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## **THE NEXT GENERATION: CRIMINOLOGY, GENOCIDE STUDIES AND SETTLER COLONIALISM**

*LA NUEVA GENERACIÓN: CRIMINOLOGIA, ESTUDIOS SOBRE EL GENOCIDIO Y COLONIALISMO DE LOS COLONOS.*

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### **ABSTRACT**

*In this paper, I examine how the criminology of genocide suffers from problems characteristic of the first generation of genocide scholarship, such as sweeping comparison, narrow legalism, and inattention to genocidal processes. Moreover, I highlight recent second generation work within genocide studies that has gone largely ignored by criminologists, and in particular North American criminologists, and which would allow the criminology of genocide to overcome some of its disciplinary limitations. In particular, I point to the growing areas of critical, colonial, and settler colonial genocide studies as offering vital lessons for the criminology of genocide, using the example of residential schools in Canada, and the Fort Alexander Indian Residential School in particular, to illustrate my arguments.*

**Keywords:** Genocide, Criminology, Settler Colonialism, Indigenous Peoples, Canada, Residential Schools.

### **RESUMEN**

*En este trabajo examino como la criminología del genocidio plantea problemas característicos de la primera generación de los estudios sobre genocidio, tales como comparaciones muy ambiciosas, un legalismo estrecho y una falta de atención a los procesos genocidas. Más aún, señalo a la reciente segunda generación de estudios sobre el genocidio que ha sido ampliamente ignorada por los criminólogos, en particular norteamericanos, y que permitiría a la criminología del genocidio superar algunos de sus limitaciones disciplinarias. En particular,*

*apunto a las crecientes áreas de estudios críticos sobre el genocidio colonial y de los colonos que ofrecen lecciones vitales para la criminología del genocidio, usando el ejemplo de las escuelas residenciales en Canadá y de la Escuela Residencial de Fort Alexander en particular, para ilustrar mis argumentos.*

**Palabras claves:** genocidio, criminología, colonialismo de los colonos, pueblos indígenas, Canadá, escuelas residenciales.

Given the late entry of criminology into the field of genocide studies, it is not surprising that the still emerging criminology of genocide appears a few steps behind developments in genocide scholarship. In this paper, I examine how the criminology of genocide suffers from problems characteristic of the first generation of genocide scholarship, such as sweeping comparison, narrow legalism, and inattention to genocidal processes. Moreover, I highlight recent second generation work within genocide studies that has gone largely ignored by criminologists, and which would allow the criminology of genocide to overcome some of its disciplinary limitations. In particular, I point to the growing areas of critical, colonial, and settler colonial genocide studies as offering vital lessons for the criminology of genocide, using the example of residential schools in Canada, and the Fort Alexander Indian Residential School in particular, to illustrate my arguments. My focus in this article is largely limited to the North American and, to a lesser extent, European contexts, where recently criminologists have begun to show some interest in genocide as a “crime.” It is beyond the scope of this paper to investigate too closely the important work on this subject that is occurring in other parts of the world, including the global south, where researchers have also pushed the frontiers of criminological investigation.

### **First and Second Generation Genocide Studies**

In the 1950s and 1960s there existed very little genocide scholarship, criminological or otherwise (Meierhenrich, forthcoming). The exception was Raphael Lemkin, the Polish-Jewish jurist who created the term in 1943. Even prior to his blending together the Greek ‘genos’ (group or tribe) with the Latin ‘cide’ (to kill), Lemkin had sought a law to protect groups from destruction. Indeed, he believed what he referred to as “national groups”, which are groups sharing a specific yet evolving cultural heritage, each possessed a certain genius that was important to the diversity of the world (Short 2010). His goal was to fashion a law that would protect group life, just as homicide laws protect individual lives. But for Lemkin a law against genocide was not simply about the physical destruction of individual group members, it was about the multiple ways in which a group might be destroyed.<sup>1</sup>

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<sup>1</sup> Lemkin (1944, p. 79) writes, “Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.”

Lemkin began his journey in 1933 by proposing at a Spanish legal conference the terms “vandalism” and “barbarism” to capture cultural and physical aspects of group destruction. Once he had coined the term genocide, and having escaped to the US from Nazi-occupied Poland, Lemkin became a tireless advocate for legal codification of his term (Power 2002). However, his mission was not solely legal and political; he also made important contributions to the study of genocide. Indeed, Lemkin’s 1944 book *Axis Power in Occupied Europe* (1944) and his notes and plans for an unpublished volume on genocide from antiquity to the present are rich with insight into the genocide concept (McDonnell and Moses 2005; Powell 2011; Short 2010).

Lemkin eventually achieved political acceptance and legal traction for his genocide concept through the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948, hereafter UNGC). Prior to this success, however, he participated in drafting a 1946 version of this Convention, which contained what he viewed to be multiple and intersecting forms of genocidal destruction, including cultural, physical and biological threats against the life of groups (Short, 2010). However, his notion of cultural genocide was largely diluted in the UNGC. Article 2, which is the most frequently cited portion of the UNGC, reads as follows:

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

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.<sup>2</sup>

After Lemkin, scholarly contributions to the study of genocide were sporadic. Raul Hilberg’s (1961) *The Destruction of European Jews* and Hannah Arendt’s (1963) *Eichmann in Jerusalem* were published in the 1960s, although it is worth mentioning that Hilberg’s three volume opus went years without a publisher, since most American presses did not foresee a market for writing about the Holocaust (Meierhenrich forthcoming)

Lemkin, along with figures like Hilberg and Arendt, can be considered early initiators of the scholarly study of genocide. But the “first generation” of genocide scholars, to borrow Scott Straus’s (2007) typology, emerged in the 1970s, when a group of researchers coalesced around their shared sense that genocide was worthy of academic consideration. This group includes several figures who remain prominent in comparative genocide studies: Israel Chaney; Vahakn Dadrian, Helen Fein, Irving Louis Horowitz, Richard Hovannisian, Leo Kuper, Robert Melson,

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<sup>2</sup> *United Nations Convention on the Prevention and Punishment of Genocide* (UNGC). Adopted by Resolution 260 (III) A of the UN General Assembly on 9 Dec. 1948. Entry into force: 12 Jan. 1951. Part 2(e) of the UNGC, the forcible transfer of children, has been read by some as the last remainder of Lemkin’s notion of cultural genocide (Grant 1996; Annett 2000); however, others argue that this clause was intended only to be read as a form of physical or biological genocide, and children were to be removed from their homes in a manner that was permanent, thereby jeopardizing the biological and physical continuation of the group (MacDonald and Hudson 2012; van Krieken 2004; Macgregor 2004).

and Jack Nusan Porter. They were joined in the 1980s by Frank Chalk, Barbara Harff, Herbert Hirsch, Henry Huttenbach, Rudolph Rummel, and Ervin Staub, among others.

First generation genocide scholars tended to hold a moralizing orientation toward their subject matter, which is understandable given the sheer brutality and destructiveness of genocidal crimes. As Michael Freeman (1991; see also Cushman 2003) notes, the study of genocide is inherently normative, since one cannot imagine a “good” genocide. However, some within the genocide community were uncomfortable with the extent to which activism and scholarship became entwined. This was evident in the professional body the first generation scholars created for the study of genocide, The International Association of Genocide Scholars (IAGS). Early on, IAGS placed emphasis on genocide prevention, but some members expressed concerns that certain genocides were privileged over others, and that prevention tended to elicit support for Western armed intervention around the world.

Concern about scholarly activism, however, is not the sole or even central reason for the emergence of “second generation” genocide scholarship.<sup>3</sup> Second generation scholars are also troubled by two prominent trends in first generation research. For one, some first generation scholarship is broadly comparative in its approach to genocide research, and focuses largely upon macro-level political, economic, cultural, and societal factors across multiple genocide contexts in an attempt to isolate the defining traits of genocide. Second, those first generation scholars who did examine the micro-dynamics of genocide tended to focus on the social psychological motivations for perpetration, which were often held to be generalizable across all genocides and tended to privilege the perpetrator as the subject of analysis.

The first trend often led to production of trait-based definitions of genocide intended to improve the terms of the UNGC. For example, Chalk and Jonnasohn (1990, p. 23) at the outset of their broad comparative history define genocide as “[...] a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and the membership in it are defined by the perpetrator.” Among other nuances, Chalk and Jonnasohn correct the UNGC’s limited focus on racial, national, religious, and ethnic groups as the sole targets of genocide. According to Chalk and Jonnasohn, any group, even those completely imagined by the perpetrator, could be the target of genocide. This maneuver allowed scholars to contend with the problem that perpetrators of genocide often socially construct the groups they seek to eliminate. The Jews of Europe, for instance, were a diverse and disparate set of communities imagined into a coherent shape by the Nazis so that they could be targeted for destruction as a collective (see Cole 2003). However, Chalk and Jonnasohn’s definition also made the targets of genocide entirely the product of the constitutive acts of the perpetrator, ignoring organic processes of group formation.

Sociologist Helen Fein (1993) also offers a trait-based definition of genocide that seeks to make improvements on the UNGC: “Genocide is sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat

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<sup>3</sup> For some, the distinction between first and second generation scholars is overdrawn. Maureen Hiebert (2013), for example, argues that second generation scholarship represents a building upon rather than a rupture with first generation scholarship.

offered by the victim” (Fein 1993, p. 24). Fein also avoids prescribing the nature of collectivities within her definition; however, unlike Chalk and Jonnasohn, she does not place the definition of these groups entirely within the perpetrator’s hands (and minds). In addition, she follows Lemkin’s footsteps to the extent that she sees groups as sustained collective entities deserving protection from destruction. But despite the added sociological sophistication of Fein’s definition, it remains relatively consistent with the UNGC, and presents a set of distinctive characteristics or traits that, overall, lend themselves to a synchronic understanding of genocide.

With respect to the second trend, social-psychological explanations of perpetrator behaviour, the tendency has been to examine those situational factors that dampen morality and allow perpetrators to commit acts of violence. Stanley Milgram’s (1974) obedience experiments are a well-known example of this approach, and they have been extended in attempt to understand both how genocidal actions are authorized (Kelman and Hamilton 1989) and the role distance from the victim plays in enabling genocidal violence (Bauman 1989). This focus has been particularly evident in criminological studies of genocide, given criminological inclinations toward perpetrator-centred studies of crime.

For many contemporary scholars, whether members of IAGS, and/or the International Network of Genocide Scholars, which formed among European scholars because of their dissatisfaction with the US-based and more activist IAGS, macro-level comparative research, trait-based definitions, and generalizing social-psychological explanation of perpetrator actions have become less prominent within their work. To this extent, Dirk Moses (2010) argues that genocide studies has been “professionalized” in that emphasis is increasingly placed upon empirical and theoretical rigor in the study of genocide, as much as it is on the allure of the good cause or the desire to identify the commonalities shared by all genocides. Many genocide scholars today seek first expertise within a region prior to entering into comparative studies (Meierhenrich, forthcoming). They also understand genocide as a process rather than as a set of traits, which too often serve like items on a checklist against which one can judge whether or not a case deserves the label genocide (Moses 2000). Finally, perpetrator actions are understood not solely as “evil” that manifests when morality is interrupted or removed; instead, genocidal moralities emerge and take hold within complex and shifting historical and cultural circumstances, allowing perpetrators to believe in the rightness of their actions (Powell 2011).

In addition, first generation genocide studies were often based upon assumptions about the nature of genocidal phenomena. In general, their approaches can be critiqued for being liberal/intentionalist and locked within a European cosmology. Dirk Moses (2000) has taken to task liberal approaches to genocide. Like others working closely with specific genocide cases studies, he has noted that the liberal focus on intending individual actors as the primary agents of genocide ignores how genocidal processes emerge out of a complex of historically contingent factors that shape into “genocidal moments” (Moses 2000). Genocide, according to this understanding, does not move in teleological fashion toward an inevitable outcome. Genocidal movements ebb and flow, finding purchase in global, national, institutional, and local circumstances, but they also come up against obstacles that can force genocide perpetrators to redirect or revise their actions. According to this approach, it is not that intending actors do not

exist; it is just that they form and attempt to carry out their intentions in complex conditions over which they do not possess absolute control.

More recent work, seeks to “decolonize genocide studies” (Benvenuto, Woolford, and Hinton forthcoming; Woolford forthcoming). Much of our understanding of what a group is and how it comes to be destroyed is based upon culturally derived notions of the nature of group life (Woolford, 2009). For example, land typically only receives consideration in genocide studies as a resource to be used instrumentally for sustaining a group, following European notions of land ownership and the relationship between society and nature (Woolford 2011, 2013); however, for many if not most Indigenous groups, their territory is more central to their notions of group life; territory is an element of group identity rather than simply a means for sustaining this identity (Alfred 2008; Monture 1999; Simpson 2011).

### **Criminology and First Generation Genocide Studies**

The criminology of genocide, particularly that emerging out of the US, is susceptible to some of the same criticisms that have been made against first generation genocide scholars. Although several criminologists are moving beyond broad, secondary-source based research on genocide (e.g., Hagan and Raymond-Richmond 2008; Jones 2011; Park 2010; Smeulers 2010), emphasis is still overwhelmingly placed on canonical case studies, such as the Holocaust, synchronic rather than diachronic or processual approaches to the subject matter, and narrow, legalistic understandings of the genocide concept.

Although immediately prior to, during, and after WWII criminological thought was enlisted both in the perpetration (Wetzell 2000; Rafter 2008) and adjudication (Hagan and Greer 2002) of genocide, until the end of the twentieth century few criminologists researched the most well known genocide, the Holocaust. The emerging criminology of genocide became noticeable close to the onset of the 21<sup>st</sup> century. At this time, several authors sought to bring criminology to bear on genocide. For example, several criminologists interjected their discipline into the Goldhagen-Browning debate that had been occurring over the motivations of Police Battalion 101, a group of irregular German recruits who played an important role in making the Polish countryside “Juden Frei” (see Friedrichs 2000; Day and Vandiver 2000; Brannigan 1998; Morrison 2006). The men of this Battalion, after an initial invitation from their commanding officer to step away from the action if they were uncomfortable with their task, proceeded to massacre Jewish peasants at close quarters in gruesome fashion. Although some members initially experienced feelings of sickness at these tasks, and many plied themselves with alcohol throughout their time in Poland, few refused to participate in the killings. While Daniel J. Goldhagen (1997) explains their actions based upon an “eliminationist” anti-Semitism that he argues was pervasive in Germany at the time and made all Germans “willing executioners”, Browning (1998) offers a multi-causal and more social psychological explanation that draws on factors such as peer pressure, authority, and ambition to make sense of the Battalion member’s actions. In this debate, criminologists have found opportunity to demonstrate how criminological concepts might help one arrive at conclusions similar to those of either Goldhagen or Browning.

Brannigan (1998), for example, in addressing this debate notes that criminological theory is too individualistic and consensus oriented to offer much insight into collective crimes such as those committed by Police Battalion 101. In his effort to open criminology to the study of collective crime, he gives great credence to Daniel Goldhagen's heavily criticized and flawed historical research (see Meierhenrich forthcoming). He adds to Goldhagen's arguments, his own explanation based on a theory of evolutionary xenophobia. But this approach, similar to first generation social psychological approaches to genocide, locks human groups into a universal sameness defined by a human propensity toward coalition formation and animosity toward perceived out-groups. Such an explanation relies on anthropologically unfounded assumptions that all groups share common notions of boundary formation and protection (see Thom 2006; Blinded for review). It also shows a lack of self-reflexivity by bringing into the discussion the relevance of Lombroso's evolutionary framework (albeit while criticizing his particular approach and findings) without acknowledging the role of Lombrosian criminology in the perpetration of the Holocaust (see Wetzell 2000; Rafter 2008).

One can also see here the adoption of first generation genocide scholar concerns with canonical case studies (e.g., the Holocaust, Rwanda, and Bosnia, see Hinton 2012), as well as a focus on familiar themes of genocide perpetration and prevention. These themes were often imported directly into the criminology of genocide, and clothed in criminological theory. Indeed, first generation genocide scholars are the primary reference points for most criminologists entering the field of genocide studies. For example, in seeking to demonstrate the relevance of criminology to the study of genocide, Day and Vandiver (2000) draw largely from scholars such as Kelman and Rummel. And, like many criminologists studying genocide, their first order of business is to show the similarities between criminological concepts and those used by these genocide scholars. For example, they compare Sykes and Matza's techniques of neutralization to Kelman's notions of dehumanization and authorization, which are held to resemble the "denial of victim" and the "appeal to higher loyalties" used by young offenders to suspend moral feeling and to facilitate wrongdoing, either by denying an obligation to the victim or stressing that they were under the influence of an authority (see also Alvarez 2001 and Cohen 2001). The utility of such a concept for understanding genocide, however, is not as a particular trait found uniformly in a genocide context; instead, one needs to look at the processes through which neutralizations form, evolve, and disappear in time and space surrounding a genocidal moment. Moreover, one must take care not to assume that there exists a baseline morality that is simply diminished or silenced by the techniques of neutralization; indeed, genocidal processes are often moralization projects in which new eliminationist moral codes are formed and whereby bedrock moralities are replaced and not simply neutralized (Powell 2011).

Critical criminologists engaging in the study of genocide have also often limited themselves to first generation concerns. In making a case for the Holocaust as the "crime of the century", David Friedrichs's (2000) primary purpose is not to engage in the so-called uniqueness debate, which held the Holocaust to be incomparable to and phenomenologically distinct from all other genocides (see Katz 1994; Bauer 1978). Instead, his goal is to demonstrate how this massive crime has achieved prominent cultural and political status and yet has barely registered in the world of criminology. In an effort to make criminology "more profound," Friedrichs explores

how the Holocaust can be examined in terms of: the criminality of the Nazi leadership, as well as the criminality that was imagined inherent to Jews; how the crime of genocide came to be perpetrated in this socio-historical context; and the processes of criminalization, both for those targeted by the Nazis for destruction, and later of the Nazis themselves. As useful as this broadening of criminological concern is, however, my worry is with Friedrich's use of the term "crime of the century" to bring criminological attention to the crime of genocide, which inadvertently contributes to hierarchical thinking about genocide, and directs criminologists toward considering more broadly accepted rather than contested instances of genocide. The field of "critical genocide studies" (Hinton 2012; Powell 2011) is growing and placing emphasis not only on the study of the core of genocide studies (e.g., the Holocaust and Rwanda) but also those cases often kept to the periphery of the field (e.g., Argentina, or various Indigenous genocides) (see Hinton 2012, p. 13). Critical genocide scholars are also less encumbered by legal notions of the crime of genocide, which seems a natural fit for someone as prominent within critical criminology as Friedrichs.

Unlike many genocide scholars, John Hagan has combined his project in the criminology of genocide with in-depth empirical research on a specific region: Darfur. Whereas many criminologists rely largely on secondary literature to demonstrate the saliency of criminology to the study of genocide, Hagan, along with his co-author Wenona Rymond-Richmond (2008), has drawn from the U.S. government sponsored Atrocities Documentation Survey of Darfur Refugees in Chad (2004) – an ambitious victimization survey of those fleeing genocidal attacks – to offer evidence that the crimes in Darfur meet the standards of the UNGC (1948). Questions remain with regard to the depth of the authors' understanding of the local cultural context that determines the meaning of the racial epithets that they interpret to signify genocidal intent, and their tendency to import U.S. race politics into northern Africa. Moreover, Hagan and Rymond-Richmond also privilege the UNGC, and its problematic interpretation of group life, ignoring the needed critical criminological investigation of the terms of this Convention. In particular, they give priority to racial motivations to genocide, when genocide is often the product of multiple motivations, and in doing so support a narrow notion of the genocide concept (Hagan and Rymond-Richmond 2008).

In large, the work criminologists have done in relation to genocide has the following characteristics: 1) genocide laws such as the UNGC are seldom questioned or challenged for their underlying presuppositions of what is a group, the ways a group might be destroyed, or how intentionality is conceptualized in relation to such actions; 2) research is conducted at a distance from the communities and cultures in which genocide is perpetrated and experienced. 3) The primary questions asked are those most typical of criminological work (e.g., "Why did the perpetrators participate in genocide?" "How should we intervene?" and "How might justice be achieved in the aftermath of genocide?"); 4) Genocide is treated as an event with identifiable and consistent traits rather than as a process that ebbs and flows across time and space.

These characteristics, among others, align today's criminology of genocide with the concerns of first generation of genocide scholars. I only cover a small number of authors who do criminological work on genocide here (and notable exceptions to first generation alignment include Hoffman 2009; Karstedt 2012; Morrison 2006; Mullins and Rothe 2008; Jamison 1998, 1999) and my comments should not be taken as deriding this group of scholars, who are doing

very important work in expanding the criminological lens beyond its domestic, national focus (see Morrison 2006). Nor do I want to give the impression that I am dismissing the important work done by first generation genocide scholars – these are the people who created the field of genocide studies and sparked my interest in this topic. However, as in any field, scholarship in genocide studies has developed new, important concepts and approaches, and I believe it is time for criminology to also advance to the next generation.

### **Criminology, Colonial Genocide Processes, and the Settler Colonial Mesh: The Next Generation**

I have previously made the point that criminologists must be careful not to simply come late to the study of genocide, impose their methods and theories, and ignore the debates that animate this field (Woolford 2006). My effort in this paper is to provoke criminologists to enter into conversation with second generation genocide scholars who have begun to initiate critical (Hinton 2012; Powell 2011; Verdeja 2012), colonial or settler colonial (Moses 2004, 2008, 2010; Barta 1987; Veracini 2010; Wolfe 2006), and decolonizing (Benvenuto, Woolford and Hinton, forthcoming) approaches to genocide studies. Especially among North American criminologists disease it is problematic to contribute to a discourse of genocide studies that views genocide as something that happens elsewhere, thereby reinforcing the settler colonial tendency to displace the (still ongoing) acts of settler violence that made the formation of North America possible (see Veracini 2010). However, the criticisms articulated in this paper are not restricted to the absence of attention to settler colonial genocide; indeed, similar lessons could be drawn from cases emanating from the global south, where the genocide concept has been interrogated and usefully expanded in relation to non-traditional genocide studies examples, such as the societal destruction wrought by Argentine state terrorism (Feierstein 2007) or even the spread of cholera among Indigenous peoples in Venezuela (Briggs and Briggs 1997).

In contrast to static approaches based on “core” genocides (Hinton 2012) that are felt to be prototypical (Moshman 2001), there is a building consensus in genocide studies that genocide is a process not an outcome or set of clearly definable traits (Rosenberg 2012). How do a variety of ideologies meld into a genocidal outlook? How are the actions of numerous actors and institutions coordinated over time and in a range of territorial settings? What obstacles to genocide arise, and if they are overcome, how does this occur? Such questions demand that our approach to the topic of genocide not be synchronic and focused solely on narrowly delimited periods of time or a check list of prototypical characteristics, but rather offer a diachronic lens sensitive to moments of foundation, interruption, expansion, contraction, and so forth, within genocidal processes. Such an approach when applied to Indigenous peoples in what is now Canada, allows one to avoid force fitting the specific experiences of targeted groups either into the circumstances of the Holocaust (Neu and Therien 2003; Churchill 1997; Annett 2001) or the terms of a dominant genocide definition, such as the UNGC (Grant 1996; Annett 2001), and instead to enter into an understanding of the potential destructiveness of asymmetrical intergroup relations from a perspective grounded in a specific set of historical events.

The analysis of Canadian Indigenous residential schools that I introduce below is in keeping with this more contemporary approach to genocide studies and is based on a broader comparative project I have conducted on Indigenous boarding schools in Canada and the United States.<sup>4</sup> In this project, I argue that, to navigate the complex matrix of settler colonialism's uneven yet destructive expansion in a place like Canada, one can imagine settler colonialism as a series of nets that operate to constrain agency, but are also prone to snags and openings that enable resistance. The first net, the widest, traverses the entire social field and brings together dominant realms of social activity, such as economy, education, government, and religion.<sup>5</sup> It is at this broad level that dominant visions of the colonial order are negotiated; for example, the formulation of the so-called Indian problem in Canada. This vast net, however, can only be effective through the implementation of increasingly smaller and more institutionally and regionally focused nets. At the upper meso-level, within the bureaucratic field inhabited by government, one finds the institutional netting that brings together various state and state-sponsored agencies (see Wacquant, 2009, 2010). Military, police, law, education, welfare, and health are a few examples of settler colonial institutions that are integral to the operation of settler colonialism. But each institution is itself the space for further levels of netting. Indeed, at the lower meso- or organizational-level of the institution of education, a variety of schools (e.g., reservation and non-reservation; federal and mission; day and boarding) form a network of interactions, as they cooperate and compete with one another, depending on various circumstances. Finally, around a specific school we find the last layer of netting, which connects parents, children, teachers, principals, and communities in interactions defined by regionally-adapted techniques of governance and control, and a local actor-network that involves not just humans, but also non-human actors like disease, poverty, animals, and territory in local experiences of assimilative schooling (Callon, 1986; Latour, 2005). These various levels of netting interact and sometimes even conflict with one another (such as when certain boarding schools ignored or adapted upper-meso level policies), but together they form a settler colonial mesh that seeks to stretch across vast regions. However, across time and space, the net can either tighten or loosen depending upon the various relations that give shape to this mesh.

Before beginning this analysis it is worthwhile to take a moment to consider the relationship between colonialism and genocide. When referring to colonial genocide as a process, there is an assumption made that there exists a level of connection between the terms colonialism and genocide, so one might ask, what makes genocide colonial? Drawing from the work of Osterhammel, Dirk Moses (2008, p. 22) defines colonialism as “the occupation of societies on terms that robs them of their ‘historical line of development’ and that transforms them ‘according to the needs and interests of the colonial rulers.’” However, colonialism is totalizing rather than a totality; it is expansive and therefore always incomplete in its aspirations. It is a process. It spreads across regions and times in an often uneven and variegated manner, adapting to local networks that help lend it shape.

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<sup>4</sup> This short paper can only provide an abbreviated example of the research I am currently conducting. More developed examples can be found in *Blinded for review*.

<sup>5</sup> According to Bourdieu, a field is “a network, or a configuration, of objective relations between positions” (Bourdieu and Wacquant, 1992: 97). Within such networks competition occurs for the symbolic power to determine the valuational standards of the field. One could add to this a higher level, the international level, which Mullins and Rothe (2008) include in a similar breakdown of their theoretical approach.

One must also remain sensitive to the fact that there exist different forms of colonial rule, and that there are distinct differences to be recognized between colonialism, where the colonizer establishes a base in the colonized land and rules from outside, and settler colonialism, where the colonizer places significant numbers of its citizens in the colonized territory and this settler population rules the territory from within (see Veracini 2010). Patrick Wolfe (2006) more than anyone has set the foundation for examining processes of “settler colonialism,” which he argues are defined by a “logic of elimination.” By this, Wolfe means that settler colonialism is not a single event but rather a structure or wide range of actions (Wolfe 2006) – it is a deeply embedded way of seeing and acting upon the world that naturalizes the settler desire for Indigenous lands, which marks Indigenous peoples as dispensable and of necessity replaceable.

The work of A. Dirk Moses (2000; 2004; 2008) has also been significant in guiding my approach to the study of genocide in a colonial context. Moses offers a nuanced and localized view of settler colonial processes and their potential for destruction. Speaking of Australia, Moses (2000, pg. 91-2) writes,

Instead of arguing statically that the colonization of Australia was genocidal tout court, or insisting truculently that it was essentially benevolent and progressive, albeit with unfortunate ramifications, it is analytically more productive to view it as a dynamic process with genocidal potential that could be released in certain circumstances. The place to look for genocidal intentions, then, is not in explicit, prior statements of settlers or governments, but in the gradual evolution of European attitudes and policies as they were pushed in an exterminatory direction by the confluence of their underlying assumptions, the demands of the colonial and international economy, their plans for the land, and the resistance to these plans by the indigenous Australians.

Thus, Moses identifies the multiple and changing factors that must be examined for an assessment of genocide potentials and outcomes, rather than an intention locatable in the statements of leaders or genocide perpetrators. He also avoids engaging in the battle to operationalize a concept of genocide, and instead seeks to trace the destructiveness of colonialism in the movement of history, caught between international pressures and local concerns. And most importantly, he also provides a means for thinking about resistance within genocidal processes, since genocide is never conducted against an entirely passive population.

### **Settler Colonialism and Indigenous Boarding Schools: Beyond Criminological Concern?**

Thus far, the vast majority of criminological treatments have ignored cases of colonial genocide (exceptions include Hoffman 2009; Morrison 2006). Why is this? Is criminology an inherently colonial project, an “imperial science for the control of others” (Agozino 2004, p. 343)? Or, as is often the case in emerging areas of study, are criminologists simply grasping at the lowest hanging fruit – those cases from the core of genocide studies for which the most secondary information exists? Whichever is the case, one can note that both criminological and first generation genocide studies are prone to begin their investigations from epistemological perspectives that automatically exclude certain cases. This tendency is even more evident in instances that involve what is often referred to as cultural genocide or ethnocide. Lemkin did not treat cultural genocide as a separate category of crime; indeed, for Lemkin, culture is integral to

the persistence of groups and therefore cultural destruction is genocide (see Moses 2008; Short 2010). Nonetheless, first generation genocide scholars, and like-minded criminologists, have often treated cultural genocide as qualitatively different from physical and biological genocide (e.g., Chalk and Jonnasohn 1990). This has allowed North American criminologists studying genocide to turn a blind eye toward cultural attempts at destruction that made their very status as settlers in North America possible by removing Indigenous peoples from the lands upon which their universities and homes now sit.

Settler colonialism, as Wolfe notes, is not a single event. What Wolfe perceives as a structure, others might see as a “figuration” (Powell 2011), has been described above as a settler colonial mesh that stretches itself across the content, operating through various nodes or sites that change, or take different shape, across time and space. One can thus trace the expansion of this mesh of colonial interventions into Indigenous lives historically. In Canada, the post contact fur trade is an obvious starting point, because during this time (i.e., the sixteenth to the early nineteenth century) Indigenous-European relations were defined as much by mutuality, trade, and military alliance, as they were by strife. It is only with the demise of the fur trade, the destruction of Indigenous food and cultural resources like the buffalo, the deadly spread of European diseases, and the consolidation of European, namely British, control in North America that settler colonialism begins to take its more eliminatory form on the Continent. This is evident in efforts to remove and violently disrupt Indigenous communities, such as in the “trail of tears” or the “Indian wars” in the U.S. during eighteenth and nineteenth centuries. It is also apparent in widespread debates in the latter half of the nineteenth century about how the so-called Indian Problem should be resolved. At this time, voices in both Canada and the U.S. spoke in favor of simply treating Indian peoples as a “dying race”, because it was felt that their demise was inevitable in the face of European dominance. However, other settlers spoke in favor of assimilation and civilization as the best and most Christian strategies for eliminating the obstacle presented by Indigenous peoples who stubbornly refused to forfeit their lands. The latter group won out. But it was felt that Indigenous adults were far too backward to be transformed; therefore, children were targeted for assimilation, and increasing government funds were directed toward their schooling.

Missionary boarding schools had been present in North America since the seventeenth century. However, such schools were sparsely located, proselytizing institutions, and they had failed to achieve much uptake among Indigenous peoples. Indigenous boarding schools as a system would not take hold until the 1870s when Lieutenant Richard Pratt began his experiment with Indigenous education in the U.S. Pratt’s initial attempt at assimilative education occurred at Fort Marion in Florida, where he subjected a group of captured Indigenous warriors to lessons in civilization while they were imprisoned under his command. The soldiers, preferring these lessons to the isolation of their cells, gradually adopted some of what Pratt taught them, and subsequently their transformation was placed on display for local townsfolk and visitors. Some among the settler population, such as those who were members of the Indian Rights Association, viewed Pratt’s methods as the perfect antidote to the Indian Problem and a model for Indigenous assimilation. They, along with Pratt, lobbied the U.S. government for a greater commitment to Indigenous schooling, which eventually would occur. As well, Pratt was soon granted his own school, the Carlisle Indian School (see Adams 1999; Fear-Segal 2007).

These developments in the US did not go unnoticed in Canada, which had been increasingly embracing the notion of assimilation as an antidote to the Indian problem. In 1879, Gavin Flood Davin was sent south to study the American experiment in Indigenous boarding schools. He returned impressed, and advised that Canada invest in such schools. However, he felt that Canada could not follow the exact system implemented in the US and recommended that Canada instead draw upon the existing network of Christian missions to implement its schooling system (Davin 1879). This decision would have serious repercussions, as it allowed the government to distance itself from the day-to-day operations of the schools, and to govern assimilative education through Christian denominations, which were required to manage their funds under exceedingly tight budgets (Miller 1996). For their part, the churches also contributed to the stagnancy and despair of Canadian residential schools, as they were quick to lobby against any proposed reforms to this system that were perceived to infringe upon their control over Indigenous schooling (Milloy 1999; Reyhner and Eder 2004).

The per capita funding formula used for Indian residential schools left these institutions chronically underfunded. Schools were established in areas where church missions already existed, often in expanded or re-purposed mission buildings. Many of the buildings were decrepit, poorly ventilated, and inadequately heated for winter months. Students spent half their day in work and half in scholastic or religious education. The work, originally conceived as a means to transfer employable skills to Indigenous children, became a necessity for sustaining the poorly funded schools. Overworked, underfed, poorly clothed, and inadequately housed in crowded dormitories, the students were susceptible to communicable diseases and other ills that put their lives at risk. As well, they experienced an intensive assault on their cultures. From the moment they entered a residential school, they were subject to assimilative interventions. Traditional clothes were removed, hair was cut, names were changed, and languages and cultural practices were forbidden. In a world of extreme loneliness, they were separated from parents and relatives for ten months of the year, if not more. Physical, emotional, sexual, and spiritual abuse was common, from both staff and fellow students, and Indigenous cultures were derided (see Fontaine 2010; Grant 1996; Haig-Brown 1988; Johnston 1988; Knockwood 2001; Miller 1996; Milloy 1999). Although some Indigenous students cite positive experiences at the schools, the overarching purpose of the schools was, as Deputy Superintendent Duncan Campbell Scott made plain in 1920, “to get rid of the Indian problem [...] Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian Department [...]” (quoted in Titley 1986, 50).

Approximately only 30% of Indigenous children attended residential schools between 1879 and the 1960s (Miller 1996), but the schools have affected far greater numbers of people as they disrupted the transmission of Indigenous cultures and socialization practices. As well, the residential school system was complemented by other institutional mechanisms that attacked Indigenous cultures. Day schools communicated similar messages of cultural inferiority. Indigenous forms of governance were replaced with European models. Indigenous rituals, such as the potlatch and sun dance, were outlawed. And Indigenous territory was marked with boundaries and exploited for its resources. Together, these combined layers of the colonial mesh resulted in continuing suffering for many Indigenous peoples, including present-day child

removals, addiction, suicide, un- and underemployment, and ongoing cycles of violence and abuse (see Blackstock 2008; Wesley-Esquimaux and Smolewski 2004).

This broad, macro-level summary of the schools gives a sense of the destructiveness of these institutions, as they sought to forcibly transfer Indigenous children from their cultural attachments, remaking them as Europeans. However, one needs to look more closely at the schools themselves, as meso-level institutions, and at the micro-level interactions that occurred within and around the schools, to fully understand both how they strove, and ultimately failed, to destroy Indigenous peoples.

Here it is instructive to zoom in on a particular school and its situation within a complex institutional network. Fort Alexander Indian Residential School, located south of the Winnipeg River in Manitoba, was unlike the industrial boarding schools Canada created when it first began its experiment in assimilative education. The industrial schools were large institutions, much like Carlisle in the US, where children were removed from their territories to spend half their days in traditional and moral education and the other half learning a variety of trades and domestic skills. In contrast, Fort Alexander was a reserve-based school, which was the model Canada turned toward at the end of the nineteenth century, when the industrial school model was found to be too costly to maintain. At Fort Alexander, children were boarded within their own community, often able to see parents and family outside of the school's fence, but unable to interact with them. Here, too, they were subject to one half day of education, although this education was in part shaped by the dogma of the Catholic Church, which ran the school and placed special emphasis on prayer and ritual. With respect to work training, children were largely restricted to agricultural and domestic labour, much of which was directed at providing food, funds and services for the school rather than the future subsistence needs of the children.

At the lower meso-level, Fort Alexander was part of broad network of Catholic-run residential schools that were collectively managed by the Roman Catholic Oblates of Mary Immaculate. It was thus part of an institutional network with vested interests in the continuation of schooling and the delivery of religious education. The Canadian Catholic Church received funding through the administration of residential schools, and also was able to meet Church goals of religious conversion through their operation. Therefore, unlike in the US, where schools were controlled by the government, and often shifted with trends in governmental management, such as when military discipline was no longer viewed as a desirable component of schooling in the 1930s, residential schools like Fort Alexander were bolstered by religious networks that allowed it to resist changes imposed from outside.

In particular, monastic forms of discipline were evident at Fort Alexander from its opening in 1900 right up until 1970, when it closed its doors. Prayer and confession were regular parts of this disciplinary regime. Reflecting on his time at FA in the 1930s, Joseph Boubard reports he "Didn't learn much at school. Lot of praying."<sup>6</sup> School inspector B. Warkentin noted the continuation of monastic discipline at the FA school in the early 1940s: "What has been wrong, if I may presume to criticize, is that church authorities have been and are concerned about saving the Indian's soul. [...] Instructors shall not destroy the excellence of the Indian character by ill-advised behavior or by the teaching of incomprehensible and disputed dogma. Our aim always

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<sup>6</sup> Sagkeeng Cultural Education Centre Oral History Project, Manitoba Provincial Archives, 5 August 1987, C1623.

should be to build on the existing foundation rather than to substitute a new basis".<sup>7</sup> At Fort Alexander, Roman Catholic control over the school, sustained by isolation from regular inspection and reinforced by Catholic institutional networks, meant a longer experience of monastic discipline than was the case in the US, or even at other Canadian schools. It also meant that instances of sexual and physical violence, which appear more frequently in testimony from this school than others, could be hidden within the Church bureaucracy, if they came to light at all.

At the micro-level, one can look at a variety of interactions that shaped the particular experiences of attempted group destruction at a school like Fort Alexander. For example, part of my larger project has been to explore the role territory and space play in assimilative education. Indeed, the buildings and grounds of the schools can themselves be treated as actors enrolled by governing authorities to forcibly transform Indigenous children, but also subverted for purposes of resistance. Buildings, such as the Fort Alexander school, were typically larger than all other community structures, and were meant to impart the superiority of European culture in both their grandness and style (De Leeuw, 2007). Moreover, space was used to separate children from opposite sex siblings, and to culturally disorient them, replacing the openness of Indigenous territory and structures with the regulated and compartmentalized space of the classrooms and the fenced yard. As well, agricultural lands around the school communicated the taming of nature. And guardhouses, principal's offices, and the school cemetery were reminders of the destructive and punitive power of the white man (De Leeuw, 2007; Fear-Segal, 2007). But students also sought out and occupied the interstices of this regulated space – e.g., hiding places where food could be stored, conversations could go unheard, plans could be made, love could blossom, or tears be shed.

With respect the resistance of holding onto one's culture and connections to community, students from Sagkeeng First Nation (formerly the Fort Alexander reserve) would appear to be at an advantage in terms of their proximity to their home reservation when compared to those students who were forced to travel great distances to attend residential schools. However, territorial proximity in and of itself was not sufficient to dampen assimilative pressures or to create opportunities for greater Indigenous control. The location of Fort Alexander Indian Residential School, which was difficult to reach by roads, even though relatively close to towns like Lac du Bonnet and Selkirk, meant less opportunity for inspection and for Indigenous leaders to speak to officials beyond the school to voice their concerns. Isolation and the power of the Indian Agent helped ensure continued Indigenous enrolments without the Sagkeeng people, whose children were the majority at the school, increasing their power to negotiate for better conditions at the school.

Despite the strategic isolation of Fort Alexander, and the rigid control the school maintained to prevent communication between students and family members, there was one terrain upon which students could seek to preserve their identities: memory. Theodore Fontaine addresses this space in his memoir of his time at Fort Alexander during the 1940s and 1950s. Fontaine (2010: 11)

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<sup>7</sup> 23 June 1942 letter to RA Hoey, Sup't of Welfare and Training, Dept of Indian Affairs, from B Warkentin, Library and Archives Canada, RG 10, volume 8448, file 506/23-5-019.

writes, “Early on, I discovered that I could escape from the loneliness and sadness of my life at Indian residential school by recalling and reliving my joyous life as a boy at home before school... the practice of retreating into my mind and my memories became a lifelong survival skill.” And yet the disciplinary structure of the schools, and the disciplinary regimentation of time, meant it was often difficult for children to occupy this space of memory and to overcome the imposed distance. Later in his book, Fontaine (2010: 91) suggests that students regulated one another in a manner that made it difficult to inhabit the terrain of memory: “Memories of happy times surfaced a lot in my first year at school, particularly at night and in the dark. Eventually they came less and less often—perhaps mercifully, for whimpering and crying were reason for the older boys to belittle and abuse the younger ones—and later I thought perhaps they were only a dream.”

The proximity of a school like Fort Alexander to Sagkeeng First Nation did not automatically result in community empowerment, the retention of Indigenous traditions, or less loneliness for the children. Indeed, looking outside to see a family member walking past the fence, yet with no ability to make contact with that person, could intensify longings for home and create resentments for those community members outside the schools who had failed to protect them from enrollment. One Survivor from Fort Alexander stated in his statement to the Truth and Reconciliation Commission of Canada, “When I was at the residential school there, my home was only about a quarter mile away. I can see my home from the boarding school, like, when you, you know, I was lonely, wondering why I can’t go home, or why people can’t come and visit me.”<sup>8</sup>

Through an examination of the many levels at which the harm of residential schooling was implemented – the governmental, institutional, and the local – one can develop a sense of the complexity of this crime’s perpetration, as well as the everyday resistances available or unavailable to those victims seeking to preserve their cultures and their groups. It is also possible to trace how these relations shifted over time, and how genocidal processes were negotiated by a variety of actors. Unfortunately, in the case of Fort Alexander, the Catholic Church was able to maintain a fairly consistent approach to forced assimilation, but in other parts of North America, one sees local shifts in power that allowed Indigenous groups demand better conditions within their schools.<sup>9</sup>

## **Conclusion: Unsettling the Criminology of Genocide**

Fontaine, and the other children at Fort Alexander Residential School, speak of the resentment they grew to feel toward their family members. How was it that their loved ones did not protect them from the sexual, physical, and cultural violence they suffered at this school? How could they be so near and do nothing while their children suffered? These feelings were further encouraged by teachers at the school, who derided the children’s parents, their cultures, and their

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<sup>8</sup> Anonymous, attended Fort Alexander in the late 1960s, Truth and Reconciliation Commission of Canada; 01-MB-26JY10-009; Long Plain; July 27, 2010.

<sup>9</sup> For example, the Pueblo in New Mexico were able to use their proximity to the Albuquerque Indian School and Santa Fe Indian School, as well as the fact that they were more sedentary and agriculturalist, to influence how their children were treated within these schools. See Gram 2012.

communities. The goal, and the potential effect, of these processes was to sever the children from their communities, and to connect them and socialize them into new collectivities, the Catholic Church and the nation of Canada.

Given the critical and conceptual concerns explored in this paper, it is impossible to offer more than a brief overview of residential schooling in Canada and the experiences of children at Fort Alexander Indian Residential School. The purpose of this article is not to provide a thick description of life in a particular residential school. Instead, it is to demonstrate what is lost when the criminology of genocide restricts itself to the world of first generation genocide studies. Part of what is lost is the complexity of genocidal processes. Group destruction forms as an idea, but imperfect institutions and actors, both positioned within a social and natural world that places obstacles and challenges in their way, are the ones who carry it out, and they must seek adaptations and consolidation of power to fulfill their objectives. In short, genocide is often a circuitous process that violates attempts to impose upon it simplistic criminological narratives of intending perpetrators and the passive victims.

Perhaps more importantly, the criminology of genocide risks becoming a “garrulous discourse” (Foucault 1980) in service to the replication of dominant, legalistic understandings of genocide when it fails to critically interrogate settler colonial processes of destruction. Genocide law, in its break from Lemkin’s concept of genocide, is far too dependent on Eurocentric understandings of what it means to be a group, what it means to destroy a group, and what it means to intentionally destroy a group (Woolford 2009). It is also the product of self-serving negotiations through which settler colonial nations such as Canada and the U.S. sought to see all reference to cultural genocide removed from the UNGC (Churchill 2004; Davis and Zannis 1973; MacDonald and Hudson 2012). Without critical evaluation of genocide law and genocide studies, and without critical attention to settler colonial violence and its underlying logic of elimination, Criminology risks remaining an imperialistic enterprise, conquering the new territory of genocide research, while preserving settler colonial laws and settler colonial nations, keeping them safe from the genocide concept. Under such an approach, genocide is reduced to an act committed by others, out there, in the disordered zones of the global south, and not the basis, the act of ordinary violence, that made settler North America possible.

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