments to friends, family and community, as well as an individual's construction of self in relation to others or to oneself (Herman, 1992: 51-53, 55). Often as a result, "[d]evelopmental conflicts of childhood and adolescence, long since resolved, are suddenly reopened. Trauma forces the survivor to relive all her earlier struggles over autonomy, initiative, competence, identity, and intimacy" as well as to struggle with doubt, betrayal, guilt, shame, and a shattered sense of personal agency and connection to a broader community (Herman, 1992: 52; see also Kelman, 1973; Litz et al., 2009: 699).

The subjective meanings that one attaches to a traumatic event may well be influenced by a number of additional factors, including the age, degree of social support, degree of connection to others and/or resources needed for resolving post-traumatic symptoms, and the relative degree of empowerment or disempowerment one already feels in society. For example, Herman (1992: 60) cites an "inverse relationship between the degree of psychopathy and the age of onset of abuse among abused children," and similarly notes that younger, less educated soldiers in Vietnam were both more likely to see heavy combat and to have few resources for social support upon their return. Most studies on post-traumatic stress have consistently cited the availability of appropriate social support resources as a key factor in an individual's ability to recover from a traumatic event with few lasting symptoms (including: Litz et al, 699; McFarlane & van der Kolk, 2006: 25, 27; Kelman, 1973; Lifton, 1975; Egendorf, 1975; DeVries, 2006). And it is clear that individuals and/or communities that are relatively disempowered in society have fewer resources available to them and/or have fewer connections to people who can point them to appropriate resources (See for example: Wright-Berton & Stabb, 1998; Warner & Weist, 1998).

Past traumatic experiences can also have considerable influence on an individual's susceptibility to developing chronic post-traumatic stress symptoms after encountering a new

trauma. This is true even in people who were not previously bothered by a past traumatic event, as well as among people who have already resolved post-traumatic symptoms relating to such an event. For these individuals, the new traumatic event can provoke distressing, intrusive memories, sensations, and emotions associated not only with the new trauma, but with these past traumas as well (van der Kolk, & McFarlane, 2006: 9; Williams, 1989: 78). In fact, those who have already resolved past traumatic symptoms can become symptomatic again in reaction to the accumulation of stress in one's daily life (Williams, 1989: 78), or in response to new information pertaining to a past trauma (van der Kolk & McFarlane, 2006: 6). Further, experiencing numerous, severe, and long-term traumatic events has also been linked to the development of other increasingly severe psychological problems, including Borderline Personality Disorder, Dissociative Identity Disorder (formerly known as Multiple Personality Disorder), and Schizophrenia –all of which have acknowledged links to childhood trauma.[591] Indeed, most psychiatric inpatients "have histories of severe (usually intrafamilial) trauma," and a number of studies have documented physical or sexual abuse histories among violent criminals, as well as the links between a child's exposure to abuse or domestic and his or her later victimization of animals or other human beings (van der Kolk & McFarlane, 2006: 11; Ascione & Arkow, 1999) or his or her later vulnerability to repeated victimization.[592] What's more, because there is

[591] See, for example: Jha, Alok. 2012. Severe abuse in childhood may triple risk of schizophrenia. The Guardian. April 21. Online: http://www.rawstory.com/rs/2012/04/21/severe-abuse-in-childhood-may-triple-risk-of-schizophrenia/. This is not a new realization, as R.D. Laing talked about the links between family dynamics (not necessarily trauma) and schizophrenia in the 1960s. However, they have almost been treated as such (new observations) in western society's episodic amnesia pertaining to trauma and various post traumatic stress symptomatology/ disorders (as mentioned in Herman, 1992). See: Laing, R.D. 1959/1986. The Divided Self. Penguin Books; and Laing, R.D. 1969/1972. The Politics of the Family: and other essays. New York: Vintage Books.

[592] See the above discussion on re-experiencing/ reproducing/ reenacting traumatic events as a common post-traumatic symptom.

transmissible and transgenerational aspect of traumatic stress symptoms (through which traumatic stress symptoms can be passed from survivors of trauma to family members or intimate others who have not experienced a trauma, and can also be passed down in families through several generations[593]), one might also wonder whether familial histories of trauma increase one's vulnerability to new traumatic events.[594] The writer is not aware of any studies on this topic as yet (but also has a writing deadline, and cannot spend time searching).

The increased susceptibility one has to developing chronic and/or severe traumatic stress symptoms when he or she has experienced previous traumas may be attributable to a number of factors. For example, it may be due, in part, to the subjective meanings that survivors of previous traumas attached to new traumatic events: new traumatic events can confirm previous beliefs about the world, oneself or others that an individual had struggled to deny (Ibid, 6, 8, 9). In addition, new traumatic events may provoke new interpretations of previous traumas. Since the subjective meanings attached to traumatic events evolves over time, the receipt of new information or the development of new interpretations regarding these events has been shown to produce traumatic symptoms in trauma survivors who did not previously experience them. Van der Kolk & McFarlane (2006: 6) provide an illustration of this in a rape victim who did not

[593] Some of the older studies on this include: Bar-On et al., 1998; Felsen, 1998; Hardtman, 1998; Korn, 1997; Catherall, 1998; Williams, 1998; Remer & Ferguson, 1998. (Due to time constraints, I am not able to read any more recent studies, though I am aware that more recent studies only reinforce the findings cited here).

[594] Though the question is certainly confused by the fact that traumatized parents may be more likely to suffer from trauma-related psychological distress that impacts parenting and/or that reproduces past traumas within the present family structure –factors which could constitute new traumatic events, rather than simple transgenerational transmission of post-traumatic symptoms without traumatic events. (See, for example, Felsen, 1998, p. 44, who found both patterns in which children identified with and learned to "behave and think in disorganized ways similar to those of their [traumatized] parents" and/or in which traumatized parents' disorders prevented them from parenting, creating other disorders in their children not necessarily mirroring their parents' trauma).

develop post traumatic symptoms after her attack until many months later, when she learned that the man who raped her had killed another of his rape victims, and reinterpreted her rape as a life-threatening event. Further, since the accumulation of stress (mentioned above) can exacerbate previously resolved traumatic symptoms, suggesting that intrusive thoughts of previous traumatic events may dissipate but may never be fully "resolved," it is possible that trauma survivors must always devote some psychological and biological resources to suppressing intrusive thoughts, and that new traumatic events can simply overwhelm an individual's ability to do so.

All of the above-discussed possibilities for trauma survivors' increased susceptibility to becoming symptomatic after experiencing new traumatic events involve some level of subjective-societal interaction, but societal structures and cultural worldviews may actually have a much greater impact upon an individual's ability to withstand traumatic events without developing chronic symptomatology than Westerners generally recognize.[595] This may be especially true of Western society and the Western cultural worldview which, as argued in chapter 2, was built around countless long-term traumatic events directly impacting large portions of that society and indirectly impacting virtually the whole of that society, the impacts of which continue to reverberate throughout Western society (and the world) today. As such, Western society and the Western cultural worldview were also built upon numerous maladaptive adjustments to, and psychopathological mechanisms for coping with (or, more accurately, denying), the impacts of these severe, long-term traumatic events; and many of these mechanisms serve not only to perpetuate the adverse impacts of these past traumatic events today, but to perpetually reenact these events and to constantly create and inflict new traumas

[595] On this point, see also: Devries, 2006: 404.

upon Westerners and non-Westerners worldwide. New traumas experienced by Westerners victimized by their own society and cultural worldview range from the psychological trauma of ecocide;[596] to social, political and economic marginalization, disempowerment and disconnection[597] (including those resulting from austerity programs and resulting in recent unrest throughout Europe and North America[598]); to policies that service larger corporations at the expense of the majority of people in a given Western country and that country's economy as a whole;[599] to the wide range of structurally and institutionally-perpetuated violent victimization and the increasing levels of psychological dysfunction and distress in Western society resulting from all of the above.[600]

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[596] See for example, the various essays in: Roszak, Theodore, Marey E. Gomes and Allen D. Kanner. 1995. *Ecopsychology: Restoring the Earth, Healing the Mind*. San Francisco: Sierra Club Books.

[597] See, for example, Wright_Berton & Stabb, 1998 (who found that minority males are exposed in their neighborhoods and schools to much higher rates of violent crime than any other group, and who found that 29% of high school juniors in a major metropolitan area in the south had clinical levels of PTSD –which suggests that far more were traumatized by did not exhibit the specific complex of symptoms required for the diagnosis); or Warner & Weist, 1998 (who found that 75% of male and 70% of female African American urban youth in Chicago had witnessed someone being shot, stabbed, robbed or murdered, and were also exposed to much higher rates of crime, unemployment, substandard housing, inadequate schools and limited medical or mental health resources/care).

[598] See, for example, Harvey's (2003) chapter on Accumulation by Dispossession.

[599] Such as the recent financial crisis. See for example the documentary film *Inside Job* (2010, Sony Classics).

[600] For example, looking just briefly at one western country, the United States, van der Kolk & McFarlane (2006: 5) cite a number of studies demonstrating that perhaps as many as one fourth of all adolescents in the United States have been physically or sexually assaulted, and 76% of adults report past or present exposure to extreme stress. Meanwhile, the World Health Organization suggests that "one in four people in the United States suffers from chronic anxiety, a mood disorder or depression" (Hedges, 2012). The rates for childhood assault may actually be higher, as cited statistics for child sexual abuse (which does not include mere physical assault or other forms of childhood trauma and/or abuse) suggests that one in four girls and one in seven boys are sexually abused before they turn 18; that the abuse is usually repeated, lasting a number of years; that more than 90% of these children are abused by someone they know, love and/or trust; that there are more than 39 million survivors of childhood sexual abuse in the United States; that childhood sexual abuse makes up only 7.6% of reported types of child abuse; that

Thus, even by providing only a very few examples of the numerous ways in which Western society and the Western cultural worldview consistently traumatizes its members, it should be clear that this society is failing its members (as well as all other peoples and life forms around the world) even before they are exposed to new individual, group, or societal-level traumatic events. What makes this considerably worse is the fact that, as a predatory/ perpetrator society, Western society and the Western cultural worldview provides its members with few, if any, healthy mechanisms for coping with the numerous traumas this society and worldview perpetually create. Instead, this society and worldview promote –and even require or demand— that its members engage in only the most harmful and psychopathological mechanisms for dealing with (i.e., denying and repressing) the numerous new traumatic experiences to which it routinely, perpetually subjects Westerners, non-Westerners and all life on the planet. These psychopathological mechanisms have been enshrined in the Western worldview, passed down from generation to generation, and encoded in societal, group, and individual expectations and codes of behavior; and they require that Westerners (and colonized non-Westerners) adapt unrealistic, psychopathological views of their place in the world and their connection to each other, to non-Westerners, and to all plant and animal life on the planet.[601] It also requires that we

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80% of 21-year-olds abused as children meet the diagnostic criteria for one or more psychological disorders; and that an estimated 30% of these abused children will go on to abuse their own children as adults. (See, for example, the following advocacy websites: Darkness to Light, 2012; Turningpointservices.org, 2012; Childhelp, 2012). Clearly childhood sexual abuse is of epidemic proportions in the United States, as it is throughout western society, particularly given the role of leading institutions, such as the Catholic (and Christian) church in perpetuating the spread of childhood sexual abuse, while also taking a leading role in western society's denial and cover up of these crimes. See also the above footnote citing Warner & Weist (1998) and Wright-Berton and Stabb (1998).

[601] On this latter point, see also: Metzner, Ralph. 1995. They Psychopathology of the Human-Nature Relationship. Pp 55-67 in: Rhodore Roszak, Mary Gomes and Allen Kanner (Eds.) Ecopsychology: Restoring the Earth, Healing the Mind. San Francisco: Sierra Club Books; or see any number of other essays in the same book.

learn, validate and actively submit to rigid hierarchies of dominance, in which some individuals are considered to be more worthwhile than others, and are able to abuse or violate the rights of these allegedly "lower" others at will and with relative impunity.[602] The Western cultural worldview also encourages or requires Westerners (and colonized non-Westerners) to be intolerant of others and of parts of themselves, to dehumanize other Westerners and non-Westerners, to employ projection and scapegoating against these others, and to engage in forms of magical thinking, cultural amnesia and historical/biblical re-writes that erase the past and present reality in favor of Western psychopathology (on the above points about Western society, see Chapter 2).

Given these traits of Western society and the Western cultural worldview, it should be little wonder that trauma survivors have the most difficulty reintegrating into, and rebuilding their lives around, these problematic Western patterns of thinking and behavior. Traumatic events tear holes in the fabric of survivors' lives, including the Western cultural worldview into which they have been indoctrinated. Depending on the size and number of these holes, and the extent to

[602] Though Hardtmann relates this type of extreme hierarchy of domination to the Nazi era ("during the Nazi period, every "Aryan" person—even the children—had the power to persecute "non-Aryan" people. Any kind of mischievous, even playful, attitude against minorities was legalized and promoted by the authorities. Many people used this empowerment in their everyday lives"), it is also reminiscent not only of the Jim Crow era in the United States south, but of present day race relations in the United States (as per the recent shooting deaths of Trayvon Martin in Florida and Kenneth Chamberlain in White Plains, New York. On the latter and the refusal of a Grand Jury to indict officers responsible for an egregious violation of police protocol, see: DemocracyNow! 2012. Grand Jury Clears White Plains Police in Kenneth Chamberlain's Death, New Tape Shows Fatal Raid. May 4. Online: http://www.democracynow.org/2012/5/4/kenneth_chamberlain_sr_as_charges_ruled), and of present Native-non-Native relations --and the persistent violation of the human rights of the former-- in Canada (and the United States, Australia, New Zealand, and so forth), as outlined in Chapter 4.

one's desire to deny or acknowledge them,[603] survivors looking through them may glimpse with some degree of clarity the false, contradictory, and highly problematic nature of Western "civilization."[604] In the face of these critically reflective glimpses –whether they are forcibly induced through traumatic events, or purposefully chosen through rational and necessary processes of critical self-reflection (processes that are largely discouraged in the Western cultural worldview)—the veneer of Western "civilization," and the cultural worldview around which Westerners have constructed their lives begins to erode and fall apart. This dissolution is traumatic not only because of the loss of the socially-constructed protections provided by one's cultural worldview (DeVries, 2006), but because what one glimpses beyond the veneer of Western "civilization" is an absolutely horrifying combination of destructive and psychopathological behaviors: Western "civilization" is --and has long been-- on a murderous, suicidal rampage, destroying as much plant, animal and human life, and as much of the planet as possible before killing ourselves (and the rest of humanity) in our final, suicidal act.[605] As the

[603] "The conflict between the will to deny horrible events and the will to proclaim them aloud is the central dialectic of psychological trauma. … Remembering and telling the truth about terrible events are prerequisites both for the restoration of the social order and for the healing of individual victims"(Herman, 1992: 1).

[604] After all, as Stanely Diamond (1974: 48) has noted: "it is only in modern civilization that the state dynamic compounded by secondary imperialism –is totalitarian, and dissociation from our human possibilities, our species being, increasingly acute. .... Perhaps the most alienated can, by confronting and acting on their own condition, free themselves. Only then can we speak of progress, which is always, in part, a primitive return; a reformulation of old impulses in new situations and social structures."

[605] Bauman (2000: viii) made a somewhat similar observation about his study of the Holocaust. The more he studied the topic, the more he came to see it as a window, through which he had not previously looked, because:

> Like most of my colleagues, I assumed that the Holocaust was, at best, something to be illuminated by us social scientists, but certainly not something that can illuminate the objects of our current concern. I believed (by default rather than by deliberation) that the Holocaust was an interruption in the normal flow of history, a cancerous growth on the body of civilized society, a momentary madness among sanity. Thus I could paint

veneer of Western "civilization" falls away, so do all of the alleged justifications and rationalizations for our behavior, and we are left only with the naked truth that we are the enemy that we have projected onto countless other peoples and living things (this will be discussed further below).

Thus, trauma survivors in Western society often come to view social interactions and world around them as counterfeit and untrustworthy (Lifton, 1975: 182; see also: Herman, 1992: 51-52), or they come to feel alienated, disconnected, misunderstood and abandoned by their society, their communities, and friends, family and loved ones whose lives are reflective of and built around the Western cultural worldview. After all, in a "civilization" that blames individuals for their own pain and suffering (Devries, 2006: 402, 404), that provides its members with only the most psychopathological mechanisms for dealing with (denying the impact of) traumatic events, and that is highly intolerant of criticisms that expose the destructive and psychopathological nature it was constructed to deny, survivors of multiple traumas really are abandoned and left to their own devices.[606] If they attempt to reintegrate into society and rebuild lives around the Western cultural worldview, they are plagued by cynical feelings of counterfeit in all

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> for the use of my students a picture of normal, healthy, sane society, leaving the story of the Holocaust to the professional pathologists.

However, once he did look, and the more he looked, he developed a quite different image of what this event was and meant for western "civlization":

> Looking through that window, one can catch a rare glimpse of many things otherwise invisible. And the things one can see are of the utmost importance not just for the perpetrators, victims and witnesses of the crime, but for all those who are alive today and hope to be alive tomorrow. What I saw through this window I did not find at all pleasing. The more depressing the view, however, the more I was convinced that if one refused to look through the window, it would be at one's peril."

[606] "When culture loses important aspects of its ability to function and becomes incapable of guiding grief reactions or to provide support, individuals are left unprotected and left to their own devices" (DeVries, 2006: 405)

relationships,[607] and doubt their ability to be who they are in relation to others (Herman, 1992: 52) --since Western society largely discourages this.[608] On the other hand, if they follow their vision and intuition –something that is necessary for healing— and refuse to participate in what they see as the lie all around them,[609] they may find it consistently difficult to be or feel a part of the society around them and may attempt to completely withdraw from it, living painful lives of misunderstood isolation in order to maintain what they can of their sanity. In either case, they

[607] An example of how these feelings and emotions may be processed is provided by Herman (1992:52), quoting Virginia Wolf's combat veteran, Septimus Smith: "The secret signal which one generation passes, under disguise, to the next is loathing, hatred, despair…. One cannot bring children into a world like this. One cannot perpetuate suffering, or increase the breed of these lustful animals, who have no lasting emotions, but only whims and vanities, eddying them now this way, now that….For the truth is… that human beings have neither kindness, nor faith, nor charity beyond what serves to increase the pleasure of the moment. They hunt in packs. Their packs scour the desert and vanish creaming into the wilderness."

[608] "They're mining us. … [And] the poison, the toxic that is left over from the mining of the being part of human … through the intelligence of the human, are in all the fears and doubts and insecurities that we have in our lives –without our own personal reality-- about who we are… That's the pollution and the toxic left over from the mining of the being part of human. That's the pollution that's left over, see, and in that kind of a haze, … we don't see ourselves clearly. We do not see and recognize clearly who we are. And we're never encouraged to. We're encouraged to be "good citizens," or "good" this religion, or "good" that religion, or good… workers, good [whatever]. But we're never encouraged to be real about human beings. In a way, we're never really encouraged to be good to ourselves. See, we're mentally and psychologically oppressed and manipulated so that we seek things to gratify ourselves, but that doesn't mean we're being good to ourselves. And the mining process to me, you know, it's the civilizing process itself. Because somewhere in there, it's like someone's eating the spirit. Our spirit is being converted into an energy to run something. Alright? And it's like it's eating our spirit. See and, you know, everyone has their religions and their stuff, but see it makes me wonder, how do we participate in this spiritual reality, if we live in a mechanism now where the human has been conditioned and trained to eat its own spirit, and turn it into fuel for this system" (Trudell, John. 2008. They're Mining Us. Track 6 of: DNA: Descendant Now Ancestor. (Audio CD) Effective Records. See also, Litowitz, 2000, p. 528 ("domination requires the estblishment of an entire way of life as standard and expected, the identification of the dominated with the dominators, and the subtle establishment of the prevailing ideology as natural and inevitable, indeed, commonsensical. When domination reaches the internal world of actors, resistance is almost unthinkable").

[609] "If every human being woke up tomorrow and said, "I will not enable what I know to be the lie, all day today," it would change. It could not function. If every human being got up tomorrow and said, "I will not enable it. I will not participate in the lie today," it would change" (Trudell, op. cit., track 18, What Happened to the Tribes of Europe).

may fall prey to severe psychological distress, since reintegration into a society that dismisses or reacts violently against criticism may require denial of one's own traumatic experiences and the lessons from those experiences –something which goes against the grain of what is necessary to heal from trauma—and failure to fully integrate into Western society is always pathologized by Western society. In all scenarios, traumatized individuals risk being marginalized, pathologized, dismissed, or even deprived of their freedom, because the society around them is both fully incapable of embracing and healing them, and driven to pathologize and scapegoat any who don't fully conform to it's norms (as Thomas Szasz has pointed out a number of times).[610]

TRAUMA AND SOCIETY

> Throughout history, some people have adapted to terrible life events with flexibility and creativity, while others have become fixated on the trauma and gone on to lead traumatized and traumatizing existences. Societies that have been massively traumatized have followed roughly similar patterns of adaptation and disintegration.
> ~ Bessel van der Kolk & Alexander McFarlane, The Black Hole of Trauma[611]

> The knowledge of horrible events periodically intrudes into public awareness but is rarely retained for long. Denial, repression, and dissociation operate on a social as well as an individual level. … Like traumatized people, we have been cut off from the knowledge of our past. Like traumatized people, we need to understand the past in order to reclaim the present and the future.
> ~ Judith Herman, Trauma and Recovery[612]

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[610] See, for example, Szasz, 1970. See also: Devries (2006: 405: "One formal social response to overwhelming stress is the expansion of the medical system itself, which legitimizes the reallocation of community resources"). On the additional profit motive behind this, see also: Ridgeway, James. 2011. Mass psychosis in the US: How Big Pharma got Americans hooked on anti-psychotic drugs. Aljazeera.net. July 12. (Online: http://english.aljazeera.net/indepth/opinion/2011/07/20117313948379987.htm). Meanwhile, all non-westerners who resist the traumatizing encroachments of western society (as well as those who don't resist) are already understood through the constructs and "logic" of western society to be inferior, "primitive," "backwards," and in the way of "progress."

[611] Op. cit., 2006, p. 3.

[612] Op. cit., 1992, p. 2.

Though the concept of societal trauma has been around in some form at least since the 1970s (Kelman, 1973; Lifton, 1975), the topic remains largely understudied, perhaps in part because in Western society the topic of trauma itself has been forgotten repeatedly over the past century (Herman, 1992:7-8). After all, the study of trauma ultimately confronts us with "human vulnerability in the natural world" (Herman, 1992: 8), "man's inhumanity to man" and "the best and worst in human nature" (van der Kolk & McFarlane, 2006: 6). In many cases these are things societies, like individuals who have a choice in the matter, prefer to forget.[613] Thus, remembering is easily resisted unless and until political movements develop that both force these issues forward in our collective conscience and provide a social context "that affirms and protects the victim[s] and that joins victim[s] and witness[es] in a common alliance." As Herman has further remarked on the topic:

> The study of war trauma becomes legitimate only in a context that challenges the sacrifice of young men in war. The study of trauma in sexual and domestic life becomes legitimate only in a context that challenges the subordination of women and children. Advances in the field occur only when they are supported by a political movement powerful enough to legitimate an alliance between investigators and patients and to counteract the ordinary social processes of silencing and denial. In the absence of strong political movements for human rights, the active process of bearing witness inevitably gives way to the active process of forgetting. Repression, dissociation, and denial are phenomena of social as well as individual consciousness. (Ibid).

Though concepts of societal trauma have not found full expression in any academic literature,[614] the parallels between individual and societal responses to trauma have frequently

[613] "War and victims are something the community wants to forget; a veil of oblivion is drawn over everything painful and unpleasant. We find the two sides face to face; on the one side the victims who perhaps wish to forget but cannot, and on the other all those with strong, often unconscious motives who very intensely both with to forget and succeed in doing so. The contrast … is frequently very painful for both sides. The weakest one … remains the losing party in this silent and unequal dialogue" (Leo Eitinger, quoted in Herman, 1992: 8).

[614] Though a very few articles have worked towards this effort, such as DeVries (2006) and Stamm, B. Hundnall, Henry E. Stamm, IV, Amy C. Hundnall, and Craig Higson-Smith. 2003.

been noted by some of the most renowned scholars on the effects of trauma –as demonstrated in the two introductory quotes to this subsection. Further, a growing number of studies – particularly those examining transgenerational trauma—have examined specific aspects of traumatic reactions that are displayed in whole groups within society (if not whole societies) and passed on through the generations (Hardtmann, 1998; Bar-On et al., 1998; Felsen, 1998). Other scholars have examined societal responses to traumatic events during the period of a particular trauma or after (Lifton, 1975, 2002, 2004; Eisenhardt, 1975; Egendorf, 1975; Kelman, 1973; Martinot, 2003; Bauman, 2000; Williams, 2000; Halloran, 2007). Many of these studies have focused on specific traumatic symptoms, such as the denial of guilt and the numerous psychopathological mechanisms employed to this effect. In the discussion that follows, I ask the reader to keep in mind that when it is said that societies are engaging in certain patterns of thought and behavior, what is meant is that whole groups of people within a society –often the majority of a society-- are engaging in these patterns of thought and behavior --to some extent-- because they have been socialized into them, and because these patterns, though recognized in trauma literature as psychopathological, have become normalized and expected ways of thinking, behaving and acting in these societies. It needs to be pointed out that, as with any norm or conglomerate of behaviors in society, there is an entire continuum (or more accurately, a web) upon which the norm /conglomerate of behaviors is adopted or ignored. Thus nothing in the below discussion is intended to suggest that everyone in a given, traumatized society engages in all of the below discussed patterns. Some people will engage in some and not others. Some will engage in all of the below-discussed patterns of thought and behavior. Further, though the likelihood that one can be born and raised in Western society, or assimilated into it, and not

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Considering a theory of cultural trauma and loss. *Journal of Loss and Trauma*, vol. 9, pp. 89-111.

internalize many of these patterns of thought and behavior *to some extent* is slim, the extent to which individuals in society engage in various patterns of thought and behavior always varies in any society. The point to keep in mind is that societies are often characterized by certain predominating patterns of thought and behavior, and, I argue, that most of us in Western society engage in most of these behaviors to some extent which is not healthy for us or for other people and other life forms in the world around us. In addition, many of the below-discussed patterns of thought and behavior (like those discussed in chapter 2) are so prevalent in Western society, are prevalent to such a great extent, and are perhaps far more prevalent than other patterns of thought and behavior that we mythically attribute to ourselves (freedom, democracy, peace-loving) that these patterns –rather than our myths—are much more accurate characterizations of the Western cultural worldview and Western society as a whole than are our numerous (in some cases narcissistic) myths. (What's more, many of the overly-favorable, self-serving myths that we have created about our society were constructed through some of the very processes described below).

It might also be worth nothing here that, while it is certainly true that individuals adopt certain of these patterns of thought and behavior to greater or lesser extents depending upon their various group identities, these patterns of thought and behavior are intended to analyze societies and are not generally suited for analyzing differences in behavior of different groups within a given society. There is a single exception to this general rule, and that is that the patterns of thought and behavior laid out below are particularly well suited to analyzing the behavior of groups that engage in collective angry and violent behavior directed towards intimidating or asserting/maintaining privilege over other individuals or groups within society. In particular, these patterns of thought and behavior are particularly well suited to understanding behavior by dominant group members who benefit from historical and/or present day subjugation of non-

dominant groups, and who are thus actively engaged in the below described defense mechanisms as a way of denying their own guilt in the historical or ongoing subjugation of others and/or of attempting to find various other ways of justifying this historical or ongoing subjugation. In addition, the below-described patterns of thought and behavior, like those in chapter 2, are quite specific to Western society and its particular historical circumstances. Other traumatized, predatory societies may well engage in some or all of these behaviors, but have their own specific histories and are likely to also have their own history-specific behavior patterns (as Elias (1998) has pointed out). At any rate, as the past several hundred centuries have demonstrated, Western society is by far the most predatory of all societies in existence today, and the below discussions of pathological patterns of thought and behavior has been specifically tailored to Western society and its own unique history with this in mind.

Like the conscious awareness and/or study of trauma, there are a number of other unsettling things that societies often seek to forget, repress, or reduce to a much more simplified, less threatening form. For the United States, the war in Vietnam was certainly one of these, and a number of scholars have written about US society's "incredible reluctance" to look critically at the war, and thus is "insistence that we learn nothing" from it (Lifton, 1975: 189, 184. See also: Kelman, 1973; Eisenhardt, 1975; Egendorf, 1975). In this same country, the present wars in Iraq and Afghanistan (and beyond) can join the list of things the country refuses to examine, and prefers to forget (Lifton, 2002; Litz et al., 2009; Martinot, 2003), as can the country's history of genocide, colonialism and slavery, which US society denies with a "seemingly glacial amnesia" (Martinot, 2003: 407. See also: Williams, 2008). In German society, the Holocaust is a period in history that many would prefer to forget; and despite having been forced to acknowledge and face these horrors to some extent after WW II, many Germans today have only a fragmented and

faulty understanding of the event (Hardtmann, 1998: 87-88). A great number also actively avoid any understanding or inquiry into the impacts that these past events have had on their present lives --though the impacts have been considerable (Hardtmann, 1998; Bar-On et al., 1998; Felsen, 1998). But the Germans are not alone in their denial surrounding this event. Much of Western society continues to deny its own collective responsibility for this event, as well as its continuing vulnerability to (and occasional repetition of) similar events on a lesser or similar scale. As Bauman (2000: xii) has noted, "[t]he more 'they' are to blame, the more the rest of 'us' are safe, and the less we have to do to defend this safety."[615] Perhaps to this extent, even many Israelis born after WWII have fragmentary understandings of the impacts the Holocaust has had on their present lives, and have "tended to simplify the relevance of past events (especially, the

[615] Unfortunately, most scholars of the Holocaust look form the event, forward towards present day, rather than looking back in time to truly understand the origins of this event. Sven Lindqvist (1996: 9, 10) elaborates on this failure:

> The idea of extermination lies no further from the heart of humanism than Buchenwald lies from Goethehaus in Weimar. That insight has been almost completely repressed, even by the Germans, who have been made sole scapegoats for ideas of extermination that are actually a common European heritage.
>
> …
>
> But in this debate, no one mentions the German extermination of the Herero people in southwest Africa during Hitler's childhood. No one mentions the corresponding genocide by the French, British or the Americans. No one points out that during Hitler's childhood, a major element in the European view of mankind was the conviction that "inferior races" were by nature condemned to extinction: the true compassion of the superior races consisted in helping them on their way.
>
> All German historians participating in this debate seem to look in the same direction. None looks to the west. But Hitler did. What Hitler wished to create when he sought *Lebensraum* in the east was a continental equivalent of the British Empire. It was in the British and other western European peoples that he found the models, of which extermination of the Jews is, in Nolte's words, "a distorted copy."

See also: Kakel, Carroll P., III. 2011. *The American West and the Nazi East*. New York: Palgrave MacMillan.

Holocaust) within their present political and social perspectives" (Bar-On et. al, 1998: 98, 106).[616]

Australian society also has its share of events it wishes to deny, such as the genocide of Aboriginal peoples. And though the collective Australian identity largely recognizes the need for (at least some symbolic forms of) reconciliation with Aboriginal peoples (Halloran, 2007: 14), a large portion of Australian society would simply prefer to forget these crimes of the past, to minimize their collective responsibility for making reparations for them, and to avoid at all costs any personal responsibility for acting in this regard (Halloran, 2007; Williams, 2000).[617] Likewise Williams (2008: 229) has noted the "deep psychological needs" of people in the United States to deny past wrongs (including genocide) committed against indigenous peoples in North America, preferring to imagine itself as a nation "created through the consent of the people" (at 230 & 242) which had freed itself from the "darkness of European corruption" (at 230), and was thus morally pure (at 231, 247-49). Meanwhile, Canada has sought to see itself as perhaps more morally pure than the United States, having had no history of violent revolution or Jim Crow-era

[616] "While in Germany, students tended to claim that 'nothing in the Nazi era was relevant' for their present social perspective, in Israel we found the opposite tendency ('The Holocaust was very relevant for our present social contexts')" (Bar-On et al., 1998: 98). This over-simplification also indicates an understandable lack of fully processing and coming to terms with the meaning and impact of the event –i.e., a form of denial which may at least partially explain Bauman's (2000: ix) observations: "The Jewish state tried to employ the tragic memories as the certificate of its political legitimacy, a safe-conduct pass for its past and future policies, and above all as the advanced payment for the injustices it might itself commit." (Injustices that have since been well-documented in both scholarship and international law).

[617] According to Williams (2000: 137) The former Prime Minister of Australia, Mr. Howard, denied the history of genocide in Australia outright, attributing claims that it occurred to the "guilt industry" or a "political conspiracy to generate and manipulate spurious guilt." Halloran (2007: 14) notes that while some 75% of Australians surveyed "expressed some form of support for reconciliation," less than 30% said they were willing to personally engage in behaviors necessary to bring this about (at 13), only 14% expressed some sense of guilt about the past treatment of Aboriginal peoples (at 3, citing McGarty et al.), and 48% indicated that they held negative and resentful attitudes towards Aboriginal peoples in Australia (at 3).

segregation, and imagining itself to have been far more benevolent towards indigenous peoples than the violent, genocidal United States. But Canada has its own history of genocide (See, for example: Reid, 1993a & 1993b; Upton, 1977), which it continues to deny vehemently despite its being periodically pointed out by a few academics and activists; and the country's current Prime Minister has even gone so far as to deny Canada's history of colonialism (O'Keefe, 2009; Ljunggren, 2009), despite the country's continued reliance on colonial-era legislation in its ongoing dispossession of indigenous peoples from their lands, resources, treaty and human rights.[618]

Denial is a normal, psychological mechanism for temporarily lessening the impact of information or experiences that are extremely difficult to handle and that are likely to overwhelm a person or a society's immediate ability to cope with and process the event or information. Denying the reality of an event gives the shocked or traumatized society more time to take in the information and to adjust to the drastic life changes that may be involved. Denial is thus often the first stage in the grieving process, and is frequently utilized during traumatic events and their aftermath (Williams, 1989: 75-76) as a means of delaying their full psychological impacts. However, when denial becomes a permanent state of being, rather than a temporary mechanism for coping, it becomes maladaptive, destructive, and psychopathological because it prevents the remembering and truth telling about traumatic events that is necessary for healing and for "the restoration of social order" (Herman, 1992: 1), and it prolongs the post traumatic symptomatology.[619]

[618] Here I am referring to Canada's *Indian Act*, which is discussed further in chapter 4.
[619] "The conflict between the will to deny horrible events and the will to proclaim them aloud is the central dialectic of psychological trauma" (Herman, 1992:1).

In the case of predatory societies, such as Western society, denial is frequently utilized not only to avoid the guilt and grief associated with having survived various perpetrations and atrocities[620] (many of which were perpetrated against Westerners at the hands of Westerners, see chapter 2), but also to avoid and/or quickly get rid of grief and "deeply painful emotion[s]" of guilt that are associated with witnessing and/or participating in the reenactment of perpetrations and atrocities against others (Williams, 2000: 137; Litz et. al., 2009: 697). Unfortunately, for those seeking a permanent state of denial, historical facts can be, and frequently are lied away, but actions "can neither be revoked or erased by a mere act of the imagination." They leave lingering, "visible and tangible" effects in the external world (Hardtmann, 1998: 91, citing Arendt, 1967, 1971; Herman, 1992: 1) that can serve as constant reminders of one's guilt. In addition, the failure to integrate traumatic experiences often leads to increased feelings of "guilt, shame and anxiety" (Litz et. al., 2009: 697). Thus, the attempted denial of guilt and guilt-related grief often produces new guilt, both through constant reminders of one's guilt in the external world and through the guilt, shame and anxiety these unintegrated reminders produce.[621] In addition, the failure to integrate memories and emotions related to traumatic, guilt-related events can produce other forms of "lingering psychological distress" in the form of intrusive thoughts, emotions, sensations and imagery, as well as in avoidance behaviors (Ibid).

It is thus common for societies (or individuals) wishing to deny permanently their guilt and guilt-related actions to employ the additional psychological coping mechanisms of repression, dissociation, splitting and projection /projective identification (Hardtmann, 1998, 91, 88-89; Devries, 2006: 40). Many of these defense mechanisms are like denial in that they either are

[620] See Williams, 1989 on survivor guilt and grief.
[621] Litz et al. (2009: 697) have argued that feelings of guilt and demoralization are highly correlated with PTSD.

commonly utilized in every day life and/or are adaptive mechanisms for temporarily coping with overwhelming experiences or information. But when employed on a more permanent basis, all of these defense mechanisms lead to further psychopathologies that compound the adverse effects of failed integration and healing. Like denial, repression leaves traces of the unpleasant or intolerable thoughts, emotions, and memories in the subconscious –traces which constantly threaten to resurface and wreak havoc on a society's otherwise contained, controlled, and above all false vision of reality. Meanwhile, though dissociation and splitting offer the subject a cleaner break from unpleasant or intolerable parts of itself, by splitting these off from consciousness altogether, these defenses are also prone to periodic collapse (see for example, Hardtmann, 1998: 89) or intrusion from emotions, sensations or memories associated with the repressed reality. What's more, these defense mechanisms are only employed at a hefty price: a loss of identity and, through a more full dissociation from emotions, a loss of agency. Hardtmann (1998: 92) has explained the loss of identity:

> The subject, however, would try to obtain liberation through oblivion from something that actually happened, looses [*sic*] a part of its history, and therefore a part of its identity. In this way, the subject walks around *without a shadow* and becomes "face- and history-less" and is yet permanently in restlessness and fear of being caught by its own shadow and its true face.

And:

> The subject thereby saves itself froma critical argument with the evil (or good) within itself or the other. It pays for the loss of self with a false, usually idealized, self-image and an unrealistic and overweening self-assumption. (91)

Similarly, the loss of agency can arise from the dissociation and splitting from painful emotions and memories relating to past traumatic events. Through dissociation, a subject separates from a part of oneself –i.e., certain unpleasant or intolerable thoughts, memories, emotions and sensations are split off from consciousness, and placed out of reach in another (or

many) separate personalities (or personality fragments) of which the core personality can be totally unaware. Also through splitting the good and the bad in people, objects, and events are separated and left unintegrated, so that the subject can view the same leader, country, or group of people as either all good or all bad, without any conscious awareness of the targets other characteristics.[622] In both dissociation and splitting directed at oneself, as well as splitting directed at others, the subject creates a false construct of moral purity "that promise renewed

[622] See, for example, Lifton (1975: 193), who discusses "ideological totalism" as "an all-or-nothing stance that impels one toward obliterating perceptions of reality." Both dissociation and splitting are quite common in western society today, which has a long-standing philosophical tradition of attempting to separate emotions from "rationality" [despite/ignoring the fact that emotions "reside at the core of one's being, the part of it with which one makes sense of the world" (Nussbaum, quoted in: Hutchinson & Bleiker, 2008, p. 393)]. And while dissociation can be quite normal in everyday life (such as when one does tasks automatically while thinking of something else, and later cannot recall the steps he/she took in doing the task), western society pushes its members to dissociate to destructive extents, and as a whole has dissociated from past memories and emotions to pathological extents. Splitting has also reached pathological extents, in that large portions in the United States are not able to understand, for example, that not all Arabs (or people who look Arab) are Muslim and not all Muslims (or people who "look" Muslim) are terrorists. Splitting in this manner has long been an inherent thought process in the United States, one that many people engage automatically against any group of people whom (they are told) pose an alleged threat. Splitting is also easily observable in the media, politics and pop culture. People in the public spotlight are expected to be (and treated as if they are) either all good or all bad. Political candidates, pop stars and countless other media targets that were once considered "all good" can easily and immediately be brought down by exposing some personal flaw, which is generally sensationalized but also generally within the realm of typical human behavior (drug abuse, eccentric behavior, stark changes in hairstyles, can turn large segments of the public against certain pop stars almost overnight. Certain types of sexual "deviance" (which is often –thought not always-- behavior that is quite normal, but just not admitted), or, to a lesser extent, financial scandals and/or lying (which have become so normal for politicians as to barely make waves anymore) can destroy a politician within days. Interestingly (or frighteningly), actual policy decisions –such as authorizing assassinations of foreign and U.S. citizens abroad, or outlawing labor unions—generally do not lead to immediate condemnation by large sectors of the public in the way that personal imperfections do. This suggests that large portions of the U.S. public frequently judge politicians based on how similar the politician is to their moral ideals for personal behavior, and not according to any well-thought-out analysis of policy –i.e., of what politicians are actually elected to do. This is perhaps largely because most people in the U.S. don't really pay attention to political issues except when their emotions of anger and resentment are mobilized by some political campaign such as the Tea Party or Sarah Palin speeches.

innocence and guiltless sanctimony" (Egendorf, 1975: 124; see also: Lifton, 1975:194). A typical fixture in liberal Western society, this moral purity (or religion-based intolerance) often holds that everyone should conform to the subject's moral code, that one can easily avoid guilt and imperfection if one makes the right choices, and if one experiences guilt or is seen to be imperfect it is a result of his/her own choices and he/she would be (Litz et al., 2009: 699; Williams, 2008: 247). But the construction of this code places individuals and societies in great danger, since neither can ever be morally pure. As Williams (2008: 246-48) notes, for societies like the United States, which has built itself around ideals of being morally pure, the "psychological threat is of nuclear proportions":

> [T]o grant reparations systematically as a matter of right, in recognition of wrongs committed, might suggest not merely that the United States is guilty of sporadic misdeeds, but that it is rotten at the root. It is not, after all, a light to the enlightened nations. It was born in blood, and it feeds itself on land chocked with the bodies of its victims. (246)

But herein lies the dilemma, as Williams again points out:

> An irredeemably sinful America is not America. And so in the context of American culture, an imperfect origin really does suggest the present illegitimacy of the country. … And so Americans will go to great lengths to deny and reject any such intimation, not least through implacable hostility to reparations [to Native nations] for loss of sovereignty. (248).

Thus, even after a subject dissociates and splits itself off from the intolerable parts of itself, it deals with the 'permanent restlessness and fear of being caught by its own shadow,' and/or the fear of being revealed in its moral impurity, by projecting these intolerable aspects of itself onto scapegoated others.[623] The separation from intolerable emotions, memories and parts of oneself not only deprives one of identity, but also of agency, in two senses. First, the emotional

[623] "To save one own's [sic] skin from the inner persecutor, the other is sacrificed, thereby serving as a scapegoat … The subject thereby saves itself from a critical argument with the evil (or the good) within itself or the other. It pays for the *loss of self* with a false, usually idealized, self-image and an unrealistic and overweening self-assumption" (Hartdmann, 1998: 91).

deadness and psychic numbing leaves one in a state of self-alienation and "inner paralysis."[624] Unable to rely on emotions for guidance in important (or even minor) decisions, the subject is left vulnerable to external influences and/or internal, authoritarian political entrepreneurs[625] who purposefully capitalize on strong negative emotions by offering politically strategic interpretations of the "threat" that underlies them (see: Hutchinson & Bleiker, 2008).[626] Second, by using blame and other projective defenses to escape one's own guilt and moral impurities, a society and its members denies and separates itself from its own responsibility and agency.[627]

Projection is another psychological mechanisms that is frequently employed through the course of daily life; but like the other psychological defense mechanisms, projection can become psychopathological and even politically dangerous. According to Hardtmann (1998: 91) this occurs when the target of projection is viewed as either all good or all bad, and is denied independence, self-reliance, and the ability to actively resist the projection. In this case, the

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[624] "The *suppression of feelings* led to an inner paralysis, a loss of liveliness, and a diffuse incapability in situation when difficult decisions in life had to be made. The children remained foreign to themselves, felt "alien in their own house," in their body, and in their soul, in some cases developing psychosis-like symptoms and symptoms of a split personality or a false self. … Some of them generally perceived emotions and affects as irrational, something that one can only fight, suppress, and control, but cannot use in a sensible way to understand more about oneself" (Ibid: 89).

[625] In fact, one of the three processes cited by Kelman (1973) as contributing to a group or society's willingness to commit mass atrocities is the process of routinization, which is purposefully intended to cause a dissociation from emotions, and thus make individuals and groups more susceptible to authoritarian orders that would otherwise appear to be immoral (and illegal).

[626] In the aftermath of trauma, it is frequently the case that "[c]ertain forms of emotions –hatred, fear and anger—become central tools for political appropriation while others, such as empathy, compassion and wonder, become marginalized. The consequences are often fatal, leacing to new sources of hate and thus new forms of conflict" (Hutchinson & Bleiker, 2008: 390).

[627] "[B]laming is both a tactic for gaining political advantage and a projective defence against persecutory guilt. …[I]t largely prevents the development of feelings of responsibility" (Williams, 2000: 138). See also, DeVries (2006: 407) on the various "regressive moves to release individuals behaviorally and ideologically from an intolerable complexity that cannot be managed or used in a more productive way."

projection becomes pathological projective identification, which leaves the realm of fantasy and becomes "relevant to action, and produce[s] effects" in the real world. Hardtmann (1998) remarks on the difference:

> Fantasies generally, if they are not relevant for action, do not leave traces in the outside world. They can therefore, even if they are important for the self and trigger feelings of shame and guilt, be put off easily. We all know the feeling experienced when waking form a nightmare, relieved that we have *just* dreamt. Actions can neither be revoked nor erased by a mere act of the imagination. They are withdrawn from the sole power of the subject by the fact that they cannot be renounced and develop a life of their own. The effects of a violent act, for instance, are visible and tangible. One can erase the traces, as the Nazis tried to do, and smear the references, but one cannot make it undone. (P. 91)

Both the emotional deadness and psychic numbing that can be associated with dissociation, and the splitting and projection of undesirable parts of oneself onto scapegoated others, can result in further disturbed, psychosis-like thinking structures (Hardtmann, 1998: 89, 92; see also: DeVries, 2006: 411). By denying others independence from projective identifications or the ability to resist them, the subject dehumanizes others just as it has dehumanized and reduced itself to a one-dimensional (false) self, incapable to accepting or even examining its own reality.[628] The projective identification leaves the self/ society mutilated and struggling against threats internally –from the repressed and denied parts of oneself—and externally –from the targeted group's resistance to the projection (Hardtmann, 1998: 92). The scapegoated targets' resistance to these projective identifications can lead the subject to lash out in anger, rage and violence, experiencing this resistance as a threatened annihilation (and thus imagined victimization), because it threatens to disrupt the subject's fantasy world with reality

[628] See, for example, Hardtmann (1998: 91): "The person does not manage to deal with faults, weaknesses, and good qualities, and to develop a realistic and healthy self-perception" and the projective target "is either disparaged or idealized, perceived and treated as the devil and the ultimate evil or as the incarnation of divinity and goodness." Further: "[s]uch splitting becomes necessary if the subject cannot accept itself the way it is." See also, Kelman (1973) on the process of dehumanization.

(Hardtmann, 1998: 92; Lifton, 1975: 194 and 2002: 70, 69).[629] In fact, if there is some societal acknowledgment of past wrongs committed against the targeted/scapegoated group, their mere presence can also be experienced as a threat, since they "represent the memory of suffering, rage and pain in a world that longs to forget" (McFarlane & van der Kolk, 2006: 28).[630]

A number of writers have commented on some aspect of these psychopathological defense mechanisms. For example, in examining attempts by European descendants in Australian society to evade feelings of guilt for genocide, atrocities and other wrongs committed against Aboriginal peoples, Williams (2000: 138-40) draws upon the concept of persecutory guilt, which is linked to denial and blame-shifting (or a projective mechanism and "a political process that disguises itself as the objective identification of guilty parties), which lead to feelings of

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[629] For example, Lifton (1975: 194) talks about the "overall psychohistorical response to change in United States society during the 1970s, noting:

> …the fearful sense that various forces of change threaten to destroy or kill something in the American cultural-ideological essence, a perception that is itself called upon in order to ward off the unacceptable feeling that the process of decay is internal (nationally and individually). Broadly speaking, one could say that Watergate and My Lai represented desperate last-ditch efforts to maintain a faltering cosmology around the American secular religion of nationalism, which was inwardly perceived to be collapsing. At such a moment, as many people (notably Hannah Arendt) have said, there is a greater likelihood of violence or extreme measures of one kind or another—of the kind we saw at Watergate and My Lai.

See also, Hardtmann, 1998, p. 92 ("The self, mutilated and amputated by projection, is permanently threatened from the inside, by the reappearance of the suppressed parts, and from the outside by the fact that the object normally resists the projective identification. It thus lives in a two-front war, threatened from both the inside and the outside, cleft and torn from itself. Cure would only be possible if an inner reconciliation and a destruction of the false self-image took place").

[630] Western society's "reactions [to trauma] seem to be primarily conservative impulses in the service of maintaining the beliefs that the world is fundamentally just, that people can be in charge of their lives, and that bad things happen to people who deserve them. Bearers of bad tidings are generally considered dangerous; thus, societies tend to be suspicious that victims will contaminate the social fabric, undermine self-reliance, consume social resources, and live off the strong. The weak are a liability, and, after an initial period of compassion, are vulnerable to being singled out as parasites and carriers of social malaise" (McFarlane & van der Kolk, 2006: 35).

resentment and contempt. Similarly, Martinot (2003: 409) has described the paranoid projections of slave patrols in the U.S. in the late 1600s, noting that the patrols quickly devolved to using gratuitous violence, venting class-based frustrations at the slaves, and gaining social approval from their superiors for this behavior. According to Martinot, this violence induced further paranoia ("a self-induced fear generated by their own injustice), which "perpetuated a culture of terror," projected the imagined source of social threat onto the slaves, produced demands for social solidarity (conformity) among whites, and created a "sense of well-being and self-justification toward slavery." These various mechanisms, in turn, created the need for and fact of white racial identity in the United States.[631] For Martinot, all of these mechanisms, together, form the foundation of patriotism in the United States, which is exemplified in the Bush administration's war launched on Iraq, "from the paranoia in all the administration's false rationales, through their use in generating consensus, to the absolute violence deployed in the invasion" (409-10). Meanwhile, studying the more general impact of loss of cultural (or societal) identity DeVries (2006) has found that the consequences of these losses frequently include denial, projection, "narcissistic survival strategies," "regressive social bonding"(410), various conservative impulses and psychopathological reactions (411), and violence and aggression (407) in the quest for pathological liberation (410).[632]

[631] "Based on a system of oppression and comprised of paranoia, a demand for consensus, and violence, the structure of racialization came to be called "race." …In sum, the foundations of patriotism in the U.S. have been, from the beginning, imbued with a solidarity based upon a paranoia and a gratuitous violence launched to render that paranoia real" (Martinot, 2003: 409).

[632] Numerous other studies have examined aspects of these dynamics as well, but cannot be summarized here. See, for example, Hutchinson & Bleiker's 2008 work on reconciliation, which discusses tendencies of traumatized societies to build "a sense of identity and political community that rests on a stark separation between a safe inside and a threatened outside. Dealt with in this way, trauma can come to inscribe and perpetuate exclusive and often violent ways of configuring community" which can produce new antagonisms and forms of violence (386). See also, Lifton, 2004 (on the "ideological vision that equates Iraqi fighters with "terrorists" and

In all of these examples, as well as in other studies of these dynamics, the projective, paranoid, and delusional (or near-psychotic) quest for pathological liberation from unpleasant or intolerable memories, thoughts, feelings, and parts of oneself leave the self mutilated and destroyed, psychologically. Further, the reenactment of various past traumatic events[633] and the perpetration of various new traumatic events against scapegoated others, serve as additional traumas and moral trepidations, which must also be denied, split-off, projected, and defended against consciousness awareness and thus threatened annihilation.[634] Through these mechanisms, societies and their members entrench themselves into habits of predatory, perpetrating thoughts and behaviors which they refuse to acknowledge because doing so could open the floodgates to overwhelming memories and unbearable emotions. These would be unbearable not only because of their intolerable emotional content, but also because through the cycles of self-mutilation and perpetration, and the striving for moral purity, the self has been left with exaggerated and unrealistic expectations and without any loving parts that can accept faults

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seeks to further justify the invasion"); Lipsitz, 2008 (on the ways in which whiteness "recruits people to be defenders of white group position and privilege rather than opponents of exploitation and injustice"); Lifton, 2002, p. 68 ("in the act of killing one defines the evil of "the enemy" [even when the victim is a civilian] which in turn evokes the necessity of one's actions and one's own relationship to virtue"); and so on.

[633] First, the original traumatic events, including long-standing histories of traumatic events. Second, the damage to self from refusing to acknowledge, accept and integrate these traumatic events as part of the self, and thus from failing to heal from these first traumas. Third, the damage to self from the various defense mechanisms utilized to maintain the separation and splitting off from traumatic memories, traumatic symptoms, intolerable emotions and unpleasant or negative aspects of oneself. Fourth, the perpetration against others in the psychopathological attempts to liberate (but the actual mutilation of) the self, which are yet additional traumatic events which must be denied and defended against conscious awareness… And the cycle continues and reinforces itself.

[634] On reenactment of trauma, see: van der Kolk & McFarlane, 2006, p. 11; Herman, 1992, pp. 39-40; McFarlane & van der Kolk, 2006. See also: Lifton, 1975; Martinot, 2003.

and weaknesses (Hardtmann, 1998: 91).[635] The inability to deal with faults and weakness in one's self leads to an identification with the aggressors and perpetrators and an inability to tolerate or have compassion for weakness or faults in others. McFarlane & van der Kolk (2006: 36) elaborate:

> Clinical work has taught us that the ability to tolerate the plight of victims is, as least in part, a function of how well people have dealt with their own misfortunes. When they have confronted the reality of their own hurt and suffering, and accepted their own pain, this generally is translated into tolerance and sometimes even compassion for others. Conversely, as long as people deny the impact of their own personal trauma and pretend that it did not matter, that it was not so bad, or that excuses can be made for their abuses, they are likely to identify with the aggressors and treat others with the same harshness with which they treat the wounded parts of themselves. Identification with the aggressor makes it possible to bypass empathy for themselves and secondarily for others.

This identification with the perpetrator is further reinforced in predatory societies by the fact that national identification requires its members embrace and identify in some form with the perpetrations of the past, as well as the ongoing denial of and/or perpetuation of these perpetrations –even if narcissistic (or near-psychotic) delusions of moral purity disguise the acts and mentality of perpetration and moral decay.

However, society's inability or unwillingness to come to terms with past traumas and these various psychopathological coping mechanisms have dire consequences not only for the targets of the projective scapegoating, but also for the society and its members who struggle to maintain images of their own moral purity. McFarlane and van der Kolk (2006: 33-34) elaborate again:

> Failure to deal with the plight of victims can be disastrous for a society. The costs of the reenactment of trauma in society, in the form of child abuse, continued violence, and lack of productivity are staggering. Failure to face the reality of trauma may have devastating political consequences as well. For example, in the aftermath of World War I, the inability to face its effects on the capacity of veterans to function effectively in society, and the social intolerance of their

[635] And thus the "weak are a liability, and… are vulnerable to being singled out as parasides and carriers of social malaise" (McFarlane & van der Kolk, 2006: 35).

> "weakness," may have substantially contributed to the subsequent rise of fascism and militarism. The impossible war reparations of the Treaty of Versailles, motivated by a lust for revenge by the Allies, humiliated an already humiliated Germany. The German nation, in turn, dealt mercilessly with its own war veterans, who were accused of being moral invalids. This cascade of humiliations of the powerless set the stage for the ultimate debasement of human rights under the Nazi regime, the extermination of the weak and the different, and the moral justification for the subjugation of "inferior" people—the rationale for the ensuing war.

Similarly, Hardtmann (1998: 93) has cited the "denial and splitting" as the mechanisms through which "the majority of the German people entered an alliance with the Nazis against the Jewish minority in 1933" in order to save "themselves from a critical argument with themselves and their own failures." Kelman (1973), Lifton (1975) and others (Egendorf, 1975; Eisenhardt, 1975) also identified many of these processes in both the unwillingness of U.S. society to look at the reality of the Vietnam War, and in the creation of atrocity-producing situations by U.S. soldiers in Vietnam.

The combination of these various psychopathological mechanisms are passed on from one generation to the next, traumatizing and psychically injuring the children of traumatized parents through projections and projective identifications. Because the parents deny and repress conscious knowledge of their own traumas, there may be little way for the children to gain the awareness of these traumatic events that is needed for healing. Further, as the parents utilize projective defense mechanisms in their denial and splitting, the children are often subjected to periodic and unpredictable angry outbursts by parents.[636] This may lead them to feel that they are "in an imperceivable world" where the connection between parental guilt-inducing communications or angry outbursts and the incidents that allegedly induced them are hidden

[636] "The children of the second generation have become objects of their parents' splitting and projective identification. They then lived either as projectively distorted, bizarre objects in a quasipsychotic world, or they shared these projections and thus became incapable of finding an independent identity of their own" (Hardtmann, 1998: 89).

(Hartdmann, 1998: 89; Felsen, 1998: 46). Hardtmann (1998: 88) gives an example of this type of projective identification, noting a five-year-old who let his dog carry a bag of breakfast rolls home. When his father saw this, and saw that the bag had touched the dirt, he burst out in a rage, yelling "I shall teach you to drag the one who gives you bread through the dirt," and then hit the child hard enough to break his arm. Through parental projection and the reenactment of societal traumas on their children, the original traumatic events remain buried, while the psychopathological mechanisms for denying these past traumas become concretized as behavioral norms throughout sectors of society, or entire societies. Thus, subsequent generations are traumatized and socialized into the psychopathological behavior patterns of previous generations, as each individual "in his short history, passes once more through some of the processes that his society ha traversed in its long history" (Elias, 1998: 42). And thus, the cycles of defensive denial, repression, splitting, dissociation, projective identification, paranoia, reenactment, and new perpetration continues throughout Western society.

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