
RECONCILIATION IN CANADA: A HEALING FORCE FOR SOCIAL AND INSTITUTIONAL CHANGE

by Sandy Lamalle

INTRODUCTION

Experiences of reconciliation in countries throughout the world teach that transformation begins by shedding light on the history, mechanisms and factors of injustice. That is a first step, as reconciliation is not an event, but a whole process, as well as a guiding principle. It means 'reaching out to the other to build understanding and relationships'.¹ In that respect, the experience of reconciliation in Canada is enlightening and presents innovative features.

THE RECONCILIATION PROCESS

The trauma of the Indian residential schools ('IRS') system was exposed during the Royal Commission on Aboriginal Peoples in 1991 and acknowledged in its 1996 report; the year the last school closed. Since the 1870s, when the government decided to implement a policy of 'aggressive assimilation', about 150 000 Indigenous and Métis children had been forcibly removed from their families to be educated at church-run schools (Anglican, Catholic, Presbyterian or United Churches). Their native languages, ways of being and cultural practices were prohibited. They endured many abuses, and more than 4000 children died.²

Once the trauma was acknowledged, the churches apologised publicly in the late 1990s. A decade later, at the society level, the political institutions were able to take that step, with the official apology by Prime Minister Stephen Harper to residential school students occurring in Parliament in 2008.

ABORIGINAL ACTION PLAN

In the building of understanding and relationships, the next steps were set in Canada's 1998 Aboriginal Action Plan Gathering Strength.³ It paved the way for reconciliation, with an official statement and objectives of restorative justice. To that end, it established the Aboriginal Healing Foundation. And here lies the key to the process: the trauma needs to be healed. The focus is then at the level of the person, whose first need is to be liberated from oppressive representations and patterns, so they are able to find a space where being oneself and growing is possible again. In that

sense, reconciliation is linked with that of identity and otherness; as 'non-recognition or mis-recognition (one receives from the social setting) can inflict harm [and] be a form of oppression, imprisoning someone in a false distorted and reduced mode of being.'⁴

COMPENSATION

After years of negotiations between all the parties involved on how to achieve a fair and lasting resolution, the Indian Residential Schools Settlement Agreement ('IRSSA') was finally signed in 2006. It established a mechanism for compensation for former students of residential schools, with an independent assessment process for claims of sexual or serious physical abuse, and a common experience payment. In 2014, from an initial compensation package of \$1.9 billion, 85 per cent of applicants have been paid, and 105 540 applications have been processed. Although there were some issues raised about the process, to do with the definitions and scope of application of the compensation scheme (eg problems with the Provinces concerned or the types of abuses recognised officially by the Churches), the IRSSA was generally seen as a good tool for compensation.

Commemoration is another dimension of the process set in the IRSSA, as well as allocating for funding activities at community and national levels. For instance, in 2011, the legacy of residential schools was commemorated with a permanent installation of a stained-glass artwork in the Centre Block on Parliament Hill. Finally, and most decisively for the social and institutional process of reconciliation, the IRSSA included a Truth and Reconciliation Commission ('TRC') and measures to support healing.

OPENING A SPACE FOR CHANGE: THE WORK OF THE TRC

Spaces allowing a change of social representations⁵ are necessary for reconciliation. Such spaces can empower individuals to free themselves from oppressive patterns and redefine collectively, in their relationships, new social representations.⁶ As a mode of justice, a space of uncertainty or hybridity helps to:

Devise open ethical forums that enable fundamental questions, deconstructions and dissociations of past events and practices ...

these forums ... are to open themselves to name and challenge the structured auspices that have shaped past injustices.⁷

The TRC is an opportunity to provide such a forum—a space for change. In that regard, the Canadian TRC displays innovative elements and specificities stemming from its healing approach.

The TRC was established in 2008, and should complete its mandate in 2015. The objectives of the TRC are to witness, support, promote and facilitate truth and reconciliation events at national and community levels. According to its mandate, it includes providing a holistic, culturally appropriate and safe setting for former students, their families and communities.⁸ It aims to promote awareness and public education of Canadians about the IRS system and its impacts; to document and create as complete an historical record as possible of the IRS system and legacy; to produce and submit to the Parties of the Agreement a report including recommendations to the Government of Canada; and to support commemoration.⁹ All the goals deal with systemic harm, intergenerational consequences and the impact on human dignity.

TRC MANDATE

Pursuant to its mandate and in the exercise of its duties, the Commission shall recognise the significance of Aboriginal oral and legal traditions in its activities [and] as part of the overall holistic approach to reconciliation and healing, the Commission should reasonably coordinate with other initiatives under the Agreement and shall acknowledge links to other aspects of the Agreement such that the overall goals of reconciliation will be promoted'. The mandate further states that: 'Reconciliation is an ongoing individual and collective process, and will require commitment from all those affected including First Nations, Inuit and Métis former 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.'¹⁰

STRUCTURES AND PRINCIPLES

One of the specificities of the TRC appears in its functioning structures and principles. They express a hybrid approach, resulting from an integration of modern mechanisms of transitional justice and traditional Aboriginal knowledges and practices. The principles were determined by the Working Group on Truth and Reconciliation and Exploratory Dialogues (1998-99). The process has to be accessible, with individual participation covering the following principles:

- voluntary
- victim-centred
- confidential (if required by the former student)
- cause no harm

- designed for the health and safety of participants
- representative
- public/transparent and accountable/open and honourable
- comprehensive
- inclusive
- educational
- holistic
- just and fair/respectful
- flexible
- forward looking in terms of rebuilding and renewing Aboriginal relationships and the relationship between Aboriginal and non-Aboriginal Canadians.¹¹

Transformation begins by shedding light on the history, mechanisms and factors of injustice.

THE PEOPLE OF THE TRC

The people setting the process in motion are three Commissioners, a Central Secretariat assisted by an Indian Residential School Survivor Committee ('IRSSC'), and Honorary Witnesses. The Commissioners are Chief Wilton Littlechild, Dr. Marie Wilson and the Honourable Justice Murray Sinclair.

The approach of witnessing refers to an Aboriginal principle. In oral traditions, witnesses are the keepers of history during an important event and then have to share it. The Right Honourable Michaëlle Jean, former Governor General and Commander-in-Chief of Canada, became the first Witness. Other Honorary Witnesses include Grand Chiefs, one being the Representative for the United Nations Permanent Forum on Indigenous Issues; another from the Survivors of Genocides and Wars (as the Holocaust in Europe and genocide in Rwanda), as well as notable representatives in the fields of intercultural dialogue, justice and media.¹²

INVOLVING THE NATION

As one of the principles is flexibility, the TRC is holding local events across the country, and has held national events in Winnipeg, Inuvik, Halifax, Saskatoon, Montreal, Vancouver, and Edmonton. A closing ceremony is expected for 2015. On an individual level, many people have volunteered to assist with community organised events. On a community level, plans and actions have been taken to affect positive change and fight against racism. There are also institutional and corporate expressions of reconciliation (for instance the City of Toronto¹³ or BC Hydro).¹⁴ The 2012 Interim Report counted the gathering of 25 000 statements from survivors, about 500

communities visited and 100 former school employees heard. It recommended that the legacy of the residential schools should be taught in the public education system.

All the goals deal with systemic harm, intergenerational consequences and the impact on human dignity.

HEALING

Health Canada and its members have played a crucial role with the healing process. According to the IRSSA, Health Canada provides mental health and emotional supports to former students and their families through the Resolution Health Support Program. Both modern and traditional Aboriginal medicines are available. In that framework, 'Sharing Circles' are the most important gatherings. They are traditional Aboriginal healing ceremonies, allowing former students to express their traumatic experience through a holistic approach of person and healing. As in Australian Aboriginal traditions, such an approach is 'based on addressing the relationship between the spiritual, emotional and physical in a holistic manner'.¹⁵

The 'Sharing Circles', found in the Native American cultures of the United States and Canada, have been used in different contexts. In the 1980s for instance:

Territorial Courts introduced the sentencing circle as a means of sharing the justice process with the community. The process is seen as fair in that it allows each person to have a voice and to work together in finding a solution. [It has been] viewed as a good way of building relationships and strengthening the community.¹⁶

Healing, understood as a goal of the reconciliation process, is therefore both an individual and collective experience.¹⁷ Taking into account such an understanding in the work of the TRC is innovative, and particularly helpful, as usually paradigmatic concerns prevent from adopting other methodologies.¹⁸

One colourful and emblematic element of the Canadian TRC is a symbolic representation of such an understanding of healing: the Bentwood Box. Carved by the artist Luke Marston, as a tribute to all residential school survivors, it was steamed and bent from a single piece of red cedar. Marking the resilience of survivors and their descendants, the box is one single recipient of reconciliation statements.

CONCLUSION: DYNAMICS OF CHANGE

One of the main characteristics of reconciliation is to involve all the parties concerned. By creating an open space, ruled by a set of principles of participation and interaction, the Canadian Commission allowed social and institutional expressions and acts of reconciliation. Furthermore, it fostered 'the recognition and development of Indigenous knowledges and methodologies as part of a transformative political process'.¹⁹ From the open space of reconciliation new representations and definitions emerge, which can later be institutionalised in the legal discourse.

Throughout the years of building understanding and relationships, the TRC has launched a dynamic of social and institutional change for the whole society. And as reconciliation is a process of re-uniting (re-concilio), healing is recovering unity—at the individual, community and society levels. If reconciliation is animated by hope, then healing is the force shaping social and institutional change.

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- 2 Truth and Reconciliation Commission of Canada, 'Canada, Aboriginal peoples and residential schools: They came for the children' (Report, 2012) <[http://www.myrobust.com/websites/trcinstitution/File/2039_T&R_eng_web\[1\].pdf](http://www.myrobust.com/websites/trcinstitution/File/2039_T&R_eng_web[1].pdf)>; Mark Kennedy, 'At least 4000 aboriginal children died in residential schools commission finds', *Postmedia* (online) 3 January 2014 <<http://o.canada.com/news/national/at-least-4000-aboriginal-children-died-in-residential-schools-commission-finds>>.
- 3 Minister of Public Works and Government Services Canada, 'Gathering Strength: Canada's Aboriginal Action Plan' (1997) <<http://www.ahf.ca/downloads/gathering-strength.pdf>>.
- 4 Miroslav Volf, *Exclusion and Embrace: A Theological exploration of Identity, Otherness and Reconciliation* (Abingdon Press, 1996) 19.
- 5 Generally, social representations refer to a stock of values, ideas, metaphors, beliefs, and practices that are shared among the members of groups and communities.
- 6 Margaret Kovach, *Indigenous Methodologies: Characteristics, Conversations and Contexts* (University of Toronto Press, 2009).
- 7 George Pavlich, 'Ethics, Universal Principles and Restorative Justice' in Gerry Johnstone and Daniel Van Ness (eds), *Handbook of Restorative Justice* (Willan Publishing, 2007) 615-630.
- 8 Truth and Reconciliation Commission of Canada, *Schedule "N": Mandate for the Truth and Reconciliation Commission*, Truth and Reconciliation Commission of Canada, <http://www.trc.ca/websites/trcinstitution/File/pdfs/SCHEDULE_N_EN.pdf>.
- 9 Ibid.
- 10 Ibid.

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- 11 Ibid.
 - 12 Truth and Reconciliation Commission of Canada, *Honorary Witnesses*, Truth and Reconciliation Commission of Canada <<http://www.trc.ca/websites/reconciliation/index.php?p=331#HonoraryWitnesses>>.
 - 13 City of Toronto, *Statement of Commitment to Aboriginal Communities in Toronto*, Truth and Reconciliation Commission of Canada <<http://www.trc.ca/websites/reconciliation/File/CityofToronto.pdf>>.
 - 14 BC Hydro, *BC Hydro's Expression of Reconciliation* (13 April 2002) Truth and Reconciliation Commission <http://www.bchydro.com/content/dam/hydro/medialib/internet/documents/community/aboriginal/BCH_Expression_of_Reconciliation.pdf>.
 - 15 Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report*, (Human Rights and Equal Opportunity Commission, 2004) 57.
 - 16 Lynette Parker, *Circles* (2001), Restorative Justice Online <<http://www.restorativejustice.org/university-classroom/01introduction/tutorial-introduction-to-restorative-justice/processes/circles>>.
 - 17 Public Safety Canada and The Aboriginal Healing Foundation, 'Mapping the Healing Journey: Final Report of a First Nation Research Project on Healing in Canadian Aboriginal Communities' (Report, 2002).
 - 18 Y. Lincoln, S. Lynham, E.G. Guba, 'Paradigmatic controversies, contradictions and emerging confluences' in Norman K. Denzin and Yvonna S. Lincoln (eds), *Handbook of Qualitative Research* (Sage, 4th edition, 2011)191-128.
 - 19 Leanne R. Simpson, 'Anticolonial Strategies for the Recovery and Maintenance of Indigenous Knowledge' (2004) 28 (3&4) *The American Indian Quarterly* 373-76, 384.
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'Recognise This' Paste Up project

'For the integrity of our future generations it is important that we as Aboriginal and Torres Strait Islanders stand strong for the recognition of our culture and our people. A movement for change, for the better.'

Aggie, 19
Cairns, Qld.



'Recognise This' Paste Up project

'Indigenous people are still teaching strong culture way. Our family, culture and land is important to us and it's time for everyone to recognise this.'

Rowena, 15, Junior Ranger
Maningrida, NT.

