

The Political Economy of “Truth and Reconciliation”: Neotribal Rentierism and the Creation of the Victim/Perpetrator Dichotomy

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In his 2013 book *Truth and Indignation*, Ronald Niezen shows how the Truth and Reconciliation Commission (TRC) has transformed the assessment of the residential schools. While historically the schools were seen as a paternalistic and misguided effort to “protect, civilize and assimilate” the aboriginal population,¹ they now are described as instruments of “cultural genocide”. This assessment, according to Niezen, is due to the increasing tendency to conceptualize aboriginal-non-aboriginal relations in terms of a “victim/perpetrator dichotomy”.² In such a dichotomy, all aboriginal people are seen as victims and all non-aboriginal people perpetrators, obscuring the complex historical interaction within and between these two, very diverse, categories of people.

Although Niezen’s book is an important addition to the literature, in that it shows how historical viewpoints on aboriginal-non-aboriginal relations are being transformed by entities like the Truth and Reconciliation Commission, his work is limited by the fact that he does not explain why this has occurred. More specifically, Niezen does not recognize how the Truth and Reconciliation Commission is the product of particular historical and material circumstances connected to the processes of neotribal rentierism. As will be explained below, neotribal rentierist processes are oriented towards extracting “rent” so as to incorporate aboriginal groups into late capitalism. The “rent” being sought³ in this instance is the dispersal of compensation payments – a form of circulation that is becoming increasingly common in addressing the conflicts between aboriginal peoples and the Canadian state. The creation of a victim/perpetrator dichotomy justifies these payments, but it also acts to disguise the connection between the development of capitalism and the residential schools. The uncritical reliance on unsubstantiated aboriginal memories by “truth and reconciliation” processes, as well as postmodern relativism’s opposition to developing a universal conception of history, also has impeded understanding.

A historical and material analysis will show how neotribal rentierist initiatives, like the Truth and Reconciliation Commission, are distorting the understanding of why the residential schools were created and operated in the way that they did. The residential schools were not the product of a malevolent plot to destroy the aboriginal population; instead, the decline of the fur trade and the development of an industrial economy meant that it became necessary to detribalize the aboriginal population and try to make them more productive. This required the development of disciplined work habits, abstract educational practices and encouraging a deference to legal-rational authority.⁴ The pressures of settler colonialism, however, resulted in the widespread neglect of aboriginal peoples and the creation of a substandard educational system, inhibiting the accomplishment of these goals. These consequences of settler colonialism must be understood before there can be any movement towards actual “truth and reconciliation”.

The Changing Discourse on the Residential Schools

Until the 1990s, the residential schools and the problems within aboriginal communities were generally understood in terms of what Roland D. Chrisjohn and Sherri L. Young have called the “standard account”.⁵ This account, according to Chrisjohn and Young, assumed that the residential schools were “undertaken with the best of humanitarian intentions” to bring the Christian religion and civilization to “savage pagans”. The residential schools were recognized as being flawed, but it was argued that only with the benefit of hindsight could it be realized that some of the methods used had widespread negative impacts on aboriginal people. With this more developed political consciousness, the standard account asserted, it was beginning to be understood that a “residential school syndrome” resulted from attending these institutions. Listening to the criticisms from aboriginal organizations had led proponents of the standard account to consider that psychological problems had been created by alien forms of discipline, ethnocentric instruction and family separation, and also that this distress had been passed on, from generation to generation, in aboriginal communities.

The criticisms of the residential schools put forward in the standard account tended to focus on sexual and physical abuse. As sexual abuse was an illegal activity, and a well-documented cause of psychological trauma, it was no surprise that it would be seen as one of the residential schools system’s major harms. It was argued that while instances of sexual abuse had occurred, as would have been the case in any institutional setting with vulnerable charges and little oversight,⁶ these incidents were not representative of the residential school experience. Similar, more muted, criticisms also were levelled at the physical abuse that was endured in these institutions. The discipline meted out by many residential school authorities was recognized as being severe, but it was pointed out that corporal punishment was accepted in most educational systems during this historical period.⁷

While this “standard account” was occasionally challenged with the increasing involvement of aboriginal organizations in discussions about aboriginal education, it was not until the 1990s that the perception of the residential schools changed substantially. This was due, in part, to Phil Fontaine, the Grand Chief of the Assembly of First Nations at the time, declaring that he had suffered physical and sexual abuse at a residential school.⁸ As Niezen points out, “the news coverage of this event reached a national audience, including many former students...who had also been abused”. This led these students to recognize Fontaine’s “experience in themselves” and to communicate it with each other and “even to take on the process of disclosure as a personal cause”.⁹ The increase in disclosures led to the public recognition that these incidences of abuse were much more common than what was first thought.

It is also important to recognize that the 1990s was a decade where sexual abuse lawsuits, in a variety of institutional contexts, emerged. These included a settlement pertaining to two Ontario reform schools in 1992, the 1995 settlement for victims of sexual abuse at the Jericho Hill school for deaf and blind students, the \$43.7-million compensation program set up for former residents of various Nova Scotia youth facilities in 1995, and the 1996 Mount Cashel orphanage settlement.¹⁰ Before this time, sexual abuse was not openly talked about. Discussions about the abuse that had occurred in the residential schools, therefore, were taking place in the context of a wider public reckoning.

In addition to the ongoing disclosures of sexual abuse, the discussions of the residential schools were impacted by the findings of the Royal Commission on Aboriginal Peoples, which “broadly exposed the horrors of residential schools to Canadians and called for a public inquiry”.¹¹ The Royal Commission prompted the federal government to issue a “statement of regret” for the cases of physical and sexual abuse, as well as to establish the Aboriginal Healing Foundation “to support healing processes that address the legacy of sexual, physical mental, spiritual and cultural abuse”. The Royal Commission’s account, along with revelations of abuse, led the Department of Indian and Northern Affairs to recognize that, while it was “not uncommon to hear some former students speak about their positive experiences”, the residential schools had created a “tragic legacy”.¹²

The Royal Commission was particularly instrumental in this transformation because of its advocacy character. Like other forms of advocacy research that were emerging at this time,¹³ the Royal Commission linked scholarship to efforts to right past wrongs. It was associated with reparations and attempts to “give a voice” to those who were being oppressed; the concern was not primarily with whether or not these voices were an accurate representation of historical circumstances.¹⁴ This led the Royal Commission to argue that the aboriginal “conception of history” should be accepted as a mechanism for understanding what happened in the past. The aboriginal historical conception, the Royal Commission asserted, accepted spiritual beliefs as a form of evidence and was not concerned with “establishing objective truth”, as the teller of the story was perceived as being as important as the story told.¹⁵ Acceptance of the aboriginal view of history, according to the Royal Commission, was a way of entering into reconciliation and renewal with aboriginal peoples.

This deference to the aboriginal “conception of history”, first given legitimacy by the Royal Commission, increased acceptance of the view of aboriginal organizations that the residential schools were a form of “cultural genocide”.¹⁶ Although this notion was not initially accepted by the Royal Commission,¹⁷ the increasing frequency of critical testimonies at its hearings led it to come to the conclusion that the entire system was destructive.¹⁸ The notion was also given credence by the Royal Commission’s ideology of parallelism, which saw aboriginal and non-aboriginal “nations”¹⁹ as “travelling side by side, coexisting but not getting in each other’s way”.²⁰ This ideology was fundamentally opposed to integrationist initiatives like the residential schools because it assumed that aboriginal individuals were “born into [distinct] cultures” and needed to “secure their personal identity through the group into which they are born”.²¹ The retention of aboriginal culture was thus seen as the “birthright” of aboriginal people, which must “recognized” and “respected” by all Canadians and protected by the state.

Parallelism’s perception of aboriginal culture as a “birthright” is due to its belief that various aboriginal traditional beliefs and practices are innate and spiritually ordained.²² This is what the political economist Elizabeth Rata refers to as “culturalism”. In her examination of aboriginal-non-aboriginal relations in New Zealand, Rata notes that culturalism has resulted in Maori traditions being abstracted from historical processes of change,²³ and culture (learned behaviour) being causally connected to the group’s ancestry.²⁴ Similar assertions are now made in the case of aboriginal groups in Canada, which results in intense opposition to any attempt at cultural transformation and integration.²⁵ The residential schools are a major target of condemnation in this regard, as they are lambasted for interfering with distinct and independent (i.e. parallel) “aboriginal nations”, which could have continued to reproduce viable languages, spiritual beliefs and educational processes if left undisturbed by the colonizers.²⁶ As a result of the acceptance of

this parallelist ideology, in a few decades the residential schools went from being viewed as “a necessity for providing language skills (English), job training, personal discipline, piety...and security in a changing world” to being designated as “a source of trauma for individuals, families, and communities”.²⁷

This fundamental opposition to the residential schools has now become commonplace. It is almost universally claimed that “[t]he residential school system is one of the darkest examples of Canada’s colonial policies implemented to eradicate Aboriginal peoples from settler society”²⁸ – i.e. that “cultural genocide” was orchestrated against the aboriginal population. The claim, in fact, appears at the beginning of the Truth and Reconciliation Commission’s summary. According to the TRC,

[f]or over a century, the central goals of Canada’s Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as “cultural genocide.”

These assertions have been given even more weight when they were repeated by the Chief Justice of the Supreme Court, Beverley McLachlin. While delivering a public lecture on pluralism, McLachlin argued that “[t]he most glaring blemish on the Canadian historic record relates to our treatment of the First Nations that lived here at the time of colonization“. In making these assertions, McLachlin appeared to have been influenced by the aboriginal “conception of history”, promoted by the Royal Commission, that an original nation-to-nation relationship of equality and cooperation was replaced by an “ethos of exclusion and cultural annihilation”. McLachlin maintained that, in this historical period, “‘Indianness’ was not to be tolerated; rather it must be eliminated. In the buzz-word of the day, assimilation; in the language of the 21st century, cultural genocide”.²⁹

Although the TRC describes the difference between “physical genocide”, “biological genocide” and “cultural genocide”, the use of the term “genocide” in connection with culture is a rhetorical strategy designed to impede rational discussion of the residential schools. This is because it turns inevitable and unstoppable socialization and educational processes into a crime against humanity. The goals of the residential schools were obviously ethnocentric in that they were engaged in a process of nation-building, and the government was intent on incorporating aboriginal peoples into an increasingly centralized political and economic system. It makes no sense, however, to claim that the residential school system regarded aboriginal peoples as “subhuman”³⁰ because there would have been no attempt to provide them with the skills and knowledge to participate in the emerging Canadian economy and society if this had been the case. McLachlin’s rejection of the unfortunate comment made by Duncan Campbell Scott (incorrectly attributed to John A. MacDonald) that the schools were intended to “kill the Indian in the child”, also shares this misunderstanding. Scott was referring to the aboriginal cultural features that he believed were impeding aboriginal economic and political participation. He was not arguing for the “killing” of aboriginal children themselves, even though a high mortality rate did result from neglect and substandard living conditions. But the ideology of parallelism cannot avoid assertions about genocide because aboriginal cultural features are seen as inherently tied to aboriginal peoples themselves. Scholars like John Milloy perceive the residential school system

as inherently “abusive” and “violent” because it orchestrated a “concerted attack by Church and State upon Aboriginal culture...”³¹

While parallelist ideology makes it possible to claim that the educational and socialization efforts of the residential schools were “genocidal”, it prevents us from understanding how this would apply to any other case of nation-building. As Lysanne Gagnon points out, if the term “cultural genocide” was used the same way in other contexts, every single nation on earth would be guilty of this process. Gagnon, for example, mentions the case of Brittany in France, where teachers punished children for speaking their local language by hanging a clog around their neck. Gagnon notes that “[a]ll of France’s regional languages have been eradicated by the central government, yet not even the most politically correct French moralist would dare say that France committed a cultural genocide”.³²

Notions of “cultural genocide”, in fact, are completely at odds with the historical and material assumptions of political economy, which asserts that “what we do” is determined by our relationship to production, which, in turn, is influenced by productive forces. The culturalist assumptions of parallelism, however, deny the evidence that exists showing that cultures evolve. Rather than seeing the erosion of cultural traditions associated with a less developed mode of production as inevitable, aboriginal individuals are perceived as suffering existential harm.³³ There is a failure to see that the beliefs and practices of the fur trade era would be completely different from those that were necessary to participate in industrial capitalism. A certain amount of “cultural loss” was inevitable if aboriginal people were to survive in the modern context. One can critique the coercive character of the residential schools, the lack of sensitivity shown to people thrust into circumstances not of their own making, and the inadequate resources made available for such a difficult project, but accusations of “genocide” are absurd.

So far, however, the flawed notion of the residential schools as “genocidal” has not been extensively critiqued.³⁴ Part of this silence is due to the sympathy for aboriginal peoples, and the recognition that they have been terribly oppressed historically. It is sentimentally felt that an acknowledgement of aboriginal perspectives, including deferring to the ideology of parallelism and the related idea that the residential schools were genocidal, is a way of supporting their political aspirations and righting past wrongs. There is another, more hidden, reason for supporting these assertions, however. This is that the allegations of “cultural genocide” have been very effective in accelerating neotribal rentierist processes. Seeing the residential schools as a crime against humanity increases the amount of rent that can be extracted.

Neotribal Rentierism and “Truth and Reconciliation”

Although the current characterization of the residential schools as a form of “cultural genocide” is portrayed as being linked to a more accurate and sympathetic historical understanding of aboriginal-non-aboriginal relations,³⁵ this view fails to recognize how it is connected to neotribal rentierism. Neotribal rentierism, as has been discussed in more detail elsewhere,³⁶ has resulted from aboriginal groups being transformed by capitalism; it is where the increasing productivity brought by the capitalist mode of production has resulted in egalitarian native kinship groups becoming increasingly stratified into what Elizabeth Rata has called a “neotribe” – a new kind of political organization that gives certain members of aboriginal communities privileged access to legally created tribal resources. In this new kind of organization, a few neotribal leaders at the

top use their position to control most of the rent distribution, while those at the bottom of the hierarchy become increasingly isolated and marginalized.³⁷

In the Canadian case, neotribal rentierism entails that these resources be legally defined and “brokered” into the capitalist system by an “Aboriginal Industry” of consultants and lawyers so that monetary transfers, rather than social policy, are used to “solve” aboriginal problems.³⁸ The history of non-exploitative oppression³⁹ that existed in what is now Canada has meant that most aboriginal peoples were relocated to isolated reserves, and so they usually did not become producers in the newly industrializing economy. Instead, most aboriginal communities make up a particular type of non-modern peripheral society in the world system – a type referred to by Jonathan Friedman as a “fourth world model”.⁴⁰ As a result, the brokerage of aboriginal neotribes into late capitalism is intended to create a “circulation economy” that will take the place of productive processes. Transfers are generated through a number of legal disputes, the proceeds of which are then distributed unequally throughout the neotribe. This provides temporary pacification, enabling aboriginal discontent to be managed by the Canadian state.

From a cursory review of aboriginal-non-aboriginal relations across Canada, there appear to be (at least) three distinct manifestations of neotribal rentierist processes. The first concerns the royalties generated from the production of commodities on what is claimed to be neotribal traditional territories. The second pertains to the processes brokers use to extract compensation from the Canadian state for past wrongs committed against aboriginal peoples. The third is the negotiation of transfers as self-government arrangements so that neotribes themselves can circulate the funds intended to provide services in native communities. It is important to point out that only the first type of neotribal rentierism involves “rent” in the usual sense of the word. The last two types correspond with the “semi-rentier non-oil” type of political economy that receives aid as a major revenue source.⁴¹ What is being described is the type of political and economic relationships that result when members of the neotribe try to gain access to a windfall that they had no role in producing, whether it be royalties, compensation payments, or government transfers for services.

While the ability to extract rent from resource development royalties and “impact and benefit agreements” has been the most historically dominant form of neotribal rentierism, negotiating compensation payments for historical wrongs that have been committed against the native population is becoming increasingly common. This is the type of neotribal rentierism that is associated with discussions of the residential schools, and “reconciliation” more generally. Chrisjohn and Young, for example, recognized early on in the Royal Commission’s hearings that the abuse perpetrated in some of the residential schools should become the subject of “judicial process, criminal prosecution, and monetary compensation”. However, this was not the original focus of the Royal Commission, because of the dominance of the “standard account”, and its tendency to conceptualize the residential schools in psychological terms. As Chrisjohn and Young point out, this prevented the Royal Commission from examining the residential schools in terms of legalities, despite the “sheer number of individuals with legal expertise present at any of the Commission proceedings”.⁴² As acceptance of the standard account receded, however, legal matters became a major preoccupation and the “entanglements of responsibility, culpability, [and] compensation” began to be investigated in earnest.

It was the entrance of lawyers into the discussions of the residential schools, in fact, that dramatically changed how these institutions were perceived. The sexual abuse allegations that were emerging, as well as the changing discourse about the residential schools that the Royal

Commission's *Final Report* was beginning to legitimize, led lawyers to begin outreach activities in the late 1990s.⁴³ This resulted in Phil Fontaine complaining to law societies across the country "objecting to the heavy-handed tactics of some lawyers". Lawyers were holding meetings on reserves, contacting people by telephone, and even advertising in the Yellow Pages to sign up new clients for lawsuits, resulting in the observation that "[r]esidential-school claims have become a burgeoning industry for Canada's legal profession, with a lot of money to be made".⁴⁴ The involvement of lawyers, in fact, dramatically increased the number of lawsuits that were being filed. In 1999, for example, it was noted that there were approximately 3,000 lawsuits,⁴⁵ but the number had increased to 6,000 a year later.⁴⁶ By October 2002, over 11,000 legal cases were being pursued.⁴⁷

Neotribal rentierism's efforts to increase the extraction of "rent" in the form of compensation payments gave added impetus to the construction of the victim/perpetrator dichotomy. The harms of the residential schools had to be emphasized, and any benefits downplayed, so that more aboriginal people could receive compensation, and the amounts increased. In addition, malevolent intent was implied so as to raise the issue of culpability. This led incidents of sexual abuse to become the first area of litigation, as these illegal activities were obviously wrong and merited unquestioned support and offers of compensation. It then led to arguments that the schools were physically abusive, even though corporal punishment was common in this period. Neotribal rentierism's employment of the perspective of "presentism", however, enabled the schools to be judged by today's standards;⁴⁸ compensation could be awarded for what would be taken for granted in the past as acceptable, but harsh, discipline.⁴⁹ The inhumane treatment that often was experienced by vulnerable populations could also be singled out for condemnation.

Even one of the most horrific actions authorized by the government – conducting nutritional experiments on aboriginal children in the 1940s and 1950s – was not particularly unusual at this time. This can be seen in a paper published by Henry Beecher in 1966 that listed 20 studies that involved similar abuses of power in the non-aboriginal context.⁵⁰ Meredith Wadman, for example, notes that vaccines were commonly tested on orphans, prisoners and premature infants right up to the 1970s⁵¹ because "[t]here was a sense of medical entitlement to institutionalized populations".⁵² Aboriginal people constituted a captive and dependent population, and so it is not surprising that they were subjected to such abuse at this time. The fact that we are shocked that such a thing could have occurred illustrates how much the political consciousness of Canadian politicians and senior bureaucrats has developed.

Since not all students at the residential schools were sexually abused, physically assaulted or subjected to experiments without their consent, the expansionary nature of neotribal rentierism, and its reliance on the victim/perpetrator dichotomy, soon led to a focus on an area that impacted all students. This was the idea that the imposition of educational processes themselves, because of their attempts to displace aboriginal cultural features, were a form of cultural or "heritage abuse". Attempting to coercively introduce various processes that speeded up the acquisition of the language and religion of the colonizers could be perceived to be "cultural genocide" by those espousing a parallelist ideology because it resulted in the erosion of the foundation of a separate aboriginal "national" identity. While the replacement of pre-literate languages, animistic belief systems, and the role of elders in the socialization process was inevitable in the nation-building processes of an industrializing state, this could now become an area of litigation. And because "genocide" is the worst action that can be perpetrated upon a group of people by a state, it is a policy that necessitates the most compensation to its victims. Like the compensation that

Germany gave to Jewish families after the holocaust,⁵³ allegations of “cultural genocide” ensured that the amounts generated would be substantial.

The shift from the focus on sexual and physical abuse to “cultural genocide” began in earnest in 2005 when the federal government signed an agreement with the Assembly of First Nations and appointed former Supreme Court Justice Frank Iacobucci to work with former residential school students and their lawyers, the legal counsel for the churches and the Assembly of First Nations to determine how to achieve reconciliation.⁵⁴ Iacobucci, whose legal firm has become a key broker in neotribal rentierism,⁵⁵ was to be involved in negotiating lump sum payments for all students who attended the schools, not just those who had been physically and sexually abused. The implication was that the residential schools had harmed all aboriginal people who had attended them because the system had destroyed their culture. At the time, Jeffrey Simpson noted that this was the result of the federal government succumbing to political pressure and “opening up its pocketbook”.⁵⁶ Simpson concluded the following: “[g]one is the government's argument that not everyone who attended such schools was harmed. Gone is the idea -- never stated because of political correctness -- that some Indian children might have benefited at least a little from attending a school when nothing else was available”.

The government, in fact, largely accepted the views of a 2004 report of the Assembly of First Nations on the residential schools.⁵⁷ This report referred to residential school students as “Survivors” - a term commonly used to refer to those who had not been killed in the Nazi death camps, but first applied to the residential schools in the 1990s (and now usually given special significance with a capital “S”).⁵⁸ A press release from the Assembly of First Nations after the report was released maintained that

[f]air and reasonable compensation is due for the survivors but we must also deal with the emotional, physical, psychological and cultural trauma that stem from these schools. Our communities are still dealing with this attempt at forced assimilation. It was nothing less than an assault on our children, our communities and our culture. Children were apprehended from their home and families, beaten if they spoke their language and forbidden to practice their traditional spirituality. The after-shocks are still being felt today and we cannot move forward until we have healed ourselves as individuals and as a country.⁵⁹

The AFN followed this report with the launching of a class action lawsuit in August 2005. This lawsuit sought \$36 billion for general damages, negligence and breach of various government duties and obligations, and punitive damages. As Niezen explains, “this lawsuit made the AFN a plaintiff and a party to the negotiations, more than an interested advocacy group” in the processes that resulted in the Indian Residential Schools Settlement Agreement (IRSSA) of 2007.⁶⁰ In addition to the IRSSA, the Prime Minister of Canada, Stephen Harper, offered an official apology for the residential schools – an action that had been resisted for over a decade because of the culpability that it implied.⁶¹

The IRSSA spelled out a number of different sources of “rent” that could be circulated – litigation, alternative dispute resolution, a Common Experience Payment, and an Independent Assessment Process. The most significant transfers were the Common Experience Payment, which provided a lump sum payment to all students who attended residential schools, and the

Independent Assessment Process settling claims about abuses that occurred. In the case of the Independent Assessment Process, \$960 million was originally allotted, but this is expected to exceed \$3.5 billion.⁶² A compensation scale was developed depending upon the extent of the abuse that was claimed, and claimants were awarded a payment of for up to \$275,000 but an additional \$250,000 could be awarded for income loss (for a maximum payment of \$430,000).⁶³ The awarding of a common experience payment, while less than the amounts generated by the Independent Assessment Process, has resulted in \$1.9 billion being set aside for dispersal.⁶⁴ It is this payment, because it is awarded to all, which is intricately linked to notions that the schools were genocidal.

The IRRSA then sparked more neotribal rentierism with the establishment of the Truth and Reconciliation Commission.⁶⁵ The settlement provided the \$60 million budget for the Commission. A five year mandate was given to the body, and this, as is common with neotribal rentierist initiatives, was again extended by one and a half years. The purpose of the Truth and Reconciliation Commission was to promote “continued healing,” and therefore reconciliation, through ongoing processes. The large budget also enabled the Commission to be staffed with “seventy-five people, including forty-eight Aboriginal employees who work at all levels of the organization”.⁶⁶

The Use of Oral Testimonies to Substantiate Abuse Claims

The ability of neotribal rentierist processes to assert that all residential schools were genocidal has been aided by the unquestioned use of oral histories in documenting the effects of these institutions. This can be seen in one of the major methods used by the Truth and Reconciliation Commission – documenting the testimonies of 6000 residential school students. But there are two major problems with the use of these testimonies as “historical documents”; the first is there was no attempt to ensure that these testimonies were representative of the actual school experience. As is recognized in the social sciences, “self-selection” in survey research leads to inaccurate results. This is why it is argued that the census should be mandatory, not a choice.⁶⁷ Second, even if the selection were representative, recall of traumatic past events in emotional or motivated reasoning settings results in unreliable accounts of the past.

At the Truth and Reconciliation public hearings, the responses would be even more skewed than standard self-selection results because the process was sold as a form of therapy for the significant harm that was assumed to have occurred. Georges Erasmus, for example, noted that the formation of the Truth and Reconciliation Commission was a “historic event” since its purpose was the public acknowledgement of the “harms done and healing the relationship between peoples within Canada”.⁶⁸ Messages were also included on websites that discussed the various compensation processes with the warning that “[t]hinking about past abuse can trigger suffering and problems in the present” and that readers should put in place “safety measures” to protect themselves in case this happened.⁶⁹ A newsletter from an aboriginal healing centre even provided “advice to survivors who plan to attend Commission events” because it asserted that this might cause flashbacks that could result in “a sudden, unexpected, incapacitating feeling of physical, mental, emotional, and spiritual pain...”. To avoid such “a crisis”, it was recommended that survivors prepare a “safety plan” that could involve breathing strategies, applying cold water to one’s face, or bringing a “comfort item” like a teddy bear.⁷⁰ The TRC, in fact, anticipated that residential school students would experience “particularly intense emotion”, and as a result, told potential participants that “[h]ealth support workers are on hand to sit with

statement providers throughout their interviews, and ‘personal supports’ are also invited to attend”.

The TRC then used these assumptions to frame its events. In the various venues, TRC representatives and health support workers gave presentations providing the equivalent of trigger warnings. At the beginning of each hearing there were usually several statements that potentially disturbing testimony would be heard, that participants would be “shedding tears” and “sharing a lot of guilt and shame”,⁷¹ and everyone present should be mindful that “...survivors will be sharing a very painful past”.⁷² Niezen points out that “[i]t is useful to consider the preparatory statements as addressing not only the audiences about to listen to statements but also the survivors who are about to give them”. According to Niezen, this creates a climate whereby the recollection of trauma is considered “normal, acceptable, and even encouraged”.⁷³ The TRC also began its events with preselected speakers who discussed the Commission’s main themes and set the tone of the narrations and audience responses that followed.⁷⁴

The most significant aspects of the TRC hearings that influenced the testimonies of pain and suffering were its efforts to normalize visible forms of distress. As Niezen explains, before the recounting of testimony, the master of ceremonies talked about “the positive nature of tears”. It would then be noted “that tissues were available, with a full box placed on every fifth or sixth seat”. At the Montreal hearing tissues were even “distributed in smaller packages that displayed the logo of the Indian Residential Schools Resolution Health Support Program and the toll-free numbers of a helpline...”. The TRC would then introduce the presence of “health support workers” who were highly visible in brightly coloured clothing. During the testimonies, these workers would approach and comfort anyone who was weeping and collect their used tissues. The tissues were then placed in a “sacred fire” by a “fire-keeper” so as to release the suffering “to the Creator as part of their healing”.⁷⁵ The image of suffering even was the inspiration for the front of a ceremonial box that was one of the key symbols for the commission. As Niezen explains,

the inspiration for the front panel of the box had come from [the artist’s] grandmother, whose badly misshapen fingers had been a mystery to him until, toward the end of her life, she revealed that as a girl in residential school she had been thrown down a flight of stairs by a nun and had severely broken her fingers. They were not given proper treatment and healed badly, the disfigurement compounded later in life by the effects of arthritis. The common experience of suffering that unites survivors is manifest and made specific in the box’s stylized image of the grandmother, whose contorted fingers are prominently turned to the audience in every meeting, an eloquent, powerful reminder of the abuses that took place in the schools and their lasting effects.⁷⁶

It is clear, in fact, that the TRC overrepresented testimonies from those who found the residential schools to be genocidal.⁷⁷ Before the 1990s, there were a significant number of aboriginal school students who found the schools to be beneficial, and some prominent aboriginal intellectuals, like Tomson Highway and Blair Stonechild,⁷⁸ continue to assert that the schools provided important educational opportunities that they would not have received otherwise. Even Phil Fontaine, who initiated many of the discussions of abuse, concedes that “[s]ome people think that residential school was the best thing they could have had because it taught them to work, it taught them discipline, and it helped establish friendships”.⁷⁹ As John Borrows points out,

[s]ome of my elders have chosen not to acknowledge deep loss but instead focus on what they gained. They report having positive and uplifting experiences in these institutions – they get by. Despite being neglected, starved, and degraded, they are adamant that residential schools did not cause them harm. Others say they genuinely benefited from their attendance at boarding schools. They report that their families were a mess and that the schools provided a welcome respite from chaos at home. Yet others, who came from stable and loving homes, also have good things to say about their experiences. They tell me their education reinforced and built upon the positive things they learned from their parents and community. They say they received many valuable academic and life skills which served them well through the years. They generally prospered.⁸⁰

While Borrows maintains that “such people seem to be in the minority”, and shows partiality in his assumption that there was a “deep loss” that this segment chose “not to acknowledge”, it is important to recognize that the construction of the victim/perpetrator dichotomy made it difficult for these experiences to be recognized in the Truth and Reconciliation Commission’s hearings.

Because the TRC continuously expected that the residential schools would be connected to trauma and suffering, people having positive experiences were reluctant to testify. As Niezen points out, “...the emotionally laden, powerful narratives presented to the commission have, in a relatively short period of time, become not only ‘sayable’ (and ‘hearable’) but...dominant to the point of excluding or overshadowing other forms of remembered experience”. This, in Niezen’s view, became a “protective orthodoxy”, whereby only those who were experiencing trauma were perceived as legitimate spokespeople for the residential school experience.⁸¹ As a result, “[t]he things not being said...[at TRC hearings] tend to be the stories that do not evoke strong emotion”, and so more mundane indignities such as excessive discipline or loneliness tend not to be shared. As Niezen explains, “[t]hose who think of themselves as having suffered only minimally or not at all also often think of themselves as having nothing to say”.⁸² Niezen points out that the expectations of the audience for hearing stories of trauma also tended to “inhibit those with more ‘ordinary’ or ‘positive’ stories from appearing”.⁸³

The construction of the victim/perpetrator dichotomy also had a dramatic impact on the staff members who participated. It is known from Niezen’s book that many refused to be involved in the TRC hearings because they perceived the process as being biased from the start. This is not a surprising attitude when one considers the initial attempts to extract compensation, and how lawyers representing aboriginal clients tried to frame the schools as fundamentally abusive. Thousands of letters were sent to priests, brothers and nuns with accusations of physical and sexual abuse, and many residential school staff believed this was due to the financial benefits that could be obtained from making such assertions.⁸⁴ Perceptions of false allegations of abuse in these compensation processes led those running the schools to be suspicious of the TRC testimonials,⁸⁵ and how the roles of staff members would be perceived.⁸⁶

This concern was warranted when one considers the response of one audience to a staff member who went to the hearings to put forward a positive account of his school. Niezen, for example, recounts the case of Brother Tom Cavanaugh, an Oblate who spoke at an “Expressions of Reconciliation” event in Victoria.⁸⁷ When Cavanaugh declared that his school provided a good education and a nurturing environment to children who were sent by their parents (because this was the only option for those who lived in remote locations), the audience became incensed.

Their blanket opposition to the residential school system meant that they couldn't even accept the possibility that Cavanaugh's testimony might have been true.⁸⁸ The Truth and Reconciliation Commissioner, Murray Sinclair, then increased the intensity of the victim/perpetrator dichotomy by calling for "health supports" to be provided to those who were crying and wailing because of Cavanaugh's presentation.⁸⁹

In addition to the problem of the testimonies being selected and shaped by the TRC and its audience, it is important to recognize that the testimonies themselves were relayed in a highly emotional context. Emotional instability makes the human mind suggestible, and false memories can be implanted by other testimonies and sympathetic listeners with leading statements and questions.⁹⁰ This atmosphere of "permissive listening",⁹¹ as Niezen calls it, even led one witness who initially believed that he had a positive experience at the school to reconsider it as abusive. While he originally recounted fond memories of a staff member whose kind and gentle manner led him to ask his parents to let him spend additional time at the school during the summer, he now felt negatively about the school because he objected to the fact that he was "told what to do all the time". This new way of perceiving the residential schools, brought about by listening to the emotional testimony of others, led this former student to conclude that he was "going through a slow trauma" that *he hadn't realized*.⁹²

The most dramatic example of the ability of emotional testimony to shape memory was described by Lawrence Wright in his book *Remembering Satan*.⁹³ In this book, Wright documents the mass hysteria surrounding the allegations of "satanic abuse" that occurred in the 1980s. These allegations were based on recovered memories that often emerged during therapy, where patients would be coaxed into remembering things, believed to have been suppressed, that would explain why they were dysfunctional now. The memories believed to have been suppressed included incredible acts of violence – people being nailed to the floor and sexually abused and babies being cut up into pieces, just to give two examples. When Wright investigated these stories, however, it was found that there was no evidence that any of this abuse had taken place. The people alleging the abuse were extremely suggestible, and the memories had been implanted during the therapy sessions. This was facilitated by a climate insisting that victims be believed. The police and the therapists, after all, saw themselves as helpers, which caused them to suspend their rational judgement. Wright points out that this supportive environment discouraged skepticism because questioning any claim was perceived to be betraying victims who were seeking succor.

Similar testimonies of horrific abuse have been recorded with respect to the residential schools. This can be seen most clearly in the work of Kevin Annett. In his book, *Hidden no Longer: Genocide in Canada, Past and Present*, Annett uncritically accepts a number of astonishing claims. It is maintained, for example, that workers at a Catholic residential schools threw babies into furnaces and burned them alive because they were the illegitimate children of priests.⁹⁴ There is also a story about a young aboriginal boy who was "raped by a nun" and then "forced to watch as the nun participated in drowning the baby in a bucket of water".⁹⁵ The most improbable account, however, was that the nuns at a particular school took all the boys into a room and sodomized them with broom handles so as to "[get] them ready to be used by the priests..."⁹⁶

While these particular stories were never published by the Truth and Reconciliation Commission, there was a similar account of a person being tied up and hung out a window while

being sodomized by a broom handle.⁹⁷ There was also the more famous case, discussed in Annett's book and also documented by the TRC and covered uncritically in the media,⁹⁸ of residential school staff forcing children to sit on an "electric chair" at Sainte Anne's residential school in Fort Albany, Ontario.⁹⁹ In a number of testimonies, it has been asserted that children were buckled into a metal chair and electricity from a hand-cranked generator was applied to them. This chair, according to the TRC, "had apparently been initially used as an entertainment" but then was adopted "as an instrument of punishment". One testimony even maintained that subjecting children to electric shocks was used to "entertain visiting dignitaries".¹⁰⁰ These allegations are now universally accepted, with one journalist coming to the amazing conclusion that

the barbarism of St. Anne's was only a short step removed from what took place under the Khmer Rouge in Cambodia or under the Serbian leadership during the Balkan War. As Canadians we imagine the distance of that step an enormous gulf: we take comfort in the notion that while staff and teachers at this government-designed, church-run school raped, electrocuted, beat, and tortured children, they didn't torture them to death.¹⁰¹

Although the truth of these testimonies is not known, they have an air of improbability about them. The sexual abuse, physical assaults, and even murder, mentioned in the accounts were supposed to have been perpetrated by many staff members, out in the open, and it is hard to believe that so many intensely religious people would have collectively taken part in brazen actions regarded as mortal sins (although a cover up of the actions of a deviant individual, once revealed, certainly has happened many times). The usual pattern of sexual abuse of vulnerable people is for the authority figure to befriend the victim and abuse them in secret as a violation of the trust relationship, not to openly engage in these sexual crimes. Sexual abusers in these institutions would be well aware that what they were doing was shameful, and that their peers would be appalled if they knew. Even more unlikely is the fact that "visiting dignitaries" would not have been alarmed at children being subjected to electric shocks. Alleging that they would have found this "entertaining" is extraordinary, and would require extraordinary evidence.

The memories of highly disturbed people, recounting events from many years ago in emotionally charged settings, does not constitute such extraordinary evidence, and one needs to be skeptical about the veracity of these claims. The possibility for inaccuracy is increased because they were all relayed in an emotional context, and it would be easy for memories of one person, or memories of other events, to be implanted. Adding to this problem is the response of those hearing these testimonies that the allegations should be believed. As a factum submitted by Fay Brunning, the lawyer representing 60 residential school students from Sainte Anne's, asserts: "The promise was that when [the school survivors] went through this adjudicative process they would be believed, unless there was some reason not to believe them that was obvious. It's not meant to be a criminal trial or a very difficult process for elderly people who are trying to remember something that happened to them 65 years ago when they were a child."¹⁰²

The uncritical acceptance of oral testimonies has another difficulty – it fails to understand that memories can be distorted by what has been called "motivated reasoning".¹⁰³ One of the most significant aspects of "truth and reconciliation" processes is that they are constructed by neotribal rentierist efforts to extract compensation. The compensation was to be awarded on a points system, and so the more abuse that was claimed to have been suffered, the higher the amount. For example, "[r]epeated, persistent incidents of anal/vaginal penetration with an

object” received 45-60 points, whereas “[r]epeated, persistence incidents of masturbation” would receive 26-35 points.¹⁰⁴ Applicants also received more points depending upon the “Consequential Harm” that was perceived to have occurred. This obviously creates a financial incentive to increase the amount of abuse and negative effects that one remembers to have endured.¹⁰⁵

It was reported as early as December 1998, in fact, that the Department of Indian Affairs and Northern Development was preparing for bogus lawsuits because it was known that a number of aboriginal people thought that they could receive money just by “signing on the dotted line”.¹⁰⁶ This problem was not unique to the residential schools; it also was seen in the case of the Shelburne institution for boys. In this case, a former judge identified 89 cases of abuse alleged to have occurred decades earlier, yet none were tested using the rules of evidence. Instead, the judge met the accusers face to face, and the government agreed to compensate the victims. This then resulted in 500 more cases appearing, which then led the government to increase the amount of compensation. Judge Kaufman asserted that “[w]hat is striking -- indeed remarkable -- is that there is no demonstrated appreciation that the number of claimants should invite some introspection about the validity of all of these claims”. As a result, claimants received large amounts of money for incidences of alleged abuse that were contradicted by other facts. The government, in fact, refused to demand evidence because it did not want to “revictimize the victims”. Therefore, as Judge Kaufman points out, “[w]ith few exceptions the government regarded the statements of abuse to be true”, leading to payouts of \$30 million to 1,246 claimants, and an additional \$30 million was spent on legal fees, counselling for the victims and criminal investigations”.¹⁰⁷

This was even more likely in the case of the residential schools because lawyers actively tried to sign up students as clients. Soon after the federal government made its statement of reconciliation in 1998, lawyers were reported to be “swooping in” and aggressively trying to get residential school students to join lawsuits. In some cases lawyers had “made cold calls to aboriginals to ask them if they had been abused”.¹⁰⁸ The most famous case is that of the Merchant Law Group, which is estimated to have made \$100 million from the residential school file. The law firm, which in 2006 had filed over 6,000 individual suits and 11 class actions, was infamous for aggressively recruiting clients. Letters were sent to clients boasting that “[w]e just took a case to the SCOC [Supreme Court of Canada] and got in excess of \$300,000 for a Survivor who had been fondled three times”. Clients were also encouraged to provide names of others who had attended the schools, and questionnaires were sent out to these potential recruits asking leading questions about their experiences.¹⁰⁹ The letter attached to the questionnaire concludes with the following promise: “[a]ll you need to do is answer the questionnaire and be sure that we know where to find you so that when the case resolves in a year-and-a-half, or two-and-a-half years or three-and-a-half-years we can find you to get to you the compensation to which you are entitled”. This kind of solicitation continued up to the deadline for submitting Independent Assessment claims in 2012. As Niezen observes, “[t]wo local law firms set up booths to solicit clients” with “hooks” such as free donuts, candy and a raffle. A brochure also was given out about the claims process, and this highlighted the amount of compensation that could be obtained (\$5,000 to \$275,000).¹¹⁰

While motivated reasoning would be most prominent in the Independent Assessment Process, as compensation was awarded on the basis of the claims of abuse, it also would be present in applying for the Common Experience Payment. The Common Experience Payment did not

require residential school students to make any allegations of abuse, as a lump sum payment was provided according to the number of years a student attended the schools. That being said, the payment still did encourage the belief that the schools, in themselves, were destructive. To avoid the cognitive dissonance that would come with accepting a payment for no reason, justification of the receipt of \$28,000 would require seeing these institutions as “culturally genocidal”. As Niezen explains, the payment represented a “recognition value”, which amounted to “encouraging the narration of harm”.¹¹¹ It should be of no surprise, therefore, that the awarding of payments to each student who attended a residential school would increase the belief that these institutions were “genocidal” and make it difficult to discuss any beneficial aspects.

Lack of Criticism of the Changing Discourse

In spite of the problems with relying on emotional and motivated testimonies as evidence, widespread agreement has been expressed with the TRC’s claim that the schools were a form of “cultural genocide”. This consensus has been forced, to some extent, by vilifying any critics who question such assertions. Critics, in fact, are usually demonized as apologists of colonialism and supporters of aboriginal oppression. Journalistically this can be seen in the response to the views of columnist Jeffrey Simpson. Simpson, in his piece, “Fixation on the Past”, offers a very muted criticism of the Truth and Reconciliation Commission. He agrees with the TRC that the schools were erroneous in their thinking “that young Indians should be taught in the ways of the white man and in the process become less ‘Indian’”. He also applauds the Report on the basis that it “will add compendious and certainly poignant detail to a story whose essence was already quite well known”. This, according to Simpson, “could be salutary in the sense of knowing more and therefore making it less likely that the past will be forgotten” and “in helping to understand why some aboriginal people today are broken individuals, damaged by their experience in the schools”. This much needed contribution to the discourse, however, was dismissed by his colleague Andrew Mitrovica, who characterized Simpson as a “residential school qualifier”.¹¹²

Academics who have criticized the findings of the TRC Report have been met with even more opposition. Hymie Rubenstein and Rodney Clifton, for example, argued that the methodology of the report was flawed, and were denounced for “colonial nostalgia” and embracing “racial platitudes”, among other things.¹¹³ Even worse, as a result of this column, 79 academics from the University of Manitoba signed a letter to the editor of the *National Post* condemning Rubenstein and Clifton. This was, at minimum, a concerted attempt to make it difficult for others to criticize the TRC. At worst it was an attempt to instigate academic mobbing.¹¹⁴

It has even been difficult for academics to put forward particular cases of residential school success. Take, for example, the case of Jeff Muehlbauer – a linguist who was dismissed from Brandon University, in part, for trying to teach Cree with tapes that recorded the recollections of Emma Minde (a native Cree speaker from the Saddle Lake Reserve). In these recollections, Minde was positive about her residential school experience. Muehlbauer recounts how aboriginal students at Brandon became angry and refused to attend his classes because they felt that teaching Cree with these tapes amounted to promoting “cultural genocide”. They were only able to accept the view that the residential schools were universally destructive, and refused even to listen to one example of contrary evidence.¹¹⁵ Similar problems were encountered at the “Indigenizing the University’: What are the Academic Implications?” roundtable at the University of Calgary on June 3, 2016. At this event, the case of Tomson Highway was mentioned as someone who believed that he had benefitted from the residential schools. The

response of an aboriginal audience member to this assertion was that her own parents believed that they had benefited from the residential schools experience, but they, like Highway, were suffering from “Stockholm Syndrome”.

The most recent episode of opposition to a challenge made to the “cultural genocide” narrative of the residential schools concerns the comments made by the Senator Lynn Beyak. Beyak, a member of the Senate’s Aboriginal Peoples Committee, gave a speech making reference to “the kindly and well-intentioned men and women and their descendants...whose remarkable works, good deeds and historical tales in the residential schools go unacknowledged for the most part”. Beyak maintains that many nuns and priests have had their reputations smeared even though they provided the children with a nurturing environment and valuable skills and knowledge. While Beyak recognized the abuses that had occurred, she maintained that “horrible mistakes... overshadowed some good things that also happened at those schools.”¹¹⁶

Similar to the reaction to Rubenstein and Clifton, there was almost universal condemnation of her remarks. Murray Sinclair, now a recently appointed Senator, provided the mildest rebuke stating that he was “a bit shocked” that she was expressing views that had been “proven to be incorrect”, but that she had the right to say the things that she did. The chair of the Senate’s Aboriginal Peoples Committee was less tolerant, recommending that Beyak resign from the committee for making “ill-informed and insensitive” remarks about the residential school system.¹¹⁷ The Indigenous Liberal caucus went further, issuing a public letter demanding Beyak’s resignation from the Senate because her views were “inconsistent with the spirit of reconciliation that is required in both chambers of Parliament”.¹¹⁸ The most emotional comments, however, came from NDP Member of Parliament Romeo Saganash who said that Beyak should resign from the Senate since she was the wrong “kind of person” to hold public office. He even asserted that Beyak’s comments were equal to “saying what Hitler did to the Jewish [people] was good, that he wasn’t ill-intentioned in doing what he did”.¹¹⁹ While some of this reaction could be interpreted as histrionics from opposing political parties, Beyak was also abandoned by her Conservative colleagues.

All of these vitriolic responses used the Truth and Reconciliation’s findings as evidence for their claims about the “cultural genocide” they believed had been perpetrated by the residential schools. But this reaction has ignored the advocacy character of the TRC’s report and its connections to neotribal rentierism. The TRC report should not be referred to as an academic document; to do so leads to the kinds of distortions that we are seeing being repeated, and inhibits an historical and material understanding of the residential schools initiative. Historians like J.R. Miller have recognized that “overwhelmingly people had a very mixed experience” at the schools.¹²⁰ But a “very mixed experience” does not mean universally harmful to the point of being perceived as a crime against humanity. Many of the most successful aboriginal people today were residential school students, because this gave them the disciplines, knowledge and skills to be able to participate in modern society.¹²¹ While obviously there were serious problems with the schools that must be recognized and discussed, so as to avoid future educational deficiencies, labelling the schools as “cultural genocide” prevents us from probing deeper into the structural reasons for the failings of these institutions.

Political Economy, Settler Colonialism and the Residential Schools

While neotribal rentierist processes have had an interest in constructing a victim/perpetrator dichotomy and thus portraying the residential schools as a form of “cultural genocide”, there needs to be a more clearly reasoned examination of these institutions and colonialism more generally. In this regard, political economy can provide some valuable insights. A historical and material analysis can go back in history to try to construct the cause and effect relationships that shaped Canadian colonialism in a particular way.

So far, this historical and material analysis has been impeded by the intrusion of postmodernism into discussions of the residential schools. “Postmodernism”, as defined by Alan Sokal and Jean Bricmont, is “an intellectual current characterized by the more-or-less explicit rejection of the rationalist tradition of the Enlightenment, by theoretical discourses disconnected from any empirical test, and by a cognitive and cultural relativism that regards science as nothing more than a ‘narration’, a ‘myth’ or a social construction among many others”.¹²² Even Jonathan Niezen, in his very insightful book, avoids the implications of his analysis by uncritically accepting postmodern arguments and referring to the TRC’s notion of “relative truths” in recollections of the past. Niezen tells us that the TRC made a distinction between “factual truths”, which were quantifiable elements, and “relative truths” – “how people felt as a consequence of what happened in the schools as well as the addictions and violence that followed from their experience”. In spite of the fact that these “truths” were concerned with “narrative fluency” instead of “being accurate”, Niezen points out that the TRC “makes the claim that a new history of the nation is to emerge from the narrated experience of those whose voices have long been silent or ignored”. This results in a circumstance where testimonies are understood “to be unadulterated, veridical reports of lived experience rather than instrumentally limited reports that are subject to selectivity and omissions of memory and are ‘rhetorically organized’”.¹²³

But the postmodern acceptance of the unsubstantiated testimony of residential schools students as a kind of “truth”, however, is a misuse of the term. The idea of “truth” assumes that reality exists regardless of how differently some cultures perceive it. Relativizing truth, when it is applied to the past, attacks the fundamental enterprise of history – trying to develop the most accurate understanding of what has happened before. Postmodern relativism asserts that there is no such thing as historical truth, and that one’s understanding of history is, in the end, influenced by culture. This is not the uncontroversial claim, accepted by all historians, that culture will impact one’s *interpretation* of historical evidence. The postmodern assertion is that the truth *itself* does not exist, as there is no historical reality to be interpreted. But notions that “... aboriginal ways of judging truth, interpreting evidence and seeking justice often differ widely from Western ways”,¹²⁴ or that aboriginal conceptions of history are a form of “narrative truth”, fails to consider that assertions that the residential schools constituted “cultural genocide” are trying to make a universally accepted historical assertion. This contradiction is remedied by a selective deployment of postmodern relativism. It is expected that residential schools as “cultural genocide” be accepted, but when aboriginal testimonies supporting this historical interpretation are challenged, their recollections are claimed to be a “relative truth”.

The idea that the residential schools were “culturally genocidal”, in fact, cannot be sustained by an examination of historical documents. While the victim/perpetrator dichotomy resulted in the view that the schools were instituted because of Christian pride and a belief in racial superiority,

this fails to consider that these views long preceded the residential school system. As J.R. Miller notes, there were many references to aboriginal people as wild, savage, uncivilized, heathen, etc. in the first two centuries of the European presence in North America. But the schools were not brought in as a policy until much later. Therefore, one must ask what historical and material conditions led the residential schools to come into existence at a particular point in time.

In the early history of what is now Canada, in fact, Europeans resisted the idea of providing schooling to aboriginal people because this would be disruptive to the dominant economic activity of the time – the fur trade – and impede military alliances.¹²⁵ As J.R. Miller explains, “the indigenous people of the northern portion of North America were essential to the fur trade and perfectly equipped and trained to do most of the work in procuring, processing, and transporting the pelts”. At the time, attempts to make aboriginal people sedentary Christians were opposed because this meant that they “would no longer hunt beaver and other creatures whose skins were essential to the European”. Similar views were held by military leaders because “there was little that was attractive about converting and changing the way of life of people who, after 1700, were perfectly equipped allies in a continent rife with imperial rivalry and warfare”. Miller points out that initial efforts at residential schooling failed “because the Indians rejected it and because the missionaries came to the conclusion that it was not essential to evangelization. Merchants, along with the military, did not favour the sort of assimilative campaign of which residential schools was, or might have been, a part”.¹²⁶

With the decline of the fur trade and less of a need for military alliances with aboriginal peoples, however, the opposition to residential schools from economic and military sectors dissipated. The decline in aboriginal peoples’ military importance meant that “the warrior image had been replaced by that of an expensive social nuisance”.¹²⁷ As Miller explains, “[t]he arrival of an age of peace, immigration, and agriculture in British North America meant a dramatically different relationship between Natives and newcomers, a shift in relations that explains the effort of state and church to assimilate Aboriginal communities through residential schools”. He points out that “[t]he forest-dweller now was perceived not as the means to the Europeans’ ends, but as an obstacle to the newcomers’ achievement of their economic purposes”.¹²⁸ New economic activities – agriculture and industrialization – required that more and more people be integrated into these productive activities. Providing schooling to aboriginal children was a means to this end because it would increase the numbers of available labourers that could help in increasing economic growth and profitability, as well as having the added benefit of solving the problem of relief that was seen as being a drain on the system. As Miller points out, “[s]uch a settled way of living and earning their bread would be compatible with the lifeways and economic activities of the immigrant community that, by the 1850s, had rapidly taken over the southern regions of British North America”. It was recognized that the fur trade, as a viable economic activity, was rapidly diminishing. Preparation for other economic activities, therefore, would be necessary if aboriginal people were to remain self-sufficient.¹²⁹

An agricultural and industrial economy also required the development of more disciplined work habits, abstract educational practices, and encouraging a deference to legal rational forms of authority (as opposed to the traditional authority that dominated kinship-based societies). Egerton Ryerson, an instigator of the schools, maintained that they would “combine basic learning suitable for the common person, training in agriculture or trades, and large doses of religion”. It was proposed that “students theoretically spent half the day in classroom study and the other half in instructive work that would impart skills they would need later to earn a living

in the Euro-Canadian economy”.¹³⁰ This linkage of the schools to industriousness and coercive economic development efforts was not unique to Canada; it has been noted, for example, that arranging desks in rows and starting and stopping classes with bells was to instill the disciplines in students needed to engage in regimented wage labour.¹³¹

And it was not only the colonists who saw this as the appropriate course of action. Many aboriginal parents wanted schools to be built for their children, and sometimes even contributed to the costs of construction.¹³² Many aboriginal groups, especially the Ojibwa, “had come to recognize their inability to maintain a traditional hunting-gathering economy”, and they saw the schools “as the way to acquire the skills needed to deal with the invading society and to survive economically alongside it”.¹³³ This was also the case on the Plains, as the disappearance of the buffalo by 1879 made aboriginal peoples realize that assistance was required “to assist Plains Indians in making a transition from a hunting economy to an agricultural one”.¹³⁴ Aboriginal parents, however, often wanted these schools to be built on the reserves so that they could remain close to their children,¹³⁵ in opposition to the government’s preference for boarding schools. To some extent this reflected the difficulties of providing an education in isolated communities; the government, however, also had a philosophical reason for separating aboriginal children from their culture. This was because the government perceived that this would minimize the “influence of the wigwam”.¹³⁶

The construction of the victim/perpetrator dichotomy requires a focus on European Christian pride and feelings of racial superiority to explain the shortcomings of the residential schools. Ideas, after all, can be easily changed, while economic requirements are much more difficult to subvert. This leads to a downplaying of the material reasons for the construction of boarding schools, and the difficulties that were encountered. The government was trying to develop the population in the quickest way possible to minimize costs, and the boarding school model was chosen because it was seen as a mechanism to speed up the assimilation process. There had been problems, as early as the 17th Century, of parents having an obstructionist role in the educational process.¹³⁷ In the transition to agriculture, Vallery explains that educators believed “that the home influence of the children could be lessened, if they were kept at industrial schools for a sufficient length of time to attain the arts of civilized life”. This was the position of the Bagot Commission in 1842¹³⁸ and the 1879 “Report on Industrial Schools for Indians and Halfbreeds” (The Davin Report).¹³⁹ The Davin Report argued in favour of boarding schools because removing children from reserves would combat the “retrogressive home influences” that retarded regular attendance and other requirements for educational progress.¹⁴⁰ As Vallery explains, it was “believed that day schools were inefficient because of the irregular attendance of the Indian pupils. The scattered abodes of the Indians, poverty, resulting in a lack of suitable clothing and food to go to school, bad weather, poor roads, and parental restraint, accounted for this poor attendance”. Manual labour schools were perceived as addressing this problem because they would board students permanently. Introducing manual labour into aboriginal education was also promoted because “it would train the Indian into habits of industry, and therefore attain the best possible results”.¹⁴¹

This attempt to transform that aboriginal population and integrate them, as farm hands, domestic servants, craft workers and industrial labourers, into the developing Canadian economy, however, faced two major problems. The first was that it was no simple task to educate subsistence tribal cultures to the extent to which they could be assimilated. Native cultures, because they were rooted in a pre-literate form of existence, needed more effort to bring about

their integration in comparison to the children of immigrants.¹⁴² To deal with this problem, government officials thought it was best to involve missionaries, so that that the enthusiasm of religion could be tapped and provide “a motive power beyond anything pecuniary remuneration could supply”.¹⁴³ Overbearing missionary zeal, however, caused tension because the people in charge of the schools “lacked sympathy with Native ways and soon alienated both students and their families...”.¹⁴⁴

This raises questions of what these “Native ways” were, and why they came into such conflict with the educational demands of the residential schools. The most obvious reason was that remote tribal groupings were required to move from place to place to pursue hunting and gathering activities, and the children accompanied their parents on these journeys. Vallery, writing before our age of “political correctness”, also refers to cultural factors such as “the character of the Indians”.¹⁴⁵ Vallery explains that hunting and gathering/horticultural societies tend to be “creatures of the present moment”, which results in less foresight and difficulties in understanding the future value of education. Jampolsky similarly mentions that

[i]t is most difficult for a people who were born into a world where their daily needs were met in the immediate environment to learn the value of accumulating knowledge for its own sake, the value of saving for a rainy day, the value of practicing stringent self-discipline in order to enjoy the benefits of permanent employment, and the value of denying immediate pleasures for the purpose of acquiring a store of worldly goods. In the world of the Indian, sharing the personal favour of one’s neighbours is of more worth than the accumulation of material wealth, unless such accumulation is for the purpose of later sharing. This orientation toward the present is reflected in child-rearing practices by which children are given large measures of freedom and independence from early childhood.¹⁴⁶

This “freedom and independence” also created problems for the residential schools, as the very harsh forms of discipline employed were foreign to aboriginal children.¹⁴⁷ As the aboriginal psychiatrist Clare Brant points out, traditional aboriginal societies operate according to an “ethic of noninterference”. According to Brant, “[a] high degree of respect for every human being’s independence leads the Indian to view giving instructions, coercing, or even persuading another person to do something as undesirable behaviour”. In this respect, the disciplining of aboriginal children would have had a very different effect than the corporal punishment used against children of a European background. As Vallery explains, “[t]he parents disliked restraint and compulsion in the case of their children”, and this often led them “to [refuse] to cooperate with the department to send their children to school, because this would involve the disciplining of their children”. Vallery also points to another source of hostility towards the schools, especially in the west. This, according to Vallery “was often based on the belief that children who received a different education than their own, as parents, would be separated from them in the great hereafter”.¹⁴⁸

These problems with coercively attempting to assimilate tribal groupings were compounded by the fact that there was pressure to spend as little as possible on the services aboriginal people sorely needed. As Miller explains, “British officials were seeking less expensive relations with the Aboriginal peoples now that their martial utility had ceased to exist”.¹⁴⁹ This was another reason for handing responsibility over to the churches - they were a less expensive way to provide education.¹⁵⁰ As Miller explains, “reliance on churches would make it less difficult to

find teachers with the essential combination of learning and virtue, and, moreover, to secure their services at a rate of remuneration less than the teachers' qualifications, pedagogical and moral, would otherwise command".¹⁵¹ It was this concern with parsimony that led officials like Egerton Ryerson to hope that "with judicious management, these establishments will be able in the course of a few years very nearly to support themselves' on student labour".¹⁵²

This combination of assimilative difficulties with a lack of concern about aboriginal peoples led to incorrect racist attitudes often shaping aboriginal policy. Most people were ill-educated at this time, and it was often assumed that poor children could not learn advanced subjects. Although this is now known to be false, such attitudes often resulted in pessimistic pronouncements about the possibilities for aboriginal educational progress. As cultural factors made it difficult for aboriginal peoples to acquire the skills, values and attitudes necessary for success in an industrializing economy, and there was little attempt to provide the resources that were needed, the incorrect position that aboriginal people were incapable of making this transformation took hold. This was seen most succinctly in the views of Francis Bond Head, who maintained that aboriginal peoples should be kept separate and no more funds should be spent on them, as he believed that they were incapable of developing and would eventually die out. As a result of his racist assumptions, Bond Head proposed to "remove all the Indians of Upper Canada to the islands of the Manitoulin chain where their last years would be spent in isolation from white settlers".¹⁵³ The influence of "philanthropic liberalism"¹⁵⁴ and the arguments of missionaries and the Aborigines Protection Society, however, ensured that Bond Head's proposal for "insulation" was not accepted by colonial authorities.¹⁵⁵

Because of this history of an incorrect racist diagnoses of problems that were cultural in nature, there is a reluctance to recognize that there were difficulties in integrating aboriginal peoples into an industrializing nation-state. Instead, it is maintained that an inferior educational system was put in place to prevent aboriginal competition with European settlers. This is the argument put forward by Bradford Morse, who takes issue with the standard account's notion that the residential schools were created "to convey the learning of the European world that was more technologically advanced" and prepare aboriginal people for participation in a modern economy. Morse dismisses this idea because of the fact that aboriginal children "were not taught the prevailing curriculum in the same manner as public schools so as to acquire the skills necessary to succeed economically in the Canadian workforce...". But Morse ignores the fact that the curriculum would have had to deal with the cultural gap that existed and the fact that the government was not willing to devote the resources needed to overcome this problem. This was compounded by the government's frustration with the enterprise and the existence of racist attitudes in society that assumed that aboriginal people could not be educated. These attitudes, in fact, continue to this day with the implementation of "aboriginal" programs. The assumption is that aboriginal students will not be able to master academic subjects and need special accommodations to be able to graduate.

Malevolence in government actions is also imputed by saying that the residential schools were unnecessarily imposed on "flourishing" aboriginal societies.¹⁵⁶ It is maintained that the residential schools were "part of an organized assault on the functioning of Indigenous communities as socio-economic orders and as polities", which caused "incalculable damage to cultures, languages, collective identities, and ways of life...".¹⁵⁷ These assertions are intent on supporting the victim/perpetrator dichotomy by implying that the residential schools were "genocidal". For if, after all, aboriginal societies were "functioning" and "flourishing", what

else would explain the colonizers' attempt to coercively educate them? References to "cultural genocide" do not acknowledge that aboriginal societies at this time were destitute, because the previous mode of production had collapsed. In order for their cultures to be developed quickly and incorporated into the emerging mode of production, schooling would have to be provided. And since there was no schooling in pre-literate tribal societies, the imposition of some kind of colonialist school system was inevitable.

Although the success of the aboriginal people who have acquired a high quality education disproves the racist ideas that existed during the residential school era, fears of being accused of racism have led to a reluctance to discuss the cultural developmental gap that the residential schools were meant to close. Neotribal rentierist processes like the Truth and Reconciliation Commission also try to disguise this circumstance, because denying the historical and material reasons for the residential schools diminishes the case for reparations. If the schools were intended to transform aboriginal culture because it was required by agricultural and industrial economic processes, there can be no justification for widespread reparations. Calling the schools an instrument of "cultural genocide" that destroyed "flourishing societies" prevents an understanding of the fact that integration into a more productive economy and complex political system required the teaching of English and French, opposition to indigenous spirituality and socializing aboriginal children to defer to legal authorities. To not do this, in fact, would actually have been genocidal, as aboriginal people could not have survived by clinging to their unproductive hunting and gathering/horticultural traditions.

This eagerness to deny the developmental gap between aboriginal and European educational processes can even be seen in one of the most scholarly works on the residential schools - J.R. Miller's *Shingwauk's Vision*. Miller attempts to deny the necessity of the education provided by the residential schools by implying that there was no developmental difference between aboriginal cultures and those of the colonists.¹⁵⁸ He sees aboriginal and European educational processes as being similar, and equates the three "R's" of modern education – reading, writing and arithmetic – with the pre-literate socialization processes of aboriginal traditions (the "three Ls of traditional Native education" – looking, listening and learning).¹⁵⁹ Miller maintains that "[n]ot all societies have schools, but all human communities possess educational systems".¹⁶⁰ For Miller, an "educational system" is the same thing as enculturation; there is no understanding of the abstract methods that are needed to teach modern subjects. He fails to recognize that "looking, listening and learning" provides no possibility for the discussion, debate and critical thinking required to become educated.

Miller also does not understand that the lack of institutionalization, coercion and routine in aboriginal socialization processes was related to their less developed political economies. He notes that

[n]ot surprisingly, the educational system of the Aboriginal peoples of the northern portion of North America was admirably suited to the structures and values of those indigenous communities. It operated in a largely non-coercive way, relying on the use of models, illustrations, stories, and warning to convey the information that was considered essential. This approach reflected the high value that most Native societies placed on individual autonomy and avoidance of the use of force with members of the community.¹⁶¹

Miller also notes that older people were respected in aboriginal cultures because it was they, because of their observations over a long time, who held the most knowledge.¹⁶²

But the “information” that was “considered essential” by hunting and gathering and horticultural societies is much more basic than what is required in an emerging industrial nation-state. Old people do not have the most knowledge in modern societies because things change very quickly, and new empirical knowledge and theoretical understanding must be learnt abstractly. The animistic belief systems of aboriginal peoples – that everything is infused with spirits and is therefore alive¹⁶³ – is not an equivalent “outlook” or “perspective” in comparison to what was being taught in modern educational systems. Huge advances in science were being made at this time, and aboriginal peoples could not simply have absorbed this knowledge through “stories, legends, and myths...”.¹⁶⁴ It might have “made as little sense for a Native child to distinguish between play and education as it did for him or her to discriminate between humans and other beings, or between this plane and the world of the spirits” in a time when there was little knowledge of the material world, but this could not continue in the context of modern teaching and schooling. It does not make sense for Miller to deny the value of the more advanced educational techniques that were necessary.¹⁶⁵ It also is condescending for him to claim that shamans were “trained” in a “formal and elaborate educational process...”, so as to equate this with real educational processes needed to prepare people for socially necessary occupations.

The difference between aboriginal socialization efforts and modern educational requirements was extensively documented by the Hawthorn Report in the 1960s.¹⁶⁶ It was noted that many aspects of aboriginal culture on reserves disadvantaged aboriginal children when they first entered into the school system. The Hawthorn Report was very sensitive to the fact that aboriginal peoples had been incorporated into a system not of their own making and had been terribly neglected by the Canadian government. However, this did not prevent it from providing a realistic assessment of the cultural obstacles to aboriginal educational advancement. These included the lack of objects in the home, which inhibited the development of the aboriginal capacity for abstraction needed for reading and writing. It was also documented that there were limited conversations between adults and children, where “questions [were] often answered in monosyllables”, and how this made aboriginal children less prepared for the learning process. Most importantly, it was noted that “[n]o one reads to the child”, as a pre-literate cultural orientation meant that there were few reading materials in the home. Also, it was pointed out that the flexible time patterns and lack of discipline on reserves made entrance into school traumatic as the aboriginal child “must learn to conform to scheduled activity, to respond to the demands of the teacher and remain with a task until he completes it. He may also encounter punishment for the first time in his life and with little understanding of what he had done that is wrong”.¹⁶⁷

The denial of these important differences between aboriginal cultural features and the educational processes brought by the residential schools – i.e. the provision of knowledge, skills, values and disciplines needed to participate in a modern society – reinforces the victim/perpetrator dichotomy and the idea that the schools were instruments of “cultural genocide”. These distortions continue to plague discussions of aboriginal education today. It is not understood that a reliance on aboriginal traditions will do nothing to enable aboriginal peoples to become the doctors, engineers and scientists needed to provide socially necessary services to other Canadians. As a result, the educational deficit in aboriginal communities continues. While these educational problems are argued to be the result of the residential schools and colonization, this view only justifies the creation of more neotribal rentierist processes and the distribution of “rent”. Rent acquisition, however, does not solve the problem, and only justifies the continuing isolation of the aboriginal people from productive processes. The dependency and anomie that this perpetuates then creates the basis for further demands for reparations and the dispersal of rent.

Conclusion

Although current processes are arguing that they are trying to bring about “truth and reconciliation”, neotribal rentierism’s efforts to construct a victim/perpetrator dichotomy to justify increased compensation is an obstacle to both. This is because the desire to increase the extraction of rent requires that a distorted and tendentious version of history be presented – that the schools were a form of “cultural genocide”. This has been achieved by elevating memories to the status of historical documents, failing to acknowledge the interests that can exaggerate grievances, and accepting the idea that historical truth is relative and culturally determined. Encouraging all aboriginal people to perceive themselves as victims, and all non-aboriginals as perpetrators, also does not aid reconciliation.

The absence of either truth or reconciliation can be seen in the two most recent efforts at “decolonization” – the Murdered and Missing Aboriginal Women and Girls Inquiry and the lawsuits to settle the Sixties Scoop (when Canadian child welfare agencies took aboriginal children away from their parents and had them adopted in non-aboriginal homes during the 1960s). Both of these initiatives gained traction with the TRC Report. The first will spend millions of dollars on the further construction of the victim/perpetrator dichotomy, and will recharge the animosity necessary for demanding increased rent. It will also ignore the most significant source of murdered aboriginal women – the terrible level of violence in aboriginal communities plagued by deprivation and isolation.¹⁶⁸

The lawsuits about the “Sixties Scoop” are even more intent on constructing the victim/perpetrator dichotomy. Instead of seeing the initiative as a response to the terrible social breakdown in aboriginal communities, as is occurring today in the case of Labrador,¹⁶⁹ it is now maintained that the government had an obligation to preserve the culture of aboriginal children. This is creating a situation where “class-action lawyers across Canada jockey to represent First Nations people who were removed from their homes when they were children and adopted into non-Indigenous families”.¹⁷⁰ Sparked by a court decision where a “judge found the government failed to protect the cultural identity of thousands of Indigenous children in Ontario”, lawyers are now pushing ahead for “court-ordered compensation”. There are currently 18 Sixties Scoop cases, as well as one class action suit initiated by Marcia Brown Martel, the chief of the Beaverhouse First Nation. The class action “covers 16,000 survivors” and there is a concerted attempt to increase these numbers. Brown Martel, in an open letter on the website for the case, urges others who “experienced the harm” of the policy to contact her lawyers “whether you were or were not living on the reserve when you were removed before 1965, or that you are not a status ‘Indian’”. The Merchant Law Group also has entered into the fray, representing those who are not covered in the Brown Martel action. It has “filed cases on behalf of Sixties Scoop victims in Quebec, Nova Scotia, and the three northern territories, as well as Alberta, Saskatchewan and Manitoba where it is competing with similar claims launched by Toronto firm Koskie Minsky”.

In addition to its recommendations for additional sources of compensation to right past wrongs, the Truth and Reconciliation Commission also has opened up much more significant possibilities for extracting rent. Massive changes have been proposed for the Canadian educational system, which will require additional funding and new “culturally sensitive” occupations. Take, for example, the current efforts to “Indigenize” universities that are sweeping the country.¹⁷¹ A number of academics argue that it is up to universities to implement the TRC’s

recommendations, even though the Commission is not a scholarly body and has no jurisdiction over post-secondary education. There is vocal support for the TRC's view that "[t]he education system itself must be transformed into one that rejects the racism embedded in colonial systems of education and treats Aboriginal and Euro-Canadian knowledge systems with equal respect"¹⁷² because Indigenization makes sentimental academics feel that they are combatting social injustice. Indigenization also creates good public relations for university administrators by supposedly providing "a crucial means of promoting cross-cultural cooperation and building capacity for intercultural understanding, empathy and mutual respect among all Canadians".¹⁷³

But this support for the TRC's indigenization recommendations fails to understand that the initiative is not about improving education. It will actually have the opposite effect because of an insistence on incorporating unscientific beliefs into the curriculum and lowering standards so that more indigenous students can be admitted and passed through the system. The real purpose of Indigenization is to increase the rent that can be extracted by brokers and neotribal leaders, as is shown by the presentations given by indigenization advocates.¹⁷⁴ While speaking at Mount Royal University recently,¹⁷⁵ for example, Shauneen Pete gave the audience a sense of the additional funds that will be needed to create an "indigenized" university. This will include not only new academic positions, such as indigenous Canada Research Chairs and Indigenous Studies inspired programs, but resources for Elders Councils, Indigenous Advisory Councils, and indigenous Board of Governors representatives.

While this circulation of rent will provide funds to indigenous individuals, fees for brokers, and various occupations for neotribal leaders, it does not address the systemic inequalities, entrenched welfare dependency and isolation in aboriginal communities. Although the promoters of various forms of aboriginal "national" self-determination argue that traditional and modern practices can be reconciled, this view fails to consider the developmental gap that separates traditional and modern modes of production. Neotribal rentierism only subsidizes consumption and does not make the population more productive. It also does not facilitate reconciliation. The intent is to justify grievances, and to perpetually increase them. And as claims about the trauma of "cultural loss" have resulted in the provision of compensation, there is an incentive to demand that obsolete cultural traditions be revitalized. This prevents aboriginal people from thinking critically about the past and developing the resilience necessary to participate effectively in modern economic and political processes.¹⁷⁶

What is required to address these problems is to create the conditions whereby aboriginal people can feel that their lives have meaning. A meaningful existence today, however, cannot be created by relying on the traditions promoted by neotribal rentierism; it comes from participating in the production of goods and services needed by all Canadians. This will require recognizing the less developed character of traditional aboriginal educational processes. Although this is obscured by academics like J.R. Miller, aboriginal cultural development will require intensive educational methods. Real education for aboriginal people will mean actual attempts to improve literacy and scientific education in communities where books are rare, animistic beliefs still hold traction, and ill-informed "wisdom-keepers" are deferred to.

How this developmental gap can be bridged will not be easy. It requires honesty, a great deal of sensitivity and a recognition of the breach of trust that has happened in a neglectful and oppressive colonial past. But promoting neotribal rentierism is just avoiding dealing with aboriginal marginalization. It only maintains the warehousing of a large aboriginal underclass in

unviable communities and other forms of ghettoization in urban centres, instead of developing policies that could enable actual indigenous participation in an increasing global economy and society. This is the key to reconciliation and enabling all Canadians, aboriginal and non-aboriginal, to live with one another on equal terms.

¹ John Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," in J.R. Miller, ed., *Sweet Promises: A Reader on Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1991).

² Ronald Niezen, *Truth and Indignation: Canada's Truth and Reconciliation Commission and Indian Residential Schools* (Toronto: University of Toronto Press, 2013), p. 6.

³ The term "rent seeking" is defined by David R. Henderson as a person or group's attempt to "try to obtain benefits for themselves through the political arena". This benefit can be obtained from getting a subsidy for a good produced, by "being in a particular class of people", or by having tariffs or special regulations instituted to obstruct competition. Henderson argues that "privilege seeking" is probably a more accurate term for this activity than rent seeking. David R. Henderson, "Rent Seeking", *The Concise Encyclopedia of Economics*, <http://www.econlib.org/library/Enc/RentSeeking.html> [accessed May 2017].

⁴ The kinship-based nature of dispute resolution in hunting and gathering and horticultural societies means that there is a predominance of traditional forms of authority, in contrast to what was developing in European societies. In Europe, because of the development of political institutions, a new form of authority – one based on legal-rational principles – was emerging. This observation, originally systematized by the sociologist Max Weber, recognizes that legal authority is different from power that is legitimized by custom, heredity or the personal attributes of leaders. It is the person's office, determined by the legal system, that legitimizes their power. For an overview of Weber's theorization of legal rational authority see Tony Waters and Dagmar Waters (eds), *Weber's Rationalism and Modern Society: New Translations on Politics, Bureaucracy and Social Stratification* (New York: Palgrave Macmillan: 2015).

⁵ Chrisjohn and Young, *The Circle Game, A Report to the Royal Commission on Aboriginal Peoples*, October 1994, <http://data2.archives.ca/rcap/pdf/rcap-32.pdf> [accessed May 2017], pp. 1-5.

⁶ The Law Commission of Canada has noted that there are usually three factors that facilitate abuse in institutional settings – resident vulnerability, authority that is accepted without question, and inadequate external oversight. All three of these factors were present in the residential schools. For a discussion of this see Marcel-Eugène LeBeuf, *The Role of the Royal Canadian Mounted Police during the Indian Residential School System* (Ottawa: RCMP, 2011), p. 19.

⁷ An article from about the residential schools from twenty years ago, for example, notes that "Principal Allen Murray of the Kipoptakaw school on the Alexander Reserve says he keeps the black leather strap in his desk drawer as a 'historical specimen.' The strap has not been used to discipline students on the reserve, 20 kilometres north of Edmonton, since the Indian band took control of education from the Indian Affairs Department". "Absenteeism less than 5%: Students on reserve thriving as band controls education", *The Globe and Mail*, January 4, 1984, p. 10.

⁸ Rosemary Nagy and Robinder Kaur Sehdev, "Introduction: Residential Schools and Decolonization", *Canadian Journal of Law and Society*, 27(1), 2012, p.67.

⁹ Niezen, p. 29.

¹⁰ For an overview of these settlements see Stephen Bindman and Jim Bronskill, "Feds study better ways to handle abuse cases", *The Spectator*, November 24, 1997, p. C3.

¹¹ Rosemary Nagy and Robinder Kaur Sehdev, "Introduction: Residential Schools and Decolonization", *Canadian Journal of Law and Society*, 27(1), 2012, p. 67.

¹² Indian and Northern Affairs Canada, 2004, cited in "The Health and Rights of Indigenous Peoples", in Michael Seear (ed), *An Introduction to International Health*, Second Edition (Toronto: Canadian Scholar's Press, 2007), p. 426.

¹³ Alan C. Cairns, "Aboriginal Research in Troubled Times", Unpublished research paper, University of Waterloo, December 19, 2008 (the paper is the author's possession). Cairns points out that at this time it became common for scholars studying aboriginal issues to take on the role of "academic missionary" and to use their research in "serving a cause".

¹⁴ The Royal Commission's ethical guidelines for research, in fact, dictated that the Royal Commission would only publish work or engage researchers whose views were perceived to be beneficial to aboriginal communities. Although it was argued that these guidelines were put in place so as to represent "Aboriginal reality authentically", David Orton has correctly pointed out that this "imposed 'guidance' on the researchers" was actually unethical as it would encourage "scholars [to] see themselves as aboriginal advocates...". According to Orton, these guidelines created "a bias against looking critically at aboriginal societies in the past or present", as its intent was to place blame on non-aboriginal society. David Orton, "Unfashionable Ideas: A Left Biocentric Critique of the Report of

the Royal Commission on Aboriginal Peoples, *Green Web Bulletin* #67B, <http://home.ca.inter.net/greenweb/GW67B-RC.html> [accessed May 2017].

¹⁵ *Report of the Royal Commission on Aboriginal Peoples [Final Report]* (Ottawa: Supply and Services Canada, 1996), 1, p. 33.

¹⁶ Chrisjohn and Young note that this accusation was made in Will Basque's presentation on June 5, 1992 and Charles Cootes' presentation on June 20, 1992. Chrisjohn and Young, *The Circle Game, A Report to the Royal Commission on Aboriginal Peoples*, October 1994, <http://data2.archives.ca/rcap/pdf/rcap-32.pdf> [accessed May 2017], p. 97. In the Royal Commission's Report, the accusation was made by Elaine Bomberry, Association for Native Development in the Performing and Visual Arts, Toronto, Ontario, 2 June 1993 and Lisa Raven, Hollow Water Band, Wanipigow School, Winnipeg, Manitoba, 23 April 1992. Wendy Grant asserted that "[a]fter Confederation, when the legislative responsibility for Indians west of the Rockies was transferred to Ottawa, a new purpose was found for Christian Missions and Schools, and what began in the years following 1871 was a long period of direct and deliberate cultural genocide". Royal Commission on Aboriginal Peoples, Canim Lake, March 8, 1993, p. 19.

¹⁷ Chrisjohn and Young maintain that "none of the Commissioners probed the assertions in their responses, in essence reacting politely to what was treated as a rhetorical flourish". Chrisjohn and Young, p. 36.

¹⁸ Testimonies like this led the Royal Commission to assert in its *Final Report* that aboriginal youth are "paying the price of cultural genocide" and "suffering the effects of hundreds of years of colonialist public policies". The Royal Commission goes on to claim that "It is as though an earthquake has ruptured their world from one end to another, opening a deep rift that separates them from their past, their history and their culture". Residential schools, according to the Royal Commission, were places where "Aboriginal children learned to despise the traditions and accomplishments of their people, to reject the values and spirituality that had always given meaning to their lives, to distrust the knowledge and life ways of their families and kin".

¹⁹ The word "nations" is capitalized when it is used to refer to aboriginal groups, as they are more accurately considered tribes rather than nations. This is because aspirations for statehood is generally associated with the term "nation". For a discussion of this, see Frances Widdowson, "Inventing Nationhood: The Political Economy of Aboriginal Claims to Self-Determination in the Context of Quebec Sovereignty", Paper presented for the Annual Meeting of the Canadian Political Science Association, Winnipeg, June 5, 2004.

²⁰ Alan C. Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver: UBC Press, 2000), pp. 70-3, 117, 132. Cairns' understanding of parallelism has been incorporated into the analysis of *The Globe and Mail* columnist Jeffrey Simpson. For this examination of parallelism, see Jeffrey Simpson, "Progress for aboriginal peoples still haunted by the past", *Inside Policy*, April 2015, <http://www.macdonaldlaurier.ca/jeffrey-simpson-in-inside-policy-progress-for-aboriginal-peoples-still-haunted-by-the-past/> [accessed June 2015].

²¹ *Final Report*, 1, pp. xxiii-xxiv.

²² *Final Report*, 1, pp. xxiii-xxiv.

²³ Elizabeth Rata, "Rethinking Biculturalism", *Anthropological Theory*, 5, 2005, p. 270.

²⁴ As Rata explains, "biological inheritance as members of a racial or ethnic group...is social destiny in this approach because 'what we do' is caused by 'who we are', that is, our 'blood' carried through the generations by ancestral spirits". Elizabeth Rata, "Rethinking Biculturalism", *Anthropological Theory*, 5, 2005, p. 270. This supports the claim that aboriginal people will lose their true nature if they are integrated into a modern nation-state.

²⁵ This is why Taiaiake Alfred asserts that aboriginal people "have a responsibility to recover, understand, and preserve [aboriginal traditional] values". Taiaiake Alfred, *Peace, Power Righteousness*, p. 5, cited in Glen Sean Coulthard, *Red Skin, White Masks* (Minneapolis: University of Minnesota Press, 2014), pp. 154-5. Coulthard promotes similar comments by Leanne Simpson that "[decolonization] requires us to reclaim the very best practices of our traditional cultures, knowledge systems and lifeways in the dynamic, fluid, compassionate, respectful context in which they were originally generated". Simpson, *Dancing on Our Turtle's Back*, pp. 17-18, quoted in Coulthard, *Red Skin, White Masks*, p. 155. Although it is recognized that culture is malleable and traditions change, Alfred maintains that there can be still an identification of "beliefs, values and principles that form the persistent core of a community's culture" and that this is the "traditional framework that we must use as the basis on which to build a better society". Alfred, *Peace, Power, Righteousness*, p. xviii, cited in Coulthard, *Red Skin, White Masks*, p. 156.

²⁶ For an in depth discussion of the development of parallelism, and how it is different from inegrationism, see Frances Widdowson and Albert Howard (eds), "Introduction: Hunting Assumptions in the Search for Solutions", *Approaches to Aboriginal Education in Canada* (Edmonton: Brush Education, 2013).

²⁷ Niezen, p. 20.

²⁸ Amanda Gebhard, "Reconciliation or Racialization?", *Canadian Journal of Education*, 40(1), 2017, p.1. It is important to point out that in at least one instance Gebhard is able to come to this conclusion by misquoting sources. The following excerpt from Gebhard - "from the outset, the government's educational expectations for residential schools were not high" (Truth and Reconciliation Commission of Canada, 2012, p. 25)" - uses a quote from the Widdowson

Davin Report as substantiation: “Little can be done with him (the Indian child). He can be taught to do a little farming, and stock-raising, and to dress in a more civilized manner, but that is all” (as cited in Kirkness, 1999, p. 3)”. But this quotation, taken from page 2 of the Davin Report, is referring to aboriginal adults, not aboriginal children. This is the actual quote: “The experience of the United States is the same as our own as far as the *adult* Indian is concerned. Little can be done with him. He can be taught to do a little farming, and at stock-raising, and to dress in a more civilized manner, but that is all” [emphasis added].

²⁹ Sean Fine, “Chief Justice says Canada attempted ‘cultural genocide’ on aboriginals”, *The Globe and Mail*, May 28, 2015, <http://www.theglobeandmail.com/news/national/chief-justice-says-canada-attempted-cultural-genocide-on-aboriginals/article24688854/> [March 2015]

³⁰This allegation was made by the TRC when it claimed that aboriginal children “...brought with them, as lessons from their schoolmasters and mistresses, the permanent scars of racism—lessons that taught them, in their most impressionable years that they, and their parents and their ancestors, were subhuman. Aside from the physical and mental damage these students bore, they were the first to bear what was to become a multigenerational affliction, one that would affect the ability of Aboriginal peoples to embrace their languages, their cultures, and their trusted traditional healing practices. In this way, the residential school system was an attack on the health of generations of Aboriginal peoples, an attack first made visible by the physical scars of sickness and abuse, but also one that continues to punish Aboriginal peoples with a legacy of marginalized lives, addiction, mental health, poor housing, and suicide”. Truth and Reconciliation Commission, *Canada’s Residential Schools: The Legacy, The Final Report of the Truth and Reconciliation Commission of Canada*, Volume 5 (Montreal: McGill-Queen’s University Press, 2015), pp. 139-140. This accusation is not substantiated by the Truth and Reconciliation, but presumably it concerns how the residential schools attempted to override the culture of aboriginal people. While this approach can be criticized for being paternalistic and ethnocentric, it is misleading to claim that it is rooted in the notion that aboriginal peoples are “subhuman”.

³¹ J.S. Milloy, ‘*Suffer the Little Children*’: *The Aboriginal Residential School System, 1830-1992*, Report submitted to the Royal Commission on Aboriginal Peoples, May 1996, <http://data2.archives.ca/rcap/pdf/rcap-126.pdf> [accessed May 2017], p.3.

³² Lysiane Gagnon, “McLachlin’s comments a disservice to her court, and to aboriginals”, *The Globe and Mail*, June 10, 2015, <http://www.theglobeandmail.com/opinion/mclachlins-comments-a-disservice-to-her-court-and-to-aboriginals/article24879482/> [accessed May 2017].

³³ So pronounced is parallelist ideology that this is now being extended to the discussion of aboriginal ideas. The aboriginal scholar Rauna Kuokannen, for example, puts forward the charge of “epistemic imperialism” and “epistemological racism”, implying that the rejection of indigenous ideas is a form of oppression. See Kuokannen, *Reshaping the University*, pp. 13 and 67 for examples of this conflation. The word “epistemicide” is now used to imply that attempts to refute aboriginal ideas is a form of “cultural genocide”.

³⁴ There are a few exceptions. See, for example, David MacDonald, “First Nations, Residential Schools, and the Americanization of the Holocaust”, *Canadian Journal of Political Science*, 40(4), December 2007, p. 995-1015.

³⁵ It is maintained that the colonial assumptions of past researchers coloured their historical research. Adele Perry, for example, argues that “By any reckoning, the TRC summary is grounded in substantial amount of careful historical research. The TRC combed government and church archives for archival records of residential schools. In 2012 and 2013 the TRC went to court to secure access to records. The commission gathered almost 7,000 statements, 6,000 from residential school survivors and another 96 from former staff and their children”. She maintains that “The TRC summary weights this evidence carefully, putting it in context to 30 years of serious scholarly and community inquiry into the history of residential schooling. The summary’s “History” chapter alone has 674 footnotes”. Adele Perry, “This history is not over”, *Winnipeg Free Press*, June 9, 2015, <http://www.winnipegfreepress.com/opinion/analysis/This-history-is-not-over-306659721.html>[9/21/2016 4:56:08 PM]

³⁶ See Frances Widdowson, “The Political Economy of Neotribal Rentierism”, Paper Presented for the Annual Meeting of the Canadian Political Science Association, University of Calgary, June 1, 2016.

³⁷ Although the extent of problems such as alcoholism, suicide and ill health have been well documented, one of the most serious is high rates of fetal alcohol syndrome, which will have serious effects over generations.

³⁸ Legal brokers can work either for aboriginal organizations or the Canadian government. For example, the Department of Indian and Northern Affairs accrued the largest expenditure on legal services. It spent more than \$110 million on this in 2011-12, which was \$40 million more than then next department (the Canada Revenue Agency at just less than \$70 million). Don Butler, “Federal government legal spending hit record \$500 million last year”, *The Ottawa Citizen*, November 8, 2012, p. A2.

³⁹ Erik Olin Wright has made a distinction between exploitative and non-exploitative oppression. He maintains that non-exploitative oppression occurred in North America because the colonizer did not need the local population for their labour. As a result, policies of genocide or “displacement” often ensued because aboriginal labour was not

required by European conquerors. Erik Olin Wright, *Class Counts* (New York: Cambridge University Press, 1997), p. 11. For similar views see David Bedford and D. Irving, *The Tragedy of Progress* (Halifax: Fernwood Publishing, 2001) p. 25 and Peter Kulchyski, “Socialism and Native Americans”, *Rabble*, December 11, 2003.

⁴⁰ Friedman explains this model thusly: “[g]roups whose internal social reproduction has been dissolved by a stronger integration of the region into the larger system. Such populations live in the modern sector and reproduce themselves entirely via its relationship set. But insofar as the capitalization or integration of such populations is incomplete, they maintain numerous, if highly transformed, elements of a non-modern culture. Socialization, ghettoization and stigma combine to reinforce a network structure of interpersonal relations creating subjects that are unlike the modernist ego in their dependency on the local group, but without a viable or even conceivable strategy of local reproduction”. Jonathan Friedman, Published in association with Theory, Culture & Society: *Cultural Identity and Global Process* (Thousand Oaks: SAGE Publications Ltd, 1994). ProQuest ebrary. Web. 5 May 2016.

⁴¹ See Beblawi, “The Rentier State in the Arab World”, *The Rentier State*, pp. 59-62 for his discussion of “semi-rentier” states relying on aid.

⁴² According to Jula Hughes, “The professional perspective of lawyers can be felt throughout the RCAP process. This had some distinct advantages, in that lawyers and particularly judges have a professional understanding of the importance of procedural issues and would tend to guard the right to be heard and to be patient, non-interventionist listeners who keep their questions to the end and let witnesses structure their own stories. The RCAP transcripts bear this out”. Jula Hughes, “Instructive Past: Lessons from the Royal Commission on Aboriginal Peoples for the Canadian Truth and Reconciliation Commission on Indian Residential Schools”, *Canadian Journal of Law and Society*, 27(1), 2012,

⁴³ Concerns about the aggressive tactics of lawyers, in fact, led The Law Society of Manitoba to draw attention to the “CBA [Canadian Bar Association] Guidelines for Lawyers Acting on Aboriginal Residential Schools Claims” and the Law Society of Upper Canada to issue “Guidelines for Lawyers Acting in Cases Involving Claims of Aboriginal Residential School Abuse”. Both of these documents expressed concerns about the enthusiasm shown by some legal firms in trying to acquire business in aboriginal communities. The Law Society of Manitoba, Legal Services Department, “Residential School Settlements: Navigating the Independent Assessment Process”, May 28, 2008.

⁴⁴ Erin Anderssen, “Lawyers swoop to cash in on native claims: Leaders worry the suffering of residential-school victims is exploited by fees as high as 40 per cent of awards”, *The Globe and Mail*, July 10, 1999, p. A1.

⁴⁵ Anderssen, p. A1.

⁴⁶ “Justice Department, lawyers to discuss residential school legal fees”, *Canadian Press Newswire*, June 22, 2000.

⁴⁷ Niezen, p.43.

⁴⁸For a discussion of this problem see Jack Granatstein, “Canadians should not be ashamed of their history”, *The Globe and Mail*, April 6, 2017, <http://www.theglobeandmail.com/opinion/canadians-should-not-be-ashamed-of-their-history/article34615318/> [accessed May 2017].

⁴⁹ As a report examining the RCMP’s role in the residential schools points out, “determining the point at which physical punishment crosses the line from discipline to abuse was not an easy task” because many actions considered to be “physical abuse” today “were not defined as criminal offences during that time”. LeBeuf, p.19.

⁵⁰ H.K. Beecher, “Ethics and clinical research”, *New England Journal of Medicine*, 274(1), 1966, pp. 354-1360.

⁵¹ Meredith Wadman, *The Vaccine Race* (New York: Viking, 2017).

⁵²<http://www.cbc.ca/radio/thecurrent/the-current-for-march-6-2017-1.4008899/what-rubella-vaccine-can-teach-us-about-fighting-zika-virus-1.4008937> [accessed May 2017].

⁵³ Interestingly, similar rent-seeking processes have also been documented in the case of the holocaust. See, for example, Yehudit Feuer, “From Despair to Hope and Back”, *Haaretz*, April 13, 2015, <http://www.haaretz.com/life/haaretz-bookshelf/1.651589> [accessed May 2017].

⁵⁴ “Iacobucci to oversee residential schools claims”, *Presbyterian Record*, July 1, 2005, <http://www.presbyterianrecord.ca/2005/07/01/iacobucci-to-oversee-residential-schools-claims/> [accessed May 2017].

⁵⁵ Iacobucci is Senior Counsel at Torys LLP. Torys LLP has an “Aboriginal Law Practice” that has expertise in the following areas: “advising on the Aboriginal consultation duties that arise in proposed projects in a variety of industry sectors, including energy, mining and infrastructure[;]... undertaking transactions with or representing First Nations, including addressing project finance and development issues[;]... advising governments on their responsibility to consult with and accommodate Aboriginal Peoples, and on procedures for Aboriginal consultation and participation[;]... negotiating agreements that deal with land claims, self-government and other Aboriginal rights issues[;]... advising on the implementation of environmental assessments and management systems[;]... representing clients in regulatory hearings involving Aboriginal law[;] ...advising on mine closure and rehabilitation, including on related Aboriginal consultation obligations[;]... representing Aboriginal Peoples with

respect to traditional and Aboriginal rights[;]... and assisting with joint ventures of projects involving Aboriginal and non-Aboriginal partners”. <http://www.torys.com/expertise/services/aboriginal> [accessed July 2016].

⁵⁶ Jeffrey Simpson, “Pay, Pay, Pay: Will the residential schools mess go away?”, *The Globe and Mail*, June 3, 2005, <http://www.theglobeandmail.com/news/politics/pay-pay-pay-will-the-residential-schools-mess-go-away/article736793/> [accessed May 2017].

⁵⁷ *Assembly of First Nations report on Canada’s Dispute Resolution Plan to Compensate for Abuses in the Indian Residential Schools* (Ottawa: Assembly of First Nations, 2004).

⁵⁸ For a discussion of this see Niezen, p. 19.

⁵⁹ “AFN releases report on Canada’s ADR process for residential schools”, <http://media.knet.ca/node/1198> [accessed May 2017].

⁶⁰ Niezen, p. 43.

⁶¹ It is noted that “as a threshold matter, there was a general unwillingness on behalf of the government and church organizations to take responsibility and to apologize. Doing so, at least early on and in the context of an adversarial litigation process, was generally perceived to be a sign of weakness and, more importantly, culpability. The prime minister of Canada, who ultimately delivered an important apology on behalf of Canadians in 2008, acknowledged that an apology, to that date, had not been forthcoming and that a failure to apologize had been problematic with respect to resolution and healing. According to the prime minister, ‘The government recognizes that an absence of an apology has been an impediment to healing and reconciliation.’”. Trevor CW Farrow, “Residential Schools Litigation and the Legal Profession”, *University of Toronto Law Journal*, 64(4), 2014.

⁶² Niezen, p. 45.

⁶³ “The Indian residential schools settlement has been approved”, http://www.residentialschoolsettlement.ca/detailed_notice.pdf [accessed May 2017].

⁶⁴ Indigenous and Northern Affairs Canada, “Common Experience Payments”, <https://www.aadnc-aandc.gc.ca/eng/1100100015594/1100100015595> [accessed April 2017].

⁶⁵ For an overview of the history of events leading up to the establishment of the Truth and Reconciliation Commission see Marc A. Flisfeder, “A Bridge to Reconciliation: A Critique of the Indian Residential School Truth Commission”, *The International Indigenous Policy Journal*, 1(1), May 2010, (<http://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1001&context=iipj>), pp. 3-6.

⁶⁶ Truth and Reconciliation Commission of Canada: Interim Report, <http://www.myrobust.com/websites/trcinstitution/File/Interim%20report%20English%20electronic.pdf> [accessed May 2016], pp. 1-3.

⁶⁷ For an elaboration of this argument see Murtaza Haider, “Poor census data is crippling Canada’s ability to compete”, *The Globe and Mail*, November 6, 2014, <http://www.theglobeandmail.com/opinion/poor-census-data-is-crippling-canadas-ability-to-compete/article21474370/> [accessed May 2017].

⁶⁸ Georges Erasmus, in Marlene Brant Castellano, Linda Archibald and Mike DeGagné (eds), *From Truth to Reconciliation: Transforming the Legacy of Residential Schools* (Ottawa: Aboriginal Healing Foundation, 2008)

⁶⁹ Niezen, p. 104.

⁷⁰ Niezen, p. 105.

⁷¹ Eugene Arcand, cited in Niezen, p. 61.

⁷² Niezen, p. 61.

⁷³ Niezen, p. 62

⁷⁴ Niezen, p. 71.

⁷⁵ Niezen, 65

⁷⁶ Niezen, pp. 65-66.

⁷⁷ As Jeffrey Simpson pointed out, “of the 86,000 people alive today who attended Indian residential schools, only 13,664 filed claims, so at least some people don’t feel aggrieved”. Simpson, “Pay, Pay, Pay”.

⁷⁸ See Blair Stonechild, *The Knowledge Seeker: Embracing Indigenous Spirituality* (Regina: University of Regina Press) and Joshua Ostroff, “Tomson Highway Has a Surprisingly Positive Take on the Residential Schools”, *The Huffington Post*, December 15, 2015, http://www.huffingtonpost.ca/2015/12/15/tomson-highway-residential-schools_n_8787638.html [accessed May 2017].

⁷⁹ Phil Fontaine, “We are all born innocent”, in Linda Jaine (ed), *Residential Schools: The Stolen Years* (Saskatoon: University Extension Press, 1993).

⁸⁰ John Borrows, “Residential schools, respect, and responsibilities for past harms”, *University of Toronto Law Journal*, 64(4), 2014.

⁸¹ Niezen, p. 58

⁸² Niezen, p. 59.

⁸³ Niezen, p. 87.

⁸⁴ Niezen, p. 51

⁸⁵ Niezen, p. 52

⁸⁶ Niezen, p. 43.

⁸⁷ Niezen, pp. 91-93.

⁸⁸ While Cavanaugh's comments would have to be investigated further to determine their validity, Niezen does provide evidence of a petition, addressed to D.M. McKay, the Director of Indian Affairs at the time, signed by The Indians of the Obedjiwan Reserve, requesting that a "Residential School large enough to accommodate all our children" be provided. Niezen notes that while Oblate priests were operating behind the scenes, and undoubtedly "worked hard to convince the Indians of the Obedjiwan Reserve of the benefits that would follow from the establishment of an Indian residential school on their reserve", it appears that "the document still points to a process of consultation of sorts – at least in this one instance – behind federal funding of a residential school". Niezen, *Truth and Indignation*, p.92. Niezen cites "Letter from the Indians of the Obedjiwan Reserve to Mr. D.M. McKay, Director of the Indian Affairs Branch, Maison Deschâtelets, Ottawa, File. No.3D5/04 Manouane (correspondence 1950-1952).

⁸⁹ Niezen, p. 91.

⁹⁰ This form of questioning in research was documented by Andrew Hodgkins, who analyzes some interviews being done to document the impact of the residential schools. In examining these interviews Hodgkins notes that "interviewers blurred the boundaries between asking questions and offering personal and emotional support to interviewees. However, when narratives contradicted the victim-perpetrator template, interviewers either changed the subject, or failed to seek clarification". Hodgkins, "Truth and Reconciliation? Deconstructing the Decolonisation of Historical Knowledge in Canadian Schools", Paper presented at the 3rd International Social Realism Symposium, Cambridge University, UK, June 2015 (the article is in the author's possession).

⁹¹ Niezen discusses this problem of sympathetic listening in the context of TRC hearings. He recounts the case where a witness at a Victoria TRC event asserted that he had experienced blisters forming where he was beaten as a child and that he would "cry tears of blood in response to traumatic memories". Rather than reacting with skepticism or assuming that these circumstances were imaginary, his story was responded to by the presiding commissioner and the audience "with a deep, quiet sympathy, as though his listeners could imagine such a thing happening to them". Niezen, p. 109.

⁹² Niezen, p. 109.

⁹³ Lawrence Wright, *Remembering Satan: A Tragic Case of Recovered Memory* (New York: Vintage Books, 1994). This book was discussed in the Waking Up Podcast with Sam Harris. "The Power of Belief", <https://www.samharris.org/podcast/item/the-power-of-belief> [accessed May 2017].

⁹⁴ Kevin D. Annett, *Hidden No Longer: Genocide in Canada, Past and Present*, 3rd Edition, p.8.

⁹⁵ Annett, p. 108.

⁹⁶ Annett, p. 167.

⁹⁷ Truth and Reconciliation Commission of Canada, *The Survivors Speak*, 2014, p. 154.

⁹⁸ This charge is also being repeated by the singer Buffy Sainte-Marie. According to Sainte-Marie, "There was an electric chair involved. There were cattle prods. Terrible things... These things need to be here, because where else can they be? They need to be acknowledged and understood." "They need to know": Graphic content and the Canadian Museum for Human Rights", *CBC News*, October 10, 2016, <http://www.cbc.ca/news/canada/manitoba/buffy-sainte-marie-human-rights-museum-adults-only-1.3797883> [accessed May 2017].

⁹⁹ Truth and Reconciliation Commission of Canada, *The Survivors Speak*. 2014, p. 143.

¹⁰⁰ Peter Moon, "School's electric chair haunts natives", *The Globe and Mail*, October 21, 1996.

¹⁰¹ Jesse Staniforth, "Cover up of residential school crimes a national shame", *Toronto Star*, August 25, 2015, <https://www.thestar.com/opinion/commentary/2015/08/25/cover-up-of-residential-school-crimes-a-national-shame.html> [accessed May 2017].

¹⁰² Gloria Galloway, "Commission to chart map of rocky road to reconciliation", *The Globe and Mail*, May 31, 2017, <http://www.theglobeandmail.com/news/politics/reconciliation-with-first-nations-requires-more-than-words-commission-chair/article24716835/> [accessed May 2017]; Tim Alamnenciak, "Children were made to sit on electric chairs at this residential school", *The Hamilton Spectator*, January 21, 2014, <http://www.thespec.com/news-story/4326305-children-were-made-to-sit-on-electric-chairs-at-this-residential-school/> [accessed May 2017]

¹⁰³ Motivated reasoning has been defined as the following: "confirmation bias taken to the next level. Motivated reasoning leads people to confirm what they already believe, while ignoring contrary data. But is also drives people to develop elaborate rationalizations to justify holding beliefs that logic and evidence have been shown to be wrong. Motivated reasoning responds defensively to contrary evidence, actively discrediting such evidence or its source without logical or evidentiary justification". Robert Todd Carroll, "motivated reasoning", *The Skeptic's Dictionary*, <http://skepdic.com/motivatedreasoning.html> [accessed May 2017].

¹⁰⁴ “Schedule ‘D’: Independent Assessment Process (IAP) For Continuing Indian Residential School Abuse Claims”, May 2016, http://www.residentialschoolsettlement.ca/schedule_d-iap.pdf

¹⁰⁵ In the Independent Assessment Process (IAP), there is some attempt at fact checking, but this is minimal. As Dan Shapiro, the chief adjudicator of the IAP points out, “[i]t is important to remember that the IAP does not require corroboration of claimants’ testimony and that the vast majority of cases are decided without resorting to similar-fact evidence or corroborating testimony”. Gloria Galloway, “Residential school survivor asks Ontario court to re-examine secretive compensation process”, *The Globe and Mail*, April 29, 2016, p. A4.

¹⁰⁶ Janice Tibbetts, “Ottawa braced for false claims of sexual abuse: The word on native Indian reserves is that people just have to sign on the dotted line to receive compensation”, *The Vancouver Sun*, December 28, 1998, p.A11.

¹⁰⁷ Margaret Wente, “When redressing abuse becomes an abuse”, *The Globe and Mail*, February 5, 2002, p. A17.

¹⁰⁸ Janice Tibbetts, “Lawyers ban ‘swooping in’ on victims”, *The Windsor Star*, August 2000, p. C10.

¹⁰⁹ The questions asked were: “Were you hit? What was the effect of being hit? Who hit you? What were you hit with?”. The section entitled “sexual abuse” asked questions such as “Who touched you? What part of their body touched which part of your body?”, even providing helpful examples. The examples of sexual abuse provided are as follows: “(His hand touched my genitals. His penis penetrated my anus. Her hand fondled my genitals, or whatever.)”. Jonathan Gatehouse, “White Man’s Windfall”, *Maclean’s*, September 11-18, 2006.

¹¹⁰ Niezen, p. 48

¹¹¹ Niezen, p. 45.

¹¹² Andrew Mitrovica, “The residential schools are history. The backlash is just getting started”, June 5, 2015, <http://www.ipolitics.ca/2015/06/05/the-residential-schools-are-history-the-backlash-is-just-getting-started-mitrovica/> [accessed June 2015].

¹¹³ Hymie Rubenstein and Rodney Clifton, “Truth and Reconciliation report tells a ‘skewed and partial’ story of residential schools”, *National Post*, June 22, 2015, <http://news.nationalpost.com/full-comment/rubenstein-clifton-truth-and-reconciliation-report-tells-a-skewed-and-partial-story-of-residential-schools> [accessed July 2016]

¹¹⁴ Ethan Cabel, “Professors launch Truth and Reconciliation Petition”, *The Manitobian*, April 18, 2017, <http://www.themanitoban.com/2015/08/professors-launch-truth-and-reconciliation-petition/24276/> [accessed April 2017].

¹¹⁵ Jeff Muehlbauer, “The Assault on Memory in the Native Studies Curriculum”, *SAFS Newsletter*, January 2016.

¹¹⁶ John Paul Tasker, “Conservative senator defends ‘well-intentioned’ residential school system”, *CBC News*, March 9, 2017, <http://www.cbc.ca/news/politics/residential-school-system-well-intentioned-conservative-senator-1.4015115>

¹¹⁷ John Paul Tasker, “Calls mount for Senator Beyak to step aside from Aboriginal committee after residential schools remark”, *CBC News*, March 16, 2017, <http://www.cbc.ca/news/politics/beyak-aboriginal-peoples-committee-1.4027716>

¹¹⁸ John Paul Tasker, “Senator’s defence of residential schools akin to excusing the Holocaust, NDP MP says”, *CBC News*, <http://www.cbc.ca/news/politics/senator-defence-residential-schools-genocide-1.4017202>

¹¹⁹ John Paul Tasker, “Senator’s defence of residential schools akin to excusing the Holocaust, NDP MP says”, *CBC News*, <http://www.cbc.ca/news/politics/senator-defence-residential-schools-genocide-1.4017202>

¹²⁰ John Paul Tasker, “Conservative senator defends ‘well-intentioned’ residential school system”, *CBC News*, March 9, 2017, <http://www.cbc.ca/news/politics/residential-school-system-well-intentioned-conservative-senator-1.4015115> [accessed May 2017].

¹²¹ This is why Colin Irwin maintained that boarding schools in the Arctic were more effective in educating Inuit students than is the case with the current system; the amount of supervision provided in these schools provided the structure and discipline that was lacking in most Inuit communities. Colin Irwin notes that “[t]he Inuit who went through the residential school system in the late 40’s, 50’s and early 60’s believe they have received a better education than the Inuit in the modern [Government of the Northwest Territories] school system. They believe their success in becoming the native leaders in the Arctic of today is largely attributable to their rigorous education”. Irwin goes on to point out that, in the past, “[t]he only Inuit to graduate came from other communities in the region as they had to stay in residence where their study habits were carefully monitored...so that having a high school in a community Arctic actually reduces the chances of local residents graduating with their diploma”. Irwin, *Lords of the Arctic, Wards of the State* (Ottawa: Health and Welfare Canada, 1988), pp. 42-43.

¹²² Alan Sokal and Jean Bricmont, *Fashionable Nonsense: Postmodern Intellectuals’ Abuse of Science* (New York: Picador USA, 1998), p. 1.

¹²³ Niezen, p.84.

¹²⁴ Hymie Rubenstein and Rodney Clifton, “Truth and Reconciliation tells a ‘skewed and partial’ story of residential schools”, *National Post*, June 22, 2015.

¹²⁵ H.J. Vallery, A History of Indian Education in Canada, M.A. Dissertation, Queen's University, April 1942, , http://epe.lac-bac.gc.ca/100/200/300/doug_vallery/history_indian/A_History_of_Indian_Education_in_Canada_16_MB.pdf [accessed May 2017], p. 73.

¹²⁶ J.R. Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996), p. 60,

¹²⁷ John Leslie, "The Bagot Commission: Developing a Corporate Memory for the Indian Department", *Historical Papers*, 17(1), 1982, p. 32.

¹²⁸ Miller, *Shingwauk's Vision*, p. 62.

¹²⁹ Developing aboriginal self-sufficiency is a major preoccupation of the Bagot Commission and the Davin Report.

¹³⁰ Miller, *Shingwauk's Vision*, p. 83.

¹³¹ This is noted by Harry Braverman, who argues that, with education in a capitalist context, "what the child must learn is no longer adaptation to the slow round of seasonal labor in an immediately natural environment, but rather adaptation to a speedy and intricate social machinery which is not adjusted to social humanity in general, let alone to the individual, but dictates the rounds of production, consumption, survival, and amusement. Whatever the formal educational content of the curriculum, it is in this respect not so much what the child *learns* that is important as what he or she *becomes wise to*. In school, the child and the adolescent practice what they will later be called upon to do as adults: the conformity to routines, the manner in which they will be expected to snatch from the fast-moving machinery their needs and wants". Harry Braverman, *Labor and Monopoly Capitalism*, p. 287. In the case of Canada, when the transition was being made to industrialism, Don Dawson notes that "[t]he early industrialists who owned...factories sought to impose disciplined, industrious habits on their employees in order to maximize the return on their invested capital. To achieve this end, they looked toward the public school system where the coming generation of workers would be trained. In the words of Egerton Ryerson, one of the most influential Canadian educators of the era, students should be taught 'order, punctuality and good conduct' in addition to their academic subjects". Don Dawson, "Education and the Future of Work", in E.Brian Titley (ed), *Canadian Education: Historical Themes and Contemporary Issues* (Calgary, Detselig Enterprises, 1990), p. 175

¹³² Miller, p. 84.

¹³³ Miller, p. 84.

¹³⁴ Miller, p. 100.

¹³⁵ Miller, p. 100.

¹³⁶ This wording is used in the Davin Report in 1879, cited in *Final Report*, 1, pp. 334-5, 338.

¹³⁷ Missionaries in New France, for example, noticed that the educational process was easier if it was done away from the communities as "children behaved differently when their families were around". Miller, p. 41.

¹³⁸ Leslie, p.40.

¹³⁹ The Davin Report, http://www.archive.org/stream/cihm_03651#page/n5/mode/2up [accessed May 2017].

¹⁴⁰ Vallery, pp. 122-123.

¹⁴¹ Vallery, p. 56.

¹⁴² As Nicholas Flood Davin pointed out at the time: "It must be obvious that to teach semi-civilized children is a more difficult task than to teach children with inherited aptitudes, whose training is, moreover, carried on at home".

The Davin Report, http://www.archive.org/stream/cihm_03651#page/n5/mode/2up [accessed May 2017], p. 15.

¹⁴³ Davin, cited in Miller, p. 102.

¹⁴⁴ Miller, p. 86.

¹⁴⁵ Vallery, pp. 97-98.

¹⁴⁶ L Jampolsky, "Advancement in Indian Education", in the education of Indian children in Canada, p. 49.

¹⁴⁷ Clare Brant, "Native Ethics and Rules of Behaviour", <https://lin.ca/sites/default/files/attachments/mm14.htm> [accessed May 2017].

¹⁴⁸ Vallery, pp. 97-98.

¹⁴⁹ Miller, p. 63.

¹⁵⁰ Miller, p. 63.

¹⁵¹ Miller, p. 102.

¹⁵² Miller, p. 83.

¹⁵³ Leslie, p. 35.

¹⁵⁴ This movement, according to Leslie, was linked to industrialization, social reform, and radicalism, resulting in humanitarianism and the notion of the "white man's burden". Leslie, p. 33.

¹⁵⁵ Herman Merivale was one of the most prominent commentators on aboriginal affairs at this time, and maintained that there were four possible policy options to address the "Native Question": "extermination, slavery, insulation and amalgamation". As Leslie points out, "by the late 1830s the influence of the humanitarian movement had eliminated the first two options", and so the major debate was between insulation and amalgamation. Leslie, p. 34.

¹⁵⁶ Bradford W. Morse, “Reconciliation Possible? Reparations Essential” in Marlene Brant Castellano, Linda Archibald and Mike DeGagné (eds), *From Truth to Reconciliation: Transforming the Legacy of Residential Schools* (Ottawa: Aboriginal Healing Foundation, 2008) at pp. 235-256.

¹⁵⁷ Jennifer Henderson, “Residential Schools and Opinion-Making in the Era of Traumatized Subjects”, *Journal of Canadian Studies*, 49(1), 2015.

¹⁵⁸ Miller, p. 102.

¹⁵⁹ Miller, pp. 16, 47.

¹⁶⁰ Miller, p.15.

¹⁶¹ Miller, p. 35.

¹⁶² Miller, p. 35.

¹⁶³ Miller, p.16.

¹⁶⁴ Miller, p. 25.

¹⁶⁵ Miller, for example, provides the following sarcastic remark: “The same could not be said of the values, objectives, techniques, and attitudes of ‘teachers’ who would come in the seventeenth century to the eastern shores of the North America to ‘school’ the Aboriginal peoples”. Miller, p. 38. Miller’s use of the word teachers and school in ironic quotation marks shows his relativistic position in this regard.

¹⁶⁶ H.B. Hawthorn (ed), *A Survey of the Contemporary Indians of Canada: Economic Political, Educational Needs and Policies*, Part 2 (Ottawa: Indian Affairs Branch, 1967)

¹⁶⁷ Hawthorn, p. 115. For a detailed discussion of the differences between aboriginal and non-aboriginal households and the many problems of inhibiting the success of aboriginal students in the school system, see Hawthorn, pp. 105-115.

¹⁶⁸ Jeffrey Simpson, “Posturing is the only reason for a missing women inquiry”, *The Globe and Mail*, August 27, 2014; and Gloria Galloway, “70 per cent of murdered aboriginal women killed by indigenous men: RCMP”, *The Globe and Mail*, April 10, 2015.

¹⁶⁹ “Inuit children need foster care in their own communities to retain culture, says mother”, *The Current*, <http://www.cbc.ca/radio/thecurrent/the-current-for-march-2-2017-1.4005007/inuit-children-need-foster-care-in-their-own-communities-to-retain-culture-says-mother-1.4005008> [accessed May 2017].

¹⁷⁰ Gloria Galloway, “Settlement talks begin for Sixties Scoop victims”, *The Globe and Mail*, March 27, 2017.

¹⁷¹ I have discussed this elsewhere, and will not do so here. For some critical discussions of Indigenization see Frances Widdowson, “Indigenization Advocacy and the Academic University: Legitimizing Wishful Thinking, Superstition and Demagoguery”, *SAFS Newsletter*, September 2016, <http://www.safs.ca/newsletters/issues/nl74.pdf> [accessed May 2017] and “Indigenizing the University and Political Science: Exploring the Implications for the Discipline”, Paper presented for the Annual Meeting of the Canadian Political Science Association, May 31-June 2, 2016, <https://cpsa-acsp.ca/documents/conference/2016/Widdowson.pdf> [accessed May 2017]. For an overview of a panel that was organized to critically examine the initiative see Massimo Pigliucci, “The problem with ‘Indigenous science’”, <https://platofootnote.wordpress.com/2017/03/20/the-problem-with-indigenous-science/> [accessed May 2017].

¹⁷² Truth and Reconciliation Commission (TRC), *Honouring the Truth, Reconciling the Future* (http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf), p.239. The TRC notes (in footnote 112) that “Educator and scholar Marie Battiste’s work on decolonizing and transforming the education system has informed the Commission’s thinking on this issue”. According to the Royal Commission, this information was obtained from Battiste’s book, *Decolonizing Education*, pp. 174-191.

¹⁷³ Mount Royal University, *Indigenous Strategic Plan*, <https://www.mtroyal.ca/IndigenousMountRoyal/IndigenousStrategy/index.htm> [accessed May 2017].

¹⁷⁴ See Shauneen Pete, “100 ways to Indigenize and decolonize academic programs and courses”, <https://www.uregina.ca/president/assets/docs/president-docs/indigenization/indigenize-decolonize-university-courses.pdf> [accessed May 2017].

¹⁷⁵ Shauneen Pete “Decolonizing and Indigenizing Higher Education in Canada”, Presentation at Mount Royal University, May 11, 2017.

¹⁷⁶ Jonathan Haidt has commented more broadly on this by arguing that a “culture of victimhood” is being created in many modern institutions, especially universities. Haidt argues that “Victimhood culture breeds ‘moral dependency’ in the very students it is trying to help – students learn to appeal to 3rd parties (administrators) to resolve their conflicts rather than learning to handle conflicts on their own”. Johnathan Haidt, “Why Universities Must Choose One Telos: Truth or Social Justice”, October 21, 2016, <http://heterodoxacademy.org/2016/10/21/one-telos-truth-or-social-justice/> [accessed November 2016]. In making this comments, Haidt refers to the book *Anti-Fragile* by Nasim Nicholas Taleb. According to Taleb, often opposition and struggle are required in order for people to thrive and lead meaningful lives.