

Reframing the Tolerant Nation: Truth and Reconciliation in Canada

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Abstract:

In the last several decades, there has been growing interest in the processes of reconciliation as a means to deal with the legacies of systematic, state-sanctioned violence. Truth Commissions are one way in which the process of reconciliation can take shape. They are based on the premise that dialogue about past crimes, oppression, violence and abuse can alleviate the suffering of victims and ease the relationship between oppressed and oppressor.

On June 1<sup>st</sup>, 2008, a Truth and Reconciliation Commission (TRC) was established in Canada. It is the first national TRC in North America. The commission's focus is the abuse and mistreatment of Aboriginal children who were taken from their families and placed in the Indian Residential School (IRS) system. This system remained in place for over one hundred years, beginning in the late 19<sup>th</sup> century. Through the colonial policy of assimilation, Aboriginal languages, cultures and religions were targeted for decimation. When the last Indian Residential School closed in 1996, the vast majority of Canadians were unaware of the negative role the schools had played in shaping Aboriginal communities.

The organizing questions for this essay include: Do TRCs work to re-inscribe or destabilize existing structures of power? Does the version of reconciliation produced through a national TRC engender a sustainable form of justice? And how do both the IRS system and the IRS TRC illuminate the role of history and memory in the process of nation-building?

In the last several decades, there has been growing international interest in the process of reconciliation as a means to deal with the legacies of systematic, state-sanctioned violence. Truth commissions are one way in which the process of reconciliation can take shape. These commissions are based on the premise that public dialogue about past crimes, oppression, violence and abuse can alleviate the suffering of the victims and ease the relationship between oppressed and oppressor. They also assume a certain view of history, one that ties the past to the present and links the misdeeds of the past with the current social, cultural and political situation. They recognize that certain narratives have been left out, suppressed and denied within discourses of a nation's history.<sup>1</sup>

On June 1<sup>st</sup>, 2008, a truth and reconciliation commission was established in Canada. It focuses on the abuse and mistreatment of Aboriginal children who were taken from their families and placed in the Indian Residential School (IRS) system.<sup>2</sup> The reaction to the commission, entitled the Indian Residential School Truth and Reconciliation Commission (IRS TRC) has thus far been mixed, and the commission itself has faced considerable obstacles.<sup>3</sup>

Truth commissions raise several questions about the concept and form of transitional justice in societies struggling with a contested and violent past. In the Canadian case, the commission deals with the nation's colonial history and

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<sup>1</sup> For general history and discussion of several international truth and reconciliation commissions, see Hayner (2002).

<sup>2</sup> The term "Aboriginal" is used throughout the essay with the understanding that it includes diverse communities including First Nations, Metis and Inuit populations. The term is not meant to flatten the differences between these communities, but to draw attention to the fact that each was affected by the IRS system.

<sup>3</sup> For consistency, I have capitalized "truth and reconciliation commission" only when it is part of a proper name for a particular commission. In all other cases, I use lower case.

assimilationist policies. It disrupts the dominant view of Canada's past as one based on a tolerant, benevolent state, while at the same time, framing the current government in those same terms.

The organizing questions for this essay include: How is justice defined through truth commissions? Does the IRS TRC work to re-inscribe or destabilize existing structures of power? And how do both the IRS system and the IRS TRC illuminate the role of history and memory in the process of nation-building? To explore these questions, this paper is divided into two sections. The first section will give a brief history of the IRS system. The second will explore issues of justice, memory and nation in the context of the IRS TRC.

## **I. Context: "The Indian Problem"**

*"Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic."*

*- Duncan Campbell Scott, Deputy Superintendent of the Department of Indian Affairs, 1913-1932<sup>4</sup>*

Through collaboration with the Anglican, Presbyterian, Catholic and United Churches, the government of Canada ran the IRS system for over 100 years.<sup>5</sup> Between 1831 and 1996, there were one hundred and thirty Indian Residential Schools across Canada, and

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<sup>4</sup> Quoted in "Where Are the Children" DVD.

<sup>5</sup> It should be noted that residential schooling was also practiced in the 17<sup>th</sup> century in what was then known as "New France" as well (Miller). The current TRC however deals specifically with the period from 1876 onwards.

during this period at least 150,000 Aboriginal children went through the schools.<sup>6</sup> The construction of the IRS system was a reflection and perpetuation of the colonial discourses of the time surrounding Aboriginal peoples. They were seen as “savages,” “uncivilized” and were framed as the “Indian Problem” (Miller 1996).

Because Aboriginal peoples were seen as an impediment to a unified, national identity, the Canadian government passed a series of Acts that awarded new power and control to the government through the Department of Indian Affairs. The project of assimilation took shape through these Acts (in 1876, 1880 and 1884), and the state gained several forms of control over Aboriginal Communities (Milloy 1999). The education system was identified as a key way to achieve assimilation, and the tactic shifted from day schools to boarding schools, which would more efficiently separate children from their families and communities. In the schools, children were forbidden from practicing their Aboriginal beliefs, cultures, and languages. They were often punished brutally for breaking the rules. These punishments included beatings and public humiliation. Past students tell of the constant hunger felt within the walls of the schools, both emotional and physical. One student, identified as Sheni<sup>7</sup> in Behind Closed Doors: Stories from the Kamloops Indian Residential School, shares his story of hunger:

If you said you were hungry they would probably starve you even more, take you away from your supper table, take you from your breakfast, you know. It was endurance between us and them. Maybe it was a way of breaking us down even further, trying to break that spirit we had in us, of who we were. I would never bow down to let them be winners (126).

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<sup>6</sup> Official numbers vary but are generally about 150,000 students. There are over 80,000 survivors of the schools involved in the class action suit that was brought against the government and settled in 2006. See the Assembly of First Nations website for more information: <http://www.afn.ca/article.asp?id=2586>

Sheni<sup>7</sup> later recounts the fate of the students he knew there: “They’re all gone now and whether it’s drinking, or suicide, or drugs, or whatever the case may be, it could have been because of this school” (127). Another student (listed as Anonymous) writes simply: “Loneliness is a killer, it kills everything inside of you, you become absolutely nothing...” (180). Some children, estimates range from hundreds to thousands, died in the schools. Accurate records were not kept and the causes of the deaths are often still unknown (Curry 2008). Ward Churchill (2004) notes that the officials knew of the high mortality rates, citing superintendent Duncan Campbell Scott who commented that “fifty percent of the children who passed through these schools did not live to benefit from the education they received therein” (34).

The children would return home for summer months but because they were forbidden from speaking their native languages and practicing their own culture at school, they often returned to their communities without an ability to communicate with their own families. Starting in the late 1960s and 70s, after much lobbying, Aboriginal communities began to gain control of the schools. Eventually some of the schools became band-run. The last school closed its doors in 1996.<sup>7</sup> It is the destruction caused by the schools and their legacy that the TRC will attempt to address.

## **II. A Duty to Remember**

*To forget, and – I will venture to say – to get one’s history wrong, are essential factors in the making of a nation; and thus the advance of historical studies is often a danger to nationality.*

*- Ernest Renan, “What is a Nation?” 145*

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<sup>7</sup> There is some debate regarding when the last school closed. Ward Churchill (2004) for example gives the date as 1984, but the Assembly of First Nations in Canada lists the last federally run school as closing in 1996. <http://www.afn.ca/residentialschools/history.html>

In the process of nation-building, a unifying collective history is often one of the key ties that bind disparate peoples and communities together. As Renan remarks, in order for the illusion of unity to take hold, there must be a certain amount of collective forgetting. But as the process of nation-building continues, collective memory plays a role as well, revealing a dialectical relationship between remembering and forgetting. Truth commissions revisit these violent moments of history, forcing a collective reckoning with the past. They allow new narratives to become integrated into national histories and thrust historical oppression into both national and international spotlight. In the Canadian case, one of the nation's dominant tropes of identity is that of a largely peaceful history (often compared to the United States), and that of tolerant nation (Mackey 2002).

According to Bashir and Kymlicka (2008), the politics of reconciliation are closely tied to moments of transformation, particularly transitions to democratic rule. In many places in South America and Africa for example, this is indeed true. As countries became independent from colonial rule or transitioned from military dictatorships, new historical narratives needed to be shaped. But in democratic nations, the politics of reconciliation also becomes enmeshed with the politics of difference. In multicultural nations in particular, the politics of reconciliation and the politics of difference must be theorized together. Because the IRS TRC has been established during a period that has not experienced a radical change in government, nor in a moment of profound political transition, the dynamics of power remain largely in tact. At the same, the TRC may mark a more subtle transition where Aboriginal peoples have asserted their own version of the past to disrupt national narratives that write them out of history.

In Canada, discourses of multiculturalism have played a dominant role in the nation's identity. But Aboriginal peoples are often left out of or marginalized in these

discourses (Mackey). As discussed by Amelia Kalant (2004), Aboriginal peoples are placed in an uneasy relationship to the *state*, while maintaining a central space in relation to the *nation*. In their quest for self-government, they occupy a position that can be seen as outside the state. But, their image and cultural productions maintain an important role in the construction of Canada as a nation. At one and the same time, they are defined as central to the myth of nation while still labeled as Other. Kalant calls this a “doubled ontological centrality” (4). The IRS TRC brings this “doubled” relationship to the forefront of Canadian politics.

The TRC itself developed out of a long process of negotiation between Aboriginal leaders, the government of Canada and representatives of the churches involved with the IRS system. It is the first truth commission that has arisen out of a judicially mediated agreement, and is the first national commission of its kind in North America.<sup>8</sup>

The commission has already faced considerable obstacles. For example, on October 20<sup>th</sup>, 2008, the chair of the commission, Justice Harry Laforme, stepped down. As a result, the first national event, planned for January 2009 in Vancouver has been postponed. Although the specifics of his resignation are somewhat unclear, he voiced two major concerns regarding the TRC. The first relates to the structure of the commission, the second relates to its focus. In his letter of resignation, he stated his disappointment with the structure of the commission and the two other commissioners, Claudette Dumont-Smith and Jane Morley. He believed that as the chair, he was entitled to shape the commission’s course and that the other commissioners were to provide input but ultimately respect the chair’s final decision. Morely and Dumont-Smith maintained,

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<sup>8</sup> The IRS TRC has developed out of a class action settlement which also included reparations for survivors of the schools. See the IRS Settlement Agreement for more information.

however, that the commission should be run by majority rule and matters should be voted on. They did not believe that the chair could disregard their opinions and make final decisions without their agreement.

LaForme's second reason for his resignation involved the relationship between "truth" and "reconciliation." In his public statement he writes that, "Unlike mine, [Morley and Dumont-Smith hold] a view that leaves much of the work of reconciliation for another day" (qtd. in newswire.ca). With this statement he raises the issue of reconciliation as it relates to truth, and disrupts any easy coupling of the two terms. Is the voicing of these memories enough to promote reconciliation? And is awareness of a troubled history itself a form of justice? In discourses of truth and reconciliation, a duty to remember becomes a national imperative, and this in itself is framed as a form of justice. But when memory and justice are conflated, and the TRC is positioned as the only or main avenue for justice, motivation for action in communities and on the ground may be diffused.

A few months after Justice Laforme's resignation, the remaining commissioners also stepped down. In January, 2009 Morely and Dumont-Smith stated that they believed the commission needed a fresh start. The commission began the search for three new commissioners to begin the process again and announced the replacements at the beginning of June 2009.

Although it is important that the IRS legacy is acknowledged, remembering this history in itself is not a sustainable form of justice. The IRS TRC focuses exclusively on the IRS and its legacy. Aboriginal peoples in Canada, however, have faced many challenges. Land claim disputes continue to be fought in Canadian courts. High rates of youth suicide, domestic violence, and alcohol and drug abuse continue to plague

Aboriginal communities. Also, TRCs often focus on the victimization of a group, not the creative strategies for the continued survival of that group. Aboriginal peoples have shown remarkable resilience in re-invigorating their languages and cultures after decades of policies meant to destroy them. These stories are generally not given a voice or audience through TRCs.<sup>9</sup>

Even as the commission appears to empower oppressed groups, it defines their possible narratives and constrains the potential for more integrated approaches to historical injustices. As the nation-state experiences challenges to its sovereignty, through processes of globalization, increasing power of multi-national corporations, and from indigenous groups within, a TRC can be seen as an attempt to re-assert the authority of the state into processes of justice that are increasingly being taken up by international courts or tribunals. In other words, TRCs may be read as an exercise of state power, one that integrates marginalized voices, but not on their terms. As Eva Mackey (2002) writes, “Even the construction of Native people as active agents of history does not result in the genuine recognition of difference; rather it reinforces and ‘legitimizes settler meanings’ and settler nationalist narratives” (73).

Some survivors of the schools have voiced distrust of this national reconciliation process.<sup>10</sup> While most agree that it is imperative that this history becomes widely known, the ways in which that knowledge is elicited and shaped remains a controversial issue. The commission’s exclusive focus on the IRS as opposed to other injustices committed against Aboriginal peoples in the name of the “civilizing process,” while creating

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<sup>9</sup> Roger Epps (2003) provides an interesting discussion of resilience in Aboriginal communities and the need for more local approaches to reconciliation.

<sup>10</sup> For example, many concerns were voiced at the Breaking the Silence Conference held in Montreal, Canada in the fall of 2008. The conference proceedings are available online at <http://www.creum.umontreal.ca/spip.php?article938>

awareness of one crime, may eclipse others. In other words, truth commissions may allow new narratives to become integrated into national histories, while also potentially if inadvertently figuring new silences.

As mentioned earlier, the IRS TRC has recently regrouped and chosen three new commissioners: Justice Murray Sinclair of Manitoba, Manitoba's first Aboriginal judge; Marie Wilson, a former journalist and CBC North regional director from Yellowknife; and Wilton Littlechild, Alberta regional chief of the Assembly of First Nations. The mandate has been extended by one-year in order to make up for the time lost due to the resignations of the former commission. In part, TRCs are about healing.<sup>11</sup> At the same time, as Joseph Slaughter (2007) writes, they are a "traveling civic lesson" (144). They work to educate a nation, and bring suppressed discourses into the public sphere. As IRS TRC moves forward, new questions, criticisms, and challenges will be raised. As a project that seeks to educate the Canadian (and international) public regarding this traumatic past, the TRC has the potential to reframe Canadian identity, and destabilize the myth of Canada as a tolerant nation. At the same time, the process requires recognition of the dynamics of power at play, and an understanding that national processes of reconciliation have the potential to re-inscribe existing structures of power as well as disrupt them.

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<sup>11</sup> These discourses of healing are often based on Western ideas of psychology and the self, without much mention of Aboriginal concepts of healing (Gone 2008).

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