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# Power through Testimony Reframing Residential Schools in the Age of Reconciliation

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and Karine Vanthuyne

Power through Testimony  
Reframing Residential Schools  
in the Age of Reconciliation



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# Contents

Foreword / vii

RONALD NIEZEN

Introduction / 3

BRIEG CAPITAINE AND KARINE VANTHUYNE

## **Part 1: The Truth and Reconciliation Commission in Action**

- 1 On the Making of a National Tragedy: The Transformation of the Meaning of the Indian Residential Schools / 29  
ERIC TAYLOR WOODS
- 2 Telling a Story and Performing the Truth: The Indian Residential School as Cultural Trauma / 50  
BRIEG CAPITAINE
- 3 Loving to Reconcile: Love as a Political Emotion at the Truth and Reconciliation Commission / 74  
ROBYN GREEN
- 4 Learning through Conversation: An Inquiry into Shame / 95  
JANICE CINDY GAUDET AND LAWRENCE MARTIN/WAPISTAN

## **Part 2: Conflicting Memories and Paths of Action**

- 5 Surviving as Mi'kmaq and First Nations People: The Legacies of the Shubenacadie Indian Residential School in Nova Scotia / 113  
SIMONE POLIANDRI
- 6 “National Memory” and Its Reminders: Labrador Inuit Counterhistories of Residential Schooling / 135  
ARIE MOLEMA
- 7 Remembering Residential Schools, Accounting for Decolonization through Development: Conflicting Viewpoints / 155  
KARINE VANTHUYNE

## **Part 3: (Un)reckoning with Historical Abuses**

- 8 The New Victims: Perpetrators before the Canadian Truth and Reconciliation Commission / 177  
JULA HUGHES
- 9 Residential Schools in Canada: Why the Message Is Not Getting Across / 198  
CHERYL GAVER

Epilogue / 220

CHARLES R. MENZIES

Acknowledgments / 224

Contributors / 225

Index / 229

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# Foreword

RONALD NIEZEN

FOR THOSE WHO HEAR of the testimony presented to Canada's Truth and Reconciliation Commission on Indian residential schools, it can be shocking to learn that the Government of Canada and the Anglican, Catholic, Presbyterian, and United Churches were responsible for a residential school policy that forcibly took tens of thousands of children from their families and incarcerated them in institutions with the intention of eliminating their distinct languages and ways of life. It can be especially troubling to learn about the prevalence of sexual abuse in these schools from those who, as children, were victimized by sexual sadists and about the lasting effects of their trauma into adulthood, within their families, and across generations. And for those who look further into the work of the TRC, it can be disturbing to learn that there was a lack of engagement in the process of recognition and reparation by the federal government for the harms of the schools, with minimal government participation in the TRC's events and obstruction of its access to official documents.

These are the kinds of experiences and issues that, rightfully, easily capture our attention. But as the chapters in this book show, there is much to be gained by looking beyond the most prominent harms and controversies, beyond the obvious sources of sympathy, and beyond the compelling ideas that readily provoke compassion and indignation in order to also inquire into those issues and ideas that tell us more about the bigger picture, about such things as the place of the TRC in the history of human rights and transitional

justice or the powerful influence of the mandates of truth commissions on the narratives they receive (or solicit) and the histories they produce.

The emotionally powerful narratives of abuse in the schools tended to make this issue the foundation of the TRC, but it is important to recognize that the sexual abuse of children is endemic in all institutions in which individuals are given absolute control over the absolutely powerless. Even though it was a central theme in the testimony to the TRC, sexual abuse in institutional settings is a much wider issue than that of the abuse that took place in residential schools. This point is illustrated by the fact that the Catholic Church has been challenged with the prevalence of pedophilia in the priesthood on a nearly global scale, with Pope Francis recently admitting in an interview, published in *La Repubblica* in July 2014, that “pedophilia is a leprosy within the Church that even implicates bishops and cardinals.” In *Restoring Dignity: Responding to Child Abuse in Canadian Institutions*, the Law Commission of Canada (2000) finds that sexual abuse is endemic in all institutions in which children are held, including orphanages, schools for the deaf, and so forth. And on occasion, those who had experienced abuse in related institutions appeared before the TRC to give testimony, including representatives of the Duplessis Orphans at the Montreal National Event. This aspect of the abuse of power relations targets children as vulnerable, not Indigenous peoples as subjects of assimilation policy. In a way, the pervasiveness of testimony about sexual abuse in Canada’s TRC tells us more about the consequences of institutional failure on a grand scale than about assimilation-oriented Indigenous policy. If children are at high risk of sexual abuse in all circumstances in which adults have unchecked power over them, what are the sources of harm that are unique to residential schools?

One of the things that stands out when we look for the bigger picture implied by this question is a basic historical correlation: the unfolding recognition of the harms of residential schools corresponds remarkably with the phenomenon sometimes known as the “human rights revolution.” The TRC is very much a part of a global phenomenon in which truth commissions have become a means toward social, constitutional, and political reform (some even apply the term “healing”) in the aftermath of mass crime. Moreover, Indigenous and Inuit people’s awareness that their rights were violated by the residential schools can be understood in the context of a growing acceptance of human rights as a pathway toward political autonomy on the margins of states. The claims of residential school survivors are in

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this sense closely connected to the emergence of the global Indigenous movement and to the more general emergence of human rights as a pathway toward the moral correction of states.

Canada's Truth and Reconciliation Commission is unique in the extent to which the harms of historical proportion for which the state was responsible were to a great extent unknown to the public at large. This is unheard of in other circumstances in which truth commissions have taken place. The public in South Africa did not have to be informed about the existence of apartheid; the people of Chile did not have to be given basic facts about the abuses of dictator Augusto Pinochet's regime; nor did the people of Guatemala have to be told about the existence of their civil war. In these circumstances, as with many others of a similar kind, there is a basic public consensus on the historical facts that are the focal point of the state's transition and the subject matter of the truth commission. In Canada, however, the existence of Indian residential schools in this sense was relatively remote from public attention or concern. This circumstance means that Canada's TRC is also unique in the extent to which it assumed the task of public education and of reforming the dominant historical narrative of the state.

Truth commissions, by their nature, are strictly limited in their ability to take on this task of historical reform. This limitation is particularly evident in the case of Canada's TRC. For one thing, the mandate of the commission restricted the range of inquiry through a narrow definition of the institutions known as Indian residential schools, excluding, for example, those that were run by provincial governments, those that incarcerated Métis children, who did not have federal recognition as "status" Indians, or even those that were attended by Innu and Inuit children in Labrador (now the subject of a class action lawsuit), which were excluded from the Indian Residential Schools Settlement Agreement on the grounds that they were not funded directly by the federal government. To these can be added a range of institutions that had a similar orientation to assimilation-through-education of Indigenous and Inuit children, including day schools and orphanages. That is, if the subject matter of the TRC was the forced removal and assimilation of Indigenous and Inuit children, this focus does not correspond to the narrow range of institutions that were the object of its inquiry, as formally defined in the Settlement Agreement.

The historical capacities of the TRC were also limited by the kind of testimony it received and solicited. This circumstance was related to the challenge it faced of overcoming public ignorance and apathy. The organizers

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and participants of the TRC were highly motivated in their efforts to cultivate awareness and sympathy, making this aspect of their work similar to the lobbying activities of those justice-oriented nongovernmental organizations that rely on donations and activist involvement and that seek to bring public attention to their chosen cause(s), sometimes attempting to overcome indifference by making the causes they represent easy to understand, by simplifying the sources of moral responsibility and the consequences of harm, and, above all, by making the harm stand out as repugnant, giving audiences a sense that they are being privileged to hear unspeakable truths.

The disadvantage of a commission that was oriented toward public engagement and the affirmation of survivor experience was that it largely excluded from view the ordinary ideas and experiences that were the foundation of the residential schools as a historical phenomenon. The repugnant behaviour that first captures our attention has a tendency to stand alone, to be the source of our indignation at the presentation of facts and the narration of experience. There is sad irony in the fact that many of the same ideals of progress, common humanity, and the realization of individual potential through education can be found both in the background of Indian residential schools and in the truth commission that sought to come to terms with the harms caused by these schools. If this is the case, what really went wrong? More to the point, how might these ideals go wrong again in other institutional settings? In an odd way, the focus on repugnant forms of harm and extreme suffering encourages a kind of complacency, which finds comfort in the idea that such obvious abuses are now visible to the world and could never happen again.

The fact that oversimplified messages arise almost naturally out of an effort to correct a condition of ignorance suggests that there is something important and unrecognized about the public reception of knowledge, particularly knowledge about rights and the harms of the state. What are the conditions that produce widespread public knowledge of a rights cause, as well as dissidence under circumstances in which acting on that knowledge is opposed by the state? Is there something inherent in new media that intensifies the memetic effects of communication, effects that at the same time diminish people's capacity to see beyond the enclosures of rediscovered identity and their own self-interest? To put this in more concrete terms, does the production of knowledge about residential school experiences encourage the creation of closed communities based on oversimplifications of complex realities? The emerging body of research on Canada's Truth and

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Reconciliation Commission on Indian residential schools, in which this book has a central place, suggests that the legal structures that limit what is sayable and the media that communicate what is said within those limits each contribute to narrowness and distortions of opinion. This circumstance means that to achieve its central goal – reconciliation on a grand scale out of an ambitious production of knowledge – the TRC was challenged by more than government obstruction and a lack of public interest in the truths it sought to make known. It first had to overcome new forces of enclosure, of nonreconciliation, particularly the tendency for communities to form around ideas that provide security and a sense of belonging while overlooking the costs of intolerance.

 Power through Testimony

# Introduction

BRIEG CAPITAINE AND KARINE VANTHUYNE

Brave survivors, through telling their stories, have stripped white supremacy of its legitimacy.

– Phil Fontaine, grand chief of the Assembly of First Nations, in response to the Government of Canada’s 2008 “Statement of Apology”

“THE RESIDENTIAL SCHOOL STORY is far from finished,” historian John S. Milloy (1999, 355) prophetically announced in one of the first published analyses of the history of the Indian residential school system in Canada. Since the publication of Milloy’s book in 1999, residential schools have become one of the most important topics in the field of Indigenous studies. In this volume, however, we do not examine this history per se but instead focus on how it is being revisited, reframed, broadcast, and received by a variety of Indigenous and non-Indigenous actors in the wake of the Indian Residential Schools Settlement Agreement in Canada. Do memories of residential schools, as they are now rearticulated, have the capacity to transform social relationships between Canadian society and Indigenous peoples? Can they put an end to the domination and inequality that has long characterized these relationships? Have these memories “stripped white supremacy of its legitimacy,” as suggested in the comment above by former grand chief of the Assembly of First Nations Phil Fontaine?

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Beginning in 1876, the Canadian government sought to educate Indigenous children and assimilate them into mainstream Canadian society by promoting, and then requiring, their attendance at church-run schools (Miller 1996; Chrisjohn and Young 1997; Milloy 1999). By separating children from their parents and communities, denigrating Indigenous ways of living and thinking, and practising punitive forms of discipline, the schools aimed to eradicate Indigenous languages and cultures. Although some children had positive experiences with caring teachers and good education, the system was chronically underfunded, mismanaged, inadequately staffed, and rife with disease, malnutrition, neglect, and death. It is estimated that of the approximately 150,000 children who attended these institutions, at least 4,000 died and that many more of them were victims of physical or sexual abuse (Walker 2014). Those who were not subject to extreme violence still suffered from severe loneliness, fear, and cultural oppression. The last residential school closed in 1996.

Until the 1990s, as sociologist Eric Woods explains in this volume, the residential school system was predominantly represented as a benevolent policy of assimilation through education that was implemented by the Canadian government for the well-being of First Nations children and all “Indian tribes,” more broadly (Milloy 1999, 6). Beginning in the 1960s, some bureaucrats and journalists attempted to raise public or governmental awareness of the injustices of the residential school system, but their levels of authority were not significant enough to impact dominant representations. However, this prominent image of the schools was shattered when Indigenous organizations and their academic allies, mainly non-Indigenous anthropologists (Haig-Brown 1988) and historians (Milloy 1999; Miller 1996), began to publicly reveal the extent to which the schools had been abusive. At the same time, the testimonies of former residential school students, many of whom came to collectively self-identify as survivors on the basis of shared experiences of mistreatment, became ever more audible thanks to the proceedings of the Royal Commission on Aboriginal Peoples. This inquiry, which took place between 1991 and 1996, eventually led to an important shift in authorship of the residential school story. Survivors’ voices, which had until then not been heard as publicly accepted truth (Million 2013, 93) or which remained constrained by courts’ procedures (Blackburn 2012), became historical facts. The residential school no longer symbolized a crime against individual students. Rather, as the voices of survivors entered the public sphere, the residential school system gradually

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came to be understood as a targeted program of assimilation deliberately organized by the state and religious institutions, the destructive effects of which are still being felt in Indigenous communities. *Breaking the Silence: An Interpretive Study of Residential School Impact and Healing as Illustrated by the Stories of First Nations Individuals* (Assembly of First Nations 1994) is an example of how the story of residential schools became the story of its survivors. Released by the Assembly of First Nations in the midst of increasing numbers of sexual abuse trials initiated by survivors and implicating residential school staff, it made explicit that survivors' "own interpretive frame would now be the frame from which they would tell the story" (Million 2013, 95).

The Royal Commission on Aboriginal Peoples was established in 1991 by the federal government in response to inherent antagonisms in state-Indigenous relations that had become acutely visible at the standoff in Oka, Quebec, in the summer of 1990.<sup>1</sup> It culminated in 1996 in a five-volume final report (RCAP 1996). The report covered a vast range of issues, including 440 recommendations that, all in all, called for the renewal of the legal and political relationship between Indigenous peoples and non-Indigenous peoples as well as between Indigenous peoples and the federal and provincial governments in Canada on the basis of the recognition of Indigenous nationhood (Turner 2013). Although most of these recommendations were tabled, ignored, or deferred, one issue, that of the confinement and abuse of Indigenous children in the Indian residential school system, was immediately addressed, since it made "the demands of Aboriginal redress amenable to a neoliberalising agenda" (Henderson 2013, 71).<sup>2</sup> In 1998 the Government of Canada's minister of Indian affairs offered a "Statement of Reconciliation" that expressed regret for "past actions that resulted in weakening the identity of Aboriginal Peoples, suppressing their languages and cultures, and outlawing spiritual practices" (Canada 1998, 2). It also announced a \$350 million healing fund to address, through community-based initiatives, the lingering issues faced by those who were physically or sexually abused in the schools (Llewellyn 2002). Litigation by survivors, which grew from 6,000 to 12,000 cases between the years 2000 and 2004 (McKiggan 2007), doubled, nonetheless, due to the government's failure to recognize the residential school system as fundamentally wrong and its refusal to acknowledge the cultural harms caused by the schools (Jung 2011). In response to this wave of legal claims, the government proposed and implemented an Alternative Dispute Resolution Process as a means to redirect claims from the

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litigation process, reduce costs and timeframes, and facilitate healing and reconciliation (Regan 2010). However, this process too was quickly criticized for being overly complex, excluding claims related to cultural damages, failing to include healing elements, and ignoring the broader implications of the residential schools (Aboriginal Healing Foundation 2002; Llewellyn 2002; Regan 2010; Jung 2011). Survivors' dissatisfaction with the government's Alternative Dispute Resolution Process was demonstrated by their unwillingness to comply: a 2005 government document reveals that of 13,500 claimants, merely 1,200 applied for the process (Funk-Unrau and Snyder 2007). Many survivors opted instead for a \$2.3 billion lawsuit, which was eventually given the green light to proceed to trial when the court ruled that the process did not represent a preferable means for settling the dispute (Regan 2010). In response to the numerous concerns raised about the Alternative Dispute Resolution Process, the government signed a Political Agreement in 2005, committing to negotiate a more adequate settlement process for former residential school students (*ibid.*; Jung 2011). However, news from the Ministry of Justice that the government did not intend to allow for their extensive involvement in the implementation of a compensation plan sparked further action (Barnsley 2005). Thus, in the wake of the Political Agreement, the Assembly of First Nations, led by then grand chief Phil Fontaine, launched a class action lawsuit against the government on behalf of all survivors and victims of the Indian residential school system.

In 2006 the Government of Canada and the churches that had once administrated the schools finally agreed with the Assembly of First Nations and regional Inuit representatives to an out-of-court settlement (Regan 2010). The Indian Residential Schools Settlement Agreement, the largest settlement of a class action lawsuit in Canadian history, involved (1) a healing fund and a commemoration fund, (2) a Common Experience Payment to every living survivor who attended an Indian residential school, (3) an Independent Assessment Process for individual claims related to physical and sexual abuse, and (4) a truth and reconciliation commission (IRSSA 2006).

On June 11, 2008, several days after the Truth and Reconciliation Commission officially began its work, Prime Minister Stephen Harper delivered an apology on behalf of the Canadian population to former residential school students. His speech, delivered in the House of Commons, was generally well received by Indigenous peoples, who found it to be a long-overdue show of public and political recognition of the extent of the harms

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done (Regan 2010). Unlike the “Statement of Reconciliation” (Canada 1998), Harper’s apology went beyond a narrow acknowledgment of the role of the state in setting up and running residential schools. It also recognized that the residential school system was based on a racist ideology that not only led to sexual and physical abuse but also caused long-lasting emotional damage. Moreover, the apology was addressed not solely to former students of residential schools but also to their families, their communities, and the Indigenous community writ large. This apology, claims anthropologist Eva Mackey (2013), was nonetheless framed in such a way as to limit the definition of the wrongdoing that was its subject. As a result, it dismissed responsibility for land theft and broken treaties. Many responses from Indigenous leaders, she continues, therefore “push[ed] at the boundaries of the apology” (ibid., 57) as a way of reminding the settler state about the importance of acknowledging these material issues if true reconciliation was to happen in Canada.

Embroided in the court proceedings around the scandals over child sexual abuse that began to come to light in the 1980s, religious institutions, whose power had by then considerably diminished, often had no choice but to publicly apologize. In 1986 the United Church presented its apologies to First Nations, although without explicitly mentioning residential schools. In 1991 the Reverend Doug Crosby presented apologies to First Nations people for what may have happened to them in the residential schools, as well as for the very existence of the schools, thereby acknowledging the imperialist undertaking in which the Catholic Church had taken part. The Royal Commission on Aboriginal Peoples then incited the Anglican and Presbyterian Churches to also present apologies in 1993 and 1994, respectively.

*Power through Testimony* looks at how residential schools are remembered and restored in the wake of the Settlement Agreement and related official apologies. Focusing on the memorialization of the residential school system as a symbolic action is a new approach, as the first studies of the agreement, conducted at around the time of its implementation, for the most part took an institutional or legal approach. These early studies of the agreement focused on the socio-political conditions that surrounded its creation (Kelly 2008; Stanton 2011), mandate (Jung 2011; Nagy and Sehdev 2012), limitations (Alfred 2009; Flisfeder 2010; James 2010; Snyder 2010; Czyzewski 2011; Kershaw and Harkey 2011), or potential (Regan 2010; Hughes 2012; Stanton 2012). As is the case with many other studies of policies and programs implemented to address historical injustices (Ensalaco 1994;

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Lemarchand 1994; Klosterman 1998), these first studies of the Settlement Agreement, for the most part, examined it from the point of view of its effectiveness. They did not appreciate the power of actors' stories and discourses to transform social relations.

This book focuses on that power, following the analytical framework developed by sociologist Tanya Goodman in her study of South Africa's Truth and Reconciliation Commission. In that study, Goodman (2009, 26) defines testimonies "as public acts of storytelling from a ritual and performative point of view." Her way of looking at public truth-telling processes is grounded in a horizontal conception of society that puts symbolic action and the meanings that actors give to social facts at the centre of social life. It builds on a number of sociologists' (Lamont 2000; Eyerman 2001; Alexander 2006) claims that communicative and symbolic dimensions are central to challenges of power structures emanating from victims of injustices.

Our approach, therefore, overcomes the normative conception of justice that informs most classical approaches to studying so-called transitional justice processes. Here, we examine how actors involved in the implementation of the Settlement Agreement, and the TRC in particular, have produced a new story about the Indian residential school system and how this symbolic action has succeeded, or not, in forging new attitudes and practices toward Indigenous peoples. The rules of most of the legal and political actions in which Indigenous actors have invested energy in order to practice their fundamental right to self-determination essentially remain set by the settler state (Tully 2002; Niezen 2004; Capitaine 2014). This situation has led many Indigenous intellectuals to privilege, instead, a more critical and symbolic approach to decolonization (Corntassel 2008; Million 2011, 2013). These authors insist on the power of restorying, or producing "counter-narratives of diplomacy, law, and peacemaking practices – as told by Indigenous Peoples themselves" (Corntassel, Chaw-win-is, and T'lakwadzi 2009, 138), as a key way of transforming power relations between settlers and Indigenous actors. We follow that perspective in this book.

Through a set of original contributions based on field research or text analysis conducted between 2010 and 2013, we highlight how the residential schools era has been resignified through the work of the TRC and the other reparation programs of the Settlement Agreement more largely. From our perspective, the TRC, like the Common Experience Payment and the Independent Assessment Process, is an actor that – through the events it organized, the forms and procedures it compelled, the data, testimonies,

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and artifacts it collected, and the actions it took – has defined what the Indian residential school system should officially mean. In taking this view, we follow in the footsteps of key scholars in the field of memory studies who have looked at crucial events, such as the fall of the Berlin Wall (Olick and Robbins 1998), as triggers of social recall and (non)acknowledgment of past wrongs. As we show, not only has the implementation of the Settlement Agreement prompted various forms of recollection of the residential school system; it has also encouraged Indigenous actors to denunciate other and ongoing colonial harms, as well as diverse forms of recognition and denial of such harms within the larger Canadian society.

What follows, therefore, is not an evaluation of what the TRC, the Common Experience Payment, and the Independent Assessment Process had accomplished, as per their mandate. We are not measuring to what extent these reparation programs met their goals as defined in the Settlement Agreement. Like anthropologist Ronald Niezen's (2013, xii) event ethnography of the TRC, we instead examine the agreement's reparation programs as institutions-in-the-making with key societal effects. Our contributions therefore address the following questions: What discourses and counter-discourses have Settlement Agreement reparation programs produced? What kind of performances have they encouraged? Which modes of identification have they activated? And how have these various processes or representations of the residential school system impacted participants and nonparticipants alike? Have they changed how settler colonialism is addressed in Canada?

The contributors to Part 1, "The Truth and Reconciliation Commission in Action," examine these questions by exploring the changing representational dynamics of the residential school system through time, as well as the current contribution of survivors to these dynamics. In so doing, they discuss the extent to which the residential school story that the TRC produced can contribute to liberating Indigenous selves and nations from still-dominant Eurocentric systems of assimilation. Whereas sociologist Eric Woods proposes a sweeping history of the transformation of public representations of residential schools in Canada since their establishment, sociologist Brieg Capitaine focuses on how the TRC has more particularly participated in the schools' resignification as sites of trauma. Cultural studies scholar Robyn Green then examines more precisely how expressions of love at the TRC may take on contradictory meanings from diverging positions. The section concludes with a conversation between Métis human kinetics scholar Janice Cindy Gaudet and Cree traditional knowledge keeper and

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Mushkegowuk grand chief Lawrence Martin about shame and the role of Cree and Métis legends in healing.

Contributors to Part 2, “Conflicting Memories and Paths of Action,” situate the public representation of residential schools that the TRC has produced within larger histories and personal experiences of colonization and dispossession. They underline the new forms of exclusion that this reading of the Indian residential school system is generating by highlighting the contrasting meanings that forced residential schooling takes on from divergent positions. Whereas anthropologist Simone Poliandri outlines how “being survivors” has become an additional form of individual and collective form of identification among the Mi’kmaq of Nova Scotia, anthropologist Arie Molema sketches the exclusions and remainders of memories that the Settlement Agreement, as the legal institution that now recognizes who a survivor is, has produced among the Inuit of Labrador. Anthropologist Karine Vanthuyne then discusses the competing narratives of forced residential schooling she has encountered among the Cree of Eeyou Istchee.

Contributors to Part 3, “(Un)reckoning with Historical Abuses,” explore how former school staff, and church organizations more largely, received the residential school story that the TRC produced. Legal scholar Julia Hughes shows how, in their reporting on the work of the TRC as its events unfolded, Anglican, Catholic, and United Church journals, despite addressing the residential school system and its legacy, usually failed to capture the systemic and institutional impacts of this system as part of a broader set of colonizing policies. Religious studies scholar Cheryl Gaver outlines resistance to the representation of the residential school system as tragedy among the Anglicans she surveyed in Northwest Territories and Yukon. At the root of such resistance, she identifies ignorance, indifference, positive personal experiences in the schools, and colliding worldviews.

## **Transitional Justice and Decolonization**

The TRC, along with the Common Experience Payment and the Independent Assessment Process, has contributed to the formalization of the field of transitional justice. To what extent, some of us therefore wonder, is the implementation of a transitional justice program effective in addressing ongoing settler colonialism in Canada? Is it enabling a genuine transformation of Indigenous-settler relationships? How has the TRC contributed to the decolonization of the institutional logic that holds sway over the

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relationships between Indigenous peoples and Canadian society? Responses to these questions are varied: whereas some see the symbolic activity of the TRC as a path for increased agency and for the reclaiming of freedom by Indigenous peoples in Canada, others are more critical, pointing out the difficulty actors face in extending reparations beyond the legacy of the residential schools.

The term “transitional justice” emerged in the late 1980s in the context of Latin American countries’ so-called transitions to democracy (Lefranc 2008). It has since been used by an increasing number of postconflict experts and scholars to describe and legitimize a global set of standardized policies and programs favouring restorative over retributive justice (Arthur 2009).<sup>3</sup> Retributive justice focuses on committed crimes, their perpetrators, and the evaluation of offenders’ sentences, given the severity of their actions. Restorative justice focuses instead on the negative consequences of these crimes for victims and what needs to be accomplished to reverse or at least reduce these impacts. Grounded in a restorative justice approach, transitional justice and its different modalities – including truth and reconciliation commissions, reparation programs such as the Common Experience Payment and the Independent Assessment Process, and projects of commemoration – are therefore primarily focused on victims of abuse, not their perpetrators. Although promoters of transitional justice recognize that it is not possible to repair the deleterious impacts of crimes committed during prolonged episodes of political or institutional violence, they hope to contribute to the wider acknowledgment of such wrongdoings and their impacts through the implementation of transitional justice programs and, as a result, to restore the dignity of victims and promote their reconciliation with the wider society.

Through a critical analysis of the Settlement Agreement, political scientist Courtney Jung (2011) has highlighted some of the potential complexities involved in using a transitional justice framework to process Indigenous demands for justice in Canada. The framework of transitional justice, she reminds us, was originally devised to facilitate reconciliation in countries undergoing transitions from authoritarian regimes to democracy – not to renegotiate the terms of the Indigenous-settler relationship on the basis of the recognition of Indigenous nationhood, as recommended by the Royal Commission on Aboriginal Peoples. Despite the constitutional changes of 1982 that entrenched Indigenous rights, the same governmental system under which the residential school system operated continues – including

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the Indian Act, the Indian reserve system, and the status of Indigenous communities as constitutionally subordinated jurisdictions controlled by a government primarily accountable to outsiders (James 2010). Therefore, Jung warns that treating Indigenous demands for justice as a matter of human rights is an ethically loaded project, as it risks legitimating the status quo between the settler state and Indigenous peoples in Canada.

This preoccupation was compounded by the relatively weak mandate of the investigative arm of the Settlement Agreement, the TRC. This body lacked subpoena powers and was prohibited from naming any individual accused of misconduct in its report, activities, or events, unless their identity had already been established through legal proceedings or through admission or public disclosure by that individual. Political scientist Matt James (2012, 190) argues that a ban on naming “means that even the limited sanction of negative publicity for the architects and perpetrators of abuses – often important to the idea of transitional justice as conventionally understood – is unavailable to the Canadian Commission.” Given such limitations, political scientist Rosemary Nagy (2013) wonders to what extent the TRC had the capacity to advance decolonization, which she defines, following historian Waziyatawin Angela Wilson and sociologist Michael Yellow Bird, as “overturning the colonial structure and realizing Indigenous liberation” (ibid., 59). Such a deep structural change, she argues, would require settlers’ expansive interpretation of residential schools not merely as a policy gone wrong but also as part of a larger program of colonization. Nagy argues that for this to happen, settlers must take ownership of colonial violence, past and present, debunk deeply ingrained colonial attitudes and patterns of behaviour, and recognize the direct, historical relationship between their privilege and Indigenous relative deprivation. Was the TRC able to accomplish these highly important yet vastly complex tasks?

It is important to note that, as we explained above, the Settlement Agreement was not imposed by the settler state on Indigenous peoples but was the outcome of a court-supervised settlement to a class action lawsuit launched by survivors (Stanton 2011). It was negotiated by representatives of the state, the churches, and Indigenous organizations, and as James (2012, 189) explains, these negotiations were shaped “by the dissatisfaction of all the parties with the adversarial nature and slow pace of the conventional legal process on the one hand, and by the longstanding desire of victims for a broader societal focus on their experiences on the other.” Following legal scholar Kim Stanton (2011), James (2012, 189) argues that although the

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precise role that individual survivors played in these negotiations is unclear, they remained “the driving force behind the settlement negotiations.” He further explains that with respect to the inclusion in the agreement of a truth commission more specifically, the prolonged reluctance and resistance of the state and the churches to acknowledge survivors’ claims of injustice committed in and as a result of the residential school system “made the struggle for a truth commission one about voice and respect. Residential school survivors demanded that Canada open up, listen, learn, and start taking responsibility for the damage caused. The Commission is their victory and tribute” (ibid., 184).

As one of several components of the Settlement Agreement, the TRC was designed to discuss residential schools in a more contextualized manner than the Common Experience Payment and the Independent Assessment Process. Certainly, on the part of many survivors, especially those who shared the Assembly of First Nations’ model for a truth commission,<sup>4</sup> there was a desire to implement public education on larger systemic and collective issues (Nagy 2013). As then grand chief of the Assembly of First Nations Phil Fontaine stated, “Canadians have to accept in the fullest way possible that the story of the residential school experience is also their story” (quoted in ibid., 58). To this end, the TRC’s commissioners defined the goal of reconciliation as societal healing, grounded in interpersonal understanding and forgiveness. James (2012, 195) believes that the emphasis on “the emotional need for understanding and support of individual residential school survivors” and “the remarkable power of the decision to forgive” that this definition relies upon may at first seem to come at the cost of overlooking structural oppression and inequalities – as political scientist Mahmood Mamdani (2002) has ardently criticized in regard to South Africa’s Truth and Reconciliation Commission. This is what many Indigenous scholars have also decried. For political scientist Taiaiake Alfred (2009, 181), for instance, reconciliation, as it has been framed in the Settlement Agreement, is “an emasculating concept, weak-kneed and easily accepting of half-hearted measures of a notion of justice that does nothing to help Indigenous peoples regain their dignity and strength.” According to Alfred, it is impossible to advance decolonization from within colonial institutions whose establishment had the effect of reducing and weakening Indigenous peoples. What is instead needed is the development of a “restitution-reconciliation peace-building process” (ibid., 183). This approach would entail that Canadian society recognize in a concrete way the illegitimate appropriation of

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Indigenous territory and negation of the Indigenous right to self-determination. Political scientist Jeff Corntassel and philosopher Cindy Holder concur. According to them, the TRC, like all other modern truth commissions, has participated in marginalizing, concealing, and rendering invisible the issue of political self-determination for Indigenous peoples. These authors argue that by focusing on the construction of a new, more inclusive nation, the TRC has engaged in a politics of distraction that has “shift[ed] the discourse away from restitution of indigenous homelands and resources and ground[ed] it instead in a political/legal rights-based process that plays into the affirmative repair policies of states and ultimately rewards colonial injustices” (Corntassel and Holder 2008, 472).

Yet James (2012, 196) shows that the TRC commissioners insisted on their intent to promote an affective understanding of reconciliation as a way to “undermine racist myths of Indigenous inferiority, expose the destructive impact of the residential schools and showcase the resilience of Indigenous cultures.” Undermining settler ignorance was their way of enhancing Indigenous peoples’ self-determination agendas. To what extent has this particular process of epistemological decolonization for the sake of promoting Indigenous nations’ sovereignty among the larger public, and more particularly among the churches’ clergy and congregations, been effective?

Jula Hughes’s contribution to this volume suggests that the TRC’s stress on interpersonal understanding and forgiveness may have instead promoted what she calls conciliatory mimicry among the churches that once administered and staffed the residential school system. Hughes defines conciliatory mimicry as “a resort to making people and institutions almost, but not quite, the same” in order “to legitimate power and to maintain a comfortable balance between sameness and difference.” Drawing on textual analysis of documentation produced by the TRC, she argues that as a response to its lack of subpoena powers, and consequential inability to compel the participation of alleged perpetrators, the TRC reframed the status of the churches so that rather than being seen as potentially guilty parties, they were seen as co-victims of the residential school “experience.” This reframing, she demonstrates, not only narrowed the conceptual gap between victims and perpetrators but also significantly altered the content of their contribution to the TRC. She notes that in their reporting of the work of the TRC, Anglican, Catholic, and United Church journals tended to focus on positive experiences at the schools or to externalize negative experiences either by attributing them to schools run by another church or by focusing on

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student-to-student mistreatments or intergenerational legacies. Hughes therefore concludes that “the depiction of the reconciliation process of the TRC in church publications completely failed to capture the systemic and institutional impacts of the residential school system as part of a broader set of colonizing policies ... Indigenous material exclusion, political underrepresentation, and economic and human insecurity all remained largely hidden from view.”

In the end, therefore, few people in the churches seem to be getting the message, to paraphrase the title of the chapter by Cheryl Gaver. Giving voice to survivors’ experiences does not seem to suffice, as James (2012, 199) warns, as a means “to produce larger societal understandings of colonialism as a system, or even to situate residential schools as core institutions in a colonization agenda of land theft and political dispossession.” Drawing on an extensive ethnographic survey of Anglican Church clergy and congregations in the Northwest Territories, Gaver identifies additional roadblocks to this process of epistemological decolonization: indifference and ignorance, knowledge based on personal experience, and colliding worldviews. She explains that “some people are simply not interested and never will be.” Others have difficulty acknowledging their church’s responsibility. Some know former students who had positive experiences, or they perceive forgiveness from harmed students to be long-coming despite all the efforts they have deployed to repent. However, Gaver finds that the most significant obstacle is that any conversation about “the invisible and intangible dimensions that impacted students in subtle ways, even when schools or staff were respectful of Indigenous cultures,” is missing. Although colonialism has been reckoned with, coloniality is still being ignored.

As postcolonial theorist Walter Mignolo (2005) explains, “colonialism” refers to specific historical periods and places of imperial domination, whereas “coloniality” refers to the logical structure of colonial domination. “Coloniality, therefore, points toward and intends to unveil an embedded logic that enforces control, domination, and exploitation disguised in the language of salvation, progress, modernization, and being good for everyone” (ibid., 6). Unveiling this logic, continues Mignolo, names the experiences and views of the world and history of those whose humanity has been denied and, in so doing, decentres so-called modernity as the one and only frame of knowledge. This process of decentring has yet to happen among the larger Canadian public, but it is required for decolonization to take place in this country.

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## Remembering the Schools, Restorying the Relationship

The decolonization of Indigenous peoples in Canada does not, however, depend solely on the activity of governmental and religious institutions or on the activity of Indigenous leaders. If we are to understand the degree and scope of the effects of these processes of renegotiation of unequal power dynamics, attention must also be paid to the performative and symbolic nature of power (Alexander 2011).

To this end, Indigenous intellectuals attempted very early on to decolonize sites of knowledge production – in particular, sites of scientific knowledge production (Kovach 2009; Smith 2012). In addition, and more recently, these intellectuals have begun to see artistic, literary, and narrative expressions as vehicles for a powerful form of decolonization: “We need to recognize our own power to reposition these [colonial narratives], to reattach and play new meaning to old horror, to renarrate, to restory our attachments, and certainly to live them differently, to speak to power differently” (Million 2011, 328). In their chapter, Janice Cindy Gaudet and Lawrence Martin show how conversation has a challenging effect on systems of shame. It evokes empathetic reflexivity of its effects in personal lives and everyday relationships. In so doing, they remind us that the TRC not only opened up institutionalized spaces of testimony but also increased communication as intersubjectivity. By grounding their analysis in the intimate experience of shame, they show how conversation can be a concrete process of subjectivation, which in the form of irony or laughter can sometimes help to overcome the shame of being itself.

The approach proposed here involves envisaging power not in its material or structural dimension but in its symbolic dimension. In so doing, it reassesses the materialist critique of the TRC. For James (2012), even though the truth that emerged from the commission did not identify precise actors and institutions responsible for past injustices, which would potentially have cleared the way for real reparations, the TRC, by being victim-centred, acted as a symbolic reversal of the power relations and colonial knowledge assumptions that had been embodied in the schools and that continue to be woven into Canadian institutions and society today. It is no longer the authorities who are constructing historical accounts; rather, by speaking out at national or regional TRC events, the survivors constructed a new collective memory – one that runs counter to and questions the status quo of Canadian history.

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Social science's interest in groups' collective memories has increased dramatically in recent decades, leading to the re-editing of the pioneering studies of sociologist Maurice Halbwachs (1925, 1968). In opposition to the psychological approach to memory of philosopher Henri Bergson (1896), Halbwachs defined individual recollections as the product of collective memories – that is, the collective representations of the past that social groups share. Many social scientists, as anthropologist Joël Candau (2005) explains, have criticized Halbwachs concept of collective memories for presupposing the existence of a collective consciousness “external and superior to individual minds” (Bastide 1970, 82; our translation). From this Durkheimian perspective, Candau continues, individuals are considered to be the passive repositories of a collective memory predetermined by the needs and interests of the groups to which they belong. However, other social scientists, such as political scientist Marie-Claire Lavabre (1998), anthropologists Maria G. Cattell and Jacob J. Climo (2002), and sociologists Jeffrey K. Olick, Vered Vinitzky-Seroussi, and Daniel Levy (2011), claim that Halbwachs was not so much “in favour of a supraordinate mind, but in favour of shared or collective thought arising from interactions among individuals as members of groups” (Cattell and Climo 2002, 4). They therefore highlight the value of some of his theoretical postulates, such as Halbwachs's (1992, 40) insistence on the role of shared memories in constituting group identities over time and his contention that “the past is not preserved but is reconstructed on the basis of the present.” From this perspective, individuals remember as members of social groups – that is, as social beings with reference to social identities. Their memories are the product of a selective process of interpretation of the past that usually follows their groups' political ends. Thus, alongside victors' collective memories and identities, victims' counter-memories emerge to question the status quo (Foucault 1997).

Since their apparition in the 1980s in the wake of Latin America's transition to democracy (Lefranc 2008), truth commissions have become key sites for the struggle to reckon with victims' counter-memories of abusive pasts. Thanks to their use of a predominantly victim-centred approach, as we have argued above, truth commissions are considered by their sponsors to be a powerful means “to lift ... the lid of silence and denial from contentious and painful periods of history” (Hayner 2002, 25). But what is the status of counter-memories produced through truth commissions? If memory

work was once imagined as a practice oppositional to hegemonic power, to paraphrase performance studies scholar Jill Lane and anthropologist Marcial Godoy-Anativia (2010), in what ways has the institutionalization of such work transformed strategies of counterhistory production and truth telling among history's victims? Have residential school survivors embraced the official countermemory and associated identities that Canada's TRC has produced, or are they creating new ones?

In his chapter, Eric Taylor Woods discusses the long and difficult process of representation of the history of residential schools in the public sphere and finds that the ability of the TRC to engender a lasting countermemory, one collaboratively constructed with participants, rests in part on the social positioning of those who spoke up at its events. This countermemory needed to acquire the ring of truth, and the key element of this process was the social distance between those who spoke up and those who listened (Alexander 2012), as well the legitimacy of those who articulated this new memory. Brieg Capitaine shows that residential schools, when accorded the status of cultural trauma, become a reference point that delineates spatial and temporal frontiers. Spatially, a distinction is made between "us" and "the others"; temporally, boundaries are created between a mythical past, a present of deprivation, and a future marked by resistance and by a new collective identity. The "success" of the TRC in implanting this countermemory derived not only from a narrative framework sufficiently large to make identification possible but also from the social proximity between Indigenous peoples, most of whom had a period in their personal trajectories when they experienced emptiness, violence, and in some cases, resilience. The singular experience of residential schools and the collective discourse around cultural collapse, but also the positivity and the resistance of survivors, all found an echo with the TRC's Indigenous audience.

In her chapter, Simone Poliandri shows that in the case of the Mi'kmaw, this countermemory – like the "survivor" identity that is attached to it – arouses a strong sense of identification and has generated new social, political, and legal struggles. Here, the figure of Nora Bernard, a Mi'kmaw survivor and former director of the Shubenacadie Indian Residential School Association, is central. The charismatic legitimacy of the actors plays an equally important role in the transmission of this memory. In this sense, Poliandri's contribution echoes Niezen's (2013) analysis of the TRC, which shows how the countermemory of residential schools that has been produced in its wake relies on a set of scientific knowledges and rationalist paradigms

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that exert an influence in return, primarily through the notion of historical trauma. The legal-rational legitimacy may thus also play a role in the transmission and the status of this countermemory.

Nevertheless, one of the by-products of the narrative constructed by the TRC is that it renders the experience uniform even as the telling of it, the giving of voice to it, signifies for the actors a concrete demonstration of their own subjectivity, reflexivity, and capacity to position themselves in the social space while not losing themselves therein. Moreover, in his chapter, Arie Molema shows that, because it emerges in part out of the mandate of the TRC and the methods of the Settlement Agreement, this countermemory cannot help but exclude certain victims and privilege a particular truth, as is often the case with truth commissions (Hayner 2002). Not all memories of forced schooling have been recognized, adjudicated, and valued the same by the Canadian settler state through its implementation of the agreement. Only survivors who attended an institution that has been formally recognized as a residential school in the agreement have received the Common Experience Payment and been considered eligible for the Independent Assessment Process. Favouring another approach, since it found “the exclusion of these students [from nonrecognized residential schools] a serious roadblock to meaningful and sincere reconciliation,” the TRC (2012, 9) welcomed the participation of all former students, regardless of the institutions they had attended. Nonetheless, this policy did not prevent some nonrecognized students from feeling, once again, as though they were nobody’s children (Cuffe 2012). As one woman told Molema, “The TRC thinks that because I speak the truth, I’m on the step to *healing*. No ... It takes a whole lot more than *talking* ... Three o’clock in the morning when everybody’s asleep and I can’t sleep. And I’m alone in the world. And the thoughts are going around in a circle.”

Poliandri also discusses survivors from formally recognized schools whose experiences resisted the kind of verbalization the TRC prescribed. In the healing workshops that he attended in the Mi’kmaq communities where he conducted his research, Poliandri met people who remained silent most of the time, but when they did choose to speak, they voiced “pain – ‘right here, deep inside my guts.’” To be sure, the pain that any kind of violence provokes usually “encompasses an irreducible nonverbal dimension that we cannot know – not at least in any normal mode of knowing – because it happens in a realm beyond language” (Morris 1997, 27). Yet some silences about experiences of violence are not intrinsic but are socially and politically

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produced. The Settlement Agreement, as a legally sanctioned collective memory of Canada's colonial past, commends what survivors and nonsurvivors alike ought to reckon as abusive or nonabusive, condemnable or noncondemnable, and related to or unrelated to their experience of residential schools and settler colonialism more largely. However, this situation does not mean that all survivors have embraced this memory of the schools and of the larger history of settler colonialism in Canada.

In this volume, Karine Vanthuyne shows that, although some of the Cree of Eeyou Istchee's narratives of mandated schooling focus on the mistreatment and loss of close family relations, others emphasize resistance to abuses and the useful acquisition of English literacy in order to take things over. She argues that the contrasts between these two kinds of accounts are grounded in diverging assessments of the well-being of the Cree following the ratification of the James Bay and Northern Quebec Agreement. Some Cree believe that their greater integration into the settler states of Canada and Quebec through this agreement has been beneficial since it has allowed their nation to regain its self-reliance. Others feel that it has meant the demise of their essentially nonmaterialistic way of relating to their social world. This disagreement echoes ongoing debates in Cree territory (Lapointe and Scott forthcoming) and beyond (Preston 2013) about the ability of Indigenous nations to maintain their cultural identity in the face of growing externally led developments on their homelands, such as hydro-electric dams, forestry industries, and mines.

Therefore, although the Settlement Agreement, as Canada's official, new collective memory of its colonial history, might have the power to shape how this past is currently and predominantly accounted for in this country, it does not restrict the terms of the conversations Indigenous actors have about it in Canada. Although this memory tends to ignore issues of land and governance to focus instead on institutionalized child abuse, what Indigenous peoples end up speaking about when they discuss the schools are these very issues. In this volume, Robyn Green shows how some survivors who testified at the TRC's events actually subverted the compartmentalization of colonial experiences that the Settlement Agreement has produced. By identifying the connection between residential schooling and dispossession, they gestured toward the realization of sovereignty, both political and territorial. Looking more specifically at the meaning that participants at TRC events gave to the term "love" and the activity of loving, Green argues that although their expressions of love are inscribed in a project of humanity

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