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## Canadian Identity and Canada's Indian Residential School Apology<sup>1</sup>

Canada's more than century-long Indian Residential Schools system transferred Indigenous<sup>2</sup> children from their homes and communities to state- and church-run schools with the goal of facilitating their assimilation into Canadian society. In 2008, Canada delivered an official apology for its role in the system and its legacy. This apology has the potential to heal Indigenous/Settler-state relations, but to do so it must transform existing relationships and further simple coexistence as a reconciliation mechanism. The social construction of Canadian identity as lawful and benevolent may present a barrier in achieving these goals and may ultimately hinder meaningful reconciliation with Indigenous peoples.

### **Residential Schools**

Canada's Indian Residential Schools were part of an overall assimilation strategy to civilize and Christianize Indigenous peoples with the ultimate goal of making them into citizens (Canada. Royal Commission on Aboriginal Peoples 1996b). Children became the focus of the Indian Residential Schools because a consensus arose between government and church officials that "Aboriginal ... 'savagery' could be solved by taking children from their families at an early age and instilling the ways of the dominant society" (Canada. Royal Commission on Aboriginal Peoples 1996a), popularly described as "killing the Indian in the child."<sup>3</sup> Adults were deemed to be not only incapable of this transformation from savagery but an impediment to it by continuing to transfer their own knowledge and culture on to their children (Canada. Royal Commission on

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<sup>1</sup> An abbreviated version of this paper was presented at Intersections 2010: Situating "Relation" in Communication and Culture, March 14 2010 at Ryerson University under the title: *Even though it was legal and well intentioned, we're sorry: Canadian identity and Canada's Indian Residential School apology*.

<sup>2</sup> The use of 'Indigenous' throughout this paper rather than 'Aboriginal' is consistent with the goals and ethics of this research. While both terms mean original, in Canada, the term 'Aboriginal' is a legal classification of original peoples determined by the state. The use of 'Indigenous' acknowledges that the originality of Indigenous peoples is inherent rather than dependent upon a legal designation by the Canadian state.

<sup>3</sup> The term 'killing the Indian in the child' is widely used in referring to the goal of Canada's Indian Residential schools and it is difficult to attribute it to any particular source. It may have evolved from 'Kill the Indian, Save the Man' a phrase used by Richard Pratt, the architect of the U.S. Residential School System—for further information see Churchill, Ward, 2004. *Kill the Indian, Save the Man: The Genocidal Impact of American Indian Residential Schools*. San Francisco: City Lights.

Aboriginal Peoples 1996b). Thus, the residential nature of the program arose because “Aboriginal children had to be rescued from their ‘evil surroundings’” (Canada. Indian Affairs 1911: 273), isolated from parents, family and community, and “kept constantly within the circle of civilized conditions” (Davin 1879: 12).

In addition to being removed from their families to live at the school for up to ten months of the year, children were also forbidden to practice their customs or to speak their own languages at these schools. They had their hair cut, were dressed in European clothes, and were required to participate in state and church festivals and rituals. Physical and emotional abuse was the usual method used to punish students who refused to comply with these actions. Poor funding of Indian Residential Schools meant that in addition to abuse, children attending these schools had to endure inadequate facilities (e.g. poor ventilation, lack of heat), a poor quality of education (e.g. unqualified teachers), and, the neglect of their basic needs, (e.g. lack of food, clothing). Overcrowding was common and often led to disease and death, with some estimates of the death rate in Indian Residential Schools as high as 50 percent of students (Canada. Royal Commission on Aboriginal Peoples 1996b).

### **Canada's Official Apology**

On June 11, 2008, Prime Minister Stephen Harper issued an apology on behalf of Canadians to former students of residential schools. The goal of Canada's Indian Residential Schools apology was to acknowledge responsibility for Indian Residential Schools and their legacy and to lay the foundation for a new relationship between “Aboriginal peoples and other Canadians” (Canada. Parliament of Canada 2008). Like all official apologies, Canada's apology has the potential to transform relationships and effect social change. As Indigenous leaders and scholars noted after its delivery, however, the authenticity of the apology would be determined by whether appropriate actions followed (Corntassel 2009: 11).

### **Meaningful Reconciliation with Indigenous Peoples**

As reconciliation mechanisms, political apologies are part of a process of “rebuilding relationships today that are not haunted by the conflicts and hatreds of yesterday” (Hayner 2001: 310-11), which aims for “prevention through understanding” (Short 2005: 268) what happened and why. Reconciliation through political apologies thus requires identifying the “original and subsequent wrongs” (Short 2005: 270) and putting forward an adequate remedy to these wrongs. Unlike most reconciliation mechanisms which aim to transform a previous authoritarian regime into a liberal democracy (269), the original wrong in an “internal colonial situation” (270)—where “the colonizing society is built on the territories of the formerly free, and now colonized people” (Tully 2000a: 39)—is not a lack of democracy but the illegitimacy of the establishment of Settler-states. To achieve meaningful reconciliation with Indigenous peoples, a political apology therefore must go beyond simply acknowledging wrongful acts and focus on

transforming Indigenous/Settler-state<sup>4</sup> relationships (Corntassel and Holder 2008: 466-67), and pursuing simple coexistence as a mechanism of reconciliation (Short 2005: 275).

### *Transforming Relationships*

The transformation of Indigenous/Settler-state relationships requires political and social change as well as economic redistribution in order to “terminate ... not only ... economic and social subordination but also the colonial relationship” (Short 2005: 275). Thus, rather than focusing on achieving greater equality of Indigenous peoples within the state (Corntassel 2009: 1-2), through the redistribution of materials and social positions, the actions flowing from an apology should be part of a process that transforms the social and institutional structures which are the cause of the inequalities in the relationship (Young 1990: 15). This type of transformation requires taking up a “mutually respectful stance” (Alfred 1999: 63) and adopting a process for Indigenous peoples to achieve self-determination (Corntassel 2009: 2).

Recognition that Indigenous peoples were and continue to be self-governing peoples is important to affirming Indigenous rights to self-determination and is a key indicator of the authenticity of “indigenous/settler state reconciliation process[es], initiated to address colonial dispossession and its legacy” (Short 2005: 273). Indigenous rights to self-determination are human rights possessed by peoples as opposed to state-granted individual citizenship rights (Short 2005: 273). These rights have been defined in the *United Nations Declaration on the Rights of Indigenous Peoples* (2007) as including the ability to “freely determine ... political status and freely pursue ... economic, social and cultural development” (Article 3). Tully also observes that, “the right of self-determination is, on any plausible account of its contested criteria, the right of a people to govern themselves by their own laws and exercise jurisdiction over their territories” (200b: 57). Recognition of Indigenous rights to self-determination and the adoption of actions to enable the exercise these rights are integral to a meaningful reconciliation process.

### *Simple Coexistence*

As a reconciliation mechanism, simple coexistence enables the furtherance of Indigenous self-determination required to transform relationships. Simple coexistence involves an end to hostility, restitution for past harms and peaceful coexistence (Short 2005: 270). While the ultimate goal is to transform and heal the relationship between Indigenous peoples and settlers, substantive restitution (i.e. land or compensation for land) must precede the rebuilding of relationships (Corntassel and Holder 2008: 470). Indeed as noted by the UN Special Rapporteur, without control over natural resources, the right to self-determination would be meaningless for Indigenous peoples (Daes 2004: 7). Reconciliation via simple coexistence therefore must include “land, financial transfers and other forms of assistance to compensate for past harms and continuing injustices committed against ... [Indigenous] peoples” (Alfred 2005: 152). Ultimately

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<sup>4</sup> The term Settler-state has been used deliberately to emphasize the colonial foundation of Canada.

simple coexistence “must not assume ... settler state sovereignty over Indigenous peoples” (Short 2005: 275) but rather be based on treating Indigenous peoples as equals. This includes allowing unfettered Indigenous jurisdiction over Indigenous lands.

## **Canadian Identity as a Barrier to Meaningful Reconciliation**

### *Imagined Communities*

Benedict Anderson has described a nation as an “imagined political community” (1991: 6). Nations are imagined because members of any nation cannot all know each other. National communities therefore are created and “distinguished from each other by the stories they tell about themselves” (Mackey 2002: 2). For Canada, these stories are inextricably connected to its colonial foundation. To confront the realities of pre-existing Indigenous populations and to deal with the diverse nature of its settler population, Canada has created unique stories to both establish and distinguish its national identity from other nations. Through these stories all Canadians are embodied with the characteristics of the national identity “regardless of the actual attributes of individual members” (Thobani 2007: 10). Two of these stories are of Canada as a lawfully founded nation inhabited by lawful people and Canada as a benevolently founded nation inhabited by benevolent people.

### *Whiteness*

The construction of Canadian identity explored here is the “unmarked, non-ethnic, and usually white, ‘*Canadian-Canadian*’ identity” (Mackey 2002: 20, italics in the original) or what Mackey refers to as the “ordinary Canadian” (21) identity. Studying this “ordinary Canadian” identity does not mean that all “ordinary Canadians” are identical. Rather, it recognizes that whiteness is a dominant “set of cultural practices that are usually unmarked and unnamed,” providing both a “structural advantage” and a “standpoint” from which society is viewed (Frankenberg 1993: 1). This set of dominant cultural practices is what is referred to when the term “Canadian” identity is used in this paper.

### *Lawfulness*

Lawfulness is one of the characteristics ascribed to both Canadian individuals and society (Thobani 2007: 35). Although Thobani notes that early European settlers believed themselves to be racially, religiously and culturally superior to Indigenous peoples, she draws upon Foucault to argue that Europeans acted not only on this notion of superiority, but also on a deeply held tenet in European thought that power must only be exercised through law (37). This notion of exercising power through law combined with European notions of superiority to exalt the lawfulness of European settlers and society while simultaneously constructing Indigenous peoples and societies as lawless (41). Through these constructed identities, the acts of violence (e.g. the use of bounties, smallpox-infected blankets, and coercion into treaties) and the

dispossession of Indigenous lands used to create the Canadian state were therefore justified as lawful and necessary for the civilization of Indigenous peoples (42).

Foundational to the “legal” dispossession of Indigenous lands was the concept of *terra nullius*. *Terra nullius* is related to a concept in colonial European law known as the “settled colony” or “discovery” doctrine, which allowed sovereignty to be asserted over territories that were unoccupied or *terra nullius* by settling them (*Milirrpum v. Nabalco Pty Ltd.*, 1971). Occupied territories, on the other hand, needed to be conquered or ceded for sovereignty to be asserted (*Milirrpum v. Nabalco Pty Ltd.*, 1971). Although Canada was indeed occupied when Europeans first arrived in North America, European nations asserted that unoccupied lands also included lands occupied by “uncivilized inhabitants in a primitive state of society” (*Milirrpum v. Nabalco Pty Ltd.*, 1971), such as the Indigenous peoples in Canada. As such, Canada was considered to be *terra nullius* and therefore sovereignty over Indigenous lands was claimed by settling the land without the land being ceded or conquered. As a result of the “legal” nature of the processes by which Canada was founded, it is widely believed by Canadians today that Canadian sovereignty was founded and maintained lawfully and also that Canadians are inherently lawful people (Thobani 2007: 35). Indeed, in spite of the rejection of *terra nullius* by the international community (*Mabo v Queensland (No 2)*, 1992: Paragraph 56) and by Canadian legal scholars (Macklem 1993: 41), this belief in Canadian lawfulness continues to be central to contemporary Canadian national identity.

The contemporary manifestation of the dichotomy between Canadian lawfulness and Indigenous lawlessness can be seen in media and political portrayals of the Ontario government's handling of an Indigenous land protest at Caledonia Ontario. In the media, the government is accused of providing “cover for aboriginal lawlessness while acting swiftly to control legal non-aboriginal protests” (*National Post* 2010). Similarly, in criticizing the government, political leaders have emphasized the importance of “assert[ing] the rule of law and the importance of the rule of the law being maintained at all times by all people, regardless who they are” (McCarthy 2007). While the actions of the Indigenous peoples referred to in these articles may on the surface be “illegal” it is only through disregarding the illegal assertion of sovereignty over Indigenous peoples and lands and the unequal application of *terra nullius* to European and Indigenous peoples and lands that such laws exist. The characterization of this protest illustrates how lawfulness continues to be an important part of contemporary Canadian identity.

### *Benevolence*

Benevolence as an aspect of ordinary Canadian identity has its origins in a perception that the British/Canadian approach to colonialism was more benevolent than the approach of other colonial nations. For example, the British contrasted their colonial approach of “an orderly business carried out through treaty and trade relationships with Indigenous Peoples” with the Spanish approach, which they construed as a much more violent and disorderly form of colonialism (Altamirano-Jiménez 2008: 179). A deeply ingrained and unarticulated belief by

ordinary Canadians in “naturally superior forms of British justice” (Mackey 2002: 1) is the basis for this belief in the benevolence of British/Canadian colonialism. This belief can be seen in the contrasting representative images of Canadian and American westward expansion. Whereas Canadian westward expansion is represented by the image of the Mounties (a representative of a benevolent Canadian state who collaborated with Indians and treated them with compassion), American westward expansion is represented by the image of American cowboys (i.e. individuals who ruthlessly killed Indians). Although this notion of the benevolent civilization of the Canadian west severely “misrepresent[s] the encounter between cultures and the brutal history of conquest and cultural genocide that Canada is founded upon” (Mackey 2002: 2), similar to the perception of Canada's lawful foundation, this myth of the benevolent creation of Canada is widely believed by “ordinary Canadians” and is an integral component of contemporary Canadian national identity.

In contemporary times the inclusion of welfare (e.g. social assistance, employment insurance, child protection) as an entitlement of citizenship, the liberalization of immigration policy, and the adoption of multiculturalism emphasized that modern Canadians, like their colonial ancestors, were benevolent human beings who possessed high “moral worthiness” (Thobani 2007: 109). In combination, these aspects of Canadian society exalted the Canadian nationality as being “the most generous and human in the world” (Thobani 2007: 97). For example, the state-facilitated adoption of Indigenous children by Canadian nationals and the forced removal of children under Canada's Indian Residential Schools policy worked not only to serve the policy goals of the Residential School system but also had the effect of highlighting the “fitness” (i.e. the moral worthiness) of the Canadian nationals/schools who adopted or became responsible for these children (Thobani 2007: 127). The perception that Canada's immigration system and adoption of multiculturalism are expressions of the benevolence/tolerance of Canadians (Mackey 2002: 15, Thobani 2007: 144) can be seen in Canadian national media portrayals of the Quebec sovereignty movement as “exclusionary, intolerant ... and racist” (*The Globe and Mail* 1995), in contrast to the portrayal of Canada as a more tolerant and inclusive society (Mackey 2002: 15).

Challenging the prevailing mythology of Canadian benevolence/tolerance is tantamount to breaking “a sacred national taboo” (Mackey 2002: xvi). This is particularly true for Indigenous peoples who, as perceived recipients of this benevolence/tolerance, are essential to this aspect of Canadian identity. Thus, when Assembly of First Nations Grand Chief Matthew Coon Come called Canada a racist and discriminatory country, the Canadian Minister of Indian Affairs demanded an apology claiming that there is “no proof of this in the modern time” (Mackey 2002: xv). Even though the Grand Chief's words reflect the current experience of many Indigenous peoples, “Canada's myth of tolerance ... [is used] to deny the claims and experiences of First Nations peoples” (Mackey 2002: xvi) in order to uphold Canadians' perception of their country and themselves as “humane and sensitive on Aboriginal issues” (Asch, 2002: 34). To maintain this myth, historical departures from benevolent/tolerant behavior are labeled “accidental ... regrettable episodes” (Altamirano-Jiménez 2008: 179) in an otherwise commendable pattern of

historical behavior. Similarly, intolerant behavior in contemporary times is dismissed as resulting from flaws in individual people or segments of the population rather than representative of Canadian society as a whole (Mackey 2002: xviii, Thobani 2007: 6).

### *Barrier to Meaningful Reconciliation*

Explicit within the Indian Residential School apology<sup>5</sup> and implicit in statements about the apology in Hansard<sup>6</sup> (Dion 2008) are phrases that describe Indigenous peoples as Canadian citizens. This description is based on the assumed sovereignty of Canada over Indigenous peoples and lands, which, as described above, is based in the legal doctrine of *terra nullius*. Many Indigenous peoples, however, are not looking for recognition of their citizenship rights by the state (Corntassel and Holder 2008: 488); rather, they question the legitimacy of the state (Corntassel 2009: 2). From this perspective, citizenship-based recognition legitimizes the state's claims to sovereignty over Indigenous peoples' lives and represents not reconciliation but rather a mechanism of assimilation (Short 2005: 273). The problem from a meaningful reconciliation perspective is that the assumption of Canadian sovereignty over Indigenous peoples is inconsistent with acknowledging Indigenous peoples as self-governing peoples.

Even though *terra nullius* is largely considered invalid by the International Community (*Mabo v Queensland (No 2)*, 1992: Paragraph 56) and Canadian Legal Scholars (Macklem 1993: 41), since the notion of the legal creation of Canada is integral to Canadian national identity, challenging *terra nullius*—and thereby the basis upon which Canadians claim sovereignty over Indigenous lands and peoples—challenges not only a historical fact, but also a core element of Canadian national identity. However, without confronting the unfounded assumptions upon which historical and contemporary Canadian identity is based, it is likely that meaningful reconciliation with Indigenous peoples will remain an unachievable goal.

### **Conclusion**

This paper puts forward a preliminary observation concerning the effects that the social construction of Canadian identity as lawful and benevolent may have on the possibility of meaningful reconciliation with Indigenous peoples. Through conducting a more thorough critical discourse analysis of the apology, the accepted truths that Canada and Canadians are lawful and benevolent can be deconstructed as historical and discursive. By conducting such an analysis as part of my graduate research it is my hope that spaces of resistance can be opened up so that competing discourses can be put forward to alter power-relations and ultimately to achieve meaningful reconciliation with Indigenous peoples.

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<sup>5</sup> “It will be a positive step in forging a new relationship between Aboriginal peoples and other Canadians” (Canada. Parliament of Canada. 2008. *Statement of Apology to former students of Indian Residential Schools*).

<sup>6</sup> “This means ensuring that all aboriginal Canadians, first nations, Inuit and Métis alike, share in the bounty and opportunity of this country.” Hon. Stéphane Dion (Leader of the Opposition, Lib.)

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