

RECONCILIATION AND NEOLIBERALISM

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Ravi de Costa
Assistant Professor
Faculty of Environmental Studies
York University
rdc@yorku.ca

I

In trying to understand the effects of neoliberalism on Indigenous peoples' aspirations for autonomy, we should be alive to areas of public policy that seek to cultivate new discourses and attitudes regarding mainstream obligations to Indigenous peoples. This paper considers the policy responses to Indian Residential Schools (IRS) in Canada and suggests that this may provide new modes for articulating and legitimating state responses to Indigenous claims.

Neoliberalism certainly comprises a range of market-based mechanisms for redistribution – privatization, liberalization, structural adjustment – but as a political and ideological project these policy mechanisms rely on the erosion or outright suppression of collective sources of opposition and alternative systems of social allocation. Within a culture of neoliberalism, then, are social phenomena that valorise autonomous individuals and rational market-agents, or collectives that do not and cannot provide a systematic opposition to a reorientation of policy towards market allocations.¹ In this sense, neoliberalism shares with Residential Schools policy the objective of undermining collective experiences and identities deemed contrary to economic development and nation-building. Residential schools sought both to deracinate Indigenous children, thereby preparing them for agricultural, industrial and domestic labour, and to erase Indigenous communities as the loci of alternative economies. Can restitution for this policy then address fully its intentions and consequences?

Nancy Fraser, in a widely-cited paper, analysed the conflict between struggles for recognition and those for redistribution (Fraser 107-120). She argued that the end of the Cold War undercut many struggles for fundamental redistribution while it ushered in a new era of recognition struggles; this shift from a politics of egalitarian distribution to a widespread practice of recognition claims reflected the success of the neoliberal project (Fraser 243), with its insistence on market allocations of social goods. Fraser lamented what she called the “problem of displacement” in that these struggles for recognition tended to marginalize more fundamental projects for redistribution and equity (Fraser 245). While alert to the perils of a naïve “economism”, her approach was to advocate a political strategy that addresses the status

¹ Henry Giroux's work analyses this acutely, for example documenting a massive disfiguring of public education by neoliberal assumptions that disable our collective critical capacities as democratic societies Henry A. Giroux, Against the terror of neoliberalism : politics beyond the age of greed (Boulder, CO: Paradigm Publishers, 2008) 225..

subordination that attends misrecognition but not to valorise particular group identities in themselves (Fraser 247-9).

Yet this does not fully account for the ways that neoliberal imperatives may inhabit the politics of reconciliation. Writing on the theme of whether reconciliation/restitution processes may contribute to the retrenchment of welfare state entitlements, Matt James urges us to note the way that discourses of reparation “may help neoliberal moves to redefine social citizenship as a matter of helping the certifiably ‘innocent’” (James 245). James argues that indigenous peoples engaged in restitution processes “value cultural affirmation not as a solution in its own right, but rather as a means of increasing the group’s capacity to vindicate its socio-economic needs”(James 229). In particular, he notes both internal and external dimensions to Residential Schools claims: internally they provide a form of recognition that “breaks the silence” in which so many people’s pain has been denied, neglected or misrecognised; while an external dimension, focuses on “persuading the dominant society to respond more energetically and appropriately to their respective communities’ social-welfare needs”. Rather than reinscribing assimilationist social and economic policies, these strategies seek “to promote a more effective and culturally sensitive redistributive agenda” (James 230-1). Moreover, these processes of acknowledgement may also work to provide “a means of solving problems of political voice” (James 245), giving a context for Indigenous action, identity and solidarity.²

However, there are those, like Taiaiake Alfred, who remain inherently cynical about the blandishments of state-sponsored forms of recognition: “imperialism is a machine that destroys indigeneity in all its forms and produces identities, like that of aboriginal, that are comparable with empire’s capitalistic purpose ... The most pronounced and obvious of these are the ‘victims of history,’ who seek only to *recover* from the past and live in peace with the Settlers ... instead of fighting for ourselves and what is right, we seek a *resolution* that is acceptable to and non-disruptive for the state and society we have come to embrace and identify with ... the basic vocabulary of aboriginalism as a political ideology: recovery, reconciliation, and resolution” (Alfred 128-30).

In what follows, I analyse the policy response to IRS in the Indian Residential Schools Settlement Agreement and particularly its creation of an institution, the Truth and Reconciliation Commission. In so doing, I focus on how this policy seeks to construct a broader social understanding of the IRS history and legacy, how this understanding might reconstruct social attitudes about the meaning of that history. I speculate about the effects this may have on Indigenous claims by providing new legitimation for state policies. In short, the paper sets out concerns that any discursive shifts that become possible through the TRC process may deny and even undermine indigenous communities. The next section examines the TRC’s mandate and powers. It identifies a number of key assumptions made in the TRC process and considers the power of discourse on social attitudes in light of the reconciliation process in Australia. Section 3 discusses how non-Aboriginal Canadians are likely to be engaged (or not) by the work of the TRC and what kinds of assumptions such engagements may promote. In the final section, the

² See also Courtney Jung on the prospect for a reconciliation that allows indigenous contexts of law and ideas of justice to flourish Courtney Jung, "Canada and the Legacy of the Indian Residential Schools: Transitional Justice for Indigenous Peoples in a Non-Transitional Society," [Social Science Research Network](http://ssrn.com/abstract=1374950) <<http://ssrn.com/abstract=1374950>>..

paper takes up the question of the mobilization of non-Aboriginal society and its potential role as an interlocutor.

II

On May 6, 2006, Canada, the four main church organisations, the main Aboriginal organisations and the plaintiffs acting in concert, signed the Indian Residential Schools Settlement Agreement (IRSSA). In it, the government agreed to provide the following: \$1.9B to fund the Common Experience Payment of the IRSSA; \$125M to the Aboriginal Healing Foundation (in addition to the earlier sums of \$350M in 1998 and \$40M in 2005; \$20M for commemoration activities; and \$60M to create a Truth and Reconciliation Commission (TRC).³ While much has been said and written about the various aspects of the agreement, here I want to focus on the TRC and its work to engage and mobilise non-Aboriginal Canadians, which is likely to be the greatest-ever national attempt to engage Canadians on the history and consequences of colonial policy. In a recent statement, Frank Iacobucci, the Facilitator of the Selection Committee which has chosen the new commissioners for the TRC called their work a “a pathway to greater goodwill, respect, healing and harmony between Aboriginal and non-Aboriginal Canadians.”

Schedule N of IRSSA sets out the “mandate” of the TRC, noting, “(t)here is an emerging and compelling desire to put the events of the past behind us so that we can work towards a stronger and healthier future ... a profound commitment to establishing new relationships embedded in mutual recognition and respect that will forge a brighter future. The truth of our common experiences will help set our spirits free and pave the way to reconciliation.” A central principle of the TRC is that it be “forward looking in terms of rebuilding and renewing Aboriginal relationships and the relationship between Aboriginal and non-Aboriginal Canadians”.

The Agreement notes the many parties to a successful process of reconciliation, including “First Nations, Inuit and Métis former Indian Residential School (IRS) students, their families, communities, religious entities, former school employees, government and the people of Canada. Reconciliation may occur between any of the above groups.” Along with its goals of allowing those affected by the IRS policy to tell their stories in a safe and supportive environment, creating an official record of the history and finally reporting to government, the TRC is also obliged to, “Promote awareness and public education of Canadians about the IRS system and its impacts”. This it will do chiefly through a series of seven “national events” and an unspecified number of “community events”, which will include testimonials and other narratives of experiences in the IRS system and of its impacts. The mandate places great emphasis on the role of IRS survivors and their families in designing community events in particular, and insists that their interests and well-being be kept in the foreground at all times.

These features, no less than the Common Experience Payment for which every person who attended a designated Residential School is potentially eligible, suggest that Canada’s response does indeed acknowledge a collective experience among Indigenous peoples who were victimized precisely because they were different. In soliciting and engaging non-Aboriginal

³ Canada et al, Indian Residential Schools Settlement Agreement (May 8, 2006)
<http://www.residentialschoolsettlement.ca/Settlement.pdf>

responses through the events, survivors' concerns will dominate and come to characterise what the TRC is. This is, of course, as it should be but the response of Canadian society at large is not specified and is tacitly presumed – setting our spirits free – will be uniformly positive. Before examining this assumption, I should note several other features of the IRSSA and TRC mandate.

First, the TRC is the product of litigation, and we have seen the effects of this on the operation of the TRC as an institution, such that a dispute amongst the Commissioners has prevented the TRC from pursuing its mandate for a period of nearly 9 months. This situation is quite different to the history of TRC-type processes elsewhere, in which the hand of the state to craft its reconciliation policy is much less constrained by the interests of parties to the agreement. As the TRC resumes its public operations on June 1st, those interests are not likely to recede and nor should they; but the assumption that the TRC will be able to be a creative force in moral leadership should be tempered by this realisation.

The second has to do with timing. Article 1.10 of IRSSA indemnifies Canada as having no further obligations: “It is understood that Canada will not have any obligations relating to the CEP, IAP, truth and reconciliation, commemoration, education and healing except for the obligations and liabilities as set out in this Agreement.” Given this, the timeline set out in the TRC mandate – of five years – looks more than hasty. The five year period comprises two timings, in the first 2 years the TRC will complete all national events; research and write the report and recommendations, (with the possibility of a 6 month extension). Over five years, the TRC will conduct all the community events, and all statement taking/truth sharing. That is, the completion of national education and awareness events within the first two years of operation with community events to continue for three more years. This structure suggests there may be too great an urgency for the national events: that is, public acts of contrition in advance of “the facts” being gathered and survivors' stories properly acknowledged and given the opportunity to inform and shape the final report and recommendations as the TRC mandate envisages.⁴

Finally, I note that the parties signed the IRSSA only a few months after the then newly elected government formally rejected the Kelowna Accord – a \$5B social justice package with major new funding for indigenous housing, health and education – that had been negotiated between all the Aboriginal organisations, the provinces and the former Liberal federal government in late 2005. This was a massive repudiation of the collective claims for social justice made by the main Aboriginal political organisations in Canada.

Given the rejection of the Accord and the way it demonstrates the significant policy divergences that exist in Canada on Aboriginal issues, we need to consider the role of non-Aboriginal people, and how their values will be constructed and mobilised during reconciliation. This may be in some respects counter-intuitive to a process that must place survivors' concerns at its core. However, if the goals of the TRC are to include community “reconciliation” or to reground claims for broader forms of social and economic support and recognition, then the ways in which

⁴ Similarly, it is hard to see the national apology (on June 11, 2008) itself as timely, given that it preceded any substantive achievements of the TRC and that the IRSSA did not require it; there is a strong sense that we as a nation have apologized without knowing, or even having had the chance to hear what the truth is to which we must become reconciled.

the general population regards the processes of the TRC and its narration of the history and its legacies must be understood.

For a number of Native observers and their interlocutors, the threshold for non-Native engagement must be kept very high. As Paulette Regan has written, “for reconciliation to be a truth-telling process, it must profoundly disturb a dominant culture history and mindset that ‘misrecognizes’ and disrespects the oral histories, cultures and legal traditions of Indigenous peoples” (Regan 43). Given that Indigenous peoples must control the terms of the reconciliation process, making their legal traditions available to others, new kinds of non-Aboriginal subjectivity must be structured on the notion of doubt and of displacement: “If and when non-Indigenous people are invited to the feast, the peacemaking circle, the healing ceremony, we must bring with us a sense of humility and a genuine willingness to struggle within, and reflect upon, our own discomfort as we engage in truth-telling and the sharing of testimonies.” Somehow we must “engage in a deeply critical reflective process – as individuals and as a nation – about our role and responsibility with regard to the residential school legacy in *dialogue* with IRS survivors, their families, and communities. A good starting point for building mutual recognition and respect is to acknowledge that Indigenous oral histories, ceremonies, symbols, and rituals constitute law.” And crucially, the TRC process must make visible the fact that “the dominant culture majority, Canadians are direct beneficiaries of unequal socioeconomic privilege and unequal power relations” (Regan 44).

So, if non-Aboriginal peoples are to engage not simply as individuals but also to understand themselves as a class of beneficiaries, then how will their collective experiences and entitlements, their non-Aboriginality perhaps, be addressed and mobilised through a historical research and truth-telling project that creates a discourse of obligation? Before considering the possibilities, I want to highlight the dangers of national efforts to shift hearts and minds by recalling briefly the course of events that took place in Australia under the heading “reconciliation”. That is, the formation of the Council for Aboriginal Reconciliation (CAR), the publication of the Bringing Them Home report⁵, the calls for a national apology, and the shift to “practical reconciliation” and “closing the gap” in social and economic outcomes.

Reconciliation in Australia began its policy life in the findings of a Royal Commission into Aboriginal Deaths in Custody, which recommended a national process of reconciliation in the criminal justice system, particularly in rural communities where police attitudes and practices towards Aboriginal peoples were intolerable.⁶ The federal government saw this as an opportunity to try to cultivate a broader, national dialogue on Indigenous issues. The CAR would be a public advocacy and educative body, reporting and making recommendations, and would comprise a “council of elders” structure, with eminent non-Aboriginal people and Aboriginal elders who would commission research, prepare public materials and present reports to government, in particular to inquire into the desirability of a “document” of reconciliation, possibly something

⁵ Australia, National Inquiry into Separation of Aboriginal and Torres Strait Islander Children from their Families, Wilson, R., Australia, and Human Rights and Equal Opportunity Commission. 1997. *Bringing them home: report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, HREOC, Sydney.

⁶ For a complete account see Ravi de Costa, [New relationships, old certainties: Australia's reconciliation and the treaty-process in British Columbia](#), PhD, Swinburne University of Technology, 2002, (Melbourne: 27-106..

like a treaty. This was something that Aboriginal peoples had been working towards steadily since the 1960s – a new relationship with Australia based on recognition of the rights and value of Aboriginal communities.

The CAR attempted to take on a larger responsibility to make manifest the *Mabo* judgement, the judicial earthquake that found native title in the common law.⁷ Moreover, the reconciliation process was galvanised by the Attorney-General's decision in 1995 to instruct the Human Rights and Equal Opportunity Commission to undertake a national inquiry into the forcible and coercive removal of indigenous children. The inquiry culminated in the *Bringing them home* report in 1997 with its account of the Stolen Generations, which led to an immediate call for an apology and restitution.⁸ Nowhere in these documents was there a clear indication though of what reconciliation was and how Indigenous and other Australians would know when they had achieved it. The ALP government was deliberately vague about this, but the Liberal opposition, then led by John Howard, were much clearer with their consistent critique of what they saw as empty gestures and symbolism, insisting on substantial gains to indigenous people in terms of job opportunities, education and better health and housing – what came to be known as “practical reconciliation”. When his party was elected in 1996 in a landslide the policy obligations of reconciliation then began to shift.

What they set about doing though was to roll back many policies which, since the 1970s, had given Indigenous Australians some measures of autonomy and social justice, rewriting the *Native Title Act*, abolishing the Aboriginal and Torres Strait Islander Commission (ATSIC) (a troubled hybrid representative/service provision body created by the ALP under Federal legislation) and slashing funding in indigenous affairs generally. Then, after a decade in power and rapidly losing its grip, and with very little achieved by way of either reconciliation or “practical reconciliation”, the government suddenly decided that it would declare a “national emergency” in Indigenous communities in the Northern Territory, and legislate a federal intervention, by-passing the Territory government. This decision was taken apparently over a 48-hour period after the government received yet another report documenting violence and addiction and particularly the abuse faced by children in many remote communities in the Northern Territory.

The intervention has cost \$1.5B so far and deployed the army, banned alcohol and pornography, began to control welfare payments linking income to such things as school attendance, appointed new managers of communities, compulsorily acquired entire townships and introduced new market-based rental and tenancy arrangements, increased policing, and declared that all children would be subject to medical examinations.⁹ While some of this involved measures that Aboriginal community-members had themselves been seeking for years, the way it was done deliberately sought to delegitimize a “rights-based” approach that worked with Indigenous structures of governance and in particular systems of customary Aboriginal law (Langton). The change in federal government saw the continuation of the intervention, while a new policy

⁷ *Mabo and Others v. Queensland* (No. 2) (1992) 107 ALR 1.

⁸ This was not given until 2008, after the election of the ALP Rudd government.

⁹ Australian Human Rights Commission, *Social Justice Report 2007*, http://www.hreoc.gov.au/social_Justice/sj_report/sjreport07/chap3.html

rhetoric, “closing the gap”, has now become official doctrine.¹⁰ Most recently, the government has become much more forceful in its insistence that increased social services and infrastructure can be provided only where Indigenous communities agree to new forms of lease-hold over their lands.¹¹

In part, reconciliation had made this possible because, in seeking a national discursive shift away from an era of “benign neglect”, it had legitimised a simplistic rhetoric of egalitarianism: when the government changed in 1996, fulfilling basic obligations to indigenous citizens became the goal of reconciliation. Moreover, “self-determination” policy began in fact to be portrayed as the cause of the social and economic crises in indigenous communities: self-governance and recognition of customary law had actually prevented government from meeting its responsibilities. All of this had much more to do with mainstream political and ideological conflicts than the realities of Indigenous peoples’ lives, but it demonstrated how the vagueness in reconciliation policy was co-opted as a discursive cover for a highly interventionist and paternalist policy approach.

Canada is not Australia; culturally and institutionally, the situation is quite different, notwithstanding the deep and disturbing similarities in the histories of the Stolen Generations and the IRS. However, we should wonder how Canadians may respond to the call for reconciliation and particularly the hoped-for broadening in the understanding of the IRS history and legacy from one centred on victims and victimhood, to a fundamental critique of colonialism? How will Canadians see the demand for reconciliation as a call to action and change? How might existing strategies and policy norms become legitimised or marginalised in a discourse of national obligation and responsibility?

There is now an extensive comparative literature on the politics of reconciliation and transitional justice that will help us frame interim answers to these questions. But in undertaking comparison we should note some difficulties. My purpose is not to create or reproduce a global ranking of injustices or of suffering: not only would that be ghoulish, it would pre-empt the work and force of the TRC or reconciliation more generally very severely. What I do want to observe is one issue that I think is a difficulty faced by the TRC here that is not the case with other restitutive processes, such as the Nuremberg trials or the TRC in South Africa, which are in some respects paradigmatic in this literature. Absent in Canada is a rupture in the ideological conditions that make settler or national identity possible. That is, a widespread acceptance amongst both victims and perpetrators that the fundamental ideas underpinning social and political arrangements are untenable. In the case of Nazi Germany, the destruction and collapse of the racist state in WWII and occupation and reconstruction of Germany by allied forces made that acceptance inevitable (notwithstanding ongoing fascist tendencies). In the case of South Africa, the ideology of

¹⁰ Lindsay Murdoch, ‘Wrong side of great divide’ *The Sydney Morning Herald*, (September 27 2008); Jon Altman, ‘Reflections on the NT Intervention-- one year on’, *Crikey*, (June 19 2008); George Williams, ‘Rudd must act if race complaint upheld’, *The Sydney Morning Herald* (February 10 2009); Debbie Guest, ‘Aboriginal empowerment ‘only way forward’’, *The Australian* (April 21, 2009); Patricia Karvelas, ‘Macklin extends intervention’, *The Australian* (March 6, 2009); Paul Maley, ‘UN ‘concerned’ over suspension of Racial Discrimination Act’, *The Australian* (March 19, 2009); ‘Editorial: It’s time to stop the spin - A generation of Australians is having its future stolen’, *The Australian* (February 26, 2009); ‘Editorial: Alcohol curbs alone won’t end indigenous abuse’, *The Age*, (February 26, 2009).

¹¹ Patricia Karvelas, Macklin puts \$125m offer to town camps, *The Australian* (May 04, 2009)

apartheid was made untenable through widespread violence and civil disobedience, as well a wide range of international strategies of refusing to engage with the apartheid state putting immense economic and political pressure on its leadership. As Courtney Jung has noted, the transitional justice of reconciliation in Canada must take place without the “transition” provided by regime change (Jung). Ruti Teitel has written of “steady-state” transition (Teitel 69-94).

My concern here is that the constraints this imposes on the task of reconstructing non-Aboriginal attitudes, a task that many think is necessary to enable Indigenous autonomy. The paradox of the TRC here as it was in Australia is that it must demonstrate (and perhaps bring about) that break/renewal but also that it may require it in order for the TRC to conduct its work successfully. This can be put another way. How would we treat those who would argue that apartheid was a sensible way to manage a country with the demographics and history of South Africa, an honest but misguided ideology? Will we take the same view with those who will insist that their own experiences in Residential Schools were positive? There are some who argue that the Residential Schools policy was misguided or that the problems lay in mismanagement and in the malfeasance of individuals, rather than a manifestation of a fundamentally colonial and racist mentality; indeed, the language of the national apology and much of the text of the IRSSA may be read in that way. The very existence of these views, while unlikely to dominate the story, demonstrates that the public sphere is much more ambiguous around this issue.¹²

In his historical overview, Barkan stresses a deeply relational quality of restitution: “It is the growth of both identities – the victim and the perpetrator, both as subjective identities – that informs this new space in international and national politics ... the novelty in the discourse of restitution is that it is a discussion between the perpetrators and their victims. This interaction between perpetrator and victim is a new form of political negotiation that enables the rewriting of memory and historical identity in ways that both can share.” (Barkan xviii) South African TRC hearings exemplified that relation by staging scenes where South African policemen were confronted by the mothers of men they had killed. However, such encounters are likely to be less a feature of Canada’s experience, because not only do the events to be examined span over a century and many involved are long dead, but also because the process is voluntary: the TRC has no power to compel witnesses and cannot adopt the methods of a criminal investigation nor offer amnesty.¹³ Moreover, the truth-telling and testimonial activities are unlikely to be open hearings as many in South Africa were. Consequently, the role of perpetrator is likely to be unfulfilled.

In any case, there is a deeper problem with the portrayal of reconciliation as a relation between victim and perpetrator. As one critic of South Africa’s TRC has observed: “A process of reconciliation that emphasizes the experience of individual victims and individual perpetrators accounts for a very visible, but not the most comprehensive, facet of apartheid oppression ... Reconciliation, therefore, cannot simply be about apology and forgiveness – whether individual and collective – or economic redress. Reconciliation must engage with the discursive, or cultural, structures that legitimize socio-economic inequality and the resort to violence as a means of ‘security’ or ‘resistance’.” (Jefferess 153-4). Without this, reconciliations between individuals will “construct such moments as metonyms for national reconciliation. Reducing reconciliation

¹² See for example Bill Curry, ‘Pope told of sainthood bid for former residential school student’, *Globe and Mail*, May 1, 2009, A10.

¹³ IRSSA, Schedule N, Section 4.

to such moments of embrace reproduces the inevitability of post-colonial disappointment. The historical *moment* of independence – symbolized by the unfurling of a new flag, for instance – is not the social, political and economic *process* of transformation/redress it implicitly figures. Similarly, moments of apology and forgiveness between individuals during the TRC are not the *process* of reconciliation for the new nation.” (Jefferess 164) On this reading, a more effective mode of reconciliation would be to see colonialism as a far-reaching structure and ideology that produced ‘beneficiaries’ and those who suffer.

III

The chief mode of working for Canada’s TRC will be to present stories in a way that allows Indigenous peoples affected “to put back together shattered selves, families and societies” (Phelps 55). For many, the act of telling these stories in their own way and on their own terms will lift the burden they face and allow them to live their lives and meet challenges in a new spirit. This is significant but the telling of stories begs the question of how others will listen to those stories and the overall narrative that is made out of them (Razack 36-55).

The telling of stories will take place in a series of national and community events that the TRC will devise with the approval of a committee of IRS survivors. I very much doubt there will be any difficulty in getting media attention. Tales of victimisation and abuse will be grist to the mill for a media culture that thrives on pathos and violence. Judging from other TRC processes as well as coverage of the national apology, we can expect considerable media interest in the work of the TRC, particularly around its national events. In addition, there will likely be considerable coverage of the community events in local media sources. In order to assess how that reportage is constructed and then consumed, we can first think about what we know of national opinion on the subject.

The government body managing the IRSSA and TRC processes, the IRS Resolution Sector last year commissioned a nation-wide benchmarking survey (using telephone interviews of over 1500 people across Canada) on awareness of issues relating to the IRSSA and the work of the TRC.¹⁴ Its findings are not surprising but reinforce the need for caution in what the process may be able to achieve in terms of its ambitious mandates of social engagement and transformation. There is some knowledge among the general population of the IRS issue and of key features such as the removal of children from families and communities and the suppression of Indigenous languages and cultures in those settings. About one third claim some familiarity with the issues. However, about six out of ten cannot cite any consequences for Aboriginal peoples in residential schools. Somewhat contradictorily, six out of ten in the general population see some causal link between IRS experiences and contemporary challenges facing Indigenous peoples.

Questions on the purpose and effectiveness of restitutive measures are revealing: “By a clear margin, Canadians feel that the provision of counselling (or other forms of assistance) for former students has the best chance to contribute to reconciliation between Aboriginal people and non-Aboriginal Canadians ... more than raising awareness, a formal apology or financial

¹⁴ Environics Research Group, 2008 National Benchmark Survey, Prepared for: Indian Residential Schools Resolution Canada and the Truth and Reconciliation Commission (May 2008).

compensation/support. More than four in ten Canadians feel counselling for former students will contribute “a great deal” toward reconciliation.” Note that this implies that “the problem” is that Indigenous suffering as an obstacle to their social progress and participation. It locates the need for redress and action within Indigenous communities and individuals, eliding a role for non-Indigenous peoples.

However, though a majority believes that non-Indigenous peoples have “a role to play” in bringing about reconciliation, only a third think the TRC will play a significant part in doing so.¹⁵ Moreover, the meaning of “reconciliation” varies considerably: “The most common perceived meanings relate to closure, forgiveness or “moving on” (16%), awareness and understanding of the issue (15%), building better relations/making peace between Aboriginal and non-Aboriginal people (15%), and making amends or apologizing (15%).”

One thing the survey methodology also reveals is very high levels of disinterest. Eight times as many people refused to participate in the survey as agreed to, and while I do not want to conflate the many reasons people can have for refusing, what this demonstrates is that there is no broad sense of obligation or necessity here. Those who participate vary in their attitudes to be sure, but we can assume are more likely to be engaged or interested in the issue to begin with. How will the obligations of reconciliation move beyond those groups who are already disposed or aware, and become meaningful in ways that Indigenous people perceive as just forms of recognition?

Linda Smith recently observed that the era of neoliberalism, by narrowing the ways in which the state chooses to engage with Indigenous peoples, has reinforced an expectation that Indigenous peoples be “authentic” (Smith 348-50). The mode of the TRC may be to make audible individual survivors’ tales of loss of culture, connection and identity, thereby reinforcing broader social scepticism of the continuing identity of indigenous peoples and denying indigenous dynamism.

A further argument, one that recurred in the Australian context, is that contemporary individuals are not personally responsible: even for those who did not use this as an argument against restitution, it distanced the history of the Stolen Generations from a present world of moral agents, of intentions and actions. In this sense, reconciliation after the IRS history and legacy may be constructed as a response to historical “disaster”. The popular idea of disaster minimises human actions and political choices that produce or exacerbate exposure to environmental vulnerability (Gunewardena and Schuller 273). Without a foundational critique of the ideology underpinning Residential Schools policy, demonstrating the continuity of its assumptions and informing a present understanding of responsibility, narratives of violation may be understood as the legacies of historical disaster. We must examine how Canadians will be prompted to consider the IRS history and the various forms of remediation offered to its survivors. It may be that their rationale is in humanitarian impulses completely continuous with those of charity and concern

¹⁵ There are quite significant variations amongst knowledge of, interest in and support for Aboriginal concerns that can be seen regionally, with much greater awareness in the North and much less in Quebec. For example, awareness of IRS issues is almost six times higher in the north of Canada than it is in Quebec. Age, income and education are also predictors of interest and support. The research also shows some small but distinct differences between the general population and New Canadians (those born outside Canada) for whom there are slightly higher levels of concern, but who are less sanguine and somewhat more pessimistic about the state of relations between Aboriginal peoples and non-Aboriginal peoples. The overwhelming sources of awareness of the IRSSA and associated issues were mass media, particularly newspapers and television.

for victims of disaster or famine. Hardt and Negri have observed a different modality of imperialism, in which humanitarian agencies had become the “mendicant orders of empire”, and “powerful pacific weapons of the new world order”(Cited in Donini 31). There is potential for Truth and Reconciliation Commissions to present the same sort of legitimation of the present.

One possible articulation of a collective settler response is shame, particularly the shame of the nation, which individuals frequently take up in response to national policies over which they have no control. In particular, we feel shame because of how others – particularly those outside the country – will view our behaviour. This is a key feature of what I have called “progressive nationalism” (de Costa). Sara Ahmed has analysed the emotional structure of this response in relation to reconciliation in Australia: “the response to the pain of indigenous Australians should be the shame of the white nation, which is, paradoxically not made up of white individuals. The burden of the document falls unequally: indigenous Australians tell their personal stories but white readers are allowed to disappear from history ... Reconciliation becomes in this narrative, the reconciliation of indigenous individuals into the white nation, which is now cleansed through its expression of shame.” (Ahmed 35) Moreover, the nation is able “to claim an identity through shame ... (to) bring the nation into existence as a felt community”. Rather than acknowledging indigenous communities’ as the sites of colonial violence, reconciliation is a recrudescing nationalism that takes the form of self-examination. It restores the “pride that is threatened in the moment of recognition, and then regained in the capacity to bear witness ... by witnessing what is shameful about the past, the nation can ‘live up to’ the ideals that secure its identity or being in the present ... our shame means that we mean well and can work to reproduce the nation as an ideal.”(Ahmed 109)

In the absence of regime change and constitutional upheaval, we are obliged to think about the role of affect and emotions, to note their power in creating and delimiting collective experiences and responses. It is generally true that emotions play a marginal role in public and political life. Philipose and others have argued (albeit cautiously) for a recovery of the political potential of emotions as it “contributes to bridging the gap between ‘us’, those with whom we already have affinity, and ‘other Others’, those who are not yet included in our community of sentiment. Humanizing those who are not already part of our communities by acknowledging them as emotional and affective agents contributes to the expansion of transnational public spheres and aids those of us who are not ourselves under active occupation to grasp the brutal complexities of imperial politics” (Philipose 61).

What might non-Aboriginal peoples hear and then feel? Roger Simon has analysed extensively the problems of this public history approach. He writes of the “worthy pedagogical idea inherent in (it) ... that the authority and moral weight of (reparative acts) will lead Canadians not only to become more aware of past events excluded from the dominant narratives of Canadian history, but also to undertake an active, ethical engagement with this past, one that might forge new relations of solidarity with Indigenous communities in a collective struggle for a more just future”.(Simon) Simon notes the assumption that speaking and hearing these truths will help rebuild relationships, and as he says “foster an ethics of responsibility in which both condolence and reparation will underwrite the possibility of a more just, social and political bond”. This is what is meant by “the truth setting us free”. The assumption Simon identifies here is that such “stories of heartfelt pain and suffering (will take on) an almost magical power, as if, “listening to

the story is itself enough, as if it does not take hard work - political work as well as emotional - to create a world in which we can truly say 'never again' will such violence and violation be tolerated." (Simon) He notes that:

"When non-Aboriginal Canadians are presented with stories of victimization ... listeners often will reduce the persona of that person to one whose life has been over-determined by a history not of one's own making. In other words, this person is experienced as a "victim" deserving of 'pity.' Clearly it is not pity that people will be asking for when testifying before the Commission. However, there is present in our society, a historically specific, socially organized mode of regarding the pain of others that has the potential to deny a person a subjectivity that is self-constituting." This could render all individual IRS survivors into "mere" examples of the same sad story, each one simply reproducing the last in "a narrative of victimhood and not victimization." In such a structure of listening and feeling, "what is 'forgotten' is that "victimhood" is a position in a power relation in which one might be implicated." (Simon)

There are social and economic functions to what Ahmed calls "feeling good about feeling bad" (Ahmed 102-3). Benevolent urges recur throughout the histories of imperialism and colonialism, including forms of humanitarianism and "benign imperialism", providing ground for policies of modernization and development, assimilation and integration, charity and aid. Indeed, these motivations are foundational to the colonial enterprise in legitimating Europeans' presence and presumed superiority. Reconciliation is in danger of reproducing these impulses. Drawing on work by Gayatri Spivak and others, Riedner and Mahoney have observed a range of social encounters in order to show how benevolent emotions reinforce economic relations. They argue that, "as particular subjects learn to 'feel good' about giving, they are experiencing a capitalist class relation that directs their energies toward the authorized representational economy of value and away from an 'other' economy of value: an economy that builds connections among people through their interdependence (and networked labor relations)" (Riedner and Mahoney 57).

So how are we to learn how "to respond to a pain that we cannot claim as our own ... (so) that the testimony is not taken away from others as if it were about our feelings, or our ability to feel the feelings of others." (Ahmed 35) How might reconciliation engage the larger category of non-Aboriginal peoples, demonstrating the continuities, so that present and future generations see themselves as beneficiaries of colonial policy?

IV

"I think I can safely say that if you could get these stories to average Canadians, you would tap into a great deal of goodwill, because no one in this room will ever forget what we've heard today."¹⁶

¹⁶ NDP MP Pat Martin in the AANO Committee hearings on the Alternative Dispute Resolution policy in 2005. Paulette Regan, "An apology feast in Hazelton: Indian Residential Schools, reconciliation and making space for Indigenous legal traditions," *Indigenous legal traditions*, ed. Law Commission of Canada (Vancouver: UBC Press, 2007) 57.

In this final section I offer a few observations about strategies and examples of mobilisation of non-Aboriginal people that are ostensibly in support of Aboriginal peoples; how they manifest non-Aboriginal ideas about their obligations. In his book *Stories, identities and political change*, Charles Tilly wrote about what he called “contentious identities”, which he defined as “collective answers to the question ‘Who are you?’ ‘Who are we?’ and ‘Who are they?’ offered by participants in ... claim making (processes)” (Tilly 6). He also made a distinction between “embedded” and “detached” types of collective identities. Embedded forms include identities like “woman, Nahuatl-speaker, neighbor”, while detached forms include “citizen, socialist, worker”; everyday in our ordinary interactions we live the former embedded identities, while the latter detached forms require mobilization and self-consciousness, the connection of fragmented individual experiences into larger representations (Tilly 12).

Indigenous peoples have been extraordinarily effective in making connections between the embedded realities of colonial experience, visible in collective self-identifications such as Native and Indigenous. But this is not at all matched by a condensation of non-Indigenous identities. Mainly this is because the quotidian reality of non-Aboriginal diversity rarely encounter let alone acknowledge the practices of colonialism or recognise Native suffering. Indeed, other than as nationals/citizens non-Aboriginal people have little basis for mobilization, on which political entrepreneurs might articulate and connect the fragments. The only actors to have done this are the politicians who speak on behalf of “ordinary” or “mainstream”, Canadians: their positions entitle them (they feel) to offer certitudes about what this larger group is and feels and they rarely feel the need to ask – why would they? They are elected to represent that larger collective. While the flaws of this reasoning are plain enough, this is part of civic practice in a large democracy.

And this is what national apologies and what TRC processes do. National political leaders have given their voice to a recognition of widespread Native suffering in specific instances. They have done so under pressure and because there is a widespread assumption in the truth of the premise of representative democracy – that people like Stephen Harper or Kevin Rudd actually are able to speak for the nation and particularly its non-native population. We can in polls that report wide support for the apology a passive form of identification that imposes little or no psychic cost on “supporters”. During the apology last June, which I watched on television at home in Toronto, thousands of people suddenly starting thronging the streets outside, cheering and blaring car horns. Why? Because my neighbourhood is largely a community of migrants from southern Europe, and Portugal had just won one of their matches in an international football tournament. I doubt that many of those in the street even knew what was taking place in Ottawa in their name, let alone supported it and cared enough to think through what the apology might mean for them, or require of them. Does it matter? If we need to transform attitudes in order to make possible significant transfers of state power and resources back to indigenous collectives then the answer may be “yes”.

Arguments for *indigenization* seek to go beyond the civic passivity of national apologia, by offering a positive mode of identity for non-Native peoples that is a form of acknowledgment of indigenous priority. I use the term *indigenization* to denote appeals for and attempts to reposition and reinvent non-Native identities – whether the national story as a whole or individuals’ personal stories – in ways that may reiterate not only Native peoples’ rights but more importantly

their creativity, wisdom and respect for the land and that includes Indigenous economies(Rose). This is often advocated as a way to improve national governance, to ensure our sustainability and relevance in the world.

Two popular examples can be found in the work of high profile public intellectuals who urge us to do this rethinking and reimagining. John Ralston Saul in Canada and Germaine Greer in Australia have, in quite different ways, stressed the genius of indigenous peoples in living well in their lands, and have done so to suggest a model for contemporary societies, economies, cultures and peoples on those same lands. Ralston Saul's urges Canadians to learn how to see ourselves again, as a Métis nation or an aboriginal civilisation; a culture formed out of diversity, tolerance and compromise. The real purpose for so doing is to enable Canada to engage with and contribute to the problems of its region and the world, drawing on the strength of our experiences and traditions (Saul). Greer is motivated by evidence of social and ecological disintegration in Australia, seeing in indigenous culture and law and particularly the relations to land these encode, a remedy for materialism and alienation (Greer).

There are obvious concerns here: Can non-Native peoples (whether intellectuals or not) really explain the wisdom of Native peoples accurately, sensibly, and justly? How could this form of learning from Native peoples ever really be discontinuous with the many instances of cultural appropriation?

I suspect that successful instances are most likely to take place in local and small-scale contexts, where non-Native people have to account for their appreciation and use of Native culture in fairly direct forms of relationship with Native people. That is, community groups, church-goers, and solidarity alliances such as those made between environmentalists or social justice activists. An example is the engagement of non-Native peoples on Haida Gwaii in support of the Haida, whose struggle is to create a sustainable and just way to manage their lands and forests and to ensure their people and culture thrive. Such projects build on existing modes of social engagement and mobilization, demonstrating how and why non-Natives might rethink and rework their own struggles so that they first recognise Native peoples and then seek ways to align struggles in mutually supporting ways. The community events component of the TRC process has the opportunity to support these possibilities in creative ways.

But the fact remains that most non-Native peoples are not pre-mobilised in suitable forms. They are not identified and organised into collectives who can align their struggles (for environmental protection, social justice, international solidarity etc.) with indigenous communities. And in the absence of any collective strategies for reconstructing – not just deconstructing – non-Native identities, the business of reconciliation will remain over-determined by those who are able to represent settler identities in their broadest, that is mainstream media and political actors, and they will do so with their own imperatives of spectacle, national unity, simplistic notions of equal citizenship, or simply to defang Native claims. Reconciliation may absorb our attention and emotions while the business of Canada continues unchallenged.

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