

TOWARD A MI'KMA'KI ART MUSIC:  
IMPLICATIONS OF THE PEACE AND FRIENDSHIP TREATIES  
FOR WESTERN ART MUSIC IN NOVA SCOTIA

by

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## ABSTRACT

Research on music's role in reconciliation between Indigenous and colonial Canadians is often approached from a generalizing national perspective. However, the Treaties of Peace and Friendship in Nova Scotia create a unique dynamic between the Mi'kmaq and colonials of that province, warranting a more localized approach. This paper explores the implications of the Treaties of Peace and Friendship for Western art music in Nova Scotia. By examining the Treaties not only as historic documents but, from Mi'kmaq perspectives, as living relationships, this paper suggests that the Treaties offer a framework for collaborations between Western art music institutions and Mi'kmaq communities. Further, it argues that Western art music and the Treaties intersect historically at a deeper level. In particular, the ways in which this music has been heard by colonials in Nova Scotia has given resonance to Eurocentric ideologies about civilization—ideologies that have undergirded colonial denial of the Treaties for three centuries. Thus, this paper suggests that the musical path to reconciliation in the Nova Scotian context requires critiquing the ways in which Western art music has been heard *as civilization*, *as civilized*, and *as civilizing*, and co-working toward a Treaty-informed, unique Mi'kma'ki art music culture.

## GLOSSARY

I use the term **colonial** to refer to any non-Mi'kmaw person who is party to the Treaties of Peace and Friendship. I do not employ the binary “Indigenous-settler” terminology that is typical of decolonizing or reconciliation-oriented literature, because “treaty people” in Mi'kma'ki cannot strictly be labelled as either Indigenous or settler. Rather, since the first Treaty between the Mi'kmaq and the British in 1725, *everyone* living in or visiting Mi'kma'ki (i.e. not only Indigenous people and settlers) is party to the Treaties, either on the Mi'kmaw or the colonial side (except those whose relations with the Mi'kmaq are independent of European colonization). Treaty people on the colonial side include descendants of enslaved Africans, who are not “settlers,”<sup>1</sup> yet whose presence in Mi'kma'ki is due to colonization and has been brokered by British-Canadian colonial governments. The colonial side also includes immigrants from beyond Turtle Island, who, although not colonizers, have found themselves in Mi'kma'ki thanks to policies created by colonial governments. Thus, not all people on the colonial side of the Treaties are settlers or colonizers, but I think it is fair and right to refer to them as “colonials.”

**The Mi'kmaq** refers to the whole Indigenous nation of the eastern coast of Canada, as one might say, “Germany/the Germans” or “Britain/the British”; ex. “The Mi'kmaq made Treaties with the British Crown.”

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<sup>1</sup> Some scholars argue that descendants of enslaved Africans cannot be considered settlers. See Ashleigh-Rae Thomas, “Who Is a Settler, According to Indigenous and Black Scholars,” *Vice*, February 15, 2019, <https://www.vice.com/en/article/gyajj4/who-is-a-settler-according-to-indigenous-and-black-scholars>.

**(A) Mi'kmaq** is both a singular and plural noun referring to (a) person(s) of the Mi'kmaw nation, as one might say, “(a) German(s)” or “(a) Briton(s)”; it also refers to the language of the Mi'kmaq; ex. “My aunt is a Mi'kmaq and my cousins are Mi'kmaq. They all speak Mi'kmaq.”

**Mi'kmaw** is an adjective referring to someone or something associated with the Mi'kmaq, as one might say, “a German author” or “British comedy”; ex. “I heard a Mi'kmaw man singing a Mi'kmaw song.”

**Mi'kma'ki** is the traditional territory of the Mi'kmaq, including all of the modern Canadian provinces of Nova Scotia and PEI, and parts of New Brunswick, Quebec, Newfoundland and Labrador, and the US state of Maine (see map on page 36).

**Western concert music** refers to a broad repertoire of European/Euro-American compositions; the term is useful to describe the music commonly performed by colonials in Nova Scotia in the period leading up to Confederation (1867), before “popular” and “classical” music were hierarchized and segregated.

**Western “classical” music** refers specifically to the Austro-Germanic “classic” compositions by Bach, Haydn, Mozart, Beethoven, Schubert, Mendelssohn, etc. which gained an elevated status as supreme and timeless in late-nineteenth-century North America.

**Western art music** refers broadly to music produced within the increasingly fluid musical culture that includes Western opera and its vocal traditions, symphony orchestras and their instrumental traditions, music conservatories, Eurocentric compositional canons, performing from scores using Western staff notation, etc.

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I'm honoured to say that this project was undertaken in relation with Sarah Prosper, a wonderfully talented Mi'kmaw dance artist, a fellow graduate student at Dalhousie University, and a new friend. In recognition of the Treaties that created relations between Mi'kmaq and colonials, we chose to describe our collaboration as being "in relation." Sarah's input and support were invaluable, and she especially helped shape a research question that is more relevant than it otherwise could have been. I would have included her name on the title page of this thesis, but, sadly, the university's formal conventions lack the flexibility to adequately recognize this collaboration. However, Sarah's contribution will be noted within the paper itself.

I'm grateful to my supervisor, Dr. Jacqueline Warwick, for her patient, focused, and optimistic guidance throughout this project. I always felt that I had her full support, yet she also knew how to gently challenge me and push me to improve my work. Likewise, my second reader Dr. Mary Ingraham's input has been both encouraging and challenging throughout the project. Her feedback greatly increased the quality of my research.



I'm thankful for my peers in the MA Musicology program, especially Ai Lynn Ang and Jorge Lopez-Brandt, for their encouragement, feedback, questions, and for their own exemplary work which helped to motivate me.

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Finally, I'm indebted to the Social Sciences and Humanities Research Council of Canada (SSHRC) for the Canada Graduate Scholarship (Master's) that funded this work, as well as to Dr. Barbara Swanson who oversaw my application for the scholarship. I'd also like to recognize that I received financial support from the Fountain School of Performing Arts through a Fountain Graduate Fellowship as well as a special Fountain Endowment Grant to provide Sarah Prosper with an honorarium for her partnership in this project.



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## CHAPTER 1: INTRODUCTION

### Prologue: Treaty Day, 2022

Four days earlier had been Treaty Day in Nova Scotia. But I didn't know that.

I locked up my bicycle in front of the Bird's Nest Café on Barrington Street, Halifax. It was an unusually warm day for the fifth of October. In fact, there had recently been a hurricane that caused the Treaty Day celebrations to be postponed from October 1<sup>st</sup> to later in the month. But, of course, I didn't know about that. A few weeks later, on the twenty-fourth of October, the rescheduled Treaty Day celebrations would take place, attended by many Nova Scotia politicians and Mi'kmaw leaders. The honoured host of this important event would be a Mi'kmaw man around my age named Aaron Prosper. I knew him, and he happened to be the elder brother and roommate of my research partner, Sarah Prosper, whom I was meeting for lunch. But I didn't know anything about Treaty Day.

I went into the café to find a table for two and ordered a rooibos tea. Sarah and I were going to brainstorm how to approach doing our research. For my part, I had finally narrowed down a proposed research question: When Mi'kmaw artists collaborate with a symphony orchestra in Mi'kma'ki, how is the whole production accountable to the wider Mi'kmaw community? What ethical responsibilities would these Mi'kmaw artists and colonials<sup>2</sup> working together in Nova Scotia have in their relationship with the nation in whose land they are performing? I hoped that investigating this question could help symphony orchestras in Canada learn to collaborate more respectfully and meaningfully with Indigenous artists.

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<sup>2</sup> See the "Definitions of key terms" section on page 7 for my definition of "colonials."

As I waited for Sarah, I thought about our last discussion. We had been up to our necks in talk of methodology and had begun settling on the idea of designing an arts-based research project. Our plan was to incubate one or more collaborations between Mi'kmaw artists and Western art music performers,<sup>3</sup> then document the whole creative process and analyze it. This would allow us to use real-life experiences to build a framework that could be applied to similar artistic collaborations in Mi'kma'ki in the future.

When Sarah arrived, we ordered our lunches. I paid, not only because her card wouldn't work but because it was the least that I could do to reciprocate her generosity. I remember being shocked when she initially agreed to partner with me in my research, but she insisted that it was important and that she wanted to support my work and help guide my ideas. She's an accomplished artist who is passionate about her people, language, and culture, and she also believes in reconciliation with ignorant colonials like me. I could not imagine attempting this research without her.

At some point in the conversation, I presented an idea that had been simmering in my mind. I asked her if the Mi'kmaw concept of *msit no'kmaq* could serve as a helpful ethical framework for our research. I had heard teachings about *msit no'kmaq* and had seen it in academic writing. It's a Mi'kmaq phrase that means "all my relations," and I understood it to represent an important ethical principle for many Mi'kmaq: the principle of honouring all of

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<sup>3</sup> See Page 8 for my definition of "Western art music."

one's relations.<sup>4</sup> For some Mi'kmaq, these include, among others, relations with people, ecology, land, and the spirit world.

Having reflected on *msit no'kmaq* for a few months, I thought that perhaps it could be the key to bridging cultural differences between Mi'kmaw and colonial collaborators. I visualized a collaboration between Mi'kmaw artists and a symphony orchestra as two complex webs of relations being joined together. Both parties are linked to their own webs of ethical accountability and their own potentially very different cultural ways of honouring their respective sets of relations. The ethical challenge, then, can be understood as navigating how to build new relationships with each other, while honoring and maintaining all existing relations. I shared with Sarah—perhaps expecting her to be impressed—that the Mi'kmaw idea of *msit no'kmaq* might help create understanding and trust in intercultural artistic collaborations.

Sarah's reply changed me. She took me one (big) step back. Sarah explained that we can't actually talk about building relations between Mi'kmaw artists and a colonial institution such as a symphony orchestra without talking about the relations built by the Treaties of Peace and Friendship. The Treaties are still the framework for relations between Mi'kmaq and colonials. They are the law of the land. Without them, why would we even think of building

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<sup>4</sup> See Michelle A. Lelièvre, "Constructing a Sacred Chronology: How the Nova Scotian Institute of Science Made the Mi'kmaq a People without Prehistory," *Ethnohistory* 64, no. 3 (July 1, 2017): 401–26, <https://doi.org/10.1215/00141801-3870636>; and Erica Samms Hurley and Margot Jackson. "Msit No'kmaq: An Exploration of Positionality and Identity in Indigenous Research." *Witness: The Canadian Journal of Critical Nursing Discourse* 2, no. 1 (June 10, 2020): 39–50, <https://doi.org/10.25071/2291-5796.43>.

relations? “Without them,” Sarah said, looking at me over our grilled panini sandwiches, half-grinning, “we wouldn’t be sitting here. We’d be killing each other.”

I left our lunch meeting having undergone a kind of conversion. For the first time, I began to see the Treaties not as historical baggage or as archaic pieces of parchment but as good news for colonials. Not just because the Treaties allowed me to eat my sandwich in peace—honestly, Sarah’s got way more muscle than I do—but because they provide a way forward for relations between Mi’kmaq and colonials in Nova Scotia.

Since then, I’ve gone back to learn about what Treaty Day is. And I’ve also begun learning about why I didn’t know what Treaty Day was. This has now become the focus of my research.

October 1<sup>st</sup> is Treaty Day. I’m glad I know this now.

## Background

In 2015, the *Truth and Reconciliation Commission of Canada: Calls to Action* called the Canadian arts sector to participate in the process of reconciliation with the country's Indigenous peoples. In particular, the document called for the Canada Council for the Arts—the federal government's funding agency for the arts—to mobilize funds toward reconciliation. It stated, “We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.”<sup>5</sup> Accordingly, the Council created a multi-pronged strategy: First, in 2015, it anticipated the *TRC*'s final report and recommendations by creating a funding program specifically for Indigenous artists. The Creating, Knowing, and Sharing program both supports Indigenous creators in projects aimed at promoting and protecting Indigenous culture and provides funding for Indigenous-led collaborations with non-Indigenous groups through a sub-program named {Re}conciliation.<sup>6</sup> These initiatives represent what the Council's 2016 *Strategic Plan* called a “culturally self-determined approach” to supporting

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<sup>5</sup> Truth and Reconciliation Commission, “Truth and Reconciliation Commission of Canada: Calls to Action,” 2015, 9, [https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls\\_to\\_action\\_english2.pdf](https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf).

<sup>6</sup> See “Creating, Knowing and Sharing: The Arts and Cultures of First Nations, Inuit and Métis Peoples,” Canada Council for the Arts, accessed June 19, 2023, <https://canadacouncil.ca/funding/grants/creating-knowing-sharing>; and “{Re}conciliation,” Canada Council for the Arts, accessed June 19, 2023, <https://canadacouncil.ca/initiatives/reconciliation>.

Indigenous-led artistic creation and working toward reconciliation.<sup>7</sup> Additionally, the *Plan* announced a second, broader approach. It stated, “The Council will continue to work with partners to support projects that engage both Indigenous and non-Indigenous Canadians. This will help to ensure the path to reconciliation remains a national conversation of relevance to us all.”<sup>8</sup> This second approach envisioned an increase in interactions between Indigenous and non-Indigenous artists and audiences in general, helping to bring Indigenous-non-Indigenous relationships to the forefront of public discourse.

As an artist, I experienced the effects of the Canada Council for the Arts’ new strategy. In my third season as a member of the cello section of Symphony Nova Scotia, the orchestra featured Trevor Gould, a Mi’kmaw dancer, singer, drummer, and story-teller, in its Family concert series. On February 26, 2017, the orchestra accompanied Gould in a welcome song, “Weli Moweome,” and a farewell chant, “Ap Nmooltes,” as bookends for an all-ages concert entitled *Celebrate Nova Scotia*. The concert featured music celebrating various cultures present in Nova Scotia, including Acadian, Celtic, Arabic, and Indian, but notably began and ended with tributes to the First Peoples of the land, the Mi’kmaq.<sup>9</sup> There would be several collaborations

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<sup>7</sup> Canada Council for the Arts, *Shaping a New Future: Strategic Plan 2016-21*, April 26, 2023, 18, <https://canadacouncil.ca/-/media/Files/CCA/Commitments/StrategicPlan/StrategicPlan2016.pdf>.

<sup>8</sup> Canada Council, *Shaping*, 18.

<sup>9</sup> It is worth mentioning that the same concert was repeated on July 19 of the same year, with the addition of a number celebrating African Nova Scotian heritage.

with Indigenous artists in the following years,<sup>10</sup> but I especially remember the concert with Gould. In particular, I still remember the look of disappointment and offense on Gould's face when the only time for rehearsing his numbers with the orchestra was cut short because of the orchestra's strict schedule.<sup>11</sup> Fueled by this memory, and convinced that such collaborations could be done more meaningfully and respectfully, I proposed a research project for my MA that would examine how symphony orchestras' administrative and artistic processes change or should change in collaborations with Indigenous artists.

Since 2016, scholars have chronicled the dynamics of such cross-cultural collaborations initiated by Western European art music institutions and have identified certain limitations to the efficacy of these collaborations in enacting reconciliation. Soraya Peerbaye and Parmela

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<sup>10</sup> In 2019, three of the Symphony's concerts within the span of one month featured Indigenous artists: on October 17, Jeremy Dutcher performed his album, *Wolastoqiyik Lintuwakonawa*, accompanied by the orchestra as part of its "Pops" series; then on October 25, Emma Stevens made a cameo appearance in another Pops concert, singing a cover of The Beatles' "Blackbird" in Mi'kmaq; and on November 7, in the "Masterworks" series, Rebecca Thomas performed her poem, "We're Not Done Drumming," accompanied by the orchestra playing a score by Laura Sgroi.

<sup>11</sup> There are provisions in the orchestra's Collective Agreement with the American Federation of Musicians to extend rehearsals if necessary. However, in my experience, this clause is usually only enacted in the ticket-selling series, such as "Masterworks" or "Pops." In the free "Family" series, which is typically more musically relaxed, the performance is prepared with very little rehearsal time: two 150-minute rehearsals, or sometimes only one.



Attariwala, in a 2018 report for Orchestras Canada entitled *Re-Sounding the Orchestra*, noted the ways in which even such collaborations with symphony orchestras could reinscribe the cultural domination of colonial society over Indigenous peoples. For example, Indigenous performers reported finding themselves superficially inserted into symphonic performances to “check a box”—usually to meet the requirements for receiving a grant—while the orchestra’s culture and processes alienated the guest artist from being able to perform “the true breadth of [their] expressive form.”<sup>12</sup> These Indigenous performers—perhaps like Gould—thus felt that, rather than contributing to reconciliation, the processes within such collaborations re-enacted the suppression of Indigenous cultures and ways of life. Likewise, Jeremy Strachan and Patrick Nickleson in 2018 suggested the need for “long work” in such collaborations. This work involves creating space for building meaningful relationships and opening new, mutually-honouring creative processes that replace “the ongoing processes of domination and erasure in the musical practices, institutions, and epistemologies within which we live and work.”<sup>13</sup> Thus, scholars have recognized the need to critique collaborative processes, if artistic collaborations between Indigenous and non-Indigenous artists are to contribute to reconciliation.

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<sup>12</sup> Soraya Peerbaye and Parmela Attariwala, “Re-Sounding the Orchestra: Relationships between Canadian Orchestras, Indigenous Peoples, and People of Colour,” Orchestras Canada, 35, <https://oc.ca/en/resource/re-sounding-the-orchestra/>.

<sup>13</sup> Jeremy Strachan and Patrick Nickleson, “Doing Long Work: Critical Perspectives on Indigenous-Settler Collaboration in Canadian Art Music,” *University of Toronto Quarterly* 87, no. 4 (Fall 2018): 97, <https://doi.org/10.3138/utq.87.4.10>.

As mentioned above, my initial idea for a research project was to study intercultural collaborations between symphony orchestras and Indigenous artists and to inquire as to how artistic and administrative processes may be changed to enable the long work of reconciliation. I had chosen two case studies—two collaborations between Nova Scotian orchestras and Mi’kmaw artists—and planned to conduct research through personal observation and participant interviews. Such a project would have followed precedent research by scholars such as Linda Pearce<sup>14</sup> and Mary Ingraham,<sup>15</sup> who have conducted case study research on the changes in processes in collaborations between Western art music performers and Indigenous artists.

But my topic shifted to a different focal point through my engagement with the Mi’kmaw artistic community. I approached the artists I intended to ask to participate in the project, and asked them what they thought about my ideas and if there were other people with whom I should speak. Through them, I connected with more Mi’kmaw artists and one Elder, whose comments helped shape my understanding of Mi’kmaw concerns and aspirations. I also hired Sarah Prosper, a Mi’kmaw dance artist and graduate student at Dalhousie University who had been involved in the two artistic projects I planned to use as case studies. As my research partner, I requested her input to help align the research project with Mi’kmaw values and agendas, so that it could both be culturally appropriate and contribute to meaningful outcomes for the Mi’kmaq.

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<sup>14</sup> See D. Linda Pearce, Angela Acquin, Robin Attas, and Ann Waltner, “Unpacking a Moment: Decolonization in the Performing Arts?” *MUSICultures* 46, no. 1 (August 22, 2019): 1–31, <https://journals.lib.unb.ca/index.php/MC/article/view/29344>.

<sup>15</sup> See “Overview,” Creative Collaboration, Accessed June 19, 2023, <https://creativecollaboration.ca/overview/>.

Prosper led me to understand the primacy of the Treaties of Peace and Friendship in relationships between Mi'kmaq and colonials, and encouraged me to inquire into how the Treaties should inform collaborative processes for symphony orchestras and Mi'kmaw artists in Mi'kma'ki. She also stressed the importance of understanding the history of the Treaty relationship and exploring how an awareness of past injustices might shape current and future artistic practices. Finally, she shared that she sensed a certain reluctance among Indigenous people she knew—some of whom I intended to recruit for my project—to participate in research such as mine. This reluctance, she explained, was due to the number of times they had previously agreed to share their thoughts and experiences with researchers, without seeing any notable change happen as a result.

For these reasons, and, admittedly, because of time constraints, I decided to redirect my research. Redirecting the research question was Sarah's most tangible influence on this project. Instead of focusing on artistic collaborations between symphony orchestras and Mi'kmaw artists, she led me to focus on the implications of the Treaties of Peace and Friendship on Western art music in Nova Scotia in general, with special consideration for the historical intersection between this music and the denial of the Treaties. I also decided that, if I planned to conduct participant research with Mi'kmaw artists in the future, I should first do my "homework" by studying relevant literature and history so that any future participant research could be designed more knowledgeably and effectively, thus honouring the time and effort invested by Mi'kmaw participants.

I want to also mention a few less-tangible effects of Sarah's partnership. We had not known each other for long before I asked her to partner with me in this research project, but she generously accepted and has been incredibly supportive throughout the process. Although our schedules were both very busy and we did not meet as many times as we may have liked, the

communication we did have was an immeasurable encouragement to me. I have been laden with self-doubt throughout, but Sarah has constantly affirmed my work and encouraged me: When I was approaching prospective participants early in the project's development, she urged me to speak more confidently with Mi'kmaw people, as she could sense my timidity; later, she enthusiastically affirmed my interpretation of Mi'kmaw perspectives on the Treaties, even suggesting that I should have a conversation with the Grand Chief. She also trusted me enough to agree to collaborate on a creative video project for Fountain School of Performing Arts' Equity, Diversity, Inclusion, and Accessibility Committee. We worked together to create a short video exploring how to acknowledge the land through music and movement, which we saw as a fitting extension of our academic work together.<sup>16</sup> Her friendship, trust, and encouragement played an incalculable role in helping me complete this project, beyond the concrete influence her advice had on the research question.

The shift in my research plan aligns with a similar shift in wider academic and artistic efforts related to reconciliation that took place between 2016 and 2021. It has become clear to many that reconciliation cannot simply be achieved through collaborations, but will require decolonization of colonial institutions and artistic practices. Therefore, in its 2021 strategic plan entitled *Art, Now More than Ever*, the Canada Council for the Arts made a marked shift in its approach to reconciliation by focusing on strategic decolonization of colonial structures. It announced that the Council's funding strategy would especially "encourage the arts sector in its

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<sup>16</sup> The video is available here: "Creating and Learning in Mi'kma'ki series, Spring 2023: Ben Marmen & Sarah Prosper," Fountain School of Performing Arts, *YouTube*, posted May 12, 2023, <https://www.youtube.com/watch?v=wvrBDrRGsYk>.

efforts to [...] eliminate the consequences of racism and colonization in the arts sector.”<sup>17</sup> Rather than simply supporting collaborations, this plan recognized the deeper internal reforms that needed to take place within colonial institutions and structures, to work toward “a more just, equitable, and decolonized future for the arts.”<sup>18</sup>

Thus, aligning with this broader shift, my project became less directly about cross-cultural collaborations between Mi’kmaw artists and symphony orchestras, and more about the decolonization of Western art music culture in Nova Scotia in general, specifically via Mi’kmaw perspectives on being “Treaty people.” Through a narrowly-focused study of the implications of the Treaties of Peace and Friendship on Western art music in Nova Scotia, this research contributes to ongoing discussions about the role of the arts in reconciliation between Indigenous peoples and colonials in Canada.

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<sup>17</sup> Canada Council for the Arts, *Art, Now More than Ever: 2021-26 Strategic Plan*, April 15, 2021, 19, <https://canadacouncil.ca/-/media/Files/CCA/Commitments/StrategicPlan/StrategicPlan2021.pdf>.

<sup>18</sup> Canada Council, *Art, Now*, 11.

## Research Design

One of the humbling lessons I have learned from reading Indigenous scholars is that I do not inherently have the right to investigate any question I would like. I must not only investigate the right question, but I must be the right person to investigate it. Dylan Robinson in *Hungry Listening* critiques the Western conception of information and knowledge—including sound—as something to be consumed, resulting in a culture of extractivism in which one easily loses the sense of responsibility to use this knowledge appropriately.<sup>19</sup> As a way to address this paradigm in musicological writing, he advocates for refusal: setting up sensible blockades whereby access to certain information is denied to certain readers and granted to others.<sup>20</sup> This has helped me understand that not all questions are for me to probe. Similarly, Beverly Diamond reflects, “The very right to know. Why were Euro-Americans taught to assume they had it?”<sup>21</sup> I have taken this question to heart in the process of establishing a research problem, and have tried to create research that is appropriate for my positionality as a colonial. In his book *Research Is Ceremony*, Shawn Wilson underscores the central tenet of Indigenous research methods: relationships.<sup>22</sup> In

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<sup>19</sup> Dylan Robinson, *Hungry Listening: Resonant Theory for Indigenous Sound Studies* (Minneapolis: University of Minnesota Press, 2020), 14.

<sup>20</sup> Robinson, *Hungry Listening*, 22.

<sup>21</sup> Beverly Diamond, “Recent Studies of First Nations, Inuit, and Métis Music in Canada,” in *Aboriginal Music in Contemporary: Echoes and Exchanges*, eds. Beverly Diamond and Anna Hoefnagels (Montreal: MQUP, 2012), 13.

<sup>22</sup> Shawn Wilson, *Research Is Ceremony: Indigenous Research Methods* (Black Point, NS: Fernwood Publishing, 2008). 74.

Indigenous perspectives, what makes someone the right person to investigate a question is the relationships they have and their ability to be accountable to those relationships in the research process. Without this accountability with those being researched, whether dead or alive, researchers too easily do more harm than good. But, in Wilson's words, "Knowledge and peoples will cease to be objectified when researchers fulfill their role in the research relationship through their methodology."<sup>23</sup> Although I am not Indigenous, I take Wilson's wisdom to heart out of respect for Indigenous ways of thinking.

Thus, to make sense of how this research was made, I will share about the relationships that have defined my approach. First, as I stated above, I am not an Indigenous person. My mother is Québécoise from Montréal and my father is Brayon from Edmundston, both francophone descendants of a mix of European colonial immigrants. I was born and raised in Grand Bay-Westfield, on the territory of the Wolastoqiyik in New Brunswick, and then I moved to Halifax, on the territory of the Mi'kmaq in Nova Scotia, to study music at Dalhousie University. This means that I have lived under the Treaties of Peace and Friendship all my life, and was thus born into a relationship with the Indigenous nations party to the Treaties; I was born a Treaty person. So, my interest in the Treaties is not simply a curiosity about their history or their theoretical meanings. I am driven by an ethical responsibility to understand and to fulfill what the Treaties require of me personally.

My belief in this ethical responsibility is intimately tied to spiritual relationships as well. I profess faith in the Lord Jesus Christ, who, when He comes again to judge the living and the dead, will require each of us to give an account for every word we have said—whether spoken or

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<sup>23</sup> Wilson, *Research*, 74.

written. I therefore strive to keep my word, including the centuries-old Treaties with the Indigenous peoples of the Atlantic provinces, made by colonial officials on my behalf. I consider it a sacred responsibility to keep these Treaties. Additionally, I share a common profession of faith with many of the colonials who broke the Treaties and committed shameful injustices against their Indigenous allies. I am therefore spiritually conjoined as family with the perpetrators and bear the responsibility—along with them and all Christians—for their actions and the ensuing consequences. So, because of my relationship with the Lord Jesus and with Christians, I am compelled to seek to keep my word as offered in the Treaties, and to seek due justice and reparation for the Indigenous peoples who have been offended by my spiritual family, as far as is welcome and appropriate for me.

The most logical place to begin this journey, for me, is through my relationship with Western art music. I have been playing this music since I was five years old, and have made my living from performing it for my entire adult life, especially as a cellist in Symphony Nova Scotia. I have hugely benefitted from being a performer of Western art music, and, because it is the profession in which I have been trained, I am likely to continue performing it. To me, then, it is out of a sense of personal duty that I study the implications of the Treaties of Peace and Friendship for Western art music in Nova Scotia.

To be clear: this is not Indigenous research. When sharing about my research on the Treaties, people have sometimes assumed that I am researching Indigenous people, or even that I must be Indigenous. But, on the contrary, I am studying the Treaties because I am a party to them as a colonial in Atlantic Canada. Also, I am not studying Mi'kmaw music or culture; rather I am examining Western art music and its relation to the Treaties. It is research done by and for



colonials at a colonial institution using colonial methods. Therefore, it cannot be considered Indigenous research.

It is, however, embedded with an awareness of Indigenous knowledges, Indigenous research projects, and Indigenous research methods, and it does interact with Indigenous research in several ways. In *Decolonizing Methodologies: Research and Indigenous Peoples*, Linda Tuhiwai Smith offers a list of twenty-five “Indigenous research projects”—ways to use research to meet common goals held by Indigenous peoples—which is helpful for situating my research in relation to Indigenous research.<sup>24</sup> I believe my research particularly responds to three actual Mi’kmaw research projects: the ongoing Mi’kmaw project of claiming<sup>25</sup> treaty rights, which has been propelled by Mi’kmaq-led historical research for the past five decades; the Mi’kmaw project of re-reading<sup>26</sup> treaty history—a prime example being Mi’kmaw historian Daniel Paul’s *We Were not the Savages: Collision between European and Native American Civilizations*, which decentres European interpretations of North America’s colonial history through Indigenous perspectives; and the Mi’kmaw project of envisioning<sup>27</sup> the Treaties as the key to a brighter and more just future for all in Mi’kma’ki, a project historically referred to as the “treaty

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<sup>24</sup> See Linda Tuhiwai Smith, “Twenty-five Indigenous Projects,” in *Decolonizing Methodologies: Research and Indigenous Peoples*, 2<sup>nd</sup> Edition (London: Zed Books, 2012), 143-164.

<sup>25</sup> Tuhiwai Smith, “Indigenous Projects,” 144.

<sup>26</sup> Ibid, 150.

<sup>27</sup> Ibid, 153.

imperative.”<sup>28</sup> Although my research is primarily designed to help colonials—especially performers of Western art music—to keep their part of the Treaties of Peace and Friendship, I hope that it may benefit the Mi’kmaq as well, by buttressing Treaty-related Mi’kmaw research projects to claim rights, re-read history, and envision the future.

Of course, being completed for a Master of Arts in Musicology degree, this research also relates to the discipline of musicology. Musicology, as part of a broader field of music studies, is increasingly interdisciplinary. In particular, scholars trying to work towards equity deploy multiple methodological lenses, so it should be no surprise that this project also does so. As mentioned above, I have heeded Indigenous research methods to a degree, not because this is Indigenous research or because I wish to appropriate Indigenous ways of knowing, but because I have learned from Indigenous thinking regarding ethical research practices in general. The project is particularly influenced by Indigenous research methods in that relationships were central in the process of choosing a research topic.

The project also involves historical research on three topics: First, I investigate the contemporary meaning of the eighteenth-century Treaties of Peace and Friendship, particularly from Mi’kmaw perspectives, and especially in the application of the Treaties to civilian colonials like myself. Understanding the meaning of the Treaties is complex and controversial, but I had to situate myself within the debate and choose an interpretation in order to productively consider the Treaties’ implications for the purpose of this paper. I decidedly favour Mi’kmaw interpretations, specifically as expressed by Mi’kmaw and allied authors, and I explain my

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<sup>28</sup> Marie Battiste, *Living Treaties: Narrating Mi’kmaw Treaty Relations* (Sydney, Nova Scotia: Cape Breton University Press, 2016), 108.

reasoning for this choice thoroughly in Chapter 2. The second historical topic I examine in this paper is the factors that contributed to colonials denying the Treaties of Peace and Friendship, particularly considering Mi'kmaw chronicles and narratives and giving special attention to underlying European worldviews. This topic could also be endlessly debated and researched, as the causes of British and Canadian Treaty denial are complex. But I chose to focus on specific issues that I have heard or read mentioned by Indigenous people; here, again, my relationships have shaped my research process. Thus, the primary and secondary sources I use to support my theories about Treaty denial were chosen based on who I am and the relationships I have. Third, I probe the problematic European worldviews that contributed to denying the Treaties historically, and how they manifested themselves in Western art music culture at different points in Nova Scotia's history. Here, I draw from secondary and primary research, but, again, I did not conduct a comprehensive history of Western art music in Nova Scotia. I found three points in history, interpreted through primary and secondary sources, and made general observations. Finally, I supplement these perspectives with my own personal experience, contributing autobiographical perspectives gleaned from decades of performing Western art music. My findings in this paper are not meant to be conclusive, but are intended to bring together unique perspectives to bear upon the conversation about the role of the arts in reconciliation—namely, Mi'kmaw perspectives on the Treaties, a history of Western art music in Nova Scotia, and my personal lived experiences. By combining these lenses, this paper contributes unique ideas about how Western art music may contribute to the path to reconciliation in Nova Scotia.

## Chapter overviews

Chapter 2 explores the eighteenth-century Treaties of Peace and Friendship, made between the Indigenous nations of Atlantic Canada and the British Crown. These Treaties are unique in Canada in that, unlike other Treaties throughout the country, they did not deal with any ceding of land or territory. Thus, the Indigenous peoples of Atlantic Canada never ceded their land to Britain or to Canada. However, according to Mi'kmaw educator and scholar Marie Battiste, the Treaties did “articulate a shared relationship of peace and friendship, as well as negotiated principles and outcomes.”<sup>29</sup> The Treaties, therefore, were intended to benefit both the First Peoples and the new settlers within a shared territory. Today, both Mi'kmaw and Canadian governments recognize the Treaties as the foundation of their relationship and are committed to implementing them in the present.

Chapter 3 begins by presenting a framework for understanding the Treaties from Mi'kmaw perspectives. It then closely examines Mi'kmaw interpretations of the Treaties and their implications for both nation-to-nation and person-to-person relationships between colonials and Mi'kmaq. I offer examples and reflections on how the Treaty framework from the previous chapter could be implemented by Western art music institutions in collaboration with Mi'kmaw artists and communities.

In Chapter 4, I explore correlations between Western art music in Nova Scotia and the denial of the Treaties of Peace and Friendship. I begin by reviewing key European behaviours that contributed to the Treaties not being implemented on the part of Britain and Canada, and I trace these behaviours to Eurocentric ideologies about civilization and savagery. At three

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<sup>29</sup> Battiste, *Living Treaties*, 1.

moments in Nova Scotia's history, I then observe how these same ideologies affected how colonials heard Western art music. I thus suggest that Western art music in Nova Scotia has an appreciable relationship with the very ideologies that undergird the ongoing denial of the Treaties of Peace and Friendship.

As a result, in Chapter 5 I close by proposing ways in which honouring the Treaties may require making significant changes in Western art music culture. Beyond collaborations between Mi'kmaq and colonials, I suggest ideas for further research that could contribute to creating a new art music culture in Nova Scotia. The recommendations and examples I give are drawn from my own experiences and observations as a performer of Western art music. In this way, I begin to envision an art music culture that ceases to reinforce the Eurocentric ideologies that have historically undermined the implementation of the Treaties. Instead, I present thoughts on how to move toward what I audaciously call a *Mi'kma'ki art music* that celebrates and reinforces the Treaty relationship between the Mi'kmaq and colonials in Nova Scotia.

## CHAPTER 2: THE TREATIES AS THE LAW OF THE LAND

### The eighteenth-century Treaties of Peace and Friendship

Treaty Day in Nova Scotia was first celebrated on October 1<sup>st</sup>, 1986.<sup>30</sup> Mi'kmaw Grand Chief Donald Marshall Sr. and Halifax Mayor Ron Wallace had chosen the date based on Article 6 of the 1752 Treaty of Peace and Friendship between the Mi'kmaq and the British Crown. This article states:

That to Cherish a good Harmony & mutual Correspondance [sic] between the said Indians & this Government, His Excellency Peregrine Thomas Hopson Esqr (...) hereby Promises on the Part of His Majesty, that the said Indians shall upon the first day of October Yearly, so long as they shall Continue in Friendship, Receive Presents of Blankets, Tobacco, and some Powder & Shot; and the said Indians promise once every Year, upon the first of October to come by themselves or their Delegates and Receive the said Presents and Renew their Friendship and Submissions.<sup>31</sup>

Thus, the 1752 Treaty originally appointed October 1<sup>st</sup> as the day for the Mi'kmaq to visit the British every year and to celebrate the Treaty relationship. When Grand Chief Marshall and Mayor Wallace chose this date for Treaty Day in 1986, the message was clear: It was a symbolic renewal of the Treaty relationship.

This renewal was catalyzed by a Supreme Court of Canada decision in 1985 that had recognized the legal validity of the 1752 Treaty of Peace and Friendship. Leading up to this

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<sup>30</sup> Halifax City Hall, “Proclamation: Mi'kmaq Treaty Day: October 1st, 2022,”

<https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220927rci02.pdf>.

<sup>31</sup> Printed Proclamation of the 1752 Treaty, RG 1 volume 430 number 2, Peace and Friendship Treaties, Nova Scotia Archives, Halifax, Nova Scotia,

<https://archives.novascotia.ca/mikmaq/archives/?ID=623>.

decision, James Simon, a Mi'kmaw man from Shubenacadie (now Sipekne'katik), Nova Scotia, was charged for possessing a rifle and shotgun shells without the required licenses.<sup>32</sup> Simon, however, claimed that he had the right to use them for hunting under the Treaty of 1752 and appealed to the Supreme Court of Canada. Simon knew that Article 4 of that Treaty promised that the Mi'kmaq "shall not be hindered from, but have free liberty of Hunting and Fishing as usual."<sup>33</sup> He believed that this meant he could legally hunt free of provincial hunting regulations, including doing so out of season. In a landmark decision, the Supreme Court of Canada acquitted Simon of all charges on the ground that he indeed had a "valid treaty right to hunt under the Treaty of 1752."<sup>34</sup> This was the first time that any of the Treaties of Peace and Friendship between the Mi'kmaq and Britain were upheld as legitimate and binding by a Canadian court, and this decision led to Treaty Day being proclaimed in Nova Scotia the following year.

This Treaty from 1752 is the third in a chain of Treaties that originally established the relationship between the British Crown and the Mi'kmaq. The first and second Treaties, made in 1725-26<sup>35</sup> and 1749, confirmed that the British Crown had replaced the French King Louis IX as the leading colonial power in Mi'kma'ki through the Treaty of Utrecht in 1713. These Treaties state that the Mi'kmaq "Acknowledge His Said Majesty King George's Jurisdiction and

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<sup>32</sup> Simon v. The Queen, [1985] 2 S.C.R. 387. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/93/index.do>.

<sup>33</sup> Article 4 in 1752 Treaty, Nova Scotia Archives.

<sup>34</sup> *Simon v. The Queen* [1985], II.62.

<sup>35</sup> The first Treaty between the British and the Mi'kmaq was made in Boston in 1725, then ratified at Annapolis Royal in Nova Scotia the following year, hence the dates 1725-26.

Dominion over the said Territories of Nova Scotia or Acadie and make our Submission to his said Majesty in as ample a Manner as We have formerly done to his most Christian Kings.” As I will demonstrate later, the Mi’kmaq did not interpret this statement as ceding their territory or political sovereignty to the British King, but as ending hostility against his subjects.<sup>36</sup> Up to that point, the English had been enemies of the Mi’kmaq, who had sided with the French as allies for over a century. But since the Treaty of Utrecht ended the struggle between the two European powers to control access to Mi’kma’ki, the Mi’kmaq were being asked by the British King to cooperate with the English as they previously had with the French. Thus, the Treaty’s articles were concerned primarily with ensuring the protection of both the English and the Mi’kmaq. For example, the two Treaties included the promise “That the Indians shall not Molest any of His Majesties [sic] subjects or their Dependents and their Settlements already made or Lawfully to be made or in their Carrying on their Traffick [sic] or their affairs Within the said Province.”<sup>37</sup> In

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<sup>36</sup> Contrary interpretations of the Treaties were at least partly due to cultural and language barriers, as the Treaties were made through gestures, and, sometimes, using French translators.

<sup>37</sup> Paragraph 3 in Treaty of 1725 for Ratification at Annapolis Royal, O/S number 511, Peace and Friendship Treaties, Nova Scotia Archives, Halifax, NS, <https://archives.novascotia.ca/mikmaq/archives/?ID=615>. The ambiguous wording of this article led to later misunderstandings between the two parties. The Treaty states that the Mi’kmaq agree not to vandalize both existing British settlements and future settlements, so long as these are “Lawfully” made. But the definition of settlements “Lawfully to be made” was open to interpretation. As historian William Wicken notes, “It seems that by 1749, British officials were interpreting the phrase 'settlements lawfully to be made' as referring to British law” (William



other words, the Mi'kmaq promised not to harm the British or their settlements nor to interfere with their trade within Nova Scotia. Furthermore, if conflicts were to arise between the Mi'kmaq and the British, both sides agreed to seek justice through the British legal system. The Treaties stipulated: "That in the case of any Misunderstanding Quarrel or Injury between the English and the Indians no private Revenge shall be taken, but Application shall be made to Redress according to his Majesties [sic] Laws."<sup>38</sup> By requiring Mi'kmaq and British residents of Nova Scotia to resolve disputes under the Crown's justice system rather than through private revenge, the Treaties envisaged an atmosphere of order and public safety for the two nations who had been historical enemies.

The third Treaty in 1752 appears to have had more substance. Whereas the first two were drafted in Boston with general terms applying to several nations of the Wabanaki Confederacy, of which the Mi'kmaw nation was one member, the third was drafted in Halifax specifically between the British and the Mi'kmaq living on the eastern coast of Nova Scotia.<sup>39</sup> The language

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Craig Wicken, *Mi'kmaq Treaties on Trial: History, Land, and Donald Marshall Jr* [Toronto: University of Toronto Press, 2002], 180.). But, when Governor Cornwallis founded Halifax in 1749, he received a threatening letter from the Mi'kmaq, accusing him of taking their land and interpreting his transgression as a declaration of war (Wicken, *Mi'kmaq Treaties*, 180.). Thus, Halifax was not "Lawfully" made as far as the Mi'kmaq were concerned, suggesting that they considered Mi'kma'ki to be governed by a law other than that of the British.

<sup>38</sup> Paragraph 3 in Treaty of 1725, Nova Scotia Archives.

<sup>39</sup> The Mi'kmaw negotiators in the 1752 Treaty were named "Major Jean Baptiste Cope, chief Sachem of the Tribe of Mick Mack Indians Inhabiting the Eastern Coast of the said Province,

in this Treaty is more eloquent than the first two and is almost poetic, perhaps reflecting a more meaningful relationship than simply the absence of hostility. This change in tone appears from

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and Andrew Hadley Martin, Gabriel Martin & Francis Jeremiah, Members and Delegates of the said Tribe, for themselves and their said Tribe their Heirs, and the Heirs of their Heirs forever.”

Although the Treaty and its accompanying minutes do not indicate that Chief Cope was acting on behalf of the whole Mi’kmaw nation, Mi’kmaw oral history does. For example, Kji-keptin Alex Denny of the Sante’ Wamio’mi in 1980 wrote to the United Nations that the treaty “was properly arranged with the Santeoi Mawa’iomi acting by its jisaya Jean Baptiste Cope.”

Similarly, Mi’kmaw lawyer Joe B. Marshall asserts that Cope was “a representative of the Mi’kmaw Grand Council.” Mi’kmaw history thus claims that the 1752 treaty was not only with the Mi’kmaq of the eastern coast but with the whole nation, represented by the Grand Council.

However, historian William Wicken claims that “not all scholars, however, agree” (William Wicken, “Fact Sheet on Peace and Friendship Treaties in the Maritimes and Gaspé,”

Government of Canada, November 3, 2008, <https://www.rcaanc->

[cirnac.gc.ca/eng/1100100028599/1539609517566](https://www.rcaanc-cirnac.gc.ca/eng/1100100028599/1539609517566)). Sadly, Mi’kmaw oral histories about Cope’s

identity are not officially accepted, and Mi’kmaw individuals wishing to claim specific rights

under this Treaty today must demonstrate that they are descendants of the Mi’kmaw “Tribe” of

the eastern coast that made this Treaty with the British Crown. For two legal examples of this

requirement, see *R. v. Simon [1985]* and Maureen Googoo, “Mi’kmaw Fisherman Using 1752

Treaty, Ancestry in Legal Battle with DFO,” *Ku’ku’kwes News*, July 20, 2022,

<http://kukukwes.com/2022/07/20/mikmaw-fisherman-using-1752-treaty-ancestry-in-legal-battle->

[with-dfo/](http://kukukwes.com/2022/07/20/mikmaw-fisherman-using-1752-treaty-ancestry-in-legal-battle-with-dfo/)). To the Mi’kmaq, however, the Treaty of 1752 is a national Treaty.

its first words: instead of “Articles of Submission and Agreement” as in the first two treaties, the third was titled “Treaty or Articles of Peace and Friendship.” This switch from the official and political terms “submission” and “agreement” to more idealistic and relational terms “peace” and “friendship” reflected a proposed relationship beyond solely protective regulations. The Treaty’s second article further proved this, stipulating “That all Transactions during the late War shall on both sides be buried in Oblivion with the Hatchet, and that the said Indians shall have all favour, Friendship & Protection shewn [sic] them from this His Majesty's Government.”<sup>40</sup> This language described more than legal rights and obligations; it expressed, in the strongest possible terms, a relationship of mutual favour and trust. Sentiments of enmity and prejudice resulting from past harms were supposedly renounced and forgiven, being “buried in Oblivion with the Hatchet.”<sup>41</sup> And the British Crown offered the Mi’kmaq the prospect of a bright future together with the superlative promise that the Mi’kmaq “shall have all favour, Friendship & Protection shewn [sic] them.” This truly was—at least on paper—the promise of a peaceful friendship between the Mi’kmaq and the British.

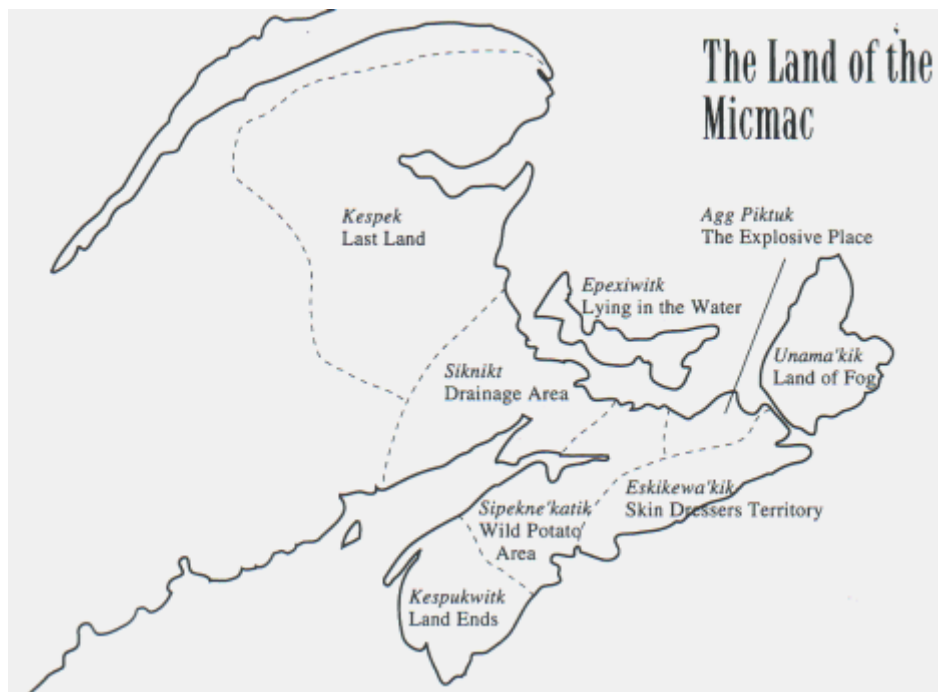
As written, the specific articles contained in the 1752 Treaty prescribed how the Mi’kmaq and the British would share important resources to live together in Nova Scotia. For example, as the third Treaty renewed the previous two, the Mi’kmaq confirmed that they would share their

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<sup>40</sup> Article 2 in 1752 Treaty, Nova Scotia Archives.

<sup>41</sup> In a symbolic act of solidarity, the 1752 Treaty-making event included the Mi’kmaq ceremony of burying a hatchet, promising full forgiveness and a new era of peace and friendship. See Daniel N. Paul, *We Were Not the Savages: Collision between European and Native American Civilizations* (Halifax: Fernwood Publishing: 2006), 163.

land (see Figure 2.1) by allowing the British to live peacefully in select settlements. The Mi'kmaq also agreed to employ their diplomatic influence to convince other Indigenous tribes or nations to ratify the same Treaty of Peace and Friendship with the British.<sup>42</sup> Further, they offered their reconnaissance and military force to defend the British, and their seamanship and knowledge of the coast to help save European people and goods from shipwrecks.<sup>43</sup> In these ways, the Mi'kmaq promised to help the British live in Mi'kma'ki by sharing certain resources.



**Figure 2.1** Map of traditional Mi'kmaq territory with its seven districts, from Daniel Paul "We Were Not the Savages: First Nation History – By Daniel N. Paul," <http://www.danielpaul.com/Map-Mi%27kmaqTerritory.html>.

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<sup>42</sup> Article 3 in 1752 Treaty, Nova Scotia Archives.

<sup>43</sup> See articles 3 and 7 in 1752 Treaty, Nova Scotia Archives.



**Figure 2.2** Map by geographer Thomas Jefferys of “Nova Scotia, or Acadia, as claimed by the English commissaries under the Utrecht treaty in 1713, with short strokes -----” (and red border added by the author for clarity), from Library of Congress, “Carte d'une Partie de L'Amérique Septentrionale... / A Map exhibiting a view of the English Rights, relative to the Ancient Limits of Acadia,” accessed August 28, 2023, <https://www.loc.gov/resource/g3300m.gar00003/?sp=34&r=-0.276,0.799,1.468,0.676,0>.

The British, for their part, also committed to sharing resources with the Mi'kmaq. For example, they promised military aid to assist in defending the Mi'kmaq against enemy tribes.<sup>44</sup> They also stated that the Mi'kmaq would continue to have full and unrestricted access to the

<sup>44</sup> See article 3 in 1752 Treaty, Nova Scotia Archives.

province's wildlife and marine resources for hunting and fishing.<sup>45</sup> Trading posts stocked with European goods and biannual remittances of staple food rations were also promised to the Mi'kmaq.<sup>46</sup> Finally, the British agreed to share the imperial court system, so that any Mi'kmaq with legal disputes could fully and impartially enjoy the same legal rights as a British subject.<sup>47</sup> As written, the 1752 Treaty set out how the British and the Mi'kmaq agreed to share resources relevant to their respective ways of life in Nova Scotia. As I will discuss later, however, problems arose because of what was *not* written in the Treaty texts, as both sides held contrary assumptions concerning land ownership and political sovereignty. As Figure 2.2 shows, the British believed they had gained possession of all of Mi'kma'ki—renamed Nova Scotia—through the Treaty of Utrecht in 1713.

After the 1752 Treaty, nearly a decade of hostilities ensued between the Mi'kmaq and the British.<sup>48</sup> Another “Treaty of Peace and Friendship” was then made in Halifax in March 1760 and renewed in November 1761, which reiterated several security-oriented articles from the first two Treaties. Two significant stipulations were also added: the Mi'kmaq agreed to limit their trade to Britain and its allies and only to trade at the trading posts which the British Crown promised in the 1752 Treaty; and both parties committed to exchanging at least two “Hostages”

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<sup>45</sup> See article 4 in 1752 Treaty, Nova Scotia Archives.

<sup>46</sup> See articles 4 and 5 in 1752 Treaty, Nova Scotia Archives.

<sup>47</sup> See article 8 in 1752 Treaty, Nova Scotia Archives.

<sup>48</sup> See Paul, *We Were Not the Savages*, pp. 130-160 for a detailed account of the British-Mi'kmaw hostilities from 1752 and 1761.

if requested, as a “security of the due performance of this Treaty.”<sup>49</sup> The exchange of men to be kept as hostages served to motivate both parties to keep the terms of the Treaty. As the two nations had been habitually at war, maintaining the relationship of peace and friendship required creating specific safety measures to motivate friendlier intercourse in the future.

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<sup>49</sup> See paragraphs 7 and 8 in Copy of Authenticated Copy of "Treaty of Peace and Friendship concluded by the Governor... of Nova Scotia with Paul Laurent, Chief of the La Heve tribe of Indians," 1760, RG 1 volume 284 number 17, Peace and Friendship Treaties, Nova Scotia Archives, Halifax, Nova Scotia, <https://archives.novascotia.ca/mikmaq/archives/?ID=626>. Note that the so-called “trade clause” in this Treaty, which limited Mi’kmaw trade to “truckhouses,” was interpreted by the judges in *R. v. Marshall [1999]* as having ceased with the termination of the truckhouse system and thus no longer limiting Mi’kmaw trade.

## **Mi'kmaw sovereignty**

Notably, no article in this chain of Treaties from 1725 to 1761 between the Mi'kmaq and the British dealt with ceding land or surrendering political sovereignty. Rather, as written, the Treaties confirmed Mi'kmaw rights to use the land freely for hunting and fishing. A Proclamation in 1762 by Jonathan Belcher Jr., Lieutenant Governor of Nova Scotia demonstrates this. The Proclamation was mandated by royal order in response to the recent British-Mi'kmaw war and sought to appease tense relations between the two nations. Belcher, also the Chief Justice of the province, began the Proclamation by stating that he had received many complaints from the Mi'kmaq—no doubt exercising their Treaty right to litigate under the British legal system—about settlers encroaching on lands “by Treaties reserved to themselves.”<sup>50</sup> This Treaty-protected right to reserved lands presumably referred to the 1752 Treaty’s article promising the Mi'kmaq “free liberty of Hunting and Fishing as usual.”<sup>51</sup> Having further investigated the complaints of the Mi'kmaq, Belcher stated in the Proclamation that the Mi'kmaq were claiming Treaty rights to most—if not all—the coastland of Nova Scotia for their use for hunting, trapping, and fishing. Concerned to protect the British in Nova Scotia from the dangers of breaking their fragile peace with the Mi'kmaq, Belcher understood that this would require honouring the Treaties made with the Mi'kmaq and defending their Treaty rights. His Proclamation therefore ordered anyone in Nova Scotia who had illegally settled on Mi'kmaw land, thus compromising the Mi'kmaq’s rightful access to their land, to remove themselves.

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<sup>50</sup> Paragraph 1 in “Belcher’s Proclamation 1762,” Canadian Aboriginal Infrastructure Developments, accessed August 25, 2023, <https://caid.ca/BelProc1762.pdf>.

<sup>51</sup> See article 4 in 1752 Treaty, Nova Scotia Archives.



British subjects were also instructed not to oppose any Mi'kmaq who claimed land or exercised their right to hunt, trap, and fish. Clearly, Belcher's Proclamation in 1762 supported the understanding that the Treaties of Peace and Friendship had not ceded the Mi'kmaq's territory to the British but reserved it all for Mi'kmaw use—with the exception of select British settlements.

A Royal Proclamation that followed in 1763 established Britain's policy of international relations with the Indigenous peoples of America and further protected the Mi'kmaq's sovereignty over their land. In the wake of the Treaty of Paris on February 10, 1763, which ceded the French and Spanish territories of Quebec, West Florida, East Florida, and Granada to Britain, King George III sought to protect and clarify the complex relations the Crown had developed with the various Indigenous nations in America. His primary concern seems to have been to create protocols to curb unsanctioned British settlement on unceded territory and so to improve relations with America's Indigenous peoples. Though its intents were more political than ethical, the Proclamation sought to protect Indigenous possession of unceded lands:

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds...<sup>52</sup>

Here the Proclamation acknowledged that there were Indigenous nations and tribes living under the Crown's protection who had not ceded or sold their land to the British. Their land was considered part of the Crown's "dominions and territories," yet it was still Indigenous

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<sup>52</sup> See "By the King, A Proclamation." 1763, RG 1 volume 346 number 2, Peace and Friendship Treaties, Nova Scotia Archives, Halifax, Nova Scotia, <https://archives.novascotia.ca/mikmaq/archives/?ID=628>.

“possession,” reserved for them as “Hunting Grounds.” Echoing the language of the Treaties of Peace and Friendship with the Mi’kmaq, British subjects were ordered not to “molest” the Indigenous peoples in their possession of their land. Specifically, this Proclamation forbade colonial governments from allowing the creation of surveys or deeds of any unceded land, outlawed the purchase or possession of unceded land by any British subjects without the Crown’s permission, and ordered anyone who had found themselves living on unceded land to remove themselves from it.<sup>53</sup> Recognizing that “great Frauds and Abuses have been committed in purchasing Lands of the Indians,” the Proclamation required that, if Indigenous nations or tribes desired to sell any of their land in the future, those lands must be sold to the Crown at a public meeting held by the Crown’s representative with the Indigenous group in question.<sup>54</sup> This Royal Proclamation established an imperial policy which legally protected unceded Indigenous lands in America. Although this Proclamation did not specifically mention Nova Scotia as one of the unceded territories in question, the colony was theoretically subject to the policy, having never been ceded by the Mi’kmaq. Thus, regardless of what the British thought, Mi’kmaw rights to their ancestral territory were protected, even under British law. Through the *Constitution Act, 1867*, this political relationship with “Indians and Lands reserved for the Indians,” including the responsibility to continue to protect unceded Indigenous territory, was handed over to Canada’s federal government.<sup>55</sup>

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<sup>53</sup> See "By the King," Nova Scotia Archives.

<sup>54</sup> Ibid.

<sup>55</sup> Canada Minister of Justice, *A Consolidation of The Constitution Acts 1867 to 1982* (2021), 21, [https://laws-lois.justice.gc.ca/PDF/CONST\\_TRD.pdf](https://laws-lois.justice.gc.ca/PDF/CONST_TRD.pdf).

The first Treaty Day on October 1, 1986 quietly celebrated the eighteenth-century Treaties between the Mi'kmaq and the British Crown. The only Nova Scotia government official who attended the first Treaty Day ceremony was Halifax Mayor Ron Wallace, who likely did not yet understand the implications of recognizing the Treaties and revisiting colonials' relationships with the Mi'kmaq. But for the Mi'kmaq, the official recognition of the Peace and Friendship Treaties in *Simon vs. The Queen [1985]* and the reinstatement of Treaty Day were key victories in their battle to re-establish political sovereignty and forge a better future with Canada and Canadians.

## Interpreting the Treaties

The next major Mi'kmaw victory after *Simon vs. The Queen [1985]* was arguably the landmark trial of Donald Marshall Jr. in 1999. Going a step further than recognizing the Mi'kmaq Treaty right to hunt for food, *R. v. Marshall [1999]* affirmed the Mi'kmaq's "treaty right to fish, hunt, and gather in pursuit of a moderate livelihood" without government restrictions.<sup>56</sup> Thus, in 1999, the Supreme Court recognized that the Treaties of Peace and Friendship protect the Mi'kmaq's right to hunt, fish, and gather for trade and profit.

Historian William Craig Wicken had been employed by the Union of New Brunswick Indians and the Native Council of Nova Scotia as a witness for the defendant, Donald Marshall Jr., a Mi'kmaw man seeking to defend his right to fish commercially under the Treaties. Over the course of a complex trial that spanned from 1993 to 1999, Wicken testified that the last negotiated Peace and Friendship Treaty in 1760-61 explicitly protects the defendant's right, as a Mi'kmaq, to legally hunt and fish for a moderate livelihood without a government-issued license. Wicken was one of three witnesses, and his testimony was significant to Marshall's victory. He subsequently published several books on the history and meaning of the Treaties of Peace and Friendship.

Wicken's extensive research on the Treaties and their historical context led him to conclude that, for the British, a "gradual erosion of the meanings given to the treaties" occurred in the eighteenth century as the relationship between the booming settler population and the

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<sup>56</sup> Government of Canada, Fisheries and Oceans Canada. "The Marshall Decisions," March 4, 2021. <https://www.dfo-mpo.gc.ca/fisheries-peches/aboriginal-autochtones/moderate-livelihood-subsistance-convenable/marshall-overview-apercu-eng.html>.

Mi'kmaq changed over time.<sup>57</sup> This erosion contributed to the British eventually abandoning the Treaties as a valid basis for the nation-to-nation relationship. Wicken argues that this erosion stemmed from the fact that, from the outset, “the Mi'kmaq and the British had different understandings of certain conceptual issues discussed in the treaties”—understandings that drifted further apart over time.<sup>58</sup>

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<sup>57</sup> William Wicken, “Fact Sheet on Peace and Friendship Treaties in the Maritimes and Gaspé,” Government of Canada, November 3, 2008. <https://www.rcaanc-cirnac.gc.ca/eng/1100100028599/1539609517566>. As mentioned in previous notes, examples of these “different understandings of conceptual issues” include who is party to the Treaties (i.e. is the Treaty of 1752 with the whole Mi'kmaw nation or only with the tribes living on the east coast?), and who possesses the land (ie. does the Mi'kmaw government or the British government have the authority to define “settlements lawfully to be made”?).

<sup>58</sup> William Wicken, *Mi'kmaq Treaties on Trial: History, Land, and Donald Marshall Jr.* (Toronto: University of Toronto Press, 2002), 11.

## Choosing an interpretation

I am neither a lawyer nor a historian, so I am unqualified to arbitrate between colonial and Mi'kmaw legal interpretations of the Treaties. However, I must inevitably choose a side if I am to productively consider the meaning of being a Treaty person. I decidedly favour Mi'kmaw perspectives on the Treaties for practical, moral, ethical, and historical reasons.

First, Mi'kmaw understandings of the Treaties offer something which those of colonials do not. The narrow reading of the English-language Treaty texts and histories—which informs colonial interpretations—is silent when it comes to the application of the Treaties in the realm of music or arts. On the other hand, Mi'kmaw interpretations of the Treaties are more holistic and suggest that the Treaties touch every part of life, thus including music and arts. Naturally, I am drawn to this richness of the Mi'kmaw perspectives on the Treaties and how I might then derive an understanding of their ethical implications for Western art music.

Admittedly, if this were my only motivation for considering Mi'kmaw interpretations of the Treaties, I could rightly be accused of extractivism and of appropriating Indigenous knowledges for personal gain, to boost my career as a musicologist. But I am also partial to Mi'kmaw understandings of the Treaties for moral reasons. As paradoxical as it may seem to some, I am motivated to seriously consider Mi'kmaw perspectives because of my Christian worldview: I believe that the Creator has given the Mi'kmaq the sovereign right to their ancestral territory, since the Bible teaches that He appoints a time and place to each nation.<sup>59</sup> This means

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<sup>59</sup> For example, the Holy Spirit gave a message to the rulers of the ancient kingdoms of Edom, Moab, Ammon, Tyre and Sidon through Israel's prophet Jeremiah, saying, "With my great power and outstretched arm I made the earth and its people and the animals that are on it, and I

that the Creator alone has the right to dispossess nations of their land, which He will do to nations who dishonour Him; but empires claiming to represent Christianity such as France or Britain do not inherently have this authority. Therefore, I believe that the Mi'kmaq are still the rightful possessors and stewards of Mi'kma'ki, even from a Christian worldview, and that British and Canadian claims to possession have no foundation except racism, greed, and ignorance. For this reason, Mi'kmaw law is the rule in Mi'kma'ki and I should consider Mi'kmaw understandings of the Treaties as ultimately determining my rights and obligations as a resident of Mi'kma'ki.

Thirdly, my Christian ethics require me to submit to the ruling authorities—inappropriate as they may be—as long as this does not compromise practicing my faith. This means that I must heed Canada's authority and recommendations in pursuing reconciliation with the country's Indigenous peoples, as far as these do not hinder me from following the Lord Jesus's Way. Thus, I espouse the Truth and Reconciliation Commission of Canada (TRC) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)—which Canada signed in 2021—as these align with my beliefs and provide colonials with a framework for navigating relations with Indigenous peoples in Canada.

The TRC directs me to honour Mi'kmaw understandings of the Treaties in two explicit texts. Firstly, the TRC Calls to Action expressly support Indigenous sovereignty by decrying the

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give it to anyone I please" (Jer. 27:5 [NIV]). Likewise, the Apostle Paul declared to the Athenian philosophers in the Areopagus that "From one man [the Creator] made all the nations, that they should inhabit the whole earth; and he marked out their appointed times in history and the boundaries of their lands" (Act. 17:26 [NIV]).

“concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.”<sup>60</sup> By rejecting the foundations of colonial claims to sovereignty over Mi’kma’ki and the Mi’kmaq, the TRC recognizes Mi’kmaw sovereignty, which includes the rule of Mi’kmaw law. Secondly, this is expounded in the TRC’s call on the Government of Canada to commit to constitutional reconciliation of Mi’kmaw and colonial law through a Royal Proclamation of Reconciliation, which would include steps to:

Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.<sup>61</sup>

The TRC clearly aspires to honour and establish Mi’kmaw laws as binding in Nova Scotia. As a Canadian citizen, then, I seriously consider Mi’kmaw interpretations of the Treaties—Mi’kmaw law—to be morally binding, even if not yet constitutional.

The UNDRIP also articulates how Canada, as a signatory of the Declaration, theoretically views its responsibility towards the Indigenous peoples within its borders. Article 26.1 states that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.” Canada thus acknowledges the Mi’kmaq’s sovereign right to their traditional land and thus to political sovereignty over that land and its people. Additionally, Canada has promised that it will either return the lands and resources that were taken from the Mi’kmaq or provide equitable compensation for these losses. Article 28.1 states,

Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and

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<sup>60</sup> See TRCC, “Calls to Action,” 45.i., 46.ii., 47, and 49.

<sup>61</sup> Ibid, 45.iv.



resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

Because the Mi'kmaq never consented to their land being taken, Canada is now responsible to redress this gross error and return sovereignty to the Mi'kmaq as far as possible. Recognizing the Mi'kmaw interpretations of the Treaties is one way to acknowledge Mi'kmaw sovereignty in Mi'kma'ki, in keeping with both the TRC and the UNDRIP. Therefore, I consider it ethically responsible to do so in this research.

It is worth noting that Mi'kmaw perspectives on the Treaties are also arguably more historically trustworthy than British-Canadian interpretations. Whereas, as noted by Wicken, British understandings of the Treaties eroded over time until they were completely forgotten, the Mi'kmaq have an unbroken oral history of remembering the Treaties. *Living Treaties* includes multiple accounts of Mi'kmaw individuals having been taught the meanings of the Treaties through family and Elders. A significant example of the oral history of the Treaties, noted by three of the book's contributors, is the annual midsummer gathering at Potlotek for Saint Anne's Feast. Until Nova Scotia's Centralization policy in the 1940s interrupted the continuation of this celebration, the occasion was used to recount Mi'kmaw alliances and Treaties.<sup>62</sup> With such an

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<sup>62</sup> *Kji-keptin* of the *Sante' Mawiomi* (Grand Captain of the Grand Council) Alex Denny recalled the recitation of these records of alliances and treaties, which he called the *ulnapskog* (see Alex Denny, "Communication to the United Nations Human Rights Committee About Treaty Violations," in *Living Treaties: Narrating Treaty Relations*, ed. Marie Battiste, 294.). Patrick Augustine corroborates this claim, citing an article by anthropologist F. G. Speck from 1915 to assert that "the Mi'kmaq recited the wampum at their national union on Saint Anne's

unbroken oral tradition of remembering the Treaties of Peace and Friendship, the Mi'kmaq's understanding of the Treaties has more immediacy and relevance than does a modern reading of the English Treaty texts that were forgotten in archives for centuries. Thus, for practical, moral, ethical, and historical reasons, I favour Mi'kmaw perspectives of the Treaties of Peace and Friendship and consider them part of the law of the land in Nova Scotia. Thus, in the next chapter I will introduce the key elements of these perspectives and will explore their implications in the practice of Western art music in Nova Scotia.

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day at Holy Family Island on Potlotek First Nation” (see F. G. Speck, “The Eastern Algonkian Wabanaki Confederacy,” *American Anthropologist* 17, no. 3 (1915), 492-508; quoted in “Mi'kmaw Relations,” in *Living Treaties: Narrating Treaty Relations*, ed. Marie Battiste, 57). Joe B. Marshall also remembers that in the Grand Council's *Niskawtimk* meeting on Saint Anne's Day, the Council's *putu's* or knowledge keeper “would be the first on the agenda when he would ceremonially speak of the alliances and treaties and meanings of the *'lnapsku* (covenants of the wampum belts) previously enacted and agreed to as to ensure the continuity of the oral traditions” (see Joe B. Marshall in conversation with Jaime Battiste, “Treaty Advocacy and Treaty Imperative through Mi'kmaw Leadership: Remembering with Joe B. Marshall,” in *Living Treaties: Narrating Treaty Relations*, ed. Marie Battiste, 153.).

## CHAPTER 3: PRACTICING THE TREATIES IN WESTERN ART MUSIC TODAY

### Mi'kmaw understandings of the Treaties

Mi'kmaw lawyer, professor, and activist Pamela Palmater reasons that understanding the implications of the Treaties of Peace and Friendship today requires more than the original texts. She writes,

[T]reaties between nations are relationships that are unique, organic, evolving, adapting and enduring. Any relationship changes over time. Treaty rights are not like a defined benefit from a social program found in a piece of government legislation or policy. Nor are the promises contained in the treaties akin to contract provisions subject to the laws and dispute mechanisms of the British drafters. Although represented in the parchment versions, the meaning of the treaties is first and foremost found in the spirit and intent of the treaties. This is what guides the nation-to-nation relationship—not the limited scope of the English-language text.<sup>63</sup>

At the heart of Palmater's understanding of the Treaties is that they are not documents. They are relationships. And these relationships are guided by the "spirit and intent" with which the relationship was created. Relationships between living and changing nations must necessarily be fluid and flexible, so the rights and obligations within these relationships are not static and cannot be fossilized in texts. Rather, the texts serve to apply the "spirit and intent" of the Treaty relationship in specific historical contexts.

Battiste's *Living Treaties* envisions the Treaties of Peace and Friendship—not only in their textual form but in their "spirit and intent"—as the key to a better future in Mi'kma'ki. Britain and Canada's neglect of the Treaty relationship has had devastating effects for the Mi'kmaq and for Canadians. However, Battiste states that reconciliation is possible if everyone can "begin to understand the meaning, significance and the need for implementing the treaties of peace and

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<sup>63</sup> Battiste, *Living Treaties*, 36-37.

friendship from the Mi'kmaw perspectives.”<sup>64</sup> *Living Treaties* facilitates understanding Mi'kmaw perspectives on the Treaties by compiling writings by various Mi'kmaw and allied that recount both the denial of the Treaties and their resurrection from the archives in the last fifty years, especially under the direction of *Kji-keptin* (Grand Captain) Alex Denny of the Mi'kmaq Grand Council (1940-2004). The Mi'kmaq and their allies have gained momentum in bringing the Treaties back to public attention, and *Living Treaties* celebrates the efforts of those who toiled to “uncover the treaties and their contemporary meaning to both Mi'kmaq and settler society and speak to their future with them,” and “to bring them back to life and to justice.”<sup>65</sup> The collection offers an invaluable vision of the contemporary meaning and implementation of the Treaties of Peace and Friendship.

In the book's introduction, Battiste helpfully summarizes the Mi'kmaw view of what the Treaties mean. The Treaties, she writes, “impart relationships of sharing based on negotiated peaceful settlements and shared resources that enable Mi'kmaq and the settlers to live together peacefully as friends.”<sup>66</sup> I draw four key words from this statement, on which I will build in the next sections. Firstly, the Treaties impart peaceful *relationships* between people who otherwise would have every reason to be at war. Secondly, the Treaties authorize the implementation of certain *negotiated* terms of coexistence. This continuous negotiation is necessary to maintain peaceful relationships between the Mi'kmaq and other Canadians as the nations evolve over time. Thirdly, the intended outcome of negotiating is the *sharing* of the territory of Mi'kma'ki

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<sup>64</sup> Ibid, 8.

<sup>65</sup> Ibid, 6.

<sup>66</sup> Ibid, 1-2.

(ie. via approved settlements) and all available resources. Fourthly, the ultimate goal of this sharing is to enable both Mi'kmaq and colonials to peacefully maintain a way of *life* in Mi'kma'ki. Thus, in the Treaties of Peace and Friendship, Canadians and Mi'kmaq are committed to a relationship whereby we must negotiate how to share Mi'kma'ki to allow both nations to live.

## Colonials as relatives of Mi'kmaq

Being Treaty people, colonials in Nova Scotia, including musicians, are inevitably associated with Mi'kmaq people, not only as members of allied nations but also, I believe, as related individuals. The authors in *Living Treaties* describe the Treaties as the basis for all relationships between Mi'kmaq and Canadians. Human rights lawyer James (Sakej) Youngblood Henderson calls the Treaties “the only foundation for Atlantic Canadians being in Mi'kmaw territory.”<sup>67</sup> Without them, Atlantic Canadians would have no legal right to live in Mi'kma'ki. But, because of the Treaties, Atlantic Canadians are here and, as little as we may be aware, we have entered into relationships with the Mi'kmaq through those Treaties. Battiste likewise states that the Treaties are “the fundamental source of [Mi'kmaw] relations with successive waves of colonists and colonial governments. The treaties are the resource that they depend on for their present and future.”<sup>68</sup> Specifically mentioning Mi'kmaw relations with both colonists and colonial governments, Battiste's implication is clear: the Treaties create more than political relations with governments.<sup>69</sup> They create social relations between all Mi'kmaq and all

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<sup>67</sup> Ibid, 104.

<sup>68</sup> Ibid, 2.

<sup>69</sup> The political relationship between the Mi'kmaq and Canada in Nova Scotia is brokered by three parties: the federal department of Crown-Indigenous Relations and Northern Affairs Canada, the provincial Office of L'nu Affairs, and the Assembly of Nova Scotia Mi'kmaw Chiefs. Like the Canadian government, the Mi'kmaq of Nova Scotia have other branches of government with different functions, including the Union of Nova Scotia Mi'kmaq, the Native Council of Nova Scotia, and the Mi'kmaq Grand Council.

Canadians. Therefore, an important first step toward colonials in Nova Scotia implementing the Treaties is recognizing that we are all Treaty people. In my understanding, Mi'kmaq and Canadians are in a nation-to-nation relationship as well as human-to-human relationships with each other, simply by our being under Canada's government, and especially so if we reside in the territory of Mi'kma'ki.

The value the Mi'kmaq place on the Treaties—and their faith in the resulting relationships—is part of what allows the Mi'kmaq to be so ready to work toward reconciliation. In her three-movement suite for spoken word and orchestra, *We're Not Done Drumming*, former Halifax Poet Laureate Rebecca Thomas demonstrates this generous spirit. I performed in the cello section of Symphony Nova Scotia when Thomas debuted the work in 2019, and it was my first time being exposed to a Mi'kmaw perspective on relationships with settlers. Thomas, supported by the orchestral accompaniment composed by Laura Sgroi, cogently led listeners to feel the palpable paradox within her outlook—painful remembrance of settler abuse and proactive reconciliation with settlers expressed in a single work.

I remember the first movement, “*Newte'k*,” represented Mi'kmaw life prior to European contact. The musical force of this movement acts separately from Thomas's voice, who speaks only over a contrabass drone at the beginning of the movement, and over a slow instrumental chorale at the end. The bulk of the movement thus almost acts as a tone poem, building from a quasi-pentatonic solo flute motive to a spacious symphonic soundscape which, according to Thomas, “is meant to convey confidence, safety, and assurance. Furthermore, it's to show that

there was a thriving civilization prior to Europeans invading what is currently known as Canada.”<sup>70</sup>

The second movement, “*Tapu’kl*,” continues the chronology by representing the cold oppression of the Mi’kmaq by British colonists. The sour mood is amplified by its contrast with the Mi’kmaw reality presented in the first movement, which colonialism dispelled. For me, this movement opened my eyes to the outrage of colonialism and the suffering it inflicted on the Mi’kmaq. The pain in Thomas’s voice and my own symbolic participation in colonial violence—the militance of the synchronized, dry, repetitive bow-strokes of all the string players identifying us with the British oppressors—left a permanent impression on me. However, although the aesthetic and embodied experience was strong, the performance may not have fully accomplished its intended purpose of leading to action. I, for one, continued to think very little about my relationship with the Mi’kmaq until several years later. I also remember the reaction of another musician in the orchestra, whose feelings about that performance surfaced three years later in a conversation. Remembering this performance, the musician became visibly upset as they described their experience on-stage while performing *We’re Not Done Drumming*. They described how strongly they felt *they* were being demonized on stage; they were being publicly

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<sup>70</sup> Symphony Nova Scotia, “We’re Not Done Drumming,” accessed June 19, 2023, <https://symphonynovascotia.ca/concerts-and-tickets/watch-online/online-encores/rebecca-thomas-and-symphony-nova-scotia/were-not-done-drumming/>; to watch the performance with Symphony Nova Scotia, see “Online Encore: We’re Not Done Drumming,” Symphony Nova Scotia, premiered on YouTube on May 14, 2020, <https://www.youtube.com/watch?v=TumHOQ7I9ac>.



accused, so much so that they wanted to stand up and apologize. But, of course, this would be improper in a symphony orchestra concert, so they were left feeling helpless while being forced to continue playing their own villainous role on stage. Their sins were being exposed, but they had no opportunity for forgiveness or atonement, so that even the memory of this performance remained distressing for this musician. Their experience raises questions about the value of orchestral collaborations with Indigenous artists in which stories of colonial violence are told. If the symphony musicians are required to be on stage, it being their job, they may become an involuntary participant in telling the story, as well as an involuntary audience. How does their lack of agency then affect the meaning of the performance? How does remembering the personhood of individuals in the orchestra shape the reconciliatory efficacy of such collaborations?

The final and most surprising movement, entitled *Ne'siskl* (or “In This Together”), reaches past the pain and violence described in the previous movement, offers a hand of reconciliation, and asks colonials to re-enter the relationship. With a new, optimistic theme based on rising sixths which features prominently throughout the movement over a lush string accompaniment in F Major, the listener is invited into an idealistic future of peace and friendship. Through her spoken word performance, Thomas—not as a political figure but as a Mi'kmaw individual—pleads with the individual colonial in the audience:

So here we are, just you and me.  
You have to admit: you've made a mess of things.  
I refuse to take the blame for where we are at,  
But that doesn't mean I won't have your back.  
You see, when I signed those treaties, I took them very seriously:  
There are two sides to that agreement.  
And I don't need your bereavement,  
Only a promise to do better,  
From the earnest heart of a settler.  
Like it or not, we're in this together.

Let me find my voice so we can talk at my pace.  
Pjila'si, my friend; come forward, take your place.<sup>71</sup>

Despite the treachery of colonials described in the second movement, in the third Thomas expresses remarkable faithfulness to the Treaties that require her, “like it or not,” to re-friend the colonial. The Mi'kmaw word *pjila'si* is often used as a kind of welcome, and literally means “take your place.” In these closing lines, I understand Thomas to be extending the invitation (or imperative) for the individual colonial—not just colonial governments—to take their place in the friendship. While the Mi'kmaq would have every reason to be wary of associating with colonials, their openness demonstrates their belief in the Treaties and the relationships they create.

Unfortunately, I cannot say that this performance of *We're Not Done Drumming* led me or the other musicians to actively “take our place” in the Treaty relationship. Perhaps this is partly because the musical unease of the middle movement is replaced by such placidity and optimism in the last. While this musical shift reflects the remarkable faith the Mi'kmaq place in the Treaties as a means for peace and friendship, the aesthetic effect may be what Dylan Robinson calls the “sensory veracity of reconciliation”: audience members (as well as orchestra musicians) experience “immediate and powerful physiological responses to something ‘beyond the music itself’” (ie. reconciliation), confirming their belief that the concert experience *itself* has effected reconciliation.<sup>72</sup> Instead of leading to action, then, “audience members experience this

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<sup>71</sup> SNS, “We're Not Done Drumming.”

<sup>72</sup> Dylan Robinson, “Intercultural Art Music and the Sensory Veracity of Reconciliation: Brent Michael Davids' Powwow Symphony on the Dakota Music Tour,” In *MUSICultures* 39, No. 1 (2012): paragraph 10.

sensory veracity as self-complete,” and they leave the concert hall feeling that they have witnessed reconciliation.<sup>73</sup> But, the message of *We're Not Done Drumming* is that colonials, including musicians, must not only hear the symbolic representation of prospective reconciliation in the music, but must come forward and take their place in the nation-to-nation and human-to-human relationships created by the Treaties.

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<sup>73</sup> Robinson, “Intercultural Art Music,” Paragraph 17.

## Colonials negotiating with Mi'kmaq

Mi'kmaq-Canadian relationships are maintained by negotiating mutual rights and obligations. Discussing the Treaty of Peace and Friendship from 1760-61, Mi'kmaq historian Natasha Simon states that “the intents of prerogative treaties on both sides were to affirm terms of coexistence.”<sup>74</sup> In other words, the Treaties granted both sides with negotiated benefits and obligations, establishing the conditions for the continued relationship.

The Mi'kmaq have engaged in processes of negotiation since time immemorial. Before European contact, negotiation enabled the Mi'kmaq to live in harmony with the rest of Creation. Mi'kmaq Elder and knowledge-keeper Stephen Augustine writes that “through spiritual ceremonies we have ‘negotiated’ our survival with our environment, gaining our natural rights based on the natural laws of the land to which we belong.”<sup>75</sup> According to Augustine, the Mi'kmaq process of negotiating rights to exist in their environment historically involved abiding by what they understood as natural laws, which included the need for spiritual ceremonies.<sup>76</sup> Mi'kmaq fisherman Fred Metallic likewise describes traditional teachings about how the Mi'kmaq negotiated rights with the Creator, with animals, and with water beings through ceremonies. He refers to these ceremonies as Treaties through which the Mi'kmaq effectively extended their relations to other living beings. Metallic writes:

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<sup>74</sup> Battiste, *Treaties*, 172.

<sup>75</sup> *Ibid*, 17.

<sup>76</sup> *Ibid*, 19.

In political thought, Mi'gmaq<sup>77</sup> operate on the extended family system, whereby we are born into a tradition for the purpose of extending our interconnectedness and interdependency with each other—a tradition considered a sacred vow. In Mi'gmaq, we express the extending of our interconnectedness as *angugamge'wel*. When the first extended family came into being in our territory, they too had to enter into agreement with the Creator. They needed to know how to live with each other and how they could help each other realize what they had to offer as gifts to Creation. Treaty-making is a part of our sacred ordering, and every time a treaty is made we are adding to this order; in essence, we are adding to our extended family. We are all brothers and sisters in Creation. Treaties are covenants to that order and guide us in our relationships.<sup>78</sup>

Metallic summarizes that the purpose of Treaties in Mi'kmaq thought is to negotiate “extending our interconnectedness and interdependency with each other” or “adding to our extended family,” as the Mi'kmaq have always done since Creation. To the Mi'kmaq, a Treaty negotiates the contributions and benefits of a relationship with humans or with other beings. The original British-Mi'kmaq Treaties established relationships, but when those nations' populations, cultures, and needs changed, the relationships had to be re-negotiated. However, instead of heeding the Mi'kmaq's regular complaints and pleas for re-negotiation, Britain and Canada have historically neglected or abused their relationships with the Mi'kmaq for their own benefit.

In recent decades, however, Canadian and Mi'kmaq governments have re-committed to a relationship of negotiation. When the Supreme Court recognized that the Treaties protect the Mi'kmaq's right to hunt, fish, and gather for trade and profit in *R. v. Marshall [1999]*, this decision raised many questions about how such rights would be implemented and managed. Thus, in a clarification known as the *Marshall II* decision that followed the initial ruling, the

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<sup>77</sup> Metallic's spelling of Mi'kmaq as Mi'gmaq is because he lives in Kespe'k (Gaspé) and employs the Listuguj Orthography rather than the Smith-Francis Orthography used in Nova Scotia.

<sup>78</sup> Battiste, *Treaties*, 46.

Supreme Court suggested, “As this and other courts have pointed out on many occasions, the process of accommodation of the treaty right may best be resolved by consultation and negotiation of a modern agreement for participation in specified resources by the Mi’kmaq rather than by litigation.”<sup>79</sup> In the absence of clear national regulations for implementing Treaty rights in Canada, the Court emphasized that proactive consultation and negotiation would be more productive, and less expensive, than reactive litigation in moving forward toward implementing Mi’kmaq Treaty rights.

Accordingly, the Mi’kmaq – Nova Scotia – Canada Umbrella Agreement (2002) and the Framework Agreement (2007) have led to the current Made-In-Nova Scotia Process. This Process is a province-specific forum whereby Mi’kmaq, provincial, and federal governments negotiate the implementation of “outstanding issues of Aboriginal rights.”<sup>80</sup> This is the negotiation mechanism that has been established for guiding the Canada-Mi’kmaq nation-to-nation relationship today.

Colonials, including musicians, can contribute to this negotiation, perhaps by supporting Mi’kmaq causes in political negotiations through advocacy or fundraising, but also by negotiating or consulting interpersonally with Mi’kmaq. Such negotiations may simply start with Rebecca Thomas’s suggestion: “a promise to do better, from the earnest heart of a settler.” Artistic collaboration is one possible form of interpersonal negotiation in which settler musicians

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<sup>79</sup> *R. v. Marshall*, [1999] 3 S.C.R. 533, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1739/index.do>.

<sup>80</sup> Office of L’nu Affairs, “Frequently Asked Questions: Negotiations,” Government of Nova Scotia, <https://novascotia.ca/abor/office/what-we-do/negotiations/faqs/>.

can participate. Such negotiations can be quite simple. In personal conversations with Mi'kmaw artists about collaborating with colonials, I have been told that the only necessity is “human decency.”

As another example of human-to-human negotiation, I can also speak to the process of negotiating this research project with Mi'kmaw individuals. Having been trained to use extreme caution when doing research involving Indigenous people or knowledge, I was perhaps overly timid and unsure of myself. But, slowly and sparingly, I began reaching out to various Mi'kmaw artists to tell them about my research idea and to gauge their interest in participating. Through these conversations, I learned what kinds of questions these Mi'kmaw artists had in their own minds. I began adjusting my research plans accordingly, so that I could contribute more meaningfully to the relationship. I also decided to ask Sarah Prosper to partner with me and guide the research process. The more we talked, the more I understood what was important to Mi'kmaw people and what I could contribute as a researcher. Eventually, we completely changed the approach to the research because the desires of Mi'kmaw artists were different than what I first imagined, they had limited energy and time to contribute to the project, and I had a limiting timeline as well. Through dialogue, we negotiated what we could each offer to the relationship and guided the way forward. In a similar way, in addition to influencing political negotiations, colonial musicians can—in the spirit of the Treaties—engage in interpersonal negotiations with Mi'kmaq that may lead to productive sharing.

## Colonials sharing with Mi'kmaq

In the Treaty relationship, the goal of negotiation is to share. Initially, the Mi'kmaq agreed to share portions of their land and other resources with the British in return for certain desirable benefits, such as military aid, imported goods, and a common judicial system. Over time, the Mi'kmaq were forced to share more of their land and resources, and were even threatened if they would not give up their own language, culture, and identity to become part of colonial society. Yet, they still have much to share. Fred Metallic writes of the traditional Mi'kmaw teaching that every nation has something unique and valuable which they are responsible to share for the collective good of humanity: "Many of our teachings speak about various human families and how each one is gifted and powerful in its own way. Each family has something different to contribute to the achievement of peace and harmony. Politically and spiritually, we have to get along and we are all obliged to respect each other's gifts and responsibilities."<sup>81</sup> These teachings encourage the Mi'kmaq to continue to seek to share their intrinsic wealth.

One such example today is the Mi'kmaw desire to share teachings and beliefs about sustainability and living in harmony with the land. Amidst a global climate and ecological crisis, the Mi'kmaq see their teachings as valuable to the Canadian and global community. This is expressed through advocacy as well as arts. One recent example, as of this writing, is the groundbreaking announcement that the Kluscap Wilderness Area in Cape Breton, Nova Scotia will be co-governed by a Mi'kmaw governing body, the Unama'ki Institute of Natural Resources, and

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<sup>81</sup> Battiste, *Treaties*, 50.



the provincial government of Nova Scotia.<sup>82</sup> In the first agreement of its kind between the Mi'kmaq and Nova Scotia, the Mi'kmaq are sharing their ecological knowledge and values with colonials for the benefit of the planet.

On 12 May, 2022 I witnessed another example of the Mi'kmaw desire to share ecological knowledge. It was a theatre production called *Samqwan*, directed by Sarah Prosper at Neptune Theatre in Halifax. This powerful work celebrates the immeasurable value of water, mourns the environmental abuses against it, and suggests ways forward, all from Mi'kmaw perspectives through sound and movement. My wife and I were so moved by the performance that we subsequently took practical steps toward environmental justice, with the help of information brochures provided at the performance. As civilians, Sarah and the cast of *Samqwan* shared knowledge and feelings valuable for us all, and this sharing was “negotiated” simply through a candid personal invitation and the purchase of tickets. Colonials, including musicians, can also learn to share with the Mi'kmaq.

Beyond the major rights which the Mi'kmaq are demanding at the political level such as land, self-governance, and education sovereignty, further interpersonal negotiation and consultation is necessary to learn what Mi'kmaw and settler individuals might gain from each other in our human-to-human relations. Colonials involved in music can meaningfully share with Mi'kmaq over and above laws and policies enacted by political negotiations, by appreciating

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<sup>82</sup> Erin Pottie, “Province, Mi'kmaq to Share Governance of Kluskap Wilderness Area in Cape Breton,” CBC News, Posted January 26, 2023, <https://www.cbc.ca/news/canada/nova-scotia/mi-kmaq-nova-scotia-land-1.6725800>.

what the Mi'kmaq desire to share, by considering what they as colonials have unrightfully inherited, and by understanding the value of each other's resources being offered.

## Colonials living with Mi'kmaq

Negotiation and sharing between colonial musicians and Mi'kmaq should aim to promote life in both nations—that is, not only to exist, but to be free and unhindered to use our respective portions of land and resources to advance our respective ways of life. In other words, the intended outcomes of the Treaty relationship are not necessarily identical for both sides. Rather, the Treaties protect both sides' right to be different. Stephen Augustine summarizes the arrangement as, “We would not interfere with their conduct and they would not interfere with our way of life.”<sup>83</sup> The goal of the Treaties, then, is the freedom to live peacefully in heterogeneous harmony. However, because we coexist on the land and share many resources, we must deliberately negotiate how we will share, with a view to mutual self-determination.

Mi'kmaw language, culture, land, resources and livelihood have been systemically denigrated over the last three centuries.<sup>84</sup> Battiste states unequivocally that these losses are due entirely to British and Canadian denial of the Treaties, whereby settlers have illicitly gained access to land and resources, “thus reducing Mi'kmaq to poverty, marginalization and the fool's gold of welfare.”<sup>85</sup> Because we British and Canadians have broken our promises of friendship and negotiated sharing with the Mi'kmaq—thereby establishing our own comfortable ways of life on their land—the Mi'kmaq have been left with only a distant dream of the life of peace we promised them.

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<sup>83</sup> Battiste, *Treaties*, 17.

<sup>84</sup> *Ibid*, 4.

<sup>85</sup> *Ibid*, 6.

Yet, this dream is real, and Battiste states that the Mi'kmaq believe that by resurrecting the Treaties and their meaning, they can “mobilize the Mi'kmaw restoration and renaissance that seeks to reaffirm, restore and rebuild Mi'kmaw identity, consciousness, knowledges and heritages, as well as our connections and rightful resources to our land and ecologies.”<sup>86</sup> The tangible implementation of the Treaties today can thus be summarized as friendly negotiations between Canadians and Mi'kmaq, leading to sharing resources for sustainable living for both colonials and Mi'kmaq. The Treaty relationship especially calls us to work together toward restoring and rebuilding the Mi'kmaq's relationships to their language, culture, ecologies, land, resources, livelihood, identity, consciousness, knowledges and heritages.

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<sup>86</sup> Ibid, 6.

## **The Treaties as a framework for collaboration**

The Treaties of Peace and Friendship create relationships between two nations, but also between colonial and Mi'kmaw individuals, forming, as it were, an extended family. They thus serve as a guiding framework for relationships between colonials and Mi'kmaq without and within the arts.

According to my above analysis of Mi'kmaw understandings of the Treaties, the relations created by the Treaties are intended to be maintained and characterized by continuous negotiation, consultation, and communication. Therefore, having acknowledged the Treaty relations between colonials and Mi'kmaq, Western art music institutions in Mi'kma'ki may approach Mi'kmaw communities or artists in the spirit of negotiation. A Western art music conservatory could, for example, consider reaching out to a relevant Mi'kmaw cultural organization or artist to initiate dialogue and build understanding of each other's resources, goals, and needs. This conversation may or may not lead to negotiating how to mutually share resources. This should not be tokenistic. Rather, in the spirit of the Treaties, both parties should seek to share something that the other genuinely finds valuable. What does a symphony orchestra have, for example, that could benefit a powwow organizing committee; and vice versa? In the Treaty relationships, negotiating and sharing are not ends in themselves. Such interactions and agreements between colonials and Mi'kmaq should not simply be for sharing's sake, or to provide a sense of accomplishment, but to work toward the goal of the Treaties: to promote and protect the respective ways of life of both nations.

In the fall of 2021, I participated as a student in a project with the Dalhousie Symphony Orchestra, in which the orchestra collaborated with several Mi'kmaw artists. The aim was to create a new version of Sergei Prokofiev's *Peter and the Wolf*, a symphonic work in which the

instruments and sections of the orchestra musically represent various characters from an accompanying narrated story. I was initially invited to join as an assistant to the conductor, as well as to play in the cello section. Looking back on this experience, I can see how the collaboration reflected the Treaties: The Treaty dimensions of relationships, negotiation, sharing, and protecting and promoting ways of life were all present. The directors did not necessarily set out to work within this framework, but I believe the influence of the Mi'kmaw participants helped shape the project to conform to the pattern of the Treaties.

For example, the project focused primarily on relationships, not music. By the time I joined the process, the creative team of musicians, educators, storytellers, and dramaturgs had already been at work for several months, and the orchestra had already begun rehearsing. But my own introduction to the project was an orchestral rehearsal in which the directors began by showing the Nova Scotia Treaty Education video on a large screen.<sup>87</sup> The video helped introduce the students to the Treaty relationship, its history, and thus the significance of the project in which we were participating. In the next rehearsal I attended, no instruments were played, but the whole orchestra sat in a large talking circle for three hours. In this talking circle, we were each invited to speak one at a time, introducing ourselves and sharing our thoughts about the project. Each person was given three opportunities to speak, and we were told by the Mi'kmaw Elder leading the circle, Catherine Martin, to speak from our hearts. The Mi'kmaw participants took the opportunity, being part of the circle, to share stories, songs, and teachings, educating the colonials in the circle about Mi'kmaw culture and beliefs. There was also another rehearsal in

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<sup>87</sup> The video is available online on the Nova Scotia Treaty Education website:

<https://novascotia.ca/treaty-education/videos.html>.

which most of the time was spent socializing, not practicing our parts. There was a strong sense overall that the focus was not on the music but on recognizing and strengthening our relationships with one another. By emphasizing relationships, the processes guiding the project aligned with the Treaties as a framework for collaboration.

There was also an element of negotiation throughout the project. For example, the purpose of the circle, we were told, was to build consensus. It was a structure for listening to everyone's ideas, concerns, and feelings equally, and for sharing one's own. As a colonial student, I did not know exactly why we were participating in this circle at the time, aside from it being a new cultural experience for many of the students. But being heard gave me a sense that my input was valuable, and that it would somehow affect how the project moved forward. Indeed, elements of the project were still in negotiation and major decisions were still being discussed and made in the midst of the process. For example, the script for the narration accompanying *Peter and the Wolf* was collaboratively re-written by two of the Mi'kmaw participants, Trevor Gould and Lara Lewis, and versions were workshopped several times before the final version emerged, only weeks before the performance. Also, my own role changed within the process. The first meeting I attended with just the creative team was on Zoom, and I had intended only to observe as they read through a draft of the script. A few people were absent from the meeting, so I offered to fill in by reading one of the parts. The directors thought I fit the part quite well and asked if I would play the part in the performance. This was not what I had originally been asked to contribute to the project, but, within the continuous process of listening, communication, and negotiation, we realized that I had something else of value to share. There was also one occasion when an optional, impromptu meeting was called just after a scheduled rehearsal to address urgent issues. Although it had not been planned, the meeting was very

productive and helpful. These examples exemplify the constant process of communication and negotiation which characterized this project, and which aligns with the Treaties.

In my mind, the project featured a rich amount of mutual sharing. I had initial thoughts about who would benefit from the project: I imagined that the university and its orchestra would serve as valuable resources to enhance Mi'kmaw artists' acts. This, after all, was the model with which I was familiar, having performed for almost a decade in Symphony Nova Scotia. In the Symphony's collaborations with artists outside of the Western art music tradition, the orchestra's function was normally to embellish and fill out pre-existing works through lush orchestral arrangements. For example, when Wolastoqiyik artist Jeremy Dutcher collaborated with the orchestra on October 17<sup>th</sup>, 2019, he performed his debut album, *Wolastoqiyik Lintuwakonawa*, with orchestral arrangements made by Lucas Waldin to match the album recordings. In this performance, as one reviewer wrote, "the symphony lifts the voices up like a rising tide."<sup>88</sup> The orchestral accompaniment elevated and enhanced the voices of the guest artists and helped them reach new audiences.

But, to my surprise, the *Peter and the Wolf* collaboration at Dalhousie was not just a matter of offering the orchestra's resources to serve the Mi'kmaw artists' ideas and voices for their own gratification or commercial success. The Mi'kmaw participants shared valuable resources with the participating students as well as with the audience. For example, the new story told over the original music of *Peter and the Wolf* was based on traditional Mi'kmaw stories

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<sup>88</sup> Andrew Bethune, "Review: Jeremy Dutcher and Symphony Nova Scotia Float Your Soul in a Sea of Song," *The Coast*, October 21, 2019, <https://www.thecoast.ca/arts-music/review-jeremy-dutcher-and-symphony-nova-scotia-float-your-soul-in-a-sea-of-song-22749819>.



about a wolverine, or *ki'kwa'ju*. This story offered a lesson on “the need for balance in humans’ relationship with the land and with all of Creation—a teaching known as *netukulimk*.”<sup>89</sup> As one Mi’kmaw participant said, she believed this teaching would be helpful to non-Indigenous audiences, as “it gives the perspective of, ‘Okay, take what you need, when you need it.’ Learning from a new perspective can change a lot.”<sup>90</sup> This Mi’kmaw individual hoped that sharing this new perspective—the Mi’kmaw teaching of *netukulimk*—would benefit colonial society. In this way, the project aligned with the spirit of the Treaties in which both sides share resources to promote and protect their respective ways of life: the colonial institutions shared platforms to elevate Mi’kmaw voices and help them commercially, while the Mi’kmaw artists used this platform to share valuable teachings with colonial society. In hindsight, this project illustrated some ways in which collaborations between colonials and Mi’kmaq can be modelled on the framework of the Treaties of Peace and Friendship.

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<sup>89</sup> Benjamin Marmen, “Exploring Reconciliation through the Performing Arts,” *DalNews*, December 1, 2021, <https://www.dal.ca/news/2021/12/01/exploring-reconciliation-through-the-performing-arts.html>.

<sup>90</sup> Marmen, “Exploring Reconciliation.”

## **Beyond collaboration**

But the Treaties of Peace and Friendship are more relevant to Western art music in Nova Scotia than simply being used as a framework for collaborations with Mi'kmaw artists. I contend that the implementation of the Treaties in society at large can be influenced by Western art music in Nova Scotia, even when no Mi'kmaq are present on stage or in the audience. As an example, the language used in marketing Western art music can stifle Treaty implementation because of the message it communicates—explicitly or implicitly—about the relationship between the Mi'kmaq and colonials. Take, for instance, Symphony Nova Scotia's slogan, "truly Nova Scotia's orchestra."<sup>91</sup> This language communicates something about Nova Scotians: that true Nova Scotians will attend "their" orchestra's performances, and therefore that those who do not patronize the orchestra are less part of Nova Scotia; and that, just as the province's representative orchestra replicates European traditions, Nova Scotia remains decidedly a European colony. It communicates that Nova Scotia is defined by its European heritage. This message alienates the Mi'kmaq—many of whom are culturally, economically, and geographically distant from the orchestra's performances—from the idealized Nova Scotian sociocultural identity. This, in turn, disparages the Treaty relationship by which Mi'kmaq and colonials have agreed to share Nova Scotia. The more "Nova Scotia" is defined by its European heritage, the less the Mi'kmaw interpretations of the Treaties will be accepted and implemented as the law of the land.

If the Treaty relationship is affected by Western art music even when no Mi'kmaq are present for a performance, how can we understand the deeper relationship between this music

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<sup>91</sup> Symphony Nova Scotia, "Who We Are," accessed June 9, 2023, <https://symphonynovascotia.ca/about/who-we-are/>.

and Treaty implementation? My research partner Sarah Prosper encouraged me to dig into history and to inquire about what happened to the Treaty relationship. Thus, I decided to explore the history of British and Canadian Treaty denial, and especially its intersections with the history of Western art music in Nova Scotia.

Admittedly, definitions of Treaty denial vary. For some, it may mean the period of time when colonial governments ignored the existence and contents of the Treaty documents. For others, it may mean the colonial government's failures to fulfill its obligations to the Mi'kmaq as stated in the articles of the Treaties. For still others, Treaty denial may refer more specifically to the explicit denial of the validity of the Treaties in Canadian courts, particularly from 1928 to 1985. However, if the aim today is to implement the Treaties from the Mi'kmaq perspectives, then the term "Treaty denial" may also be used to refer to the British and Canadian failure to do so. In this paper, I use Treaty denial to refer to the latter: the failure to implement the Treaties of Peace and Friendship from the Mi'kmaq perspectives.

Therefore, since the Treaties ultimately represent relationships to the Mi'kmaq, if these relationships are ignored or forgotten, that is a form of Treaty denial. Likewise, the relationships call for ongoing negotiation and consultation. If these are absent, that is also Treaty denial. Also, the Treaties envision reciprocal sharing of the land of Mi'kma'ki and other resources. But, when these resources are not shared as promised, or are stolen or hoarded by one party, this is also Treaty denial. Finally, the spirit of and intent of the Treaties is to protect and promote the respective ways of life of the Mi'kmaq and of colonial society. So, actions taken by one party which erode or endanger the other's way of life is also Treaty denial. Thus, in my use of the term, Treaty denial is when a party fails to recognize and engage in the Treaty relationships, neglects to consult or negotiate with the other party in matters pertaining to them, unjustly takes

or withholds resources from the other, or does anything else which ultimately harms or threatens the other party's way of life.

One may object that defining Treaty denial in this way is unfair, because the British and Canadians historically did not understand Mi'kmaw interpretations of the Treaties, and thus could not be expected to implement them. But, in labelling Treaty denial in this way I am not judging the motives or moral choices of the British and Canadians. I am simply evaluating the results of their actions in comparison with the outcomes the Mi'kmaq expect from the Treaties. My aim is not to project evil intentions on those who can no longer speak for themselves, accusing deceased British and Canadians of willful transgressions of the Treaties. Rather, my goal is to identify the behaviours and underlying worldviews that contributed to the British and Canadians failing to implement the Treaties as the Mi'kmaq understand them, and learning from past mistakes. For this reason, I hold to a definition of Treaty denial based on the Mi'kmaw interpretations of the Treaties. Thus, in the next chapter I will identify the behaviours and underlying worldviews that led to British and Canadians denying the Treaties, and how these behaviours and worldviews intersect with the historic presence and practices of Western art music in Nova Scotia.

## CHAPTER 4: RELATING WESTERN ART MUSIC TO TREATY DENIAL

### Treaty denial and Western art music

The roots of British and Canadian failures to implement the Treaties of Peace and Friendship stretch beyond the history of the Treaties themselves. European worldviews that formed prior to the Treaty-making period would hinder British, and later Canadians, in the relationships, negotiation, and symbiotic sharing of resources that the Mi'kmaq expected in good faith. Firstly, by 1725, the British and the Mi'kmaq had their wires hopelessly crossed as to who possessed Mi'kma'ki. Because of the Eurocentric “Doctrine of Discovery” originating in the fifteenth century, the British believed they possessed Mi'kma'ki, while the Mi'kmaq believed that they themselves had sovereign possession of their ancestral territory. Secondly, in addition to this dissonance regarding land possession, the Treaty relationship was doomed by Eurocentric notions of “civilization.” Viewing America’s Indigenous peoples as “uncivilized” led British and Canadians to dehumanize the Mi'kmaq and deny the validity of the Treaties made with them. In the first part of this chapter, I will retrace in more detail the historic impacts of Eurocentrism on the implementation of the Treaties.

The second part of this chapter will show how Western art music in Nova Scotia has historically participated in Treaty denial. My argument is that Western art music has historically given resonance to a Eurocentric view of “civilization.” Since it was heard by colonials as embodying Western civilization, Western art music on the colonial frontier of Nova Scotia perpetuated—through sound—the ideology that Europe is the standard of civilization. As case studies, I will consider Western art music’s role in Nova Scotia at three moments in its colonial history. First, during the “Golden Age” leading up to Confederation in 1867, colonial Nova

Scotians heard Western art music (within the broader category of Western concert music) *as civilization*, aurally confirming that the land of Nova Scotia had decidedly been developed from a state of wilderness to one of civilization. Secondly, Western art music at the turn of the twentieth century, particularly the Austro-Germanic “classics” repertory, was being heard *as civilized*, representing the apex of universal human achievement. Thirdly, during the formation of the Nova Scotia Opera Association in the 1950s, Nova Scotians heard Western art music (including opera, symphonic music, etc.) *as civilizing*, believing it to be an educational force capable of improving society. All of these ways of hearing Western art music give resonance to Eurocentric views of civilization, which have in turn undermined the implementation of the Treaties of Peace and Friendship. This analysis, I hope, will provide a foundation for asking further questions about the future of Western art music for treaty people in Nova Scotia, which I will explore in the final chapter.

## **Eurocentric ideologies about civilization at the foundation of Treaty denial**

The denial of the Peace and Friendship Treaties by Europeans and Canadians can reasonably be traced back to prominent worldviews historically held in common by most Western European nations, particularly the belief in Europeans' right to claim Indigenous land, and the related view of Europe as the standard of civilization. In particular, the British interpretation of the Treaties as conferring limited land-use rights to the Mi'kmaq, which led to their disproportional occupation of Mi'kmaw land, was founded on a belief shared by Europe's monarchs in their arbitrary right to claim possession of newly discovered lands. This belief, known as the Doctrine of Discovery, was codified by Pope Alexander VI in 1493 and propelled the European colonization of the world for the following centuries. Pope Alexander issued a papal bull entitled "Inter Caetera" following the Spanish "discovery" of the West Indies by Christopher Columbus in 1493. This papal bull authorized and encouraged the Spanish rulers to cross the Atlantic again, and to "bring under your sway the said mainlands and islands with their residents and inhabitants and to bring them to the Catholic faith."<sup>92</sup> He thus gave the Spanish monarchs his blessing to subjugate the Americas and bring its inhabitants under European control. With the authority which the Pope claimed from God, he then proceeded to give them possession of whatever lands they might "discover." He pretended to "give, grant, and assign to you and your heirs and successors, kings of Castile and Leon, forever, together with all their dominions, cities, camps, places, and villages, and all rights, jurisdictions, and appurtenances, all

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<sup>92</sup> Pope Alexander VI, "Inter Caetera: Division of the Undiscovered World Between Spain and Portugal: Pope Alexander VI - 1493," Papal Encyclicals Online, accessed August 25, 2023, <https://www.papalencyclicals.net/alex06/alex06inter.htm>.

islands and mainlands found and to be found, discovered and to be discovered.”<sup>93</sup> The only exception to this divine right to possess “discovered” American territories was if these already belonged to a Christian king or prince, lest the latter’s rights be arbitrarily compromised. In short, this papal bull declared that only Christians and Christian kingdoms had the inalienable right to possess land on earth.

While the initial justification for Europeans dispossessing other nations of their land was the Pope’s assumed divine authority over the whole world, its lands, and its peoples, this was no longer strictly the case after the sixteenth-century Protestant Reformation, when some European monarchs rebelled against the Roman Catholic Church’s authority. However, European Protestants and Catholics still shared a common worldview of Europe as the standard of civilization. Thus, when Catholic France—which had claimed Mi’kma’ki in 1610—ceded the land to Protestant Britain through the Treaty of Utrecht in 1713, the British Crown recognized France’s prior possession, not because it recognized the Pope’s authority to grant France the land of Mi’kma’ki, but because France was a “civilized” nation and could thus claim the land from its “uncivilized” inhabitants, the Mi’kmaq.

The earliest recorded European contact with Mi’kma’ki was made by French Breton fishermen in 1504, quickly followed by other Europeans. For the remaining century, according to Mi’kmaw historian Daniel Paul, the Mi’kmaq probably did their best to avoid the Europeans, and vice versa.<sup>94</sup> Neither saw the other as a threat. The Mi’kmaq’s values of hospitality and sharing,

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<sup>93</sup> Alexander, “Inter Caetera.”

<sup>94</sup> Paul, *We Were Not the Savages*, 44.



as well as their confidence in their duties as stewards of Mi'kma'ki, meant they did not suspect that their European visitors might intend to steal their land. Paul writes,

It was their inability to conceptualize societal greed and the [European] notion of personal ownership of Mother Earth that prevented the Mi'kmaq from appreciating the motives behind French and English hostilities in Acadia. Evidence shows that well into the nineteenth century many Mi'kmaq still believed that land could not be owned or sold by human beings.<sup>95</sup>

Like the Europeans, according to Mi'kmaw Elder Joe B. Marshall, the Mi'kmaq also believed and still believe that their right to use their ancestral land freely comes from the Creator.<sup>96</sup> Thus, as European presence increased, as well as tensions between competing colonial powers, the Mi'kmaq sought to share their land and its resources, as long as this could be done peacefully and sustainably.

The French got along with the Mi'kmaq better than the English did, and in 1604 they established their first official settlement in Mi'kma'ki at Port-Royal. This settlement became permanent in 1610 with the support of the Mi'kmaq, whose Grand Chief Membertou was then baptized into the Roman Catholic Church. Membertou also signed, on behalf of the Mi'kmaq nation, the Concordat of 1610 with Pope Paul V. The Mi'kmaq understood this as giving the Roman Church free access to their territory and people.<sup>97</sup> Unbeknownst to them, however, Mi'kma'ki had also become the French colony of Acadie, with Port-Royal as its capital. Thus, France claimed possession of Mi'kma'ki, not by military victory against the Mi'kmaq nor by

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<sup>95</sup> Ibid, 50.

<sup>96</sup> Battiste, *Living Treaties*, 164.

<sup>97</sup> Ibid, 292.

treaty with them, but by arbitrary pronouncement, simply because the land did not already belong to other Europeans.

Then, in 1613, Scottish raiders from Virginia destroyed Port-Royal, at which point King James VI of Scotland—who was also James I of England and Ireland—renamed Acadie “New Scotland.” In 1632, Acadie returned to French control by the Treaty of Saint-Germain-en-Laye, after which France and Britain continued playing ping-pong with claims to Mi’kma’ki through various wars and treaties until, in 1713, the French finally ceded Nova Scotia to the British by the Treaty of Utrecht.<sup>98</sup> Thus, when the first Treaty was made between the Mi’kmaq and Britain in 1725, both nations believed they possessed Nova Scotia by divine right—the British because of Christian authority or Eurocentric superiority, and the Mi’kmaq because of the Creator’s stewardship. Therefore, as historian William Wicken notes, from the beginning “the Mi’kmaq and the British had different understandings of certain conceptual issues discussed in the treaties,” the chief of these being land rights.

Daniel Paul observes that, in addition to the misunderstanding about who possessed Mi’kma’ki, racism against the Mi’kmaq undergirded the British denial of Treaty obligations from the beginning: “Their contemptuous attitudes enabled the British to regard the treaties they made with Amerindian Nations as only for the moment, to be abandoned or altered at will, without regard to honour.”<sup>99</sup> Paul found that “many English officials wrote that treaties made with the Amerindians were of no consequence because they had been made with ‘heathen

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<sup>98</sup> Stuart Sutherland, “Treaty of Utrecht,” *The Canadian Encyclopedia*, accessed July 12, 2023, <https://www.thecanadianencyclopedia.ca/en/article/treaty-of-utrecht>.

<sup>99</sup> Paul, *We Were Not the Savages*, 84.

savages.”<sup>100</sup> With some exceptions, British settlers viewed the Mi’kmaq as uncivilized savages, so they did not regard the Treaties of Peace and Friendship with the respect they would have accorded to alliances with European powers.

An example of this is the fate of Belcher’s Proclamation of 1761, which I mentioned in Chapter 2. This Proclamation sought to protect the British from war with the Mi’kmaq by acquiescing to the latter’s land claims in Nova Scotia. The British Board of Trade, however, disapproved of Belcher’s Proclamation even though it had been commissioned by the Crown. Therefore, according to legal historian Eric Adams, Belcher was confronted with a conundrum: if he rescinded the Proclamation that recognized Mi’kmaq land title over most of Nova Scotia, it would provoke the Mi’kmaq to war; but if he upheld the Proclamation, he would rebel against his superiors and lose his job. The solution he chose, according to Adams, was to do nothing and let the Proclamation “slip, as quietly as possible, into oblivion.”<sup>101</sup> The Mi’kmaq were left believing that the Crown honoured their land claims, while in practice the Government of Nova Scotia “forgot” about the Proclamation and continued to allow British settlement on Mi’kmaq land.

This bad faith toward the Mi’kmaq and the Treaties prevailed in Canada into the twentieth century. In 1928, Mi’kmaq Grand Chief Gabriel Sylliboy was charged for hunting muskrats and possessing pelts out of season, to which he replied that he had a treaty right to hunt freely under the Treaty of 1752. Judge Patterson’s reply, in the *R. vs. Sylliboy [1928]* decision, was:

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<sup>100</sup> Ibid.

<sup>101</sup> Eric Adams, “Ghosts in the Court: Jonathan Belcher and the Proclamation of 1762,” *Dalhousie Law Journal* 27, no. 2 (2004): 342.

“Treaties are unconstrained Acts of independent powers.” But the Indians were never regarded as an independent power. A civilized nation first discovering a country of uncivilized people or savages held such country as its own until such time as by treaty it was transferred to some other civilized nation. The savage’s rights of sovereignty, even of ownership, were never recognized. Nova Scotia had passed to Great Britain, not by gift or purchase from or even by conquest of the Indians, but by treaty with France, which had acquired it by priority of discovery and ancient possession; and the Indians passed with it. (...) In my judgement, the Treaty of 1752 is not a treaty at all and is not to be treated as such...<sup>102</sup>

When the Mi’kmaq successfully challenged this Eurocentric position at the Supreme Court of Canada in *Simon v. The Queen* [1985], it was part of a larger “treaty imperative” movement led by Kji-keptin Alex Denny of the Mi’kmaw Grand Council. Denny and his team of researchers set out to redeem the Treaties of Peace and Friendship and to prove that they were legitimate and binding by Canadian law. One of Denny’s associates, James (Sakej) Youngblood Henderson, writes that “Alex recognized that the central problem was the contrived, socially constructed idea of the Mi’kmaq as nomadic savages living in an indeterminate state of nature.” Henderson notes that this incorrect perception of the Mi’kmaw way of life caused the British to deem them “unworthy of being a territorial sovereignty,” demeaning them as “a dying, vanishing people in the face of European civilization.”<sup>103</sup>

In sum, colonials’ failure to implement the Treaties of Peace and Friendship, especially as understood by the Mi’kmaq, was founded on these Eurocentric conceptions of civilization. In particular, Europe’s monarchs believed they had an arbitrary right to claim possession of American lands because they considered themselves “civilized” and Indigenous people “savages.” This, in turn, meant that when the British made the Treaties of Peace and Friendship,

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<sup>102</sup> Quoted in Battiste, *Living Treaties*, 78-9.

<sup>103</sup> Battiste, *Living Treaties*, 105.

they believed they possessed the land of Nova Scotia, and were thus in a position to grant land rights to the Mi'kmaq. This interpretation, however, was contrary to that of the Mi'kmaq, who believed they themselves possessed Mi'kma'ki and that they were granting land rights to the British through the Treaties. Thus, as the British subsequently occupied more and more land to the detriment of the Mi'kmaq, this transgressed the Treaties as the Mi'kmaq had understood them. In this way, through unquestioned Eurocentric conceptions of civilization, the British came to deny the Treaties. These notions also subsequently underpinned the British and Canadian governments' deliberate denial of the legitimacy of the Treaties. That is, the British and Canadians interpreted the Mi'kmaq's unfamiliar ways of life as evidence of retarded human development, and thus believed the Mi'kmaq were uncivilized and unfit to make legitimate Treaties. Therefore, Britain and Canada purposefully neglected the Treaties with the Mi'kmaq. Thus, the denial of the Treaties of Peace and Friendship, precipitated by both misinterpretation of the Treaties and deliberate denial of their legitimacy, was demonstrably shaped by Eurocentric conceptions of civilization. Historically, Western art music in Nova Scotia has given resonance to these conceptions, thus reinforcing the denial of the Treaties. The rest of this chapter will demonstrate this at three moments in the province's colonial history.

### Case study 1: Nova Scotia's "Golden Age" of progress (1815-1867)

British musicologist Georgina Born theorizes that music contributes to the formation or confirmation of sociocultural identities in four primary ways. One of these ways is when music is used to "reproduce... extant sociocultural identities."<sup>104</sup> I argue that this is what Western concert music did in Nova Scotia in the mid- to late- nineteenth century: It served to reproduce European identity in the colony. In a similar way, musicologist William Cheng demonstrates that people often conflate aesthetic and moral values: One's love for a particular kind of music can lead to humanizing, dehumanizing, or superhumanizing others based on a perceived musical taste or musicality.<sup>105</sup> As I will demonstrate, colonial Nova Scotians' love for Western concert music shaped a superhumanizing view of themselves, and thus a dehumanizing view of the Mi'kmaq.

Colonial Nova Scotians have always demonstrated a particularly strong affinity for Western concert music. Within three years of the founding of Halifax in 1749, merchants in the settlement were already importing guitars and violins, and sheet music was being sold at least by 1770.<sup>106</sup> The military bands stationed in Halifax provided the nucleus of the colonial music scene well into the mid-nineteenth century and helped stimulate a taste for European music. For example, Figure 4.1 shows an advertisement for a 1793 concert in Halifax performed by "the 13<sup>th</sup>

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<sup>104</sup> Georgina Born and David Hesmondhalgh, *Western Music and Its Others: Difference, Representation, and Appropriation in Music* (Berkeley: University of California Press, 2000), 35-36.

<sup>105</sup> William Cheng, *Loving Music till It Hurts* (New York: Oxford University Press, 2020), 13.

<sup>106</sup> Phyllis Blakeley, "Music in Nova Scotia 1605-1867," *Dalhousie Review* 31, No. 2 (1951): 96.

Infantry [...] assisted, by several Gentlemen, who will perform for their amusement.” The performance included a variety of European concert works—airs, songs, overtures, quartets, and symphonies—by German, Austrian, Czech, and French composers, as well as an obscure, possibly Haligonian, “Mr. Sch[o]ffer.” The military musicians offered music lessons, played concerts, and supported burgeoning amateur musical activities, such as choral societies and the female-dominated practice of domestic piano-playing. An article in the *Morning Post* on September 21, 1844 reads:

In this Garrison, from time to time, are stationed the most efficient Bands of Music in the British Army, and we have enjoyed this inestimable advantage for so long a period that we can scarcely appreciate the privilege; and although there is musical talent among us of no mean order (witness the Harmonic Society and the lesser societies that in the various places of Worship in the city, chant the praises of the King of Heaven and Earth), yet until very lately scarcely an effort had been made towards improvement. The praise worthy efforts of some of [our] leading musicians (who as a natural consequence of practising their Heaven born art), are strongly tinctured with Philanthropy; have lately given a vast impetus to the love of Music in this community.<sup>107</sup>

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<sup>107</sup> Quoted in Michelle Boyd, “Music and the Making of a Civilized Society: Musical Life in Pre-Confederation Nova Scotia, 1815–1867,” PhD diss., University of Toronto, 2011, 112.

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At the **COFFEE-HOUSE,**  
**ON WEDNESDAY EVENING, the 13th Instant.,**  
*Will be Performed*

**A GRAND CONCERT**  
 Of Vocal and Instrumental  
**MUSIC.**

Consisting of the following favourite Pieces ; divided into two  
 Parts.

1st. An Overture	By Haydn.
2d. A Quartett	Pleyel.
3d. An Air Played on the Spicasso	By Mr. Schiffer.
4th. A Song, Comfort ye my People	Handel.
5th. A Quartett	Davoust.
6th. A Symphony	Vivaldi.
<b>2d Part.</b>	
7th. An Overture	Haydn.
8th. A Song, why do the Nations	Handel.
9th. A Quartett	Pleyel.
10th. A Symphony	Stamitz.
11th. A Song	Handel.
12th. The Overture to Henry the 4th with Kettle Drums and Trumpets.	

**N. B.** The CONCERT, will be assisted, by several Gentle-  
 men ; who perform for their amusement.

Tickets may be had of Mr. MINNS's, and at the Coffee-  
 House. — Price 2s. 6d.

The CONCERT, begins precisely at 7 o'Clock.  
 13th March 1793.

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**Figure 4.1** A concert programme from 1793 showing the eclectic collection of musical works by European composers to be performed in Halifax, primarily by military musicians, but also by amateurs. From Frederick Hall, Jean-Jacques Nattiez, and Alan Gillmor, “Musical Life in Eighteenth-Century Halifax,” *Canadian University Music Review* 4, No. 4 (1983): 292, <https://doi.org/10.7202/1013907ar>.

This “love of Music” in Halifax—referring to the “Heaven born art” of Western concert music—continued to be reinforced by frequent concerts. Historian Phyllis Blakeley writes,

After 1848 there were many concerts by amateurs, both civilian and military, who had fine voices and were skilled instrumentalists, such as the Amateur Glee Club, St. Cecilia's Choral Society, the Halifax Philharmonic Society, Halifax Choir, Halifax Vocal Quintette Club, Haydn Quintette Club, Haydn Club and the Orpheus Club. The annual performance



of "The Messiah" or "The Creation" by the Philharmonic Society was eagerly awaited by music lovers and performed for large and appreciative audiences.<sup>108</sup>

Thus, Western concert music has been an important part of colonial Nova Scotian history and culture.

In her dissertation entitled "Music and the Making of a Civilized Society: Musical Life in Pre-Confederation Nova Scotia, 1815-1867," Michelle Boyd argues that Nova Scotians have always loved Western concert music precisely because importing this musical culture into Nova Scotia represented the achievement of "civilization" on the frontier—not among the Indigenous people, but among the European colonizers. The importance of Western concert music was in how it shaped the colonists' view of themselves. Boyd argues that this music had been firmly established as part of Nova Scotia's culture during the province's "Golden Age" from 1815 to 1867, and that it contributed to the province's conception of its own progress and civilization during that time.<sup>109</sup> Boyd states that, "through importing and adapting the musical practices of their colonizers, Nova Scotians were advancing the project of replacing their savage frontier with civilization."<sup>110</sup> That is, by establishing a European soundscape within Mi'kma'ki, colonial Nova Scotians claimed the land and for "civilization." Boyd summarizes the relationship between Western art music and the civilization project in Nova Scotia in this way:

The military bands that had accompanied Nova Scotia's settlers since 1749 were both cultural arbiters and harbingers of civilization, planting the seedlings of musical culture to tame the wild colony. The touring artists, teachers, and other professional musicians who joined the military bandmen likewise introduced civilized culture to Nova Scotians,

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<sup>108</sup> Phyllis Blakeley, "The Theatre and Music in Halifax," *Dalhousie Review* 29, No. 1 (April 1949): 14.

<sup>109</sup> Boyd, "Music and the Making of a Civilized Society," 385.

<sup>110</sup> *Ibid*, 389.

and their very presence was a sign of the province's progress. Under their guidance Nova Scotians cultivated their musical taste, and learned to perform the music of Western civilization for themselves; in doing so, Nova Scotia's music-makers helped to cast aside the savagery of their colonial past. Each time they attended a concert by one of Europe's prima donnas, sang the "Hallelujah" chorus, or seated themselves at a piano or in a band, Nova Scotians came one step closer to fulfilling the vision of replicating Western civilization on the Atlantic frontier.<sup>111</sup>

Thus, Western art music in Nova Scotia up to Confederation both confirmed and prefigured the supplanting of Mi'kmaw civilization with that of Europe in the name of "progress." In other words, colonials heard Western art music in Nova Scotia *as civilization*, confirming that their society had progressed from wilderness to cultivated land, from primitive settlement to capital city with infrastructure, from geographic isolation to transatlantic inclusion, and from savagery to civilization. Thus, Western concert music was a signifier of Western progress and civilization in Nova Scotia leading up to Confederation.

This colonial project of replacing "savagery" with "civilization" directly led to the British and Canadians taking a disproportional share of Mi'kmaw land, denying the Treaties as the Mi'kmaw understood them. A striking description of this process appeared in the *Morning Journal* on June 9, 1849, celebrating one hundred years since the founding of the British settlement at Halifax, and anticipating further "progress" in the Nova Scotian colony:

One Hundred years ago this Country presented to the eye of the beholder nothing but an uncultivated tract of land, stretching in every direction as far as the eye could reach, covered with dense forests through which roamed the untaught MicMac [sic]— undisputed monarch of its merry green woods. Here the red man followed the inclinations of his own mind, undisturbed by the onward march of civilization. ... but a new scene is soon to be enacted, and its undisturbed and quiet repose is soon to be broken by the onward march of civilization and improvement.<sup>112</sup>

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<sup>111</sup> Ibid, 390-1.

<sup>112</sup> Quoted in Boyd, "Music and the Making of a Civilized Society," 387-8.

The idea that Nova Scotia had undergone “civilization and improvement” from the state in which it was before the founding of Halifax was undeniably a Eurocentric perspective. The Mi’kmaq had occupied, known, and governed the land of Mi’kma’ki since time immemorial. But Europeans mistook the carefully stewarded Mi’kmaw hunting and fishing grounds for “nothing but an uncultivated tract of land,” and they confused Mi’kmaw ways of being and communicating as being “untaught.” Colonial Nova Scotians supposed that the Mi’kmaq and their land needed civilizing and improvement, and, ultimately, to become more like Europe and Europeans.

This European notion of the inevitable “onward march of civilization and improvement,” wherein the various human cultures of the world are viewed as being on a scale from “savage” to “civilized,” has been called a “stagist theory” by the influential Indian historian Dipesh Chakrabarty.<sup>113</sup> Rather than seeing different kinds of civilizations, Europeans saw only one kind of civilization—their own—and all other cultures as being in an earlier stage of progress, yet having the potential to become civilized like them. Europeans thus conceptualized history as an evolutionary progression from savagery to civilization, seeing themselves as being responsible to help the rest of the world to catch up to Europe’s stage of development. In this Eurocentric worldview, colonial Nova Scotians believed the land and peoples of Nova Scotia were waiting to be civilized and to achieve the European standard of morality, religion, society, politics, and technology.

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<sup>113</sup> Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton, NJ: Princeton University Press, 2000), 9.

This Eurocentric stagist thinking has also historically factored into European conceptions of music. Philosopher Geraldine Finn explores the uncanny historic correlation between what she terms “Western classical music,” Western metaphysics, and Western imperialism. Finn critiques how Western thinkers have conceptualized Western tonality as separate from culture—neutral, universal, divine, and, crucially, *white* (thus complete, like white light)—on the basis of it being derived from the “natural law” of the overtone series. The result of this conception of Western tonality is that, by the late-eighteenth century, there had occurred an “institutionalization, normalization and naturalization of functional tonality (Rameau's Principles of Harmony), as the supreme achievement of Western civilization.”<sup>114</sup>

Music historian Vanessa Agnew describes how Europeans coming into contact with non-Europeans even in the seventeenth century used music as an ethnographic yardstick.<sup>115</sup> The assumption was that simpler music identified a more primitive society, and more complex music identified a more advanced society. This attitude was demonstrated in America, where some even claimed that Indigenous peoples did not have the capacity to understand beauty without being civilized. For example, congressman and symphony patron George E. Adams, around the turn of the twentieth century, stated that the New Hampshire mountains had no beauty before Europeans colonization, “because there was no eye to see, no soul to feel it. True, the Indians were there . . . But the red Indian, being a primitive man, did not have that delicate sense of

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<sup>114</sup> Geraldine Finn, “White Noise: Composition, Colonization, and Colour,” in *Canadian University Music Review / Revue de musique des universités canadiennes* 18, No. 1 (1997): 76.

<sup>115</sup> Vanessa Agnew, *Enlightenment Orpheus: The Power of Music in Other Worlds* (Oxford: Oxford University Press, 2008), 73–119.

beauty, of form and color, which has been developed in the modern man, the heir of centuries of civilization.”<sup>116</sup> Euro-American notions of Western civilization as being at the most advanced stage of human progress allowed people like Adams to imagine that “others,” such as the Indigenous peoples whose culture seemed primitive to Europeans, were yet unable to understand beauty—that is, true beauty. Along with creating hierarchical categories of humans, Euro-American stagist thinking also created hierarchical categories of music. Thus, by the end of the nineteenth century, the most civilized of music, which only the most civilized individuals could enjoy, was Western “classical” music.

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<sup>116</sup> Quoted in Lawrence Levine, *Highbrow/Lowbrow: The Emergence of Cultural Hierarchy in America* (Harvard University Press, 1988), 145.

## Case study 2: Max Weil and the HSO (1897-1908)

According to Peerbaye and Attariwala, Western “classical” music (especially Beethoven symphonies) became mythologized as the universal apex of human cultural achievement through the emergence of the nineteenth-century European Romantic ideals of universal brotherhood and of the musical genius.<sup>117</sup> This exaltation of Western “classical” music further crystalized the West’s musical Eurocentricity, but also separated the genre from other Western musical genres. According to Levine, the distinction between revered “classical” music and other European orchestral or band music occurred during the second half of the nineteenth century, particularly in America. Up to that point, the distinction between the two institutions was “more functional than aesthetic,” as they often shared performers as well as repertoire, including overtures, operatic arias, waltzes, polkas, fantasies, and marches.<sup>118</sup> But, in the late-nineteenth century, “the process of sacralization [of Western “classical” music] endowed the music it focused upon with unique aesthetic and spiritual properties that rendered it inviolate, exclusive, and eternal.”<sup>119</sup> While Euro-Americans had not previously heard an aesthetic distinction between popular and “classical” music, this changed in the late-nineteenth century, when Americans began to hear Western “classical” music as elevated, sacred, and *civilized*.

In America, this musical hierarchy placed Indigenous peoples’ music at the lowest place. Indeed, a spokesperson at the 1893 International Folk-Lore Congress in Chicago stated that “the utterances of the savage people were omitted [from the Congress], these being hardly developed

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<sup>117</sup> Peerbaye and Attariwala. “Re-Sounding the Orchestra,” 34.

<sup>118</sup> Levine, *Highbrow/Lowbrow*, 104.

<sup>119</sup> *Ibid*, 132.

to the point at which they might be called music.”<sup>120</sup> On the scale from savage to civilized, Indigenous song was considered to be at the opposite extreme from Western “classical” music: It had not been sufficiently developed to even be considered “music.”

Not only do people place music within hierarchies, but music can also be used to place people within hierarchies. Citing the example of Mendelssohn’s music in late-nineteenth-century America, musicologist Steven Baur employs Gramscian critical theory to analyze the political influence of musical language. Baur argues that, “in performing a balancing act between order and deviance, music metaphorically enacts the fundamental principle of social order, as well as strategies for affirmation or opposition; that is, it is inherently political.”<sup>121</sup> In particular, Baur contends that Mendelssohn’s compositions, especially *Elijah*, “provided confirmation for the established social order in late-nineteenth-century America by reinforcing a disciplined work ethic and by naturalizing relationships of authority and submission.”<sup>122</sup> Thus, Baur argues, while Americans were hierarchizing music into “classical” and “popular,” music was also being used to reinforce human hierarchical categories within society.

Beyond the impact of sound itself, sociologist Anna Bull has theorized that what she terms “classical music culture” among youth in twenty-first-century UK upholds white middle-class social domination precisely because of the perception of this music as transcendent. She writes that “learning classical music can work as a mechanism for storing value in particular

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<sup>120</sup> Quoted in Levine, *Highbrow/Lowbrow*, 134.

<sup>121</sup> Steven Baur, “Music, Morals, and Social Management: Mendelssohn in Post-Civil War America,” *American Music* 19, no. 1 (2001): 113, <https://doi.org/10.2307/3052597>.

<sup>122</sup> Baur, “Music, Morals, and Social Management,” 105.

bodies,”<sup>123</sup> in large part because of “a culture where many of the conventions... downplay the body’s role in creating sound and prioritize a cognitive approach to the music.”<sup>124</sup> “Classical music,” Bull concludes, is conceptualized as belonging to the metaphysical, spiritual realm, thus separate from the body and from social concerns—an ideology she calls the “autonomy of classical music” and which she argues enables the transmission of harmful values inconspicuously from one generation to the next.<sup>125</sup>

Music being used to transmit imperialistic values has been chronicled by musicologist Roe-Min Kok, who describes her own experience growing up and learning to play the piano in the ex-British colony of Malaysia. She writes, “My early musical education was a process ... in which I was taught to think in terms of cultural, national, ethnic, and economic hierarchies.”<sup>126</sup> The notions of civilized colonizer and uncivilized colonized were rehearsed through her British-style music education. The appeal of learning the piano for her and for many others was that it “both represented and provided an avenue to upward mobility”<sup>127</sup>: “Playing Western classical music, I could aspire to become ‘British’ / ‘Caucasian.’ Eventually, surrounded as I was by

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<sup>123</sup> Anna Bull, *Class, Control, and Classical Music* (New York: Oxford University Press, 2019), xiii.

<sup>124</sup> Bull, *Class*, xii-xiii.

<sup>125</sup> *Ibid*, xiv.

<sup>126</sup> Roe-Min Kok, “Music for a Postcolonial Child: Theorizing Malaysian Memories,” in *Learning, Teaching, and Musical Identity: Voices Across Cultures*, ed. Lucy Green (Bloomington, IN: Indiana University Press, 2011), 83.

<sup>127</sup> Kok, “Music for a Colonial Child,” 80.



general cultural impoverishment, I might become civilized.”<sup>128</sup> Thus “Western classical music” represented an ideal “civilization” beyond Kok’s lived reality, and by mastering it, she was taught to believe that she, too could become “civilized,” “cultured,” “wealthy,” “powerful,” “well-educated,” and “refined.”<sup>129</sup>

The hierarchy between Western and non-Western music, and further between Western “classical” and non-classical music, influenced perceptions about how different musics should or should not interact. Historian Joseph Horowitz recalls that when Czech composer Antonín Dvořák visited America in the late-nineteenth century, he predicted that African-American songs would form the bedrock of an American symphonic compositional style.<sup>130</sup> Indeed, there were several critically successful orchestral compositions by various African-American composers in the early twentieth century.<sup>131</sup> But, despite Dvořák’s prediction and the emergence of promising African-American orchestral composers, symphonic performances in America continued to center around white composers. As Horowitz puts it, America remained a sort of musical colony of Germany until the Great War.<sup>132</sup> This, Horowitz believes, was not only because of a racial

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<sup>128</sup> Ibid.

<sup>129</sup> Ibid, 77-8.

<sup>130</sup> Joseph Horowitz, “New World Prophecy: Dvorak Once Predicted that American Classical Music would be Rooted in the Black Vernacular. Why, Then, has the Field Remained So White?” *The American Scholar*, Autumn 2019, 73.

<sup>131</sup> Horowitz, “New World Prophecy,” 71, 75.

<sup>132</sup> Joseph Horowitz, *Wagner Nights: An American History* (Berkeley and Los Angeles: University of California Press, 1994), 34.

prejudice against African-Americans, but also because of an ingrained aesthetic prejudice.<sup>133</sup> Indigenous and African-American aesthetic elements were excluded from symphonic music composition because Western art music was held aesthetically aloft over musics not of European influence. Thus, even symphonic compositions by White composers that utilized elements of indigenous or non-White folk music, such as in Dvořák's *New World Symphony* or Edward MacDowell's *Indian Suite*, were viewed by some as sacrilegious: Boston critic William Apthorp declared that in these works composers attempted "to make civilized music by civilized methods out of essentially barbaric material," resulting in "a mere apotheosis of ugliness, distorted forms, and barbarous expression."<sup>134</sup> Apthorp, like others among his class of music-participants which emerged during this period—the class of music critic—would have influenced the ways in which people heard music. As musicologist Steven Baur has shown, the role of the critic was to be "the educated authority entrusted with instructing the public on literary, aesthetic, and, by extension, moral matters."<sup>135</sup> According to Baur, the critic's influence on the public's listening was magnified by genteel cultural criticism's "emphasis on aesthetics and the projection of moral value on to aesthetic questions," moral values which would have included distinctions between "civilized" and "barbaric."<sup>136</sup> Thus, many who were instructed to hear Western "classical"

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<sup>133</sup> Horowitz, "New World Prophecy," 75.

<sup>134</sup> Quoted in Levine, *Highbrow/Lowbrow*, 140.

<sup>135</sup> Steven Baur, "Music, Morals, and Social Management: Mendelssohn in Post-Civil War America," *American Music* 19, no. 1 (2001): 78, <https://doi.org/10.2307/3052597>.

<sup>136</sup> Baur, "Music, Morals, and Social Management," 78.

music—the music of the Austro-German canonical composers—as *civilized* music sought to keep it pure and unpolluted by other, less developed musics.

For example, in Boston, music critic and publisher of *Dwight's Journal of Music* John Sullivan Dwight had long advocated for the creation of an orchestra dedicated to performing only Western “classical” music—the canonical works of the Austro-German composers. Dwight’s mission was to glorify the works of these composers and “to make the master compositions, the sublime or exquisite tone-poems, Symphonies, Concertos, Overtures, &c., of such rare spirits as Bach, Haydn, Beethoven, Schubert, paramount in interest.”<sup>137</sup> By presenting such works, performed by an orchestra specializing in only such music, he hoped to conserve the composers’ relevance and “to keep the standard master works from falling into disregard, to make Bach and Handel, Haydn and Mozart and Beethoven, Schubert, Mendelssohn, and Schumann, and others worthy of such high companionship, continually felt as living presences and blessed influences among us.”<sup>138</sup> Dwight believed that an orchestra with such an exclusive and possibly unpopular programme “might be but a labor of love at the outset; but it would create in time the taste which would patronize and reward it.”<sup>139</sup> For, to Dwight, “the concert hall was a classroom,” where listeners could learn to love the art music which he considered worthy of their love. Dwight’s dream was realized in 1881 with the founding of the Boston Symphony Orchestra, funded solely by a wealthy stockbroker named Henry Lee Higginson, which liberated the orchestra from performing popular works to please ticket-holders. Instead, Higginson’s

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<sup>137</sup> Quoted in Levine, *Highbrow/Lowbrow*, 121.

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*, 119.

labour of love would be "a full and permanent orchestra, offering the best music at low prices, such as may be found in all the large European cities."<sup>140</sup> The logic was clear: Since Europe was the standard of civilization, the musical culture of large European cities was also the standard. Higginson, like many others, heard Western "classical" music *as civilized*.

Like Dwight and Higginson, Max Weil founded the Halifax Symphony Orchestra in 1897 as an institution that would especially promote the Western "classical" repertoire. Weil had studied violin in Leipzig, Germany before commencing a performing, teaching, and conducting career in North America. The Halifax Conservatory hired him in 1892, and he contributed to the separation between popular concert music and "classical" music. He assumed leadership of the Haydn Quintette Club and the Orpheus Club, spearheaded the first recorded Nova Scotia-based productions of operas, founded the Weil School of Music, and created the Halifax Symphony Orchestra.<sup>141</sup> The Orchestra, like other orchestras founded in North America at the end of the nineteenth century, focused on developing the public's taste for the "classical" symphonies of Austro-German composers. Weil introduced the Orchestra to the public on 24 April, 1897 with a Schubert memorial concert to raise funds for the Indian Famine Fund.<sup>142</sup>

Halifax historian Phyllis Blakeley writes that Weil endeavoured to refine Haligonians' musical taste in his orchestral programming: "He adhered firmly to the idea that if the people were given the opportunity of hearing good music played as it ought to be, they would learn to

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<sup>140</sup> Quoted in Levine, *Highbrow/Lowbrow*, 122.

<sup>141</sup> Anonymous, "Mr. Max Weil." *Canadian Music and Trades Journal* 2, No. 3 (February 1901): 16.

<sup>142</sup> Blakeley, "The Theatre," 19.

appreciate it and the standard of taste would be raised. For this reason he emphasized the classics on his programmes.”<sup>143</sup> Emphasizing the classics, Weil hoped, would civilize the Nova Scotian ear, teaching them to appreciate the highest standards of music. In May 1899, in the third year of the HSO’s operations, he boasted in the North American journal, *The Musical Courier*, that the orchestra had “accomplished wonders for the cultivation of a taste for the best concerted music.”<sup>144</sup> He highlighted that the orchestra’s repertoire included “suites and excerpts from operas by the best composers,” and recalls a particularly impressive performance of “Mendelssohn’s immortal music” from *A Midsummer Night’s Dream*.<sup>145</sup> Western “classical” music, Weil believed, was objectively the best.

Weil attributed Halifax’s predisposition to Western “classical” music partly to the city’s geographic isolation. Its remoteness in relation to Europe and North America’s other urban centres resulted in fewer visits by touring artists, thus making Halifax’s Western concert music scene more heavily dependent on local musicians:

Being isolated from the rest of the musical world, Halifax has always been dependent on its people for the performance of music, from the solo to the complete opera. In consequence thereof this city by the sea is full of amateurs, and they, directed by local professionals, have done much for the cause of the divine art in this city.<sup>146</sup>

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<sup>143</sup> Ibid, 20.

<sup>144</sup> Max Weil, “Music in Halifax,” *Musical Courier* 38, no. 1000 (May 10, 1899): 99, [https://archive.org/details/sim\\_music-magazine-and-musical-courier\\_may-10-17-1899\\_38\\_1000/page/n99/mode/2up?q=halifax](https://archive.org/details/sim_music-magazine-and-musical-courier_may-10-17-1899_38_1000/page/n99/mode/2up?q=halifax).

<sup>145</sup> Weil, “Music in Halifax,” 99.

<sup>146</sup> Ibid, 98.

Thus, through the participation of its many local amateurs in performing Western concert music, Halifax became fertile ground for Weil's orchestra. The city had been prepared before him, and now the "cause of the divine art" could be pursued: Weil's orchestra could perform the symphonic "classics" for adoring audiences. Since Haligonians had long embraced Western concert music as representing the civilized West, hearing it *as civilization*, their taste had been sufficiently cultivated to appreciate Western "classical" music as the most refined and developed music, hearing it *as civilized*.

But Weil believed he could do more, and sought to further cultivate a taste for Western "classical" music in Halifax. This was part of his orchestra's mission. His strategy, though, was different from Dwight and Higginson in Boston. While he emphasized the "classical" (canonical Austro-German) repertoire, such as a "Grand Wagner Concert" on February 26, 1901 in collaboration with an 85-voice choir,<sup>147</sup> he also made a point to perform other music. Near the end of the orchestra's career, the orchestra offered "pop concerts," apparently dedicated especially to more accessible orchestral works outside of the "classical" repertoire.<sup>148</sup> But for the purpose of exposing more ears to the "classics," Weil would also mix the two. The HSO's debut, for example, included some of Weil's own compositions within a Schubert-themed concert. Significantly, this debut concert presented the Symphony and its Western "classical" music to Haligonians as a universal good: through it, Halifax participated in a Commonwealth-wide

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<sup>147</sup> Phyllis Blakeley, "Halifax Symphony Orchestras," *The Canadian Encyclopedia*, accessed July 14, 2023, <https://www.thecanadianencyclopedia.ca/en/article/halifax-symphony-orchestras-emc>.

<sup>148</sup> Blakeley, "Halifax Symphony Orchestras."

fundraising effort to help those impacted by the severe famine in India; and, being organized and partly performed by women, the concert offered a medium for social ascendancy and agency to a class of persons usually confined to the affairs of the home. Blakeley writes:

The Symphony made its debut at the Academy of Music on 24 April, 1897, in a Schubert Memorial Concert under the auspices of the Local Council of Women to raise funds for the Indian Famine Fund. . . . The orchestra delighted the audience, for its playing “left nothing to be desired by the most fastidious,” particularly in the “Unfinished” Symphony, although some questioned “the propriety of the conductor inserting two of his own compositions in a Schubert Memorial concert.” There were thirty-eight in the orchestra, among them eleven ladies in the string section. Mr. Weil was able to draw on the Imperial bands for experienced musicians to augment his own pupils at the Conservatory in the woodwind and brass sections.<sup>149</sup>

Weil understood that non-“classical” works also played a role in cultivating taste. For example, he recognized that Halifax’s choral societies and military bands had historically contributed to the love for Western concert music in the city:

The love for good music has always been noticeable among Halifax people, and their frequent intercourse with England, due to business and personal relationship, developed a taste for choral singing which found expression in the formation of vocal societies in the early part of this century. . . . Besides the Orpheus Club and Symphony Orchestra, the various military bands keep the love for music alive.<sup>150</sup>

Although not on par with the “classics,” Weil saw a place for band and choral music. They cultivated a “love for good music”—that is, Western concert music. This provided a foundation for the presence of a symphony orchestra and prepared Haligonians to hear “the best concerted music.”

This approach is similar to that of another German violinist and conductor, Theodore Thomas, who founded the Chicago Symphony Orchestra in 1891. Thomas considered symphonic music the “highest flower of art,” which could only be understood by “the most cultivated

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<sup>149</sup> Blakeley, “The Theatre,” 19.

<sup>150</sup> *Ibid.*, 98-9.

persons.”<sup>151</sup> In his opinion, what distinguished it from popular music was particularly its melodic and rhythmic complexity, which “the ignorant and immature mind” could not grasp. However, Thomas believed that popular music, though inferior, should continue to be performed for those with uncivilized ears, so as to prepare them for “a higher grade of musical performances.”<sup>152</sup> Like Weil, Thomas considered Western concert music to be inherently educational, cultivating the listener to enjoy what ought to be enjoyed, eventually leading them to the Austro-German classics. Thus, Western concert music not only represented the achievement of “civilization” in American colonies such as Nova Scotia, but it was thought to contribute to cultivating a taste for “civilized” music. Thus, music itself could be heard *as civilizing*.

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<sup>151</sup> Quoted in Levine, *Highbrow/Lowbrow*, 115.

<sup>152</sup> *Ibid.*



### Case study 3: The Nova Scotia Opera Association (1949-56)

The idea that music could civilize was not new. As European contact with non-Europeans increased from the fifteenth century onward, Europeans came to see their music as having special power to civilize others. Matthew Riley, in his essay “Civilizing the Savage: Johann Georg Sulzer and the ‘Aesthetic Force’ of Music” highlights this Eurocentric logic in the writings of a mid-eighteenth-century German music philosopher. Johann Georg Sulzer believed music was an aesthetic force that had power to arouse morality and reason in otherwise uncivilized people.<sup>153</sup> In Sulzer’s Enlightenment thinking, every human was on a spectrum from savage to civilized. Savages had not yet abandoned the initial “state of nature” to establish laws and institutions. Thus, Sulzer considered such a person “little more than a beast.”<sup>154</sup> But, Sulzer “saw the fine arts as a vital tool in the ‘civilizing’ of the human race,” because the fine arts effectively allowed the savage to distance himself from only tending to his instinctual, primordial needs, and to reflect on himself, thus developing his faculties of reason and morality.<sup>155</sup> Riley summarizes Sulzer’s thought in this way:

In general it is the task of the fine arts to civilize the human race, cultivating our natural but unsteady love for the good and hatred of the evil and thus helping us to attain true happiness... Just as Orpheus aroused stones and trees with his song, so music as an art possesses a unique aesthetic force, which arouses attention and sentiment in the most passive of human souls.<sup>156</sup>

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<sup>153</sup> Matthew Riley, “Civilizing the Savage: Johann Georg Sulzer and the ‘Aesthetic Force’ of Music.” *Journal of the Royal Musical Association* 127, no. 1 (2002): 1–22.

<sup>154</sup> Riley, “Civilizing the Savage,” 7.

<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*, 21-2.

Thus, Sulzer believed, since Europe was the most civilized, and it possessed civilized music, European music had civilizing power.

This ideology found its way into Nova Scotia and surfaced in the mid-1950s, when a new Western art music institution was founded: the Nova Scotia Opera Association (NSOA). In August 1949, Mariss Vetra, a Latvian tenor who taught voice and opera at the Halifax Conservatory, obtained funding from Halifax's Bicentenary Committee to showcase his students and bring the artform of opera to the city.<sup>157</sup> According to the Nova Scotia Opera Association's records, a reported 7,000 people attended Vetra's production of Mozart's *Don Giovanni* in five sold-out performances—three in August and two in October when the opera was remounted by popular demand.<sup>158</sup> During these performances, survey pamphlets were handed out to the audience asking "their opinion of plans to continue such performances," and hundreds of responses were received "with the request that an attempt be made to put such musical presentations on a permanent basis."<sup>159</sup> With such interest, two community meetings were held in January 1950, to which 116 local organizations were invited as well as key individuals from

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<sup>157</sup> The NSOA's genesis is recounted in a concert program for its production of *La Traviata*, 1950, SF-17-1, Nova Scotia Opera Association fonds, Dalhousie University Archives, Killam Memorial Library, Halifax, Nova Scotia.

<sup>158</sup> Page 1 from a document titled "Nova Scotia Opera Association (NSOA) 1950," undated, SF-15-1, Nova Scotia Opera Association fonds, Dalhousie University Archives, Killam Memorial Library, Halifax, Nova Scotia.

<sup>159</sup> "NSOA 1950," Nova Scotia Opera Association fonds.

the province.<sup>160</sup> The meetings were “advertised through the press and radio and more than 100 persons, representatives of various groups attended.”<sup>161</sup> The result of these meetings was the creation of the Nova Scotia Opera Association (NSOA), which performed primarily European operas for the following six years (see Figure 4.2).

<b>Year</b>	<b>Opera(s) performed</b>
1949	Mozart’s <i>Don Giovanni</i>
1950	Offenbach’s <i>Tales of Hoffmann</i> & Verdi’s <i>La Traviata</i>
1951	Puccini’s <i>Madama Butterfly</i> & Mozart’s <i>Il Nozze de Figaro</i>
1952	Kálmán’s <i>Countess Maritza</i>
1953	Jones’s <i>The Broken Ring</i> (new commission)
1954	Gluck’s <i>Orpheus ed Euridice</i> & Mascagni’s <i>Cavalleria Rusticana</i>
1955	Verdi’s <i>Rigoletto</i>
1956	Gounod’s <i>Faust</i>

**Figure 4.2** The operas produced by NSOA from its pre-incorporation performance of *Don Giovanni* to its final presentation of *Faust* in 1956.

The province’s social elite borrowed similar language to Sulzer’s, pointing to music’s civilizing power to advocate for the Association’s support. In the program notes for the Association’s production of *Madame Butterfly* the next year, several dignitaries offered messages of support for the Association. J.A.D. McCurdy, Lieutenant Governor of Nova Scotia, wrote of his belief in the power of opera to edify and civilize Nova Scotia’s people:

In the stress and strain of present day living, it is of the greatest importance to turn our minds and spirits to the fine arts—not merely as an antidote but as a constructive force which even a nodding acquaintance with literature, music, painting and drama tends to create in us all. ... It is a matter for congratulation to the province as a whole that interest in the opera, which embodies in itself all the arts, has been aroused at this particular time. This interest will quicken and stimulate our perception of beauty and art in all its forms,

<sup>160</sup> *La Traviata*, Nova Scotia Opera Association fonds.

<sup>161</sup> “NSOA 1950,” Nova Scotia Opera Association fonds.

and develop in our provincial, municipal and national life a true culture, which taken literally means an *ordered-growing*.”<sup>162</sup>

McCurdy stressed the importance of the fine arts as a “constructive force.” He especially praised opera as an artform that encompassed “all the arts” and was capable of contributing to a “true culture” and an “ordered-growing.” Similarly, in the same program notes, Halifax Mayor Gordon Kinley wrote, “The presentation of these operas has done much to encourage local talent and has awakened our citizens to the true realization of the beauty of fine music.” McCurdy and Kinley expressed that Nova Scotians, perhaps especially being geographically on the edge of the American continent, needed awakening and civilizing and that Western “classical” music could contribute to this process.

This, in fact, was part of the NSOA’s mission. In 1956, the NSOA announced plans for a new province-wide opera workshop in the program notes for its production of *Faust*. In an eloquent appeal for financial support for the project, the Association’s president, L. D. Currie, once again praised European art music as a civilizing force:

[The opera workshop program] will call for financial assistance from those who believe that no civilization is worthy to endure, no civilization can leave great landmarks on the highway to posterity and instill fresh and genuine inspiration in the heart and mind of future generations, which thinks only of a paradise on earth, obtained by the acquisition and development of material resources to the exclusion of all else [sic]. Our Association makes no claim that the literary and cultural arts are an answer to the problems of human society. But we do think that they help produce a noble, calm, fully-rounded life. Our

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<sup>162</sup> Concert program for NSOA’s production of *Madama Butterfly*, Folder SF-17-5, Nova Scotia Opera Association fonds, Dalhousie University Archives, Killam Memorial Library, Halifax, Nova Scotia (italics original).

humble effort in starting for the first time in Canada a program of province-wide opera work shops will, we hope, as time goes on, help in a measure to do some good.<sup>163</sup>

Currie solicited support from those who would agree that civilizations are not remembered and celebrated for their economic prosperity but for their culture. He then humbly suggested that the Opera Association's music could not necessarily change social problems but could "help produce a noble, calm, fully-rounded life," contributing to "do some good." Here, again, Western art music was conceived of as a civilizing force for Nova Scotia.

In the twenty-first century, Western art music is still branded in Nova Scotia as a civilizing and awakening force, though with a new term: it is now hailed as "educational."<sup>164</sup> The correlation between education and the civilizing and colonial project has been acknowledged since at least the 1960s, as evidenced by George Steiner's essay, "To Civilize Our Gentlemen." In this essay, Steiner posits that the study of English literature as an academic discipline in universities was based on three ideas: notions of national identity, assumptions about the inherent value of Western culture over other cultures, and faith in the humanizing power of Western high culture. All three of these ideas were already being challenged by Steiner's time, and his paper highlighted the crumbling colonial foundation of Western education. More recently, in 2019,

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<sup>163</sup> "Message from Our President," in the concert program for NSOA's production of *Faust*, 1956, folder SF-17-12, Nova Scotia Opera Association fonds, Dalhousie University Archives, Killam Memorial Library, Halifax, Nova Scotia.

<sup>164</sup> For example, Symphony Nova Scotia has education programs, through which the institution is "committed to engaging young listeners and developing their love of music" (see "Education Programs," Symphony Nova Scotia, accessed July 12, 2023, <https://symphonynovascotia.ca/support/donate/education-programs/>).

Nicholas Harrison published a provocative monograph entitled *Our Civilizing Mission: The Lessons of Colonial Education*. As the dated quality of the title—“Our Civilizing Mission”—suggests, this book explores the uncomfortable continuity from the fundamental role of education in colonialism to the contemporary function of the Western education system as a mission to “civilize.”<sup>165</sup> Undoubtedly, the Western conception of education has remained synonymous with a process of institutional civilizing. Therefore, when an institution frames Western art music as “educational,” this music is still being positioned as a civilizing force.

Colonial Nova Scotians have historically loved Western music, whether it was Western concert music in general, Western “classical” symphonic works specifically, or opera. However, some have evidently heard this music *as civilization*, signalling that the land of Nova Scotia is an extension of European civilization. Some have heard this music *as civilized*, representing the highest form of beauty which only the most civilized persons can appreciate. Some have heard Western art music *as civilizing*, imagining it as a force capable of helping all humans keep up with the onward process of civilization. In all of these cases, Western art music has given resonance to Eurocentric notions of civilization, sounding it in the ears of Nova Scotians. This ideology, in turn, lay at the root of British and Canadian denial of the Treaties of Peace and Friendship with the Mi’kmaq. Thus, with this perspective on the historic relationship between Western art music and Treaty denial, the next chapter will explore ways forward toward Treaty implementation for Western art music in Nova Scotia.

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<sup>165</sup> Nicholas Harrison, *Our Civilizing Mission: The Lessons of Colonial Education* (Liverpool University Press, 2019), <https://doi.org/10.2307/j.ctvhrxkm>.

## CHAPTER 5: CONCLUSION

### Moving Forward

In Chapter 2, I introduced the Treaties of Peace and Friendship between the Mi'kmaq and the British Crown. Then, in Chapter 3 I expounded how the Treaties might be used as a framework for musical collaborations between Mi'kmaq and Nova Scotia colonials as Treaty people, based on my reading of Mi'kmaw and allied authors. The Treaties may naturally offer a practical guide for how colonial musicians and institutions should interact with Mi'kmaw artists and communities to work toward reconciliation and beyond. However, as this proposition is only based on my reading and exegesis of Mi'kmaw perspectives on the Treaties, I cannot claim that it represents the opinion of the Mi'kmaq. The important question needs to be asked: **How do Mi'kmaq themselves think the Treaties should be meaningfully implemented in artistic collaborations?**

In Chapter 4, I suggested an intersection between colonials' failure to implement the Treaties and the historic love of Western art music in Nova Scotia, this intersection being Eurocentric notions of "civilization." I claimed that Western art music has given resonance to Eurocentric conceptions about civilization throughout Nova Scotia's colonial history in at least three ways: by being heard *as civilization*, *as civilized*, and *as civilizing*. I thus raised concerns about the ways in which colonials themselves may hear Western art music, and the impact which this hearing may have on their denial of their Treaties with the Mi'kmaq. For Western art music-loving colonials in Nova Scotia—like me—practical considerations may have begun to emerge from this last chapter. Indeed, my claim that certain ways of hearing Western art music relate to Treaty denial begs the question, if we (colonials who love Western art music) are Treaty people

committed to implementing the Treaties, should we change the way we hear this music? And if so, how? To close this paper, I explore possible ways forward by raising four more questions (in bold) to be further researched.



## Hearing relationships

Colonials in Nova Scotia have heard Western art music *as civilization*. From early settlement to Confederation, colonial Nova Scotians loved hearing Western concert music (which then included both “classical” and “popular” concert music) because it represented the successful propagation of Europe into Nova Scotian soil, and thus the replacement of wilderness with civilization. In other words, to colonials’ ears, Western concert music re-sounded their relationships with European civilization.

If someone can *hear relationships* in Western art music, can they change the relationships they hear? And if so, can colonials instead learn to hear relationships *with the Mi’kmaq* in art music, and thus reinforce—rather than undermine—the Treaty relationship?

I speculate that someone can change the relationships they hear in art music, because the way in which the music is framed primes the listener for what to hear. For example, I have noticed that the prominent role of artistic pedigrees in Western art music performance primes the listener for what relationships to hear. Concert programmes in Nova Scotia usually include biographies in which the artists list the most prestigious individuals and institutions that have influenced them or with which they have performed. Such individuals and institutions are virtually always from major Euro-American cultural centres, the highest-ranking names being the likes of the Vienna Philharmonic, the Teatro alla Scalla in Milan, the Juilliard School in New York, and so on. When a listener reads these biographies or is otherwise aware of the performer’s pedigree, they will attribute the subtleties of the performer’s interpretation or technique at least partly to the individuals and institutions listed in their biography, and thus to the Euro-American cultural centres. The music can thus strengthen associations between Nova Scotians and Euro-American cultural centres, just as it re-sounded Nova Scotians’ relationships

with European civilization in the past. These associations may also be reinforced when institutions deliberately try to transplant traditions from more prestigious institutions and larger Western cultural centres into Nova Scotia—traditions such as repertoire, techniques, or interpretations. This transplantation is usually facilitated by hiring faculty or artists trained at the revered institutions, or by subscribing to centralized curricula. These ways of connecting Western art music performances in Nova Scotia with larger Western cultural centres can thus continue to prime listeners to hear relationships with European civilization. This is an area that deserves more research: **How do elements of Western art music culture in Nova Scotia reinforce relationships/associations with Euro-American cultural centres?** Answering this question could lead to Western art music institutions thoughtfully reframing their music in ways that decentre Euro-American society as the source of culture. Instead of continuing to mirror Western civilization in Mi'kma'ki, art music culture in Mi'kma'ki could move toward a unique, local art music culture.

## Hearing beauty

Colonials in Nova Scotia have also heard Western art music, especially the Austro-German classics, *as civilized*, representing the apex of human achievement. One of the contributors to hearing Western art music as more advanced or sophisticated than other musics is the way in which it is framed as requiring cultivated hearing. For example, Max Weil at the turn of the twentieth century wrote about his passion for “the cultivation of a taste for the best concerted music” in Halifax. Convinced that Western European art music was the “divine art,” his cause was to ensure that Halifax retained an appetite for this music by being exposed to it as much as possible, thus cultivating a taste for it. Weil framed Western “classical” music as the most developed and perfected form of art, requiring trained hearing. This would teach colonial Nova Scotians to hear it *as civilized*, thus giving resonance to Eurocentric worldviews that glorify Western civilization above all others.

Another way to describe a cultivated way of listening is an “ontology of sound,” or what one *listens for*. In his ground-breaking monograph, *Hungry Listening: Resonant Theory for Indigenous Sound Studies*, musicologist Dylan Robinson identifies important differences between what he calls “colonial settler” and “Indigenous” ontologies of sound. Robinson posits that the colonial settler ontology of sound is consumptive, resulting in a distinct form of listening that “prioritizes the capture and certainty of information.”<sup>166</sup> Settlers listen to Western art music with “hungry listening,” using sound to satisfy particular appetites: “Hungry listening is hungry for the felt confirmations of square pegs in square holes, for the satisfactory fit as sound

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<sup>166</sup> Robinson, *Hungry Listening*, 38.

knowledge slides into its appropriate place.”<sup>167</sup> Robinson’s theory is that “hungry listening” largely consumes sound as passing information, listening for how the music satisfies or plays with certain sonic expectations. Thus, sophistication and excellence in Western art music comes from rhythmic and melodic complexity, as well as the innovative use of structure and instrumentation. This explains why Western art music traditionally requires audiences to listen carefully, seated in a quiet concert hall. On the other hand, according to Robinson, sound for Indigenous people may value different aspects of the musical performance. Indigenous songs, for example, are not “just songs”; rather, they traditionally carry “ontologies [...] as law, historical documentation, and medicine.”<sup>168</sup> Therefore, because the purpose is different, Indigenous music requires a different kind of listening than Western art music does, and excellence, sophistication, and development are measured by different values. Like Western “classical” music, Indigenous music requires a cultivated way of hearing. Both may be heard as beautiful, if one learns what to listen for, or how to listen.

For Western art music culture to cease reinforcing Eurocentric notions of “civilization,” those who love this music must un-hear it *as civilized*, supreme, or universal, and learn to hear multifarious forms of beauty in a multiplicity of musical traditions representative of Mi’kma’ki. In this way, rather than giving resonance to Treaty-undermining ideologies, art music can act as a guiding avenue to being “in Treaty” by idealizing the thriving diversity which the Treaties envision. More research is required to inform how to un-hear Western art music *as civilized* in Nova Scotia. I suggest that such research could be focused by critically engaging the question,

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<sup>167</sup> Ibid, 51.

<sup>168</sup> Ibid, 162.

**What aspects of Western art music culture in Nova Scotia contribute to the music being framed as supreme or universal?**

As for learning to hear beauty in other musical traditions and cultures in Mi'kma'ki, more research would be required to understand the ontologies of sound of Mi'kmaq, Acadians, African Nova Scotians, Ukrainians, and other immigrant populations represented in Nova Scotia, and how these might be expressed through the Western art music platform to Western art music lovers.

One particular challenge with “trying on” other ontologies of sound, as Robinson has thoughtfully proposed, is that there are ways to do so that are appropriate, and others that would constitute appropriation. Robinson posits that, “unlike iPhone photo filters, one cannot simply select and add noncolonial, feminist, queer, or black listening filters in order to listen otherwise. This reductive approach essentializes critical listening positionality as something that might simply be applied by choice.”<sup>169</sup> Instead, Robinson suggests that “moving beyond hungry listening toward anticolonial listening practices requires that the ‘fevered’ pace of consumption for knowledge resources be placed aside in favor of new temporalities of wonder disoriented from antirelational and nonsituated settler colonial positions of certainty.”<sup>170</sup> In other words, colonials wishing to “try on” another culture’s ontology of sound must put aside certain colonial ways of listening and respectfully enter into the other culture’s ways of knowing, relating, and being. Thus, Robinson advocates for a “critical listening positionality” that involves “a practice

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<sup>169</sup> Ibid, 51.

<sup>170</sup> Ibid, 53.

of guest listening, which treats the act of listening as entering into a *sound territory*.”<sup>171</sup> These ideas deserve sustained attention and further research, probing the question, **How can Western art music institutions educate Western art music lovers (including professionals, pupils, and patrons) about the ontologies of sound of Nova Scotian minorities, without engaging in cultural appropriation? In particular, following Robinson’s ideas, how can institutions help Western art music lovers engage in a critical listening positionality that involves a kind of “guest listening” as if entering *sound territories*?**

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<sup>171</sup> Ibid.

## Hearing change

When Nova Scotians heard Western art music as civilizing, they advocated for its support in hopes that it would change society for the better. Their notion of “better” was problematic, however, as it was founded on the very Eurocentric assumptions about civilization that led to the denial of the Treaties with the Mi’kmaq. As I alluded to in the previous chapter, this ideology prevails in Western art music performance and education today, though perhaps utilizing a new vocabulary that favours terms like “educational” over “civilizing.” Like sociologist Anna Bull has done with the controversial El Sistema music education model,<sup>172</sup> more research should be conducted to ask, **How does employing Western art music as education or social improvement in Nova Scotia reinforce Eurocentric notions of civilization?** Doing so would be instrumental in reversing practices that teach colonials to hear Western art music *as civilizing*.

While I do not espouse the Orphic myth that music inherently edifies, awakens, or improves people, I do believe Western art music can be used to change society for the better. Beyond practicing the Treaties of Peace and Friendship as a relational framework in collaborations with Mi’kmaw artists and communities (as I outlined in Chapter 3), Western art music institutions can practice the Treaties on a deeper, more holistic level. In particular, Western art music could be reframed and repositioned to support the implementation of the Treaties, rather than giving resonance to the Eurocentric beliefs that undermine the Treaties. For example, creating uniquely Nova Scotian and Treaty-centered traditions and standards of art music would re-sound Treaty relationships over historic relationships with Western civilization.

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<sup>172</sup> Anna Bull, “El Sistema as a Bourgeois Social Project: Class, Gender, and Victorian Values,” in *Action, Criticism, and Theory for Music Education* 15, No. 1 (Jan. 2016): 120-153.

Also, the resources of Western art music institutions could be used to help train Western art music lovers' ears to hear beauty in all the cultures represented in Nova Scotia, not only Western culture. In these ways, moving toward a new *Mi'kma'ki art music* would help activate within colonials in Nova Scotia the realization of being "treaty people." To this end, I close by restating the five questions for further study which have emerged from this research:

1. How do Mi'kmaq think the Treaties should be meaningfully implemented in the arts?
2. How do elements of Western art music culture in Nova Scotia reinforce relationships/associations with Euro-American cultural centres?
3. What aspects of Western art music culture in Nova Scotia contribute to the music being framed as supreme or universal?
4. How can Western art music institutions educate Western art music lovers (including professionals, pupils, and patrons) about the ontologies of sound of Nova Scotian minorities, without engaging in cultural appropriation? In particular, following Robinson's ideas, how can institutions help Western art music lovers engage in a critical listening positionality that involves a kind of "guest listening" as if entering *sound territories*?
5. How does employing Western art music as education or social improvement in Nova Scotia reinforce Eurocentric notions of civilization?



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