

Memory, Apology and Reconciliation

Michael A Murphy, *University of Northern British Columbia*
murphym@unbc.ca

“Racism and/or paternalism also led officials to treat Aborigines as objects to be manipulated, as a “problem” to be resolved in order to refine the planned white Australian social order.”
 (Anthony Moran, ‘White Australia, Settler Nationalism and Aboriginal Assimilation,’ 178)

“The importance of the civilizing mission far outweighed issues of justice for the children.”
 (Canada, Royal Commission on Aboriginal Peoples, *Final Report*, 371)

Introduction

Coming to terms with a legacy of historic injustice is a key political challenge for democracies seeking a pathway to national reconciliation in the context of deep and abiding social divisions, where trust and mutual understanding are in short supply. This is especially true for fragile democracies seeking consolidation in the aftermath of a period of violent authoritarian rule, where neither stability nor the emergence of a peaceful, human rights oriented public culture can be taken for granted. South Africa’s experiment with a Truth and Reconciliation Commission (SATRC) is perhaps the most familiar of these exercises in transitional justice, but similar efforts to marry democratic consolidation with a measure of justice to the victims of oppression and systematic human rights violations has rapidly become a standard feature of post-conflict transitions in strife-torn regions of the world.¹

Yet issues of historic reparation and redress are not confined to transitional democracies. Increasingly they are finding their way onto the political agendas of relatively stable democratic countries struggling with their own unsavoury pasts, and with a contemporary legacy of social divisions linked to the experience, and memory, of those pasts. Among the more prominent examples are states founded on the historic displacement and subjugation of indigenous peoples in the Americas and Australasia. Aggressive and racially motivated assimilation policies, theft of land and resources, violations of ancient treaties, and the denial of the most basic rights of citizenship are among the many issues to be confronted on this difficult, and highly politicized agenda. State responses have varied nearly as much as the challenges to be met, and have included fact-finding and advisory missions such as the Canadian Royal Commission on Aboriginal Peoples or Australia’s Council for Aboriginal Reconciliation, treaty reparations commissions such as New Zealand’s Waitangi Tribunal, agreements to repatriate cultural artefacts and human remains held in public museum collections, and a variety of initiatives to negotiate rights to land, natural resources, self-government and power-sharing.

My own focus in this paper is on one small, but relatively significant, element that sometimes plays a role in broader reconciliation initiatives – official apologies. As with so many other facets of the politics of reconciliation, the role of apology is controversial, at times strenuously resisted, and its purpose and significance not always well understood. My intention is to provide a moral and a practical defence of official apologies as part of a broader strategy of reconciling with historic

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¹ See Dyzenhaus, “Justifying the Truth and Reconciliation Commission,” *The Journal of Political Philosophy* 8 (2000): 470-96; Robert I. Rotberg and Dennis Thompson, eds., *Truth v. Justice. The Morality of Truth Commissions*, (Princeton: Princeton University Press, 2000); and Naomi Roht-Arriaza and Javier Mariezcurrena, eds., *Transitional Justice in the Twenty-First Century. Beyond Truth Versus Justice* (Cambridge: Cambridge University Press, 2006).

injustice, and to try to answer some of the more influential objections from the sceptics along the way. The argument is constructed in relation to two case studies: the stolen generations controversy in Australia, and the legacy of the residential school system in Canada. Both cases involved government efforts in the 19th and early 20th centuries to reculturate indigenous children as part a broader policy directed towards the assimilation and disappearance of traditional indigenous communities and cultures. The arguments are intended to speak both to the specifics of these two cases but also to the role of official apology in reconciliation politics more generally. I begin with a brief sketch of the key facts and assumptions pertaining to reculturation policies in Australia and Canada, followed by an even briefer account of the contemporary debates that have emerged in both countries regarding the role and legitimacy of public apologies to the victims of these policies and their families. Subsequent sections critically examine some of the key moral and practical arguments for and against official apologies as a means of responding to past injustice, followed by a brief conclusion.

Reculturation

Australia - The Stolen Generations

Among the many memories of historic injustice borne by current generations of indigenous peoples in Australia and Canada, those linked to the coercive reculturation of indigenous children and efforts to suppress, even destroy, indigenous languages, cultures and forms of spirituality are among the most difficult to abide.² In Australia, beginning in the 19th century, reculturation efforts went hand in hand with the policy of removing indigenous children from the care and comfort of their families and communities. Although the decentralized nature of indigenous policy making at the time resulted in a relatively haphazard and uneven policy landscape (prior to 1967 the Australian states had exclusive jurisdiction over indigenous affairs), by some point or another in the 19th century Australia every state had a law on the books authorizing the removal of indigenous children from their parents.³ The *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* was presented with evidence of child removal by a variety of means, including stealth, deception, force, and duress.⁴ Children were removed to a variety of different locations, including state sponsored industrial schools, religious missionary facilities, and orphanages, while others (particularly half-caste girls) were placed directly under the fostership of white families. While the exact number of children affected remains unknown, it has been estimated that from 1910 to 1970 somewhere between one in ten and one in three indigenous children were separated from their homes and families, and that few indigenous families entirely escaped the impact of the removal policies.⁵

Specific rationales for the separations varied across states and individuals but one overarching motivation that dominated this fractured policy landscape was the conviction that indigenous children must be prepared for entry and assimilation into white society, and that for this to be accomplished the children needed to be removed from the backward and debilitating

² For some first hand accounts of the impact of these policies see Canada, Royal Commission on Aboriginal Peoples. 2007. *For Seven Generations. An Information Legacy of the Royal Commission on Aboriginal Peoples* (CD-ROM). Ottawa: Libraxus; and Australia, Human Rights and Equal Opportunity Commission. 1997. *Bringing Them Home. National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*. Sydney: Sterling Press.

³ See Anna Haebich. *Broken Circles: Fragmenting Indigenous Families 1800-2000*. (Perth: Fremantle Arts Center Press, 2000); *Bringing Them Home*, 27-150; and John Chesterman and Brian Galligan, *Citizens Without Rights: Aborigines and Australian Citizenship* (Cambridge: Cambridge University Press, 1997), 24-7, 55-6, 127, and 145-9. The Commonwealth Government was responsible for removal policies in the Northern Territory between 1911 and 1978.

⁴ *Bringing Them Home*, 5-10.

⁵ *Ibid.*, 37.

influences of their indigenous families, communities, and cultures.⁶ Such was the intensity of this conviction that in some parts of Australia, simply being born indigenous was enough for a child to be categorized as neglected and removed to an industrial school or a reformatory for purposes of improvement.⁷ Authorities in favour of the removal policies were not unaware of the trauma and suffering this inflicted on the indigenous families, but felt it was justified by the greater good of uplifting the children from their degraded cultural surroundings and setting them on the path of improvement and civilization. In the words of one Western Australian Parliamentarian: "...it may appear to be a cruel thing to tear an Aborigine child from its mother, but it is necessary in some cases to be cruel to be kind."⁸ In its earlier manifestations, the denigration of indigeneity that made this sort of callousness possible assumed both biological and eugenic dimensions. Full-blooded Aborigines, who were generally regarded as members of an inherently and irreversibly inferior race on its way to extinction, were to be segregated from the rest of society, for reasons which included their own comfort and protection but also the need to prevent any further contamination of the white race. Mixed-race Aborigines, on the other hand, meaning those whose genetic stock had been improved through the admixture of European blood, were regarded as suitable candidates for assimilation, hence the initial focus of the removal policies on children of mixed European and indigenous ancestry.⁹ As the first Commonwealth Native Welfare Conference concluded in 1937: "...the destiny of the natives of aboriginal origin, but not of the full blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end."¹⁰

More controversial, even at the time, was the policy of biological absorption officially advocated in the 1930s in the Northern Territory and Western Australia, wherein the goal was the complete disappearance of the Aboriginal race through multiple generations of controlled intermarriage of mixed-race Aboriginals with whites.¹¹ As explained by Cecil Cook, Chief Protector of Aborigines for the Northern Territory: "Generally by the fifth and invariably by the sixth generation, all native characteristics of the Australian aborigine are eradicated. The problem of our half-castes will quickly be eliminated by the complete disappearance of the black race, and the swift submergence of their progeny in the white..."¹² In spite of the convictions of Cook and others, in the years following the end of the second world war an indigenous policy grounded in these sorts of genetically-driven notions of racial hierarchy became ever more politically and scientifically

⁶ *Bringing Them Home*, 28-33; Haebich. *Broken Circles*, 131-56; Bain Attwood, "The Burden of the Past in the Present," in ed., Michelle Grattan, *Reconciliation*. (Melbourne: Black Inc., 2000), 257.

⁷ Chesterman and Galligan, *Citizens Without Rights*, 56. See also Van Krieken's discussion of efforts in New South Wales to circumvent the usual standards of child neglect in the case of indigenous children by emphasizing the importance of the child's 'moral' environment. Robert van Krieken, "Assimilation and Liberal Government," in Tim Rowse, ed. *Contesting Assimilation*. (Perth: Australia Research Institute, 2005), 40-1.

⁸ J. M. Drew, Parliamentary Debates, Western Australia, 1904. Cited in *Bringing Them Home*, 103 (see also 122, 132-3). See also Fiona Paisley. 2005. "Mary Bennett and Chief Protector Neville: Protection, Absorption and the Future of the Aborigines," in Tim Rowse, ed. *Contesting Assimilation*. Perth: Australia Research Institute, 71-84 at 80-1.

⁹ *Bringing Them Home*, 28-33; Haebich. *Broken Circles*, 188-200; Robert Manne, "The Stolen Generations," in ed., Michelle Grattan, *Reconciliation*. (Melbourne: Black Inc., 2000), 129-39; Anthony Moran, "White Australia, Settler Nationalism and Aboriginal Assimilation," *Australian Journal of Politics and History* 51 (2005): 168-93, at 174-6; and Andrew Markus, *Australian Race Relations 1788-1993* (St. Leonards: Allen & Unwin, 1994), 77-8. The term "Aborigines" here reflects historical usage

¹⁰ *Bringing Them Home*, 32; Moran, "White Australia," 175-6; and Alison Holland. 2005. "Saving the Race: Critics of Absorption Look for an Alternative," in Tim Rowse, ed. *Contesting Assimilation*. Perth: Australia Research Institute, 85-99.

¹¹ Moran, "White Australia," 175-8; Fiona Paisley. 2005. "Mary Bennett and Chief Protector Neville: Protection, Absorption and the Future of the Aborigines," in Tim Rowse, ed. *Contesting Assimilation*. Perth: Australia Research Institute, 71-84.

¹² Quoted in *Bringing Them Home*, 137.

unsustainable, precipitating a gradual shift away from biological towards cultural conceptions of assimilation. What did not change was the assumption that indigenous cultures and lifeworlds were inferior and in need of correction, and that the break-up of indigenous families could be justified as a means of achieving this outcome.¹³

Policies aimed at separating indigenous children from their families, in both their biological and cultural phases, were in fact part of a broader system of control and social engineering that governed most aspects of indigenous life in Australia from the 19th to the late 20th century. Under this system, basic rights and freedoms were rationed in relation to different government mandated gradations of Aboriginality – measured either in terms of blood percentage or cultural characteristics – while the interests of indigenous peoples were largely defined for them by non-indigenous institutions and decision-makers. This system of control, which again had its distinctive manifestations in the different Australian states, incorporated a bewildering array of measures including both physical segregation and forced dispersal, denial of the franchise and property rights, and restrictions relating to indigenous employment, mobility, intermarriage, and personal autonomy.¹⁴ The policies sanctioned by the Northern Territory's *Aborigines Ordinance of 1918* serve as a particularly extreme example of the type of control to which indigenous peoples could be subjected:

“Aboriginal females were under the total control of the Chief Protector [of Aborigines] from the moment they were born until they died unless married and living with a husband ‘who is substantially of European origin.’ To marry a non-Indigenous man they had to obtain the permission of the Chief Protector. They could be taken from their families at any age and placed in an institution. They could be sent out to work at a young age and never receive wages. They had no right of guardianship over their own children who could similarly be taken from them. Male Aborigines fared little better except that they could be released from guardianship at 18.”¹⁵

Different policies in this broader system of control often reinforced one another in insidious ways. For example, the dispossession and displacement of indigenous families contributed heavily to their impoverishment and immiseration. The failure of state authorities to provide the necessary services and funds to these displaced families and communities so that they could properly care for themselves and their children in turn helped provide the pretext for their children to be removed on welfare grounds.¹⁶

It was not until the 1960s and 70s that this control system and the coercive removal of indigenous children from their families finally began to be dismantled in the face of increasing calls for equal citizenship rights, social justice, and even self-determination for indigenous peoples. Yet the memories and the impacts of these policies have been much more difficult to erase. The pain of separation and, for many, the inability to re-connect or ever again to re-locate their family members was compounded by the alienating effects of efforts to degrade and destroy indigenous cultures and

¹³ Markus, *Australian Race Relations*, 163-6; Moran, “White Australia,” 178-93. As Moran notes, not all advocates of assimilation argued for the complete erasure of indigenous cultures, though they generally shared the conviction as to their inferiority. For an interesting overview of the many complexities attending the assimilation of indigenous peoples in Australia see Tim Rowse, “Contesting Assimilation,” in Tim Rowse, ed. *Contesting Assimilation*, 1-24.

¹⁴ See Chesterman and Galligan, *Citizens Without Rights*, 43-57, 84-155; Anna Haebich, “Nuclear, Suburban and Black: Middleton’s Vision of Assimilation for Nyungar Families,” in Tim Rowse, ed. *Contesting Assimilation*, 201-20; and Geoffrey Gray, “From Nomadism to Citizenship: A.P. Elkin and Aboriginal Advancement,” in Nicolas Peterson and Will Sanders, eds., *Citizenship and Indigenous Australians: Changing Conceptions and Possibilities* (Cambridge: Cambridge University Press, 1998), 55-76.

¹⁵ *Bringing Them Home*, 133-4.

¹⁶ See *Bringing Them Home*, 33, 80-81, 112-13, 143-4, 266-7; Haebich, *Broken Circles*, 27-31, 127-30, 136-7, 168, 205-6, 420-1, 552.

languages, by the exposure of many children to physical, sexual, and emotional abuse, and by the failure of authorities to uphold their most basic duties of care by providing for the proper housing, sustenance, health and education of the children over whom they had assumed guardianship.¹⁷ Evidence suggests that the effects of removal and reculturation were not only immediate but also long-term and inter-generational, and have been linked to many of the rampant and persistent social pathologies visible in indigenous communities in Australia, an experience that in significant ways mirrors that of indigenous peoples in Canada coping with the legacy of the residential school system.¹⁸

Canada - Residential Schools

The signature tool for effecting the reculturation and assimilation of indigenous children in Canada was the residential school. It is believed that somewhere between 90,000 and 150,000 indigenous children attended the schools, whose tenure began in the early nineteenth century, with the last school closing its doors in 1996. Attendance was voluntary at first, although pressure tactics such as the withholding of rations from parents and other forms of duress were not unheard of.

Compulsory attendance was legislated for the first time in 1894, and these measures were gradually strengthened so that by 1930 indigenous children could be sent to boarding schools and kept there until the age of 18.¹⁹ The primary function of the schools, in the words of one former Minister of Indian Affairs, was to “elevate the Indian from his condition of savagery...and make him a self-supporting member of the state, and eventually a citizen in good standing.”²⁰ As in Australia, this also meant cleansing the children of the inferior and uncivilized cultures and traditions transmitted to them by their parents and communities, so that they might be elevated to a higher standard of cultural and human functioning.²¹ In most cases the children were required to attend on-reserve day schools, but others were physically separated from their families and communities in distant boarding schools.²² In Canada too the trauma of separation often failed to dissuade supporters of such policies such as Hector Langevin, a minister in the second MacDonal government, who concluded before Parliament: “If these schools are to succeed, we must not place them too near the bands; in order to educate the children properly we must separate them from their families. Some people may say that this is hard, but if we want to civilize them, we must do that.”²³

Like the removal policies in Australia, the residential schools were part of a more comprehensive regime of paternalistic manipulation and control, whose ultimate aim was the extinction of traditional indigenous languages, cultures, and communities and, by extension, the

¹⁷ *Bringing Them Home*, 75, 135-8. 259-65, 153-68; Manne, “The Stolen Generations; Paisley, “Mary Bennett and Chief Protector Neville,” 76.

¹⁸ *Bringing Them Home*, 222-32.

¹⁹ Olive Dickason. *Canada's First Nations: a history of founding peoples from earliest times* (Ithaca: Cornell University Press, 1991), 301-11; J.R. Miller. *Shingwauk's Vision. A History of Native Residential Schools*. (Toronto: University of Toronto Press, 1996), 168-70.

²⁰ Canada, Royal Commission on Aboriginal Peoples (RCAP), *Final Report*, Volume 1 (Ottawa: Minister of Supply and Services, 1996), 333. See also Dickason. *Canada's First Nations*, 309-10; and Miller. *Shingwauk's Vision*, 184-5.

²¹ John L Tobias, “Protection, Civilization, Assimilation: An Outline History of Canada’s Indian Policy,” in ed., J.R. Miller, *Sweet Promises. A Reader on Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1991), 127-41 at 127, 136; RCAP, *Final Report*, 338-9. Not everyone was convinced that indigenous children were capable of shedding their uncivilized ways. As Olive Dickason reports, Clifford Sifton, Superintendent-General of Indian Affairs in 1896, felt the residential schools to be a waste of time because Indians lacked “the physical, mental or moral get-up” to be an equal match for whites (Dickason. *Canada's First Nations*, 310).

²² J. R. Miller. *Lethal Legacy. Current Native Controversies in Canada*. (Toronto: McClelland and Stewart, 2004), 245; Dickason. *Canada's First Nations*, 310; RCAP, *Final Report*, 334-7.

²³ Quoted in Miller, *Lethal Legacy*, 244-5.

elimination of the government's fiscal and political responsibility for its Indian wards who, it was expected, would ultimately be absorbed into the general population. Specific aspects of this control system included government mandated definitions of indigeneity that governed access to different rights and entitlements, the displacement of indigenous communities onto reserves and the suppression of their systems of self-government by the dictates of the *Indian Act*, prohibitions on traditional cultural practices, manipulation and denial of voting rights, limitations on rights of residence and mobility, and a variety of other restrictions on their civil rights and basic human freedoms.²⁴ Residential schools and this broader system of domination were similarly grounded in influential pseudo-scientific theories of racial hierarchy wherein the inferiority of indigenous peoples and cultures was assumed as a matter of course.²⁵ Whereas Canada seems to have been more influenced by the comparatively less rigid cultural as opposed to the biological notion of racial inferiority that dominated earlier indigenous policy in Australia, one still encountered (though by no means universally) the assumption that adults were incapable of intellectual or moral progress, even under state tutelage. Children, on the other hand, were generally regarded as suitable objects for reculturation and as such were the key to government's plans for a fully civilized and assimilated indigenous future.²⁶

Within the walls of the residential schools, children were faced with a determined effort, often coercively enforced, to devalue and ultimately eradicate their languages, cultures, and forms of spirituality. One of the many tragic effects of these measures was that children frequently emerged from the schools with a sense of being caught between two cultures, neither fully at home nor fully accepted in either, and profoundly alienated as a result.²⁷ At the same time there is evidence which suggests that the schools failed to fulfill even the elementary function of providing the children with a decent education, that teachers were poorly-trained and ill-equipped, that in too many cases students spent more time engaged in activities other than classroom studies, and that the goal of education frequently took a back seat to budgetary concerns.²⁸ Moreover, in yet another grim parallel with the Australian history of child removal, evidence has emerged that those responsible for the schools were derelict in their most basic responsibility to look after the safety and well-being of the children under their care. The government's own reports at the time indicate that overcrowding, inadequate provision of clothing and nourishment, poor sanitation, and substandard buildings that were poorly heated contributed directly to the ill-health and mortality of scores of children.²⁹ Particularly virulent was the threat of tuberculosis, which in some schools claimed the lives of more than half of the students who passed through their doors.³⁰ More disturbing yet, this health crisis was greeted by the Canadian government with what can only be referred to as criminal disregard. In spite of detailed and repeated reports from their own inspectors and medical officials as to the

²⁴ Richer accounts of these policies and their underlying motivations can be found in Darlene Johnston, 'First Nations and Canadian Citizenship' in William Kaplan, ed., *Belonging: The Meaning and Future of Canadian Citizenship* (Montreal & Kingston: McGill-Queen's Press, 1996), 349-67; John .S. Milloy, "The Early Indian Acts: Developmental Strategy and Constitutional Change," in J.R. Miller, ed., *Sweet Promises*, 145-54; Tobias, "Protection, Civilization, Assimilation," 127-41; and RCAP, *Final Report*, 255-332.

²⁵ Miller, *Lethal Legacy*, 228-30; RCAP, *Final Report*, 337-8. See also James Tully, "Rediscovering America: The Two Treatises and Aboriginal Rights," in James Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge: Cambridge University Press, 1993), 137-171.

²⁶ RCAP, *Final Report*, 338.

²⁷ Dickason, *Canada's First Nations*, 311-12; Miller, *Lethal Legacy*, 246-7, 252-3; RCAP, *Final Report*, 340, 374-5.

²⁸ Dickason, *Canada's First Nations*, 310-11; RCAP, *Final Report*, 344-6; Miller, Miller. *Shingwauk's Vision*, 418-19.

²⁹ See the report by the Chief Medical Officer of Indian Affairs. P.H. Bryce. *The Story of a National Crime*. (Ottawa: James Hope and Sons, 1922).

³⁰ Dickason, *Canada's First Nations*, 310-11; RCAP, *Final Report*, 353-8; Bill Curry and Karen Howlett, "Natives died in droves as Ottawa ignored warnings," *Globe and Mail*, Tuesday, April 24, 2007, <http://www.theglobeandmail.com>.

nature and scale of this human tragedy, reports whose contents the government fully accepted, for decades it failed to take serious remedial action or even to launch a comprehensive investigation into the problem.³¹ The sad history of physical and sexual abuse of students at the residential schools produced a similar record of callous government intransigence, and as in Australia the effects have proven to be long-term and intergenerational, and have contributed heavily to the cycle of social ills and dysfunction that plague so many indigenous communities across Canada.³²

The Politics of Apology

Through the persistent efforts of survivors, indigenous organizations, and high-profile public inquiries the nature and impacts of the child removal and residential school policies have acquired increasing public attention in Australia and Canada, leading many to call for an apology and various forms of compensation and redress. I will focus mainly on the issue of apology, which has been greeted with both ambivalence and resistance in both countries. In Canada, Conservative Prime Minister Brian Mulroney, whose government established the Royal Commission that helped shed so much light on the residential schools and their legacy, distinguished himself by studiously avoiding an apology for this chapter in Canadian history, despite the willingness of his government to apologize for the harsh treatment of Japanese and Italian Canadians during the second world war.³³ His Liberal successor as Prime Minister, Jean Chrétien, proved if anything even more averse to the symbolic politics of apology. As part of its response to the RCAP report, his government produced a *Statement of Reconciliation*, which acknowledged Canada's role in the development and administration of the residential school system and the role these institutions played in separating families and interfering with the transmission of indigenous languages and cultures. It further acknowledged that many student in the schools were exposed to physical and sexual abuse, and to those who victimized in this way the government extended its apology.³⁴

Chrétien, however, chose not to lend the symbolic weight of his office, let alone his presence, to the occasion, delegating the responsibility instead to Minister of Indian Affairs Jane Stewart who delivered the statement in a lunch hour ceremony on Parliament hill. Neither was the statement granted the solemnity of a formal and public delivery in the House of Commons, in stark contrast with the recent apology offered by the Australian government for its role in the stolen generations controversy. In substantive terms, moreover, the apology appeared to extend only to those who suffered the effects of physical and sexual abuse, excluding among others those children who were forcibly separated from their parents, the children who died preventable deaths from tuberculosis, and the parents whose presumed cultural and moral inferiority lay at the foundation of the government's reculturation policies.

The symbolic and substantive shortcomings of the Chrétien government's exercise in contrition undoubtedly has contributed to the more recent calls for a fresh apology from Stephen Harper's Conservatives.³⁵ The Harper government has followed a somewhat schizophrenic path on

³¹ RCAP, *Final Report*, 356-8, 365.

³² *Ibid.*, 365-79.

³³ RCAP, *Final Report*, 381; Matt James, "Wrestling With the Past: Apologies, Quasi-Apologies, and Non-Apologies in Canada," in Mark Gibney, et al. eds., *The Age of Apology. Facing Up to the Past* (Philadelphia: University of Pennsylvania Press), 139-42.

³⁴ Canada. "Statement of Reconciliation. Learning From the Past," Delivered 7 January, 1998, Ottawa. Indian and Northern Affairs Web Site, <http://www.ainc-inac.gc.ca>, accessed 31 July, 2007. The statement was accompanied by a \$350 million 'healing fund.'

³⁵ The Liberal statement had both its critics and supporters. See James, "Wrestling With the Past," 141; Annette Bourgeois, "Inuit Leaders Praise Stewart's Statement," *Nunatsiaq News*, January 16, 1998, <http://nunanet.com>. One prominent supporter was Phil Fontaine, head of the Assembly of First Nations. More recently Fontaine has actively pressed the Harper Conservatives for a fresh apology.

the question of official apologies. Its willingness to apologize for shameful historic events such as the Chinese Canadian Head Tax stood in sharp contrast with the initial refusal to do the same in relation to the residential schools. According to Jim Prentice, Minister of Indian Affairs at the time, "Many things happened that we need to close the door on as part of Canadian history, but fundamentally, the underlying objective [of the residential schools] had been to try and provide an education to aboriginal children and I think the circumstances are completely different from...the Chinese head tax."³⁶ Once the story of the tuberculosis tragedy made public headlines, however, the Conservatives rapidly shifted their position, committing themselves both to an official apology and to the creation of a South African style Truth and Reconciliation Commission, an idea launched under the leadership of the Paul Martin Liberals. Initially this apology was to be delivered once the commission had completed its work in 4-5 years, but this decision too was subsequently reversed with the Conservative promising in mid-April that an apology was just weeks away.³⁷

In Australia, a similar but more intensely politicized debate gained momentum in the 1990s over whether the Commonwealth government should officially apologize for its part in the stolen generations controversy.³⁸ The stiffest resistance came from former Prime Minister John Howard, who deplored what he often referred to as exercises in 'black armband history' which he felt overemphasized the darker chapters in Australia's past. Although willing to express his personal sorrow for the suffering and personal tragedies linked to the removal policies, and to declare the past treatment of indigenous Australians "the most blemished chapter in our history," he resolutely refused all calls for an official public apology.³⁹ In response to his many critics, Howard declared that current generations of Australians should not be held responsible and accountable for the actions of previous generations. He also voiced his reticence to pass judgement on those whose actions, harmful though they may appear in retrospect, were mostly benevolent in intent, and were fully sanctioned by the legal and moral standards of the day.⁴⁰

In lieu of a formal apology, the government offered an expression of "deep and sincere regret that Indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many Indigenous people continue to feel as a consequence of those practices."⁴¹ The credibility of this carefully crafted non-apology was further diminished when the Commonwealth Government, in its submission to a Senate Inquiry looking into question of compensation for the stolen generations, cast doubt on whether a sufficient number of indigenous children were taken to justify use of the term stolen 'generation', challenged the evidence of forcible removal of children as mostly anecdotal, and re-asserted its view that the treatment of children was

³⁶ No residential school apology, Tories say *Globe and Mail*, 27 March, 2007, <http://www.theglobeandmail.com>, accessed 27 March, 2007.

³⁷ Bill Curry, "Don't politicize apology for residential schools, natives say," *Globe and Mail*, April 17, web edition, <http://www.theglobeandmail.com/>, accessed 13 May 2008. The Tories now say that the apology will be delivered on 11 June 2008.

³⁸ In contrast, each of the Australian state governments moved quickly to offer official public apologies for their part in the history of indigenous child removal.

³⁹ John Howard. 1997. Speech at the Opening Ceremony of the Australian Reconciliation Convention, Melbourne, 26 May.

⁴⁰ John Howard, Motion of Reconciliation, Hansard, Australian House of Representatives, Thirty-Ninth Parliament, First Session, Fourth Period, 26 August 1999, p. 9207; Australia, "Commonwealth Government Response to the Council for Aboriginal Reconciliation Final Report - Reconciliation : Australia's Challenge. (Canberra: Commonwealth of Australia, 2002), 10.

⁴¹ Australia, "Commonwealth Government Response," 2.

‘essentially lawful and benign in intent’.⁴² For these reasons, few held any hope that an apology would be forthcoming on Howard’s watch.

Succeeding Howard as Prime Minister in 2008 was incoming Labor leader Kevin Rudd who, in a dramatic break with the Howard era, promised that an official apology to the stolen generations would be the first order of business for his new government. True to his word, before the Australian House of Representatives on 13 February of 2008 Rudd delivered a full and frank apology for the removal policies, for the pain and suffering incurred by members of the stolen generations and their families, and for the degrading treatment of indigenous languages and cultures. He further acknowledged that the fundamental objective of the removal policies, grounded in notions of cultural and racial superiority, was to remove all traces of the black race from the Australian body politic – facts which in his government’s view were difficult to square with the allegedly benign intent of these policies.⁴³ Rudd’s gesture was widely applauded both at home and abroad, and offered a sliver of hope that a new era of state-indigenous relations was afoot in Australia. Yet in spite of the solemnity, the generosity, and the fullness of this apology, doubts continued to be expressed as to its value and to the significance of its contribution to the broader reconciliation agenda in Australia. Some of these doubts stem from the Commonwealth’s ongoing refusal to consider monetary compensation for the removal policies and the sense of enduring injustice this may generate among survivors.⁴⁴ Questions also remain about the depth and character of the opposition’s vote in supporting the motion of apology,⁴⁵ while others wonder whether an official apology may not be a step backward for practical reconciliation by reinforcing a culture of victimhood amongst indigenous Australians rather than a sense of empowerment and assertive agency.⁴⁶

The concerns and misgivings expressed in the Australian and Canadian debates over historic reculturation policies are a microcosm of the sorts of issues that are frequently raised in wider political and academic debates over public apology,⁴⁷ and have an important role to play not only in shaping political and public opinion on the appropriateness of public apologies, but also on the form and substance of the apologies that may be forthcoming. In the sections that follow I seek to

⁴² Australian Broadcasting Corporation, Radio National. 2000. Transcripts from Background Briefing, “Stolen Generations,” Sunday, July 2. <http://www.abc.net.au/>, accessed 24/09/2007.

⁴³ Kevin Rudd. 2008. Motion: Apology To Australia’s Indigenous Peoples, Official Hansard, Australian House of Representatives, 42nd Parliament, 13 February. <http://www.aph.gov.au/house/index.htm>, accessed 15 April ,2008.

⁴⁴ See Noel Pearson, “When words aren’t enough,” *The Australian*, February 12, 2008, web edition, <http://www.theaustralian-news.com.au/>, accessed 17 April 2008; to date only the government of Tasmania has offered compensation to victims of the removal policies.

⁴⁵ Howard’s successor Brendan Nelson deserves a great deal of credit for delivering the opposition’s support for the apology, but his speech before the house provoked significant anger and criticism for emphasizing the benevolent intentions behind the removal policies, and for failing to engage with the assumptions of racial and moral superiority to which they were linked. See Brendan Nelson. 2008. Response to Motion: Apology To Australia’s Indigenous Peoples, Official Hansard, Australian House of Representatives, 42nd Parliament, 13 February. <http://www.aph.gov.au/house/index.htm>, accessed 15 April ,2008. Nelson’s apparent ambivalence to an apology is also detectable amongst a sizeable portion of the Australian public. See the polling data compiled in Australia. 2000. *Reconciliation: Australia’s Challenge*. Final report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament. (Canberra: Council for Aboriginal Reconciliation), 31-5; and in Murray Goot and Tim Rowse, *Divided Nation? Indigenous Affairs and the Imagined Public*. (Melbourne: Melbourne University Press, 2007), 3-10, 128-60.

⁴⁶ One of the most vocal exponents of this position is Noel Pearson, an influential indigenous leader from Cape York. See Pearson, “When words aren’t enough.”

⁴⁷ See, for example, Jeffrey Simpson’s concerns over the rise of an ‘apology industry’ in Canada. Jeffrey Simpson, “Sorry to say, but the apology-seeking industry is thriving,” *Globe and Mail*, web edition, 20 May 2008, <http://www.theglobeandmail.com>, accessed 20 May 2008.

address some of these concerns in the process of constructing a defence of public apology on both moral and practical grounds.

Apology – The Moral Case

Perhaps the most central moral functions of apology is the act of recognition. An official apology in the first instance it is a simple recognition and acknowledgement of what happened in the past, of the forces that led to the events, and of the human impacts of those events.⁴⁸ In Australia and Canada this means an acknowledgement not only of the policies of removal and reculturation, but also of the racist assumptions by which they were underpinned. It means acknowledging the wilful neglect on the part of officials that exposed so many children to physical and sexual abuse, and in the worst cases to premature mortality, and the long-term and intergenerational psycho-social legacy of these abuses.⁴⁹ On a deeper level, official apologies serve to recognize the injustice of past events – that individuals were not only harmed, but wrongfully so.⁵⁰ In this sense, following Levy, apologies simultaneously function as an act of “official memorialization, the committing to public memory, of the wrong.”⁵¹ Full and frank apologies should acknowledge both the injustice of particular actions or events e.g. coercive removals, abuse, and neglect, but also the structural or systemic injustice that legitimated these actions. In Australia and Canada means the broader system of control and manipulation wherein indigenous peoples were viewed as racial-cultural subordinates or as inferior examples of humanity. This systemic injustice made it possible for the dignity, well-being and even the survival of indigenous children to be treated with callous, even criminal, disregard. It also made it possible for the moral agency of the parents to be denigrated or denied, via the assumption that they were incapable of properly raising and educating their children. Moreover, as Raymond Gaita has argued, it also made it possible to assume that indigenous peoples could not be harmed or emotionally scarred to the same extent as their white masters and protectors.⁵²

Apology as an exercise in recognition and memorialization is simultaneously an important means of paying respect to the victims of past injustice (both the living and the deceased) and to those who carry with them the difficult memories of the injustices perpetrated against their ancestors.⁵³ Understood in these terms, official apologies are a means of reaffirming the equal moral status and dignity that was denied to the victims of injustice, and serve as a formal expression of our desire to break with the unjust practices and assumptions of our political predecessors.⁵⁴ A refusal to apologize, on the other hand, adds insult to injury by signalling an indifference to past injustice and to the harms and indignities suffered by those who were victimized, and as such can be profoundly

⁴⁸ Attwood, “The Burden of the Past,” 257-8.

⁴⁹ On this dimension of recognition, Australia’s apology to the stolen generations was clearly superior to Canada’s statement on the residential schools.

⁵⁰ Chandran Kukathas. 2003. “Responsibility for Past Injustice: How to Shift the Burden. *Politics, Philosophy and Economics* 2: 165-90, at 172; Duncan Ivison, *Postcolonial Liberalism*. (Cambridge: Cambridge University Press, 2002), 100.

⁵¹ Jacob T. Levy. *The Multiculturalism of Fear*. (New York: Oxford University Press, 2000), 242. See also Meredith Gibbs, “Apology and Reconciliation in New Zealand’s Treaty of Waitangi Settlement Process,” in Gibney, et al. eds., *The Age of Apology*, 163.

⁵² Raymond Gaita. *A Common Humanity*. (London and New York: Routledge, 1998), 120-1. As in the oft-quoted words of inspector James Isdell (Western Australia): “I would not hesitate for one moment to separate any half-caste from its aboriginal mother, no matter how frantic her momentary grief might be at the time. They soon forget their offspring.” Quoted in *Bringing Them Home*, 104.

⁵³ Following Kukathas, “Responsibility for Past Injustice,” (173), honouring the deceased victims of past injustice also has an important function in providing comfort to their descendants.

⁵⁴ See David Dyzenhaus, “Justifying the Truth and Reconciliation Commission,” *The Journal of Political Philosophy* 8: 470-96, at 473-4; Elazar Barkan. 2006. “Historical Reconciliation. Redress, Rights and Politics,” *Journal of International Affairs*, 60(1): 1-15, at 8-9; and Richard Vernon. 2003. “Against Restitution,” *Political Studies*, 51: 542-57, at 545-6.

hurtful and offensive to survivors and their ancestors.⁵⁵ It may also, as I argue in the next section, make it more difficult to establish relations of mutual respect and trust upon which the foundations of practical reconciliation may be built. Similarly, an apology that is denied the gravity and solemnity of a public delivery in the legislative chamber by the head of government, as in the case of Canada's statement on the residential schools, also risks offence by conveying a diminished aura of importance to the injustice in question.

A number of objections have been raised to this line of thinking, one of which is the argument, articulated with varying degrees of tenacity by political leaders in Australia and Canada, that it is neither appropriate nor just to use current moral standards as a basis for criticizing our political ancestors for actions that were well-intentioned and perfectly in accordance with the standards of their day.⁵⁶ One fairly straightforward response to this objection is to ask whether the actions in question really were well-intended. In Canada, for example, the health and well-being of indigenous children who died of tuberculosis frequently took a back seat to government concerns about cost over-runs and the desire not to jeopardize the civilizing mission of the schools by undermining the authority of the churches charged with their administration.⁵⁷ One might similarly challenge the assumption that child removal policies in Australia were consonant with the prevailing legal and moral standards of the day by citing their contravention of the government's commitments under the 1948 United Nations *Convention on the Prevention and Punishment of the Crime of Genocide*.⁵⁸ The racially motivated violations of human dignity and moral agency in both countries were also in clear violation of one of the foundational principles of liberalism - the moral equality of individuals.⁵⁹ Questions of liberalism aside, it is difficult to imagine how the assumptions of racial and cultural superiority that sought the destruction of indigenous languages and cultures and which led to the devaluation of indigenous suffering and moral agency in Australia and Canada could ever be judged well-intentioned.⁶⁰

More fundamentally, it is not at all clear why a difference in historical moral standards is in itself a serious objection to the legitimacy of moral judgement. Why should this temporal difference make a difference? Indeed, sharp differences in standards of moral conduct may be precisely the reason why judgement or criticism is in order. If tomorrow we encountered another culture that viewed an internal minority as racially inferior, and on the basis of this view implemented a policy of forcibly assimilating their children, surely we would not hesitate to judge these actions harshly? Proponents of this 'hands off the past' argument offer no explanation as to why things should be any different with respect to the actions and assumption of our political forebears. To criticize the past actions of individuals as wrong, misguided and harmful, moreover, is not necessarily to say that 'they should have known better' (though in some cases they clearly should have), nor does it excuse us from seeking a better understanding and appreciation of their conviction that what they were doing was necessary or justified – for indeed we may have done no better standing in their shoes. At the same time, it is our right and our duty to investigate, understand, and critique the errors of our

⁵⁵ Kukathas, "Responsibility for Past Injustice," 167. In this respect I disagree with Levy, who has suggested that "[T]hose who fail to apologize do no harm, even if they fail to do good." Levy, *The Multiculturalism of Fear*, 240.

⁵⁶ For a similar perspective in the Canadian media see "A Fair Resolution: Putting a Cap on Church's Liability Acknowledges Shared Culpability, Editorial, *Calgary Herald*, November 24, 2002, A16. I borrow the term "political ancestors" from Gaita, *A Common Humanity*, 87.

⁵⁷ Dickason, *Canada's First Nations*, 310-11; RCAP, *Final Report*, 353-65.

⁵⁸ *Bringing Them Home*, 270-5.

⁵⁹ This is perhaps less surprising when one considers the ironic departure from this equality principle in the racial thinking of many of liberalism's most venerated standard bearers. For discussion see Michael Murphy "Civilization, Self-Determination and Reconciliation," in Annis May Timpson, ed., *First Nations: First Thoughts* (Forthcoming, University of British Columbia Press); and van Krieken, "Assimilation and Liberal Government."

⁶⁰ Gaita, *A Common Humanity*, 120-1; Attwood, "The Burden of the Past," 257.

political ancestors, including their failures of judgement and understanding, their blindnesses and weaknesses, and the human suffering and costs that resulted – just as future generations have a right and a duty to evaluate our own moral blindnesses and shortcomings.⁶¹ Either we choose a path that may help us ensure that the errors of the past are not repeated or we succumb to a vacuous and self-defeating relativism or a quiescent abdication of our capacity for moral judgement.

A second, and related, objection to official apologies is that current generations should not be held responsible or judged guilty for the sins of prior generations. One of the first problems to be noted with this argument is that it conflates the notion of state responsibility with that of citizen responsibility. For current generations of citizens who played no direct role in past injustices it is clear there can be no plausible attribution of guilt or responsibility, but official apologies are a matter of current governments taking responsibility for the actions, and consequences, of previous governments.⁶² State responsibility for past injustice can be defended in at least two different ways. One argument is that states have a strong moral duty to take responsibility for past injustice that is grounded in their institutional or constitutional continuity. The idea here is that states are corporate entities that continue to exist through time – they are enduring political associations with enduring responsibilities for past acts carried out under their authority and in their name. Following James Booth: “...when we say that a country is responsible for something...we mean that [its] constitutional and institutional persistence...the continuity of a political project, confers a collective responsibility on the community in its capacity as an identical (corporate) moral person.”⁶³

Alternatively, those who remain sceptical of this strong moral argument might find it more palatable to view official apologies as an act of moral leadership, delivered with the knowledge that there is simply no entity other than the state that can lend the occasion the authority and symbolic force it requires or provide the official acknowledgement and repudiation of events that were officially sanctioned in the past. As Raymond Gaita has suggested, though we may not *be* directly responsible for the injustice, we can still *take* responsibility for it and for the moral and material redress it requires.⁶⁴ Moreover, as more than one commentator has remarked, it is somewhat unseemly, if not patently hypocritical, for states and communities which regularly take pride in and celebrate their nation’s past exploits and accomplishments to sullenly refuse to express shame and take responsibility for its past injustices.⁶⁵

Apology – The Practical Case

While it is difficult to gauge the precise impact of official apologies on broader processes of national reconciliation, a number of arguments suggest that its impact can be both positive and substantial.⁶⁶

⁶¹ For our failure to tackle global warming for example. This is what Richard Rorty would refer to as being ethnocentric with respect to our own community’s past actions and traditions. For the best general explanations of his ethnocentrism see Richard Rorty, “Solidarity or Objectivity?” in ed., Michael Krausz, *Relativism, Interpretation, and Constraint* (Notre Dame: Notre Dame University Press, 1989), 35-50, idem., “A Pragmatist View of Rationality and Cultural Difference,” *Philosophy East and West*, Volume 42 Number 4, October 1992, 581-96; idem., “Putnam and the Relativist Menace,” *The Journal of Philosophy*, Volume XC Number 9, September 1993, 443-61.

⁶² Kukathas, “Responsibility for Past Injustice,” 183; Levy, *The Multiculturalism of Fear*, 242, 244-6. In the case of Canadian residential schools and the stolen generations in Australia, the fact that both policies continued well into the 20th century means that many of those who can be held directly responsible and accountable may still be alive.

⁶³ James Booth. *Communities of Memory. On Witness, Identity, and Justice*. (Ithaca and London: Cornell University Press, 2006), 19. Other variations on this argument can be found in Ivison, *Postcolonial Liberalism*, 104-5; and Kukathas, “Responsibility for Past Injustice,” 180-5.

⁶⁴ Gaita, *A Common Humanity*, 102-3.

⁶⁵ Levy, *The Multiculturalism of Fear*, 244-6; Booth, *Communities of Memory*, 41-2; Gaita, *A Common Humanity*, 99.

⁶⁶ For some more concrete evidence to this effect see Gibbs’ discussion of apology in the context of indigenous treaty reparations in New Zealand in “Apology and Reconciliation,” *passim*.

In the first instance, by acknowledging and respecting the victims of injustice, official apologies may help alleviate a deep and abiding sense of grievance and bitterness amongst survivor and their families, whereas a refusal to apologize can easily provoke anger, resentment, and thus contribute to an enduring sense of alienation among the victimized group. Moreover, by signalling a symbolic break with the past, official apologies may help generate a sense of mutual respect and trust among former adversaries, and if not the will to forgive then at least the will to move forward in a more co-operative and progressive relationship.⁶⁷ This point of view has been contested by members of the indigenous and non-indigenous leadership in Australia, on the grounds that apology promotes a passive psychology of victimization and encourages people to dwell on the past rather than looking forward and taking responsibility for building a better future.⁶⁸ While I accept the plausibility of this argument, I am more persuaded by the contrary position that a refusal to acknowledge and apologize for past injustice is more likely to encourage a dwelling on the past. For one of the purposes of apology and recognition is to help people move on – not to forget or to erase the injustice (for many if not most this will never be an option), but to make some kind of peace with the past, to feel that they no longer need to fight for recognition and respect, to feel that they have done as much as they can do for their own cause or for that of an ancestor or a loved one. While apologies cannot guarantee this sense of closure, it is difficult to imagine how it could ever be possible after a government has devalued the suffering of victims and their loved ones by refusing to accord them the acknowledgement and the respect they feel is their due.

Apologies may also prove helpful in terms of building public support for the substantive dimensions of reconciliation including land rights, political autonomy, measures to address gaps in socio-economic security and well-being, and reparations. They can do so through the simple act of bringing an injustice, and some of its key facets, to the attention of a public that might otherwise have been ill-informed as to its nature or even unaware of its existence. In this sense, as was discussed earlier, apologies are part of the essential process of creating a public record, and a public memory of past injustice. At the very least, to borrow a point from Michael Ignatieff, official apologies that become a matter of public record can make it more difficult for past injustice to be denied or trivialized as a means of undermining public support for its recognition and practical redress.⁶⁹ In Canada, for example, a full and frank apology for the residential schools can help dispel the myth that these institutions were essentially benevolent in intent, by acknowledging the failure of officials to act on clear evidence of abuse, substandard education, and the ever-present risk to the students of disease and death. It may also help the Canadian public understand the need for concrete measures to address the long-term and intergenerational effects of the schools that continue to reverberate in indigenous communities across the country.

The Howard government was fond of challenging this last point by arguing that a merely symbolic gesture such as an apology would lead the Australian public to the conclusion that nothing more need be done to address the plight of indigenous peoples, and that the vital business of practical reconciliation to address socio-economic disadvantage would be sidelined as a result.⁷⁰ What he consistently failed to acknowledge, however, was that progress along both the symbolic and practical dimensions of reconciliation with indigenous peoples is in many ways dependent on the

⁶⁷ Barkan, "Historical Reconciliation," 8-9; Vernon, "Against Restitution," 545-6; David Mellor, Di Bretherton and Lucy Firth. 2007. "Aboriginal and Non - Aboriginal Australia: The Dilemma of Apologies, Forgiveness, and Reconciliation," *Peace and Conflict: Journal of Peace Psychology*, 13(1): 11-36, at 18.

⁶⁸ See Howard, Speech at the Opening Ceremony of the Australian Reconciliation Convention; Pearson, "When words aren't enough."

⁶⁹ For the discussion of Ignatieff see Dyzenhaus, "Justifying the Truth and Reconciliation Commission," 490 note 76.

⁷⁰ Howard, Speech at the Opening Ceremony of the Australian Reconciliation Convention; Pearson,

vision and leadership of public officials, and that publics are much less likely to follow a path that leaders themselves steadfastly refuse to tread.

Conclusion

State apologies for past injustices committed in their name have an important moral role to play in efforts to set the indigenous and non-indigenous peoples of Australia and Canada on the path of partnership and reconciliation. Full and frank apologies for harsh and coercive child reculturation policies convey respect to the victims and their families and function as an official repudiation of the racist assumptions that undermined respect for the humanity and moral agency of the parents, and led to the denigration, abuse, and mortality of so many children under the state's care and responsibility. Apology's function in practical reconciliation is less uncertain, but here too there are persuasive reasons to think it has a positive role to play in establishing relations of mutual respect and trust, and in helping to construct a public memory of injustice upon which support for reparations and concrete measures to address indigenous political and socio-economic marginalization can be built. In either case, it is essential that we acknowledge that official apologies, vital though their role may be, are just one piece of a much larger puzzle, and that lasting reconciliation in the long term will require progress along a broad variety of political, socio-economic, and symbolic fronts.⁷¹ Perhaps most fundamentally, it is dependent on a broader shift in policy conception and implementation wherein indigenous peoples are no longer viewed as the passive recipients of state legislation designed with their best interests in mind, but as equal and responsible agents empowered to take the lead in directing their own lives and futures.

⁷¹ See, for example, Gibbs, "Apology and Reconciliation," 185-6.