

Reconciliation as a Key Federal Outcome

by Jan Maydan

Since 1701, successive federal governments of Canada have entered into treaties and agreements that sought improved relationships with the First Nations. However, the execution of these treaties and agreements has been very imperfect and historically in dispute:

“Canada is committed to honouring its lawful obligations to First Nations. By addressing historic injustices which have undermined trust and co-operation, strong partnerships among Aboriginal people, governments and the private sector are emerging.”¹

In the 1800's, to fulfill its treaty educational obligations, Canada began to fund existing residential schools run by church missionaries and to invite churches to open additional residential schools. The schools' goals were to first to Christianize and then to assimilate aboriginal children into the increasingly dominant non-aboriginal society. The removal of very young children from their families caused enormous disruption and trauma to the children, families and aboriginal communities. The effects of the removal of so many generations will require many generations to heal and restore.

Commencing in the 1990's, Canada was named as the defendant in multiple legal claims, including several class actions, seeking damages for the serious personal injuries of former students. As these allegations were investigated in criminal and civil processes, the nation was shocked at the proving of serious harms caused by the school system. The disruption of families and communities because of the system accounted for experiences of trauma and dysfunction in student survivors, their families, and communities.

In 2005, Canada entered into the Indian Residential Schools Settlement Agreement.² The Agreement was ratified by all courts in 2007 and is a court-administered class action settlement. The goals of the Agreement are to settle Indian Residential School claims, to promote healing and reconciliation, and to rebuild the relationship with Aboriginal peoples. The Courts direct how the agreement will be implemented. If the Government does not comply with court directions, it could be found in breach.

While the Indian Residential Schools Settlement Agreement is court-mandated, it reflects the federal government's policies and activities towards reconciliation with Aboriginal people, deliberately undertaken before and after the Agreement. The Statement of Apology is an example of a conciliatory action taken by the government that was not part of the Agreement but furthers the reconciliation effort necessary to fundamentally improve the lives of First Nations people and communities.

¹ "Treaties with Aboriginal People In Canada" <http://www.ainc-inac.gc.ca/ai/mr/is/tra-eng.asp>

² Court Document "Indian Residential Schools Settlement Agreement" <http://www.residentialschoolsettlement.ca/Settlement.pdf>

Reconciliation: Definition

reconcile

/ˈrɛkənsɪl/

verb 1 restore friendly relations between. 2 make or show to be compatible. 3 (**reconcile to**) make (someone) accept (a disagreeable thing).

- DERIVATIVES **reconcilable** adjective **reconciliation** noun.
- ORIGIN Latin *reconciliare*, from *conciliare* ‘bring together’.

Reconciliation as a Process and Key Outcome

What is the work of reconciliation?³

In the federal government’s work addressing the impact of the Indian residential school system, we are among the offenders. In the adult eyes of those children who were taken from their homes and abused, federal government officials represent those individuals who took them away from home, wielded the strap, claimed that the ways of their families were shameful, beat them and their siblings, and sexually assaulted them. Who would want to reconcile with us?

To achieve reconciliation, the federal government must conduct itself as an offender who dearly wants to earn forgiveness and reconcile with the victim. As a federal representative, you must park your ego at the door.

Whether working to achieve reconciliation at the individual or national levels, the work is largely similar. Janis Abrahms Spring has written a book breaking down the process of reconciliation between individuals, called *How Can I Forgive You?*⁴ The book describes the differences between “cheap” forgiveness, acceptance, refusing to forgive and real forgiveness and how each has its place. We don’t *have* to forgive or be forgiven. But when we as offenders desire reconciliation, where we have, need or want an ongoing relationship with another person, family, group or country, we need to earn our forgiveness.

The Indian Residential Schools Settlement Agreement addresses some, but not all, of these requirements.

According to Abrahms-Spring, there are six critical tasks to earning forgiveness:

³ Based on excerpts from “Welcome to Your Work” orientation presentation by J. Maydan, 2007

⁴ *How Can I Forgive You? The Courage to Forgive, the Freedom Not To* by Janis Abrahms Spring, Ph.D. 272 pages; Harper Collins ISBN-10: 0060009314; ISBN-13: 978-0060009311

1. Challenge your assumptions about forgiveness: Learn that asking forgiveness does not equal an admission of total evil, will not make your victim want to punish you more, should not be only words. People worry that their asking forgiveness will invite punishment or retribution. Some offences can be atoned for in increased respect and sacrifice. Victims don't have to forgive when asked. Some will never forgive; some will only accept that something bad happened for which an apology was made. Forgiveness cannot be controlled, it can only be earned. The offender must not expect anything in return for a real apology.

To challenge assumptions about forgiveness, the offender must question his beliefs and assumptions about how people should behave and try to recognize their own arrogance in these assumptions.

In the early residential schools claims period, federal and indigenous officials spent time patiently questioning and challenging the internal assumptions at program and central departments to develop policies that led to the Settlement Agreement. This needs to continue, particularly since the resolution and reconciliation work was physically apart from Indian and Northern Affairs for nearly a decade. Lessons learned must not be lost and should inform all federal work with others who have been harmed.

2. Bear witness to the pain you caused: The offender needs to encourage the victim to open up, to be specific about his injuries, and how it made him feel about himself and the offender. The offender needs to hear the release of the victim's pain and anger. Victims are afraid that voicing pain will further diminish or humiliate them and are therefore guarded. In communicating to the victim that hurting them diminished the offender, trust begins to be re-established and balance restored. In accepting blame at being an offender, the victim sees that there is no shame in being lied to, betrayed, and hurt: the shame belongs to the offenders, and by extension, their representatives.

Where there is disclosure, this may take place. Offenders hear and experience the victims' emotions that include hurt and anger. One trauma expert calls it "compassionate witnessing."⁵ In some cases, certain abusers have actively gone back to witness the harm they have done. It takes little courage to abuse but much to unveil contrition as an offender to someone harmed; to humbly take responsibility for what was done and to make oneself vulnerable to potential contempt and punishment. Ironically, this vulnerability invites the opposite.

Several components of the Settlement Agreement build this compassionate witnessing into their structure and purpose: the Independent Assessment Process, the Alternate Dispute Resolution Process, the Negotiated Settlement Process, and the Truth and Reconciliation Commission furnish private and public opportunities for this dialogue.

⁵ "Common Shock: Witnessing Violence Every Day – How We Are Harmed, How We Can Heal" by Harvard psychology professor and trauma expert Kaethe Weingarten

3. Apologize genuinely, non-defensively, and responsibly. Do not qualify your apology.

An effective apology takes responsibility for grievous actions, cares enough to try to heal the wounds created, and promises real change.

The word “but” can never be part of an effective, clean apology. The sole purpose of “but” after “I’m sorry” is to spread the blame around. At best, it tries to frame the offender as a victim: “I’m sorry *but* my teacher abused me, too” gives an excuse when a choice was made to abuse another. A mitigated apology is something like: “Sorry, *but* at least you got an education.” At worst, the word “but” puts blame on a victim for their own abuse. Like blaming a partner for a decision to betray them, it can be used as a childish justification for behaviour we know is wrong: “I was bad, *but* she deserved it.” These kinds of apologies only insult the victim further.

A real apology accepts responsibility. It says, “I made this choice that hurt you.” It says, “I am ashamed.” Because the speaker has first listened, the apology re-states explicitly the harms that were suffered. It is personal that way. It acknowledges that harm was done and validates the victim as someone who did not deserve their hurt. An apology is heartfelt, and it shows in tone and body language.

The book *On Apology* by Aaron Lazare⁶ addresses apology and talks about apologies between peoples and the cultural differences in this common human experience.

The Statement of Apology offered on June 11, 2008 by the Right Honourable Stephen Harper, Prime Minister of Canada was accepted, having met these criteria. The Prime Minister understood what was necessary in a sincere apology and consulted survivors personally before offering the apology. Because reconciliation is a process, although some accepted and offered forgiveness immediately, for others, forgiveness may come later. The federal government still needs to “walk the talk” of the Apology, which pledged the federal government to a partnership in “...forging a new relationship between Aboriginal peoples and other Canadians, a relationship based on the knowledge of our shared history, a respect for each other and a desire to move forward together with a renewed understanding that strong families, strong communities and vibrant cultures and traditions will contribute to a stronger Canada”⁷.

⁶ *On Apology* by Aaron Lazare, 318 pages, Oxford University Press ISBN-10: 0195189116; ISBN-13: 978-0195189117

⁷ The Statement of Apology by the Prime Minister of Canada, June 11, 2008 <http://www.pm.gc.ca>

4. Seek to understand your behaviour and reveal the inglorious truth about yourself to the person you harmed.

Reconciliation is tough. It involves examination and revelation of our own vulnerabilities and weaknesses that prompted our mean or spiteful acts. It knocks down some of our own little tin gods. It shows how wrapped up we were in ourselves. It turns us away from excuses that blame the victim and prompts us to search for and discover the deep reasons inside ourselves that cause us to hurt and betray others. It makes us see how we betray ourselves.

This step forces us to ask ourselves how we justify our own behaviour. It is tempting to downplay our weaknesses and faults, to not look at them, to pretend they don't exist. We frame our weaknesses as strengths in disguise on job interviews. Even as nations, we often prefer jingoism and overblown patriotism -- or, being Canadians, presenting a false modesty cloaking a secret sense of superiority. When we recognize that arrogance or a sense of superiority was behind our offenses, we can then correct our beliefs, policies and actions.

In the early residential school work, much of this examination of out-dated beliefs and policies had to take place before any resolution success was possible. The resulting changes in policies, support services and legal protocols should continue to inform aboriginal claims resolution.

The Truth and Reconciliation Commission was designed to promote self-examination and foster this understanding among Canadians and provide an educational record for the future.

5. Work hard to earn back trust.

To produce lasting change in a relationship still in the reconciliation process, the offending party needs to start changing her behaviour. This involves some changes that cost little of time, planning and resources, but others that may cost a lot in terms of financial value or personal effort and commitment. Abrams-Spring refers to "low and high cost trust-building behaviours."

Low cost trust-building behaviours include speaking with respect and in genuine consultation and a spirit of openness and learning.

High cost trust-building behaviours involve sacrifice: making reparation by paying compensation; paying the cost of treatment for those affected; setting up new ways of engaging with each other where both can feel comfortable and respected; continuing to check in with each other regularly, making sure that everyone continues to feel okay in this relationship.

In the Settlement Agreement:

Financial compensation for individuals:

Compensation was negotiated to include the Common Experience Payment as the most basic reparation component. To provide additional compensation for wrongful acts, the Independent Assessment Process, the Alternative Dispute Resolution Process, and settlements without a hearing were added.

Programs for individuals, their families and communities:

The Aboriginal Healing Foundation (AHF) was originally established on March 31, 1998 with a grant of \$350M. The AHF delivers healing programs and services that address the experiences of survivors of Indian Residential Schools, their families and communities.

The Indian Residential Schools Settlement Agreement provides an additional \$125 million over five years for the Aboriginal Healing Foundation to continue their work in support of healing programs for former students. This funding supports approximately 144 projects across Canada.

Outside the Agreement:

A “duty to consult” must evolve to true partnership consultation, as opposed to a box on a checklist. Prime Minister Harper took time to consult with former students himself, and the apology reflects their discussion. Consultation must be willing and open-minded.

Like the Statement of Apology, other federal activities support the Agreement and reconciliation. National Research and Analysis needed redesign and robust corporate services, particularly in procurement and human resources. The Aboriginal Peoples Information Program was recently extended by four years to provide information about the Agreement to other organizations. The crisis line will be need to be incorporated into basic wellness services and mental health supports.

The legacy of residential schools will live on for some time, and the damage will not be repaired with the issuance of the last compensation cheque or the delivery of the last service.

6. Forgive yourself

Why is this necessary? Because offenders debase themselves every time they hurt another. When an offender honours his victim by earning back trust, he honours himself. He doesn't hide from himself or another anymore. He can look himself in the eye.

An offender can't forgive himself until he stops lying to himself. If you don't lie to yourself, you can't lie to others. You realize that there is no shame in being victimized. There is only shame in victimizing. You face the truth.

The Truth and Reconciliation Commission fits into this part of reconciliation, but the evaluation of the reconciliation process will be undertaken by others in the future. After examining how we learn, we find that often the only method that ever really sticks is learning the hard way. That requires learning through our collective pain and witnessing that of others. The education gleaned from this experience will be reflected in our histories, our audits, and our comprehensive program assessments. It will mean that we are less likely to have to resource expensive litigation because we are less likely to incur it.

What works for individuals also works for nations.

How do you know that reconciliation has taken place?

- There is evidence of individual healing (more "invisible" former students and families, i.e., people are employed, contributing, active in their chosen community; they are less often "statistics")
- There is qualitative evidence of nation healing (whole and healthy communities, self-generated, independent support systems)
- The power balance is equalized
- The gift of education is two-way and welcomed
- "Consultation" is initiated by anyone and is not a "top-down" box to tick
- "Justice" replaces the need for "The Law"
- There is evidence of partnership (joint educational, economic and social ventures at all levels)
- There is reciprocal investment in each other's future

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