



Healing the wounds of residential schools

All Canadians share a vital stake in work of truth commission, author argues

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On June 11, 2008, Prime Minister Stephen Harper rose in Parliament to apologize to aboriginal people on behalf of all Canadians for a system of Indian residential schools he called a "sad chapter in our history."

A few months later, philosopher/author John Ralston Saul went on a tour to promote his book, *A Fair Country: Telling Truths about Canada*, in which he examined how this country has been "heavily influenced and shaped" by native people. At some point during the tour, however, as Saul listened to Canadians, he discovered among some an unfortunate perspective.



FRED CHARTRAND/THE CANADIAN PRESS FILE PHOTO
Assembly of First Nations Chief Phil Fontaine, centre right, and other aboriginal leaders receive applause before the PM's apology in the House in June.

Their view was: "Okay, they've had their apology, now it's time to just get on with it." Either the apology in itself was sufficient or, if there were to be testimony, wrap it up quickly.

But it doesn't work that way, counters Saul. Such thinking undermines any understanding of what must be done to redress injustice, and by whom.

Too many people see aboriginal problems as just that: *aboriginal* problems, rather than, as Saul does, issues facing all citizens. Using his definition, this is not a story only about upcoming aboriginal issues for 2009, but a story about all of us.

His intellectual starting point says Canada is "a Métis society." In his book, he argues what we are as a nation – our cultural and institutional identity, including an intrinsic belief in egalitarianism – owes more to enlightened aboriginal tradition than the French, the English or anybody else thereafter.

"If you've been here for a couple of hundred years that's not bad, but you are a recent arrival and you don't really have the core understanding of the place," said Saul.

"You are, in effect, camping here, and you'll be a camper until you find a way to be part of the place, and the only way to (do that) is through coming to some sort of agreement about life with aboriginals. ... If you can't do that, you're living a lie – the occupier's lie."

He maintains until Canadians accept the aboriginal origins of our civilization ("the *Indians* were our Greeks – our Athenians, our Spartans"), there is a disconnect in understanding our Canadian selves.

"If your philosophy doesn't take into account the reality of 2 million people being here 400 years ago, you're in self-denial (about your identity). It's about being in this place, and how can you really be in this place if you believe the basis of what you are is European?"

Saul argues Canadian courts are ahead of politicians and the general population in recognizing and honouring values brought by First Nations leaders to the treaties they signed with the Crown. Such values include acceptance of the role of consensus and oral tradition (in the form of oral evidence) in Canadian law, and ideas about ownership that involve a custodial relationship with the land.

Similarly, he lauds the 1996 report by the Royal Commission on Aboriginal Peoples for its endorsement of the concept of Canada as "an ethical pact built over centuries, rather than an administrative power arrangement in which whoever has the power today gets to believe they can run it as they wish."

Says the report: "Treaty promises were part of the foundation of Canada, and keeping those promises is a challenge to the honour and legitimacy of Canada."

Saul doesn't purport to be an expert on aboriginal issues, but he offers the perspective of one who spent a great deal of time researching indigenous society, then sharing his findings with Canadians.

On treaty issues, he said he found a greater understanding in western provinces that "treaties were signed by all parties," and not only by aboriginal people.

"We are all treaty people – but in southern Ontario, many have forgotten that. In that sense you can't think of this as a linear, problem-solving process" Saul said. "What allows us to break these agreements is the fact we see our law as merely European law. But you can't get Canadian law right unless you recognize the centrality of aboriginal law in Canadian law. That reduces the chances of ignoring treaties."

Saul sees the unfolding of the Truth and Reconciliation Commission (TRC) as part of this shared history, in which all Canadians have a stake in the outcome. The first part, focus on the "truth," belongs to survivors and others involved in the failed experiment on schools.

In 2006, a class-action lawsuit resulted in a court settlement that awarded close to \$2 billion to survivors of a system that physically and mentally abused tens of thousands of children at church-run schools for more than a century. There are about 80,000 survivors of a practice that ripped an estimated 150,000 children from their communities and sent them off to be relieved of their "Indian-ness."

The Prime Minister apologized and the TRC, set up for five years under the terms of the 2006 Indian Residential Schools Settlement Agreement, is expected to hear the stories of survivors, beginning sometime this year.

First, however, a new chair must be chosen to replace Justice Harry LaForme, of the Ontario appellate court, who resigned in October.

In recent weeks, former Supreme Court judge Frank Iacobucci (chair of Torstar Corporation) has made progress in formalizing a new selection process, in his role as facilitator to the parties represented in the court agreement. They include the Assembly of First Nations and other aboriginal groups, as well as the federal government and the Catholic, Anglican, United and Presbyterian churches.

Meanwhile, staffers continue to "set the foundation" of the commission's work so it will be able to move forward once the new chair is announced, according to commission spokesperson Kimberly Phillips.

Hearing the survivors' stories can't be rushed, stressed Saul.

"You can't think of this as a linear, problem-solving process," he said. "The actual process is telling the story ... The people who have been harmed have the right to be heard and to hear themselves being heard. They have the right for their friends and families to hear them, and then, the authorities ... An apology doesn't fast-track it. There must be time and emotional energy spent listening."

The "reconciliation" part is complicated. Depending on its recommendations, the commission potentially could influence events far beyond its five-year mandate – and that's where negotiations

over choice of chair may be political.

In five years' time, the commission could, for example, recommend the government of the day reverse the Conservative government's refusal in 2007 to endorse the United Nations Declaration on the Rights of Indigenous Peoples, which created a comprehensive legal framework to address human rights issues for 370 million people in 70 countries. (The former Liberal government supported the declaration; indeed, Canadian lawyers helped draft it.)

LaForme's view on the importance of the reconciliation phase played a role in his decision to resign, sources told the *Star*. He apparently wanted more emphasis on that stage of the work.

Publicly, LaForme, an Ojibwa and member of the Mississauga of New Credit First Nation, cited problems with the other two commissioners, Claudette Dumont-Smith and Jane Brewin Morley. But earlier, he'd criticized the federal government for eroding the commission's independence.

For aboriginal peoples, Saul believes reconciliation is the process of working out what they want to be themselves, and what their relationship will be with the rest of the country. However, reconciliation goes beyond that, he suggests, to mean "Canadians coming to understand the absolute centrality of aboriginal culture and tradition" to the lives of everyone in this country.