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CANADA AND COLONIALISM

An Unfinished History



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Note on Terminology

Anyone writing on history, legal issues, and Indigenous peoples enters a minefield when it comes to terminology and the need to balance historical accuracy with shifting social norms about what is considered acceptable language. Many authors and publishers struggle with this issue, and there is no consensus on the best approach to dealing with outdated terminology.¹ This book sets out to explore how Canada's legal and political relationship with Indigenous peoples remains rooted in its colonial past. In this book, "Indigenous" generally refers to the original peoples of a territory. However, "Indigenous" is not a term that was widely used either by the colonized or the colonizers during much of the time period explored in this book. The colonized used words in their own language to describe themselves or their language rather than a general term for all Indigenous peoples. Sometimes, the colonizers used these words and sometimes they used their own terms that may or may not have been similar and that may have referred to more than one Indigenous group or confused them.

In what is now the Americas, a particular problem was the use of "Indian" to refer to the original inhabitants of these lands, resulting from the error of European explorers who thought they had landed in South Asia. "Indian" is now widely regarded as an offensive term when used to refer to the original peoples of North America. In Canada, the term has generally been replaced by "Indigenous peoples," a term which encompasses First Nations, Inuit, and Métis peoples. "Aboriginal" is the term used in Canada's constitution and that remains enshrined in Canadian law; I use it in this book when referring to

current Canadian legal contexts. Like “Indigenous,” “Aboriginal” encompasses First Nations, Inuit, and Métis peoples. However, it should be noted that only First Nations were subjected to systematic colonization through the various versions of the *Indian Act* discussed in [Chapter 6](#).

In this book, I generally use the terms “Indigenous,” “Aboriginal,” “First Nations,” “Métis,” and “Inuit.” In the context of Canada rather than the Indian subcontinent, I use “Indian” only in quoted materials or to reflect historical or legal usage (such as in the terms *Indian Act*, Indian agent, and Department of Indian Affairs); other dated terms used to categorize people from different races also appear in quotations from historical sources. As this book examines, scientific racism divided human beings into different races while cultural evolutionists argued that different races were at different stages of civilization (with the “white race” being the most advanced). The belief in white racial and cultural supremacy was widespread and used to justify the colonialism explored in this book. Some of the original historical material included is offensive and no doubt many readers will find some sections challenging to read, particularly if they are not used to reading historical materials. While my intention is not to cause harm or discomfort, because racism was fundamental to colonialism, and racist language was wielded as a tool to justify it, this book includes examples of racism from many different sources to preserve historical accuracy and provide a sense of the times. My hope is that the overall aims of this book, which include revealing how this racism at the heart of colonialism still has an impact on the lives of Indigenous people, will help readers move through the uncomfortable emotions the use of this historical language may evoke. Ideally, my hope is that this book will contribute to efforts to dismantle the systemic racism that persists in Canada to this day.

Introduction

Anyone in Canada reading a newspaper, watching television, listening to the radio, or using the internet will see daily references to “colonialism,” usually in the context of Indigenous matters. This book explores Canada’s historical connections with colonialism and how they continue to have an impact. It seeks to provide a general account of what I consider to be the essential history of Canadian colonialism. Endnotes provide references for those wishing to pursue particular topics in more depth.

Colonialism is a process that results in the control of one people’s territory by another. In the Canadian context, this means primarily French and British settlers taking control from Indigenous peoples. It also refers to Canada’s and Canadians’ support for the British Empire, which dominated many of the world’s peoples for hundreds of years. The main argument presented in this book is that colonialism is deep-seated in Canada. The control of Indigenous peoples in Canada formed part of a broader, worldwide process in which Canada and Canadians participated. This process was rooted in a shared economic goal, belief in racial and cultural superiority, and a readiness to use force if other preferred measures, such as treaty making, did not succeed.

Earlier generations of Canadians (who identified as British as much as Canadian) were well aware of this imperial background. For example, the Truth and Reconciliation Commission (TRC), which investigated the residential school system for Indigenous children in Canada, observed that “the men and women who established the schools celebrated [the] link between their

work and the growth of European empires.”¹ The architects of Canadian Indian policy and the western treaties that transformed the nation were ardent imperialists as were most of their contemporaries. My sense, however, is that this background is not as well understood by contemporary Canadians as it should be, despite many contemporary efforts to “decolonize.” This book seeks to describe the broader process of colonialism, including control of the territories of Indigenous peoples in Canada by the British colonists and their Canadian descendants.

Most of the material in the following pages is historical, relating to events and people of long ago. Few people in Canada today advocate the racism, cultural supremacy, and willingness to use force that were central to the imperial project. Since 1971, when Prime Minister Pierre Elliott Trudeau announced multiculturalism as an official government policy – the first of its kind in the world – it has replaced identification with the British World.² So why write a book about the painful past? There is, of course, the usual reason of wanting to know more about how we got to where we are today. More fundamentally, the past continues to have an impact on our present. As Eric Hobsbawm, the eminent British historian, wrote, “We swim in the past as fish do in water, and cannot escape from it.”³ The sun gradually set on the British Empire beginning with the Second World War and, with it, Canada’s role in supporting it. However, a legacy of that history was a system of control over Indigenous peoples in Canada that remains. An understanding of that history is necessary to better understand the current situation of Indigenous peoples in Canada. Their impoverished economic circumstances and the failure of Canadian governments to fully recognize their rights are better understood in the broader context of Canada’s history as part of the British Empire and its treatment of Indigenous peoples. As the TRC noted, the experience of Indigenous peoples in Canada had much in common with the experiences of Indigenous peoples in other colonized lands.⁴ The current public focus on residential schools and on such doctrines as discovery/*terra nullius* (which were used to justify colonialism), although necessary, does not tell the whole story.

A greater understanding of the history of the relationship between Canada and the British Empire enables us to see the progress made in recent decades in transitioning from supporting racial and cultural superiority to becoming a multicultural and more egalitarian country. This progress encourages us to continue the effort to make the necessary fundamental changes required to bring about reconciliation and decolonize Canada in a way acceptable to Indigenous peoples. Knowledge of the history of colonization is also required for the process to be successful. In the words of the TRC, “No process of recon-

ciliation or decolonization can take place without first recognizing and addressing the legacy of colonialism.”⁵

Canadian prime ministers have made statements stressing Canada’s role as a colony rather than an imperial power. In 1960, Prime Minister John Diefenbaker addressed the UN General Assembly, telling members, “There are few that can speak with the authority of Canada on the subject of colonialism for Canada was once a colony of both France and the United Kingdom. We were the first country which evolved over 100 years ago by constitutional processes from colonial status to independence without severing the family connection.”⁶ Fifty years later, Prime Minister Stephen Harper said, “We ... have no history of colonialism.” In 2016, his successor, Prime Minister Justin Trudeau, told students at New York University that Canada has “a capacity to engage in the world in difficult places without some of the baggage that so many other Western countries have, either colonial pasts or perceptions of American imperialism, as a critique that’s often out there.”⁷

In the twentieth century, Canadian officials lectured Indigenous groups in other countries who were demanding independence from colonial governments. They told them to copy Canada and go slowly and not be overly demanding or critical of the colonial powers, whose rights should be respected.⁸ At the end of the First World War, George Foster, minister of trade and one of Canada’s delegates to the Treaty of Versailles, wrote that “‘self-determination’ is translated into the dreams and hope, or the mischievous propaganda, of sections of humanity, large and small. The result would be, carried to the limit, a world of small, ill-regulated, weak and antagonistic communities.”⁹ External Affairs minister Lester Pearson told the House of Commons in January 1957: “The old colonialism is disappearing inevitably and, if the process is orderly, desirably; but that is all the more reason why those countries which still have direct responsibilities for non-self-governing territories should not be made to feel at the United Nations or elsewhere that they are oppressors to be deprived arbitrarily of their rights or indeed their reputations.”¹⁰ According to Asa McKercher, a historian at the Royal Military College, in the 1950s and 1960s, “officials in Ottawa felt that the process from colony to nation should proceed at a slow *Canadian* pace.”¹¹ In August 1962, Prime Minister Diefenbaker stated he desired “early independence for all dependent people” but went on to declare that “the orderly achievement of freedom and independence for all people in all lands will not be brought about through hasty and impractical measures, adopted in response to emotional and immoderate demands.”¹²

These statements create a false impression that Canada was a colony of the British Empire like any other. As this book shows, Canada is a leading example

of settler colonialism, by which settlers from overseas take over the lands of Indigenous peoples and rule them as subject peoples. Canada possessed internal self-government from the mid-nineteenth century; chose to remain a dominion rather than request independence until almost a century later; did not have to struggle to gain independence for itself; and supported the subjugation of Indigenous peoples in the Empire, including in Canada itself. Canadians actively participated in colonial conquest and rule, and worked in and promoted the Empire. There was no anti-imperialist movement of any size. Prominent Canadians, and Canadians generally, were enthusiastic imperialists, supporting and participating in imperial campaigns in India, Africa, and elsewhere, as well as in the Canadian West. Even today, the imperial link is reflected by the British monarch automatically becoming Canada's monarch and head of state, as illustrated by the succession of Charles III in 2022 without Canadians having any choice, even though polling has indicated that a majority of them do not want Canada to continue as a monarchy.¹³

It is correct that Canada was not an external imperial power. It did not have its own colonies, unlike Australia, New Zealand, and South Africa, all of which acquired former German colonies following the First World War. The reason was not that Canada rejected having colonies in principle. In fact, especially from the 1880s to 1919, there was serious Canadian interest in proposals to give it control of the British colonies in the West Indies.¹⁴ Prime Minister Robert Borden, a strong supporter of the Empire and the proposal, said in 1916, "The responsibilities of governing subject races would probably exercise a broadening influence upon our people as the Dominion thus constituted would closely resemble in its problems and its duties the Empire as a whole."¹⁵ Joseph Pope, the under-secretary of External Affairs, prepared a confidential report on the annexation of the West Indies to Canada. It listed advantages, including compensation for sacrifices made defending the Empire. However, there were objections to be considered: "First and foremost there is the negro question." Limits would have to be placed on the franchise to "exclude a very considerable proportion of the black population."¹⁶ Borden was so concerned that West Indians might insist upon representation in Parliament that he dropped the proposal.¹⁷ It may also be noted that some writers employing the concept of informal empire have argued that Canada's economic and military activities in other countries, especially in parts of Latin America and the Caribbean, make it an imperial power.¹⁸

Canada had its place in the *Colonial Office List*, an annual publication containing a wealth of historical and statistical information about each colony. In 1901, for example, it could be found between British Honduras and the Cape

of Good Hope. But Canada was not just another part of the Empire. It was central to it. Newfoundland was the first colony established outside the British Isles. Canada led the way for other settler colonies in gaining internal self-government and uniting its different colonies. Geographically, it was at the core of an Empire stretching from the Atlantic to the Pacific. It provided an essential link between the United Kingdom (UK) and the Asian colonies from 1886 following the construction of the Canadian Pacific Railway across the country. The railway formed part of an “All-Red Route” entirely within the Empire that stretched from London to cities in Canada, Hong Kong, Australia, and New Zealand.¹⁹ The Royal Navy policed the Atlantic from Halifax on Canada’s East Coast and the Pacific from Esquimalt on the west coast. Canada was the successful eldest child of Mother England, the epitome of what a settler colony might become.²⁰

Canada never removed itself from the Empire or made a declaration of independence. Although few would dispute Canada’s current independence, even the date of that independence remains uncertain. The preamble to the *British North America Act 1867* (renamed the *Constitution Act, 1867*) refers to promoting “the interests of the British Empire,” and section 132 describes Canada as “part of the British Empire”; these provisions have never been repealed. UK legislation continues to set out the Canadian constitution. For example, the *Constitution Act 1982*, which contains the Canadian Charter of Rights and Freedoms and is often referenced as marking the date of Canada’s independence, is a schedule (appendix) to a statute passed by the UK Parliament. In a sense, the Empire left Canada when the United Kingdom’s attention turned toward Europe in 1960 (not a permanent union, as it transpired), leaving Canada in a state of arrested constitutional development that has not been fully resolved with the constitutional changes made in 1982, including the so-called patriation of the constitution.

The United Kingdom’s responsibility for its imperialist history has aroused considerable controversy, but any discussion of Canada’s responsibility has been largely avoided.²¹ As noted above, the impression is sometimes created that Canada has no history of colonialism or even that non-Indigenous Canadians were part of the colonized rather than the colonizers. Honesty alone requires greater acknowledgment of Canada’s past as a participant in the British Empire and of the role played by Canadians as part of that empire and the British World. That support, and the racist and white supremacist views of Canadian imperialists, should be acknowledged.

My interest in the British Empire and Canadian colonialism is both personal and professional. I was born in England shortly after decolonization had

begun with the independence of India, Pakistan, and Burma in 1947. My wife (raised in Singapore) and I subsequently immigrated to Canada, where our sons were born. I spent over forty years as a lawyer in Vancouver, acting primarily for Indigenous groups. My practice often caused me to wonder how the Canadian government had gained such control over most aspects of Indigenous peoples' lives and lands. I was shocked to discover that they were still living under discriminatory laws – the *Indian Act*, the first version of which had been passed over a century earlier, during the height of the British Empire. These laws meant that they required the approval of the Canadian government to deal with their reserve lands, those small parts of their traditional land still in their possession. Indigenous groups were not even party to leases of those lands, which were signed in the Crown's name as the landlord. At that time, governments denied that Indigenous peoples had any Aboriginal rights or title. When those rights were finally defined by the courts beginning in the 1970s, they included onerous restrictions and requirements.

The colonial status of Indigenous peoples in Canada was brought home to me early in my career through my involvement in a case for the Musqueam of Vancouver. In the 1950s, an exclusive golf and country club had obtained a seventy-five-year-lease (still in existence) from the federal government for one-third of the Musqueam's small reserve on terrible terms not even disclosed to the band. The facts of the case raised fundamental questions about the nature of Canadian colonialism. An English-born former residential school principal employed by the Department of Indian Affairs had negotiated the lease with the experienced businessmen of the golf club. How did he and they have so much power, and band members so little, over lands that the Musqueam had occupied for thousands of years? At the time of the lease, the band members did not even have the right to vote.²²

As this brief biographical background demonstrates, I have lived in the shadow of the British Empire, and I am by no means alone in this regard. Most Canadians will have grown up in parts of the former Empire. More importantly, as I show in this book, we all still live with the shadow that it casts over the relationship between Indigenous and non-Indigenous people.

The main points I make in *Canada and Colonialism* can be summarized as follows:

- 1 Canada was a central part of the British Empire and the British World. This fact is critical to its history and current circumstances and, in particular, to the legal position of Indigenous peoples.

- 2 The British Empire was divided into “the British,” who were the rulers/colonizers, and the “Indigenous peoples,” who were the ruled/colonized. Fundamental features of British rule included belief in racial and cultural superiority, accompanied by a willingness to use overwhelming force to achieve and maintain that rule, but with a preference to use more peaceful means, especially treaties.
- 3 Canadians were part of the colonizing British and were enthusiastic supporters of imperial expansion. They considered themselves as much the proprietors of the British Empire as those living in the United Kingdom – it was *their* Empire as well.
- 4 Because Canada was a member of the British World, self-government came easily and early to the country in the mid-nineteenth century.
- 5 In contrast, the Indigenous peoples of other colonies, such as India, were ruled despotically until the mid-twentieth century.
- 6 Canadian self-government included rule over Indigenous peoples. Canadians established a system of internal colonialism, primarily administered by Indian agents under successive versions of the *Indian Act* that formed part of the broader system of imperial rule.
- 7 Independence was available at Canada’s option from the second half of the nineteenth century.
- 8 In contrast, Britain resisted self-government and independence for Indigenous peoples throughout the Empire. It was not until almost the second half of the twentieth century that Indigenous peoples in British India ceased to be ruled by the British (“decolonization” as usually understood).
- 9 Self-government for Indigenous peoples in Canada has still not been fully recognized. They will not become independent or decolonized in the usual sense since the descendants and successors of the French and British settlers and other immigrants are, and will remain, overwhelmingly the majority.
- 10 It is for Indigenous peoples to say what they consider to be decolonization.

The book concentrates on the period since 1830 with only brief references to earlier years for context. For the reasons set out in [Chapter 1](#), the 1830s were critical in establishing Britain as a ruling or imperial power over, rather than a trading partner and ally of, Indigenous peoples in both British North America (later Canada) and India, the major part of the non-white or Dependent Empire. This period also marked the enormous expansion of the Empire (including in Canada), which reached its height over the next century before receding

in the following decades with self-government and independence for Indigenous peoples, except in former settler colonies such as Canada, where they were now a minority.

I also concentrate on formal colonialism or imperialism – defined as the rule of Indigenous peoples by a foreign power – rather than other more informal expressions of colonialism, such as effective control by economic power or cultural influence. The term “colonialism” is sometimes used to refer only to imperialism through the settlement of populations from the mother country (the original meaning), but it is now generally used for all types of rule of Indigenous peoples by a foreign power, and “colonies” includes territories acquired by methods other than settlement.²³

The general scheme of this book is as follows. [Chapters 1 to 4](#) set the scene and deal more generally with the British Empire. [Chapter 1](#) provides a historical outline of Canadian history within the context of the British Empire and events in other colonies, especially India. This outline gives a timeline to orient the reader and link developments occurring at different times in different areas. The chapter also provides definitions of some key terms. [Chapter 2](#) seeks to provide the essential elements of the British Empire, describing its expansion and extent, and the distinction between the British, who were the rulers/colonizers, and the Indigenous peoples, who were the ruled/colonized. It examines how this distinction was justified mainly by belief in racial and cultural superiority. [Chapter 2](#) also describes the principal methods used to establish that rule: settlement, treaties, and force. [Chapter 3](#) discusses a fundamental difference between colonies settled by the British in which they became a majority, such as Canada, and those where there were relatively few settlers who remained a minority, such as India. Canada obtained self-government easily and early during the mid-nineteenth century, but India was ruled despotically from London. [Chapter 4](#) then examines the rulers and their rule in non-settler colonies.

[Chapter 5](#) turns more specifically to the role of Canada and Canadians in the Empire as part of the British World and as supporters of colonial rule. One element of self-government for Canada included rule over the Indigenous peoples of the country and their lands. [Chapter 6](#) covers the system of internal colonialism created through the various versions of the *Indian Act* and the Indian agents who administered that legislation. Until the advent of apartheid in South Africa, no other British colony appears to have established such a comprehensive system of control over Indigenous peoples.

The remaining chapters deal in more detail with self-government and independence. As discussed in [Chapter 7](#), independence was available at Canada’s

option from the second half of the nineteenth century. Non-white colonies, led by India, had to fight for their independence, which did not occur until the middle of the twentieth century. Developments in the relationship between governments and Indigenous peoples in Canada since 1970 and steps toward Indigenous self-government and “reconciliation” are also covered. Finally, the Conclusion discusses the legacy of the British Empire and what “decolonization” might mean in the Canadian context.

Historical Overview

The Royal Commission on Aboriginal Peoples (RCAP) was created in 1991 to find ways to rebuild the relationship between Indigenous peoples and the Canadian government following years of civil unrest and disagreement over the constitution. In its review of the history of the relationship between Indigenous peoples and the imperial and colonial governments (referred to as “the Crown”), the Royal Commission divided the history of Canada into four main stages, which overlapped and occurred at different times in different regions.¹ The stages are:

- 1 Separate Worlds
- 2 Contact and Co-operation
- 3 Displacement and Assimilation
- 4 Negotiation and Renewal (now known as Reconciliation).

The separate worlds stage refers to the time before contact, which differed considerably depending on geographical location. During the contact and co-operation stage, the Crown regarded Indigenous peoples as independent nations and warriors/allies. During the displacement and assimilation stage, it treated them as subjects to be ruled and as wards of the state. Finally, during the reconciliation stage, the Crown recognizes Indigenous peoples have special enforceable legal rights but does so without overturning the essentially colonial nature of the relationship.

The Early Stages

The first stage was the era of separate worlds, which lasted until approximately 1500. Indigenous and non-Indigenous societies developed in isolation from each other. Differences in physical and social environments inevitably meant differences in culture and forms of social organization. “On both sides of the Atlantic, however, groups with long traditions of government emerged, organizing themselves into different social and political forms according to their traditions and the needs imposed by their environments,” explained the final RCAP report.² This first stage ended with the arrival of early explorers. Jacques Cartier sailed up the St. Lawrence in 1534, erected a cross and claimed the land for the French, leading to the later establishment of New France. Such dates of arrival (“discovery”) and symbolic acts of taking possession were used in competing claims of sovereignty by European nations. Claims were also sometimes advanced on the basis that the lands were unoccupied or occupied by non-Christians and so could be treated as *terra nullius* (land belonging to nobody).

After Cartier, more French, British and other European explorers, traders, and settlers crossed the Atlantic and met the Indigenous Nations who controlled the territories now comprising Canada. In 1583, the first British attempt to establish a colony occurred when Sir Humphrey Gilbert sailed from England and claimed possession of Newfoundland for the British Queen.

These voyages led to the contact and co-operation period, which lasted until the late eighteenth and early nineteenth centuries in eastern Canada. “Although there were exceptions, there were many instances of mutual tolerance and respect during this long period.”³ The social, cultural, and political differences between the two societies were mostly respected. “Each was regarded as distinct and autonomous, left to govern its own internal affairs but co-operating in areas of mutual interest and, occasionally and increasingly, linked in various trading relationships and other forms of nation-to-nation alliances.”⁴

The term “nation” was generally used by Europeans to refer to Indigenous groups, reflecting this acknowledgment of autonomy. There was a high degree of co-operation in the form of trading and military alliances. One important alliance, initially concluded in 1613 between the Iroquois and the Dutch, was later assumed by the British. It is referred to as the Covenant Chain and recorded in the Two-Row Wampum Belt.⁵ The Belt symbolized the separate and equal nature of the relationship aimed at peaceful co-existence

and co-operation. Treaties of Peace and Friendship were signed in the colonies on the East Coast, such as the 1760 treaty with the Mi'kmaq. These treaties did not generally purport to transfer any land. Indigenous people assisted the newcomers, helping them survive in the unfamiliar environment, and this stage also saw intermarriage and mutual cultural adaptation. Despite the generally positive relationship, there were also many incidents of Indigenous resistance and of conflict between Indigenous people and newcomers, a growth of the non-Indigenous population, and a steep decline in the Indigenous population due to newly introduced diseases for which Indigenous people had no natural immunity.

During this stage of contact and co-operation, the British were in a struggle for supremacy with the French to extend their influence in and increase their control over North America, particularly the trade in furs. This rivalry continued until the British conquest of New France and the Treaty of Paris in 1763, which effectively ended the presence of France as a colonial power in North America. First Nations often held the balance of power in this conflict, and they could use their bargaining power to their advantage. Sometimes they actively supported one side against the other. Sometimes they remained neutral. The price for their support or neutrality was often “presents” or trading preferences.⁶ In an effort to retain the goodwill of their Indigenous allies, the British Crown issued the Royal Proclamation of 1763. This prohibited settlers from claiming land from Indigenous peoples unless and until it was first surrendered to the Crown. This proclamation set out the practice of acquiring land by treaties with Indigenous peoples. However, over time, the proclamation was forgotten and governments ceased negotiating land treaties, leaving parts of the Canadian West and North unceded and so subject to continuing Aboriginal property interests.⁷

The position of First Nations worsened with the ending of hostilities between Britain and France. As noted by historian Olive Dickason, “Instead of holding the balance of power between two imperial rivals as they had when France was present, Indians now found themselves jockeying for position between an imperial power, Great Britain, and her restive Thirteen Colonies, who would soon gain their independence as the United States of America.”⁸

The revolt of British settlers in the thirteen southern colonies between 1775 and 1783 led to the departure of those colonies from the British Empire and the formation of the United States of America. Despite the apparent catastrophe for the Empire, the loss of the thirteen American colonies was balanced by adding new colonies in North America and expanding the Empire in Asia, Australasia, and southern Africa.

Fighting resumed between the British and their former subjects during the War of 1812. The end of this war in 1815 led to a fundamental change in the relationship between the British and Indigenous Nations. The latter's role as warriors and allies became irrelevant to Britain's interests. Although British fears of possible US invasion were to continue for several decades, there was no longer any significant threat to British supremacy in their remaining North American colonies ("British North America"). As noted by historian John Leslie:

Following the War of 1812, the strategic importance of Indian warriors to British regular forces declined and by the early 1820s the warrior image had been replaced by that of an expensive social nuisance. Since Indian people no longer fulfilled their traditional military role in colonial society, Imperial authorities, particularly those at the Treasury and Colonial Office, began to question whether the Indian department should continue to exist. Concurrently, other interested persons and parties called not for the abolition of the department, but rather for a change in approach which would encourage the department to cease exploiting Indian people and begin assisting them to achieve a degree of social and economic advancement comparable to the non-Native population.⁹

The new situation led to a series of major investigations of "Indian affairs" in the Canadas, commencing with the Darling Report in 1828.¹⁰

The Other Colonies

Meanwhile, in the Caribbean, British colonies had their early history in piracy, trade, the slave trade, and conflicts with other European nations. Settlements were established in the seventeenth century, some as the result of military success, as with Jamaica in 1655. Slaves from western Africa provided a source of labour for crops, especially sugar, for the European market. The slave trade came to an end in the British Empire in 1807, although slavery itself was not generally abolished in the British Empire until 1833 (it continued in some areas, such as northern Nigeria, for almost another century).¹¹

In areas where the climate was considered suitable for Europeans, expansion of the Empire took the form of settlement, as in Canada. This settlement led to the dispossession of Indigenous peoples from their lands, which were then converted by settlers into new societies resembling those found in the British Isles ("settler colonialism"). The settlers continued to identify themselves and be recognized as "British." Captain Cook explored New

Zealand in 1769 and eastern Australia in 1770. Settlement followed a few years later. Cape Province in southern Africa was also considered suitable for settlement after it was formally ceded by the Dutch in 1814. However, British interests in Africa were limited and connected primarily to the slave trade in western Africa.

The East India Company (EIC or “the Company”) was founded in 1599. Like the Hudson’s Bay Company (HBC), which controlled the land in Canada that drained into Hudson’s Bay (“Rupert’s Land”) under a charter granted in 1670 by King Charles II, the EIC was formed for trading purposes and enjoyed a monopoly in its territory.¹² Also like the HBC, it entered into a variety of arrangements with local groups to further its interests and impede competitors. However, unlike the HBC, which remained predominantly a commercial company (though it had some governmental responsibilities, especially in Red River Colony and on Vancouver Island¹³), the EIC increasingly shed its commercial role between 1765 and 1833 to become a tax collector and government. Through the Company, which had its own army and courts, Britain ruled territory in India that expanded from isolated forts to extensive lands as the result of military conquest and alliances and agreements with existing Indian rulers.

The Company’s success in the Battle of Plassey in 1757, over Siraj-ad-Daula, the Nawab, or ruler, of Bengal, and his French allies, was critical to this transformation of the British from traders to the new rulers. The Treaty of Paris in 1763, which had ceded French territories in North America to Britain (there was a lively debate on whether Britain should give up Canada to obtain Guadeloupe),¹⁴ also recognized British claims to paramountcy in key Indian states, including Bengal. Two years later after his defeat at the hands of the British at the Battle of Buxar, Shah Alam II, the Mughal emperor, conferred legitimacy on the EIC by granting it the *diwani*, the right to collect taxes in his name. He still controlled much of the Indian subcontinent despite competition for power from the EIC and the Maratha Empire. The *diwani* was another critical step in changing the role of the EIC from trading company to ruler. The UK Parliament passed legislation that reflected this change. In 1784, a Board of Control was created for the Company, answerable to Parliament, and later legislation extended government control. By that time, the aged and blind Mughal emperor had fallen under the control of the Marathas. The capture by the EIC of the Mughal capital of Delhi in 1803 removed the emperor from control and as a potential threat to the British. He and his successors then became puppet rulers under the “protection” of the EIC. Ten years later, the

Company lost its trading monopoly, and, in 1833, its charter was amended so that it substantially ceased to trade and became an arm of the British government to rule British India. As in British North America, the nature of the British-Indigenous relationship had fundamentally changed, and the contact and co-operation stage was over.

Displacement and Assimilation

In the colony of Upper Canada, the Darling Report of 1828 promoted what became known as the civilization and assimilation program. It recommended this program be based on establishing reserves where Indigenous people could be educated, converted to Christianity, and transformed into sedentary farmers, thus ending their nomadic habits.¹⁵ The plan was approved by the Colonial Secretary, the responsible minister in the UK government, in 1830. This approval reflected a significant policy change. This change was described a few years later by a commission of inquiry, the Bagot Commission, which reported in 1845: “The policy of the Government towards this race was directed rather to securing their services in times of war, than to reclaiming them from barbarism and encouraging them in the adoption of the habits and arts of civilization ... Since 1830, a more enlightened policy has been pursued ... and much has been done ... to promote their civilization.”¹⁶ Indigenous people were no longer regarded as members of independent nations and allies but as subjects to be ruled. Under the guise of “civilization,” Indigenous people were no longer to be treated as warriors but as child-like wards of the state, unable to manage their affairs. The goals of the policy were civilization and assimilation, and until it was successful, Indigenous people were to be kept on reserves, isolated from the settler population, and denied the self-government that the settlers were to enjoy as a result of the recommendations in the Durham Report of 1839, which is explored in [Chapter 3](#).¹⁷

In effect, a system of “internal colonialism” was implemented with the settlers as the colonizers and the Indigenous peoples as the colonized. The new policy was later reflected in legislation such as the *Gradual Civilization Act*, passed in 1857.¹⁸ Its passage introduced the displacement and assimilation stage, the third stage identified by the Royal Commission on Aboriginal Peoples, which is the crucial period for the purposes of this account of the British Empire’s impact on Canada.

Under the new Indian policy, the dominant settler society was no longer willing to respect the distinctiveness of Indigenous peoples. Instead, it made

repeated attempts to assimilate Indigenous peoples into mainstream society. It also weakened their traditional political structures and control over their lands and resources, which the government increasingly assumed. Most of the details of this new policy were implemented through the *Indian Act*, the first iteration of which was written by senior officials in the Department of Indian Affairs, passed by politicians in 1876, and administered by Indian agents.

During the displacement and assimilation stage, critical aspects of the new relationship between Indigenous peoples and the Canadian government were formalized. Most of the significant developments made during the current reconciliation stage to try to repair the relationship between Indigenous peoples and the government have been attempts to alleviate the consequences of this earlier stage. Unfortunately, they have been only partially successful.

Self-Government and Independence for the Settler Colonies

As Indigenous peoples lost their independence and power in the early decades of the nineteenth century, the ever more numerous British settlers gained greater power and became increasingly independent from the UK government. As settlement spread westward, Indigenous peoples soon became a minority. By the 1840s, it was apparent that Britain had no stomach to use force if its remaining North American colonies decided to follow their southern neighbours. Settler revolts in both Upper and Lower Canada (now Ontario and Quebec) in 1837 led to a report by an English lord (the “Durham Report”) that recommended internal self-government on the English model, with a government responsible to an elected legislature (“responsible government”). The recommendation limited the powers of the Crown, which were exercised by the governor general acting as the monarch’s representative. Full internal self-government was readily conceded over the following decades, but jurisdiction over defence and foreign affairs was kept within the power of the imperial government in London. Until the early twentieth century, there was no push by the colonists to take on the expense of these portfolios and greater independence.

As part of self-government for the settlers, the British imperial government formally abandoned any responsibility for Indigenous peoples. Instead, it transferred control over Indian affairs to the government of Upper Canada in 1860. Other Canadian colonies also took over the systems of administration that had been set up to rule over Indigenous peoples. This internal colonialism was intensified by ever-increasing regulation under the *Indian Act*, which remains in place today in a modified form.

In 1867, with the encouragement and blessing of the imperial government, four of the colonies in British North America formed Canada (“Confederation”). The other colonies joined later, between 1870 and 1949. Through a prolonged process of devolution, the imperial government transferred its remaining powers to Canada, which became increasingly independent. Control over foreign affairs was confirmed in 1931 by the *Statute of Westminster*, and this is generally considered the date of Canadian independence. However, the ability to change the constitution without British involvement didn’t happen until 1982, with the signing of the *Constitution Act* of that year passed by the UK Parliament. To this day, the UK monarch remains the Canadian head of state, and there has been no formal declaration of independence.

Broadly speaking, British colonies in Australia and New Zealand followed the Canadian pattern. Migration increased over the nineteenth century. Settler colonies were established that displaced and disrupted the Indigenous peoples, who were soon outnumbered. The settlers dramatically changed the environment where they settled. Powers of internal self-government were granted by the imperial government to the British colonists, modelled on responsible government in the Canadian colonies. The Australian colonies were slower to follow the Canadian model of confederation, but this took place in 1901. New Zealand, like Newfoundland, opted not to join the federal union. It remains independent, unlike Newfoundland, which joined Canada in 1949. These colonies became known as “dominions,” using the title conferred on Canada in 1867 at Confederation. Together with Canada and South Africa, these dominions were increasingly recognized as partners with the UK in running and benefitting from the Empire. From 1887 their representatives met periodically with UK representatives at colonial conferences to discuss their relationship. The 1926 conference was especially significant as it recognized that, in theory at least, the dominions were autonomous, equal with the UK and free to overrule UK legislation and make their own foreign policy. This freedom was formally recorded in the *Statute of Westminster* in 1931.

British India

In contrast to these settler colonies were colonies where Indigenous peoples continued to form the majority of the population and where, with some exceptions, British and other European residents were sojourners and not settlers. Most looked forward to returning “home,” perhaps after several decades in the colony. These non-settler colonies were called “dependencies,” and collectively “the Dependent Empire.”¹⁹

British India was the biggest part of the Dependent Empire with the longest history. Its predominantly Hindu and Muslim population made up about 75 percent of the Empire's total population. India was not seen as a possible site of British settlement except possibly in cooler northern mountain regions such as Kashmir. According to Bampfylde Fuller, a retired member of the Indian Civil Service, "Speaking generally, Europeans can live in India only as birds of passage ... Children may be born in India without detriment; if sent to Europe before sexual maturity approaches they show no sign of degeneration. But if they remain in India until and after this critical period in their lives, they appear to lose their energy of mind and body ... India enfeebles white races that cling to her breasts."²⁰ Europeans were a tiny percentage of the population.

Until the 1857 "mutiny" or rebellion in northern India, the East India Company continued to rule as, in theory, an agent of the Mughal emperor but, in practice, on behalf of the British government. The rebellion led to the deposition of the emperor. Its causes were complex, but in the view of a contemporary Indian magistrate, they all resulted from the exclusion of Indians from the legislative process. This exclusion meant the rulers were ignorant of the feelings of the Indians, leading to bad will.²¹ The EIC was replaced by the British government, which ruled British India through a government in India headed by the governor general/viceroy and an administration carried on by the Indian Civil Service. The viceroy was responsible only to the India Office in London, led by a Secretary of State for India answerable to Parliament. By 1886, British India had grown to include what is now India, Pakistan, Bangladesh, and Burma.²²

British rule was despotic. Until the early twentieth century, the viceroy had virtually unlimited power and was able to rule autocratically without any significant Indian representation in the executive and legislative councils that advised him. There was, however, a system of "indirect rule" in some areas using Indigenous rulers under British control, as distinct from "direct rule" where there was no such intermediary. The exclusion of Indians from government led to the formation of a self-rule movement in the later decades of the nineteenth century. At first, it sought dominion status for India, following the Canadian model. This would make it equal to the settler colonies. In the face of government refusal and suppression, Indians increasingly demanded complete independence through a largely peaceful campaign of protest and civil disobedience. Limited self-government was not granted until 1936 and then only at the provincial level. Independence came in 1947.

Africa

The British colonies in Africa were diverse and had elements of both settler and non-settler colonies. The British Empire did not grow substantially in Africa until the later decades of the nineteenth century and had a brief life there compared with North America and India, ending with independence in the 1960s. However, the changes brought by the British and other European empires were profound and fundamentally changed the continent.²³ Following the UK's abolition of the slave trade in 1807, the British navy sought to prevent the trade in the Atlantic, and more territory was acquired on the West African coast for this purpose. Merchants set up trading posts in coastal areas, but at first they rarely ventured inland. Later, they obtained control of the interior, mainly to exploit the raw materials.

During the “scramble for Africa,” commencing in the 1880s, European politicians and diplomats carved up the continent between their nations. Their ignorance of local conditions was acknowledged by the British prime minister Lord Salisbury: “We have been giving away mountains and rivers and lakes to each other, only hindered by the small impediment that we never knew exactly where they were.”²⁴ Traditional peoples were brought together in new, sometimes antagonistic, groupings and within boundaries that remain today, sometimes separating Indigenous Nations. Canadian soldiers, engineers, and surveyors played a major role in the expansion of the Empire, especially in West Africa.

Most African colonies were not considered suitable for European settlement, as the tropical climate and diseases made it difficult for Europeans to live there permanently. Like India and other areas of Asia, the African colonies formed part of the Dependent Empire.²⁵ West Africa was accepted as “a black man's country,” to be exploited for its resources and ruled, but not settled, by Europeans. As in India, but unlike North America, relatively little land was taken from African possession. Raw materials and labour were the objectives. The inhabitants were also taxed to provide revenue to pay for the government.

In place of the self-government enjoyed by white settlers in the dominions, Indigenous peoples were ruled despotically, although limited powers were often delegated to local sub-rulers through a system of indirect rule. Harry Johnston, a prominent British explorer of Africa and colonial administrator who was a key player in the scramble, saw these areas as “plantation colonies.” Echoing the racist beliefs of his time, he stated that these were “to be governed as India

is governed, despotically but wisely, and with the first aim of securing good government and a reasonable degree of civilization to a large population of races inferior to the European.”²⁶

In contrast, some areas of southern, central, and eastern Africa, especially in the highlands of Kenya, were identified as being very suitable for European settlement. These areas were considered, like Canada, to be “a white man’s country,” where children could be freely reared “to form a native European race.”²⁷ Thousands of Britons (including some Canadians) settled here, and the existing population was displaced. The settlers looked to Canada as a model for constitutional development and lobbied vigorously for self-government. They wanted to be free of Colonial Office interference so they could better secure their control over land, taxation, labour conditions for Black workers, and the franchise. They were successful in gaining self-government for themselves in South Africa and what became Southern Rhodesia (now Zimbabwe), although not in Kenya, Northern Rhodesia (now Zambia), and Nyasaland (now Malawi).

What distinguished the European settlements in southern and eastern Africa from their counterparts in North America, Australia, and New Zealand was that the settlers remained outnumbered by the Indigenous peoples on whom they depended for labour. In the other settler-controlled societies, Indigenous peoples could be marginalized and ignored, but this was not possible in Africa. Some non-British white settlers in Africa posed a serious challenge to the imperial government. Conflict in southern Africa with the Afrikaners or Boers (descendants of Dutch, German, and French settlers) over land, gold, and diamonds led to the Boer Wars of 1880–81 and 1899–1902, in which Canadian contingents participated. The British were victorious. However, the Afrikaners, who outnumbered the British residents, controlled the Union of South Africa, established in 1909, which united the Afrikaans and British colonies in a manner similar to the Canadian Confederation. The Union of South Africa acquired self-government powers. Dominion status was also granted, and South Africa was included in the *Statute of Westminster*.

African independence movements were encouraged by the success in India. Independence for most African colonies followed that in India by a decade or so, commencing with the Gold Coast (Ghana) in 1957. However, independence for the settler colonies was more complex. Various measures were used to maintain the supremacy of the settlers, but independence and majority rule eventually came, including in Southern Rhodesia in 1980 (after a settler rebellion and civil war) and in South Africa in 1994 (after decades of peaceful protests, sabotage, and attacks on police and military targets combined with

international support, including boycotts that made South Africa a pariah on the global stage).



By 1970, the British Empire had shrunk to a tiny remnant of its former self. Indigenous peoples of former colonies had received self-government and independence, except in the settler colonies, including Canada. Here the shadow of the Empire lingered. To this day, Indigenous peoples in Canada have no express constitutionally recognized right of self-government, and independence is not an option. However, under pressure from Indigenous groups, Aboriginal and treaty rights have been recognized, including the right to land. There has also been negotiation of modern treaties and a greater willingness to address some of the harm caused by colonialism. These changes form part of a process sometimes termed “reconciliation” and sometimes “decolonization.” These processes would have been inconceivable to the imperialists who helped establish the Empire.

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