

**LIMITS OF “TRUTH AND RECONCILIATION”: THE EFFECTS
OF COMPENSATION ON STORIES ABOUT RESIDENTIAL
SCHOOLS AND JAPANESE CANADIAN INTERNMENT**

by

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Abstract

This thesis problematizes truth-telling about historical injustices in the settler state context of Canada. Truth-telling, in the field of transitional justice, is a survivor-centred process that is typically facilitated by truth commissions to generate a new historical record about a previously denied historical injustice. Truth-telling and compensation are often coupled as reparations for an historical injustice. Within the transitional justice framework, these two measures fall under the “Right to Know” and the “Right to Reparation” respectively. Extending studies of (settler) governmentality (Foucault 2009; Monaghan 2013; Walters 2012) and theories of Indigenous resurgence and decolonization (Alfred 2005; Coulthard 2014; Simpson 2011a, 2016a; Tuck and Yang 2012), this research finds compensation works *against* the truth-telling of survivors by erasing key aspects of historical injustice within the records of the Canadian civil service.

I make this broad argument through three sub-claims. First, I argue that compensation influences the development of new historical narratives. Through Japanese Canadian redress, I demonstrate how Canada’s *Public Accounts* re-articulates compensation to survivors as a benevolent act of government and trace such benevolence to (settler)colonial dispositions towards Indigenous populations. Second, through the Common Experience Payment to residential school survivors, I find that compensation application forms and program evaluations are two sites which produce silences about historical injustice and survivors by rearticulating these as service delivery to target populations and for all Canadians. Third, I contend that the liberal and nation-building transitional justice framework, within which reparations are being increasingly conceptualized for addressing Indigenous rights, is incommensurable with reparation in the form of decolonization, despite efforts to articulate it as such. This thesis offers insight into the rationalities of government that are used to address the historical injustice claims of survivors and

sounds a voice in the space of the silences which compensation processes produce in the records of the Canadian civil service.

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Chapter 1

From Truth and Reconciliation Commissions to Truth-telling

When I began this research, my focus was on the emergence of the Truth and Reconciliation Commission of Canada (TRC). Established in 2008 as part of the *Indian Residential School Settlement Agreement*, the TRC had a mandate to document the truth of what happened in these schools, to inform Canadians about this history, and to “guide and inspire” a process of “truth and healing leading toward reconciliation and renewed relationships based on mutual understanding and respect” (Truth and Reconciliation Commission of Canada n.d.). For over a century, these residential schools removed some 150,000 Indigenous children from their lands, homes, families, communities, languages, cultures, histories, spirituality, and safety. Residential schools were but one of many interventions that the Canadian government would implement in its attempts to solve “the Indian problem.” In the case of residential schools, government officials rationalized that “if anything is to be done with the Indian, we must catch him very young. The children must be kept constantly in the circle of civilized conditions” (de Leeuw 2009). The TRC’s work attempts to shift the historical frame from one that regards Indigenous peoples as a problem for Canada to one that centres colonization, the Canadian government, and churches as the problems.

Over time, however, my focus shifted away from the TRC. I became increasingly interested in understanding how new historical records, which seek to hold a government to account and to give voice to survivors, are created. I also began to wonder about how the government was involved in the production of knowledge about residential schools – especially as the perpetrator of these injustices. What does the government do with the experiences of survivors when they are publicly shared *en-masse*? “Truth-telling” was a term that I frequently encountered at the TRC’s National Events. This concept was mentioned in the TRC’s pamphlets, discussed in their statement gathering sessions, and reiterated by commissioners, survivors, and

journalists who reported on these events. I turned away from studying the commission itself in order to focus on practices of truth-telling, from where it emerges, and how it is done.

My interest in truth-telling stemmed from two things. First, survivors offered biting critiques about Canada. During the TRC's National Events,¹ of which I attended two, survivors spoke compellingly about the effects of colonization on Indigenous communities in Canada. One survivor noted in her statement to the TRC that "the residential school was a part of a bigger scheme of colonization. There was intent; the schools were there with the intent to change people, to make them like others" (Truth and Reconciliation Commission of Canada 2015b:43). Survivors were directly challenging the government's silence and denial about Canada's colonial history – a denial that has been frequently exemplified with reference to former prime minister Stephen Harper's 2009 statement that Canada has "no history of colonialism" (O'Keefe 2009).

Second, survivors who courageously shared their residential school experiences reminded me of my own family's and community's history. In the 1980s, a grassroots redress movement led by the National Association of Japanese Canadians gained widespread public attention. The redress movement sought acknowledgment from the Canadian government for the internment of Japanese Canadians during the 1940s. The internment of Japanese Canadians refers to a suite of measures that were implemented by the Government of Canada between the years 1942–1949. In 1942, the Canadian government ordered all persons of "Japanese origin" to pack whatever belongings they could in preparation for being sent to camps, leaving behind their homes, belongings, and day-to-day lives. In 1949 – four years after the end of WWII – the Canadian government lifted the restrictions on Japanese Canadians. Like survivors of residential schools, survivors of the internment spoke publicly about their experiences. Survivors not only shared their experiences but sought to awaken Canadians to racism in Canada; they called Canadian

¹ As part of their mandate, the TRC was to hold seven annual National Events across Canada. They were held in Winnipeg, MB; Inuvik, NWT; Halifax, NS; Saskatoon, SK; Montreal, QC; Vancouver, BC; and, Edmonton, AB. These events were established to give survivors a place in which they could give either private or public statements about their experiences in residential schools.

democracy into question through this sharing of their experiences, not through a commission, but through Canadian news outlets and artistic forms of expression such as novel and memoir writing. Japanese Canadians contested the actions of a past government and changed the public historical record (see Miki 2004; Miki and Kobayashi 1991).

This juxtaposition of how knowledge is produced about residential schools, the internment, and their survivors caused me to question what other reparation cases such as Japanese Canadian redress might tell us about truth-telling as it is understood today, as well as if and how other reparative instruments such as compensation produce knowledge about historical injustices and survivors. In the pages that follow, I will discuss the problem of truth-telling and shed new light on the tensions, conflicts, and stakes that exist in developing accounts of the past. This research contributes to multidisciplinary scholarship on reparations within the related fields of transitional justice (Teitel 2000, 2003) and reparations politics (Torpey 2003, 2006). I advance a critical conceptual account of truth-telling that advocates for this concept to be theorized not only instrumentally as the work of truth commissions and survivors (although it certainly encompasses these) but, I argue, as a power-laden and historically-rooted network of knowledge-making practices that produce particular kinds of understanding about historical injustices and survivors. The three core articles that comprise this manuscript-style thesis each present a different critical angle about the impact of compensation and government on the kinds of knowledge produced about historical injustice and survivors.

There is a wealth of critical scholarship that has been produced about truth-telling, truth commissions, and formal apologies. There are those who argue for truth-telling to be understood as a form of reparation in and of itself (Walker 2010). There are critiques of truth-telling that argue it is a practice that overly burdens survivors (Angel 2012) and does not articulate the role and investments of those other than survivors (Millar 2014). Some argue for truth to be considered within a broader understanding that treats historical injustices as moments within a continuum of violence and denial (Nagy 2012), and still others note that truth-telling processes

are wholly different from the various truth and storytelling practices of Indigenous communities (Cornassel, Chaw-win-is, and T'Lakwadzi 2013). Truth-telling for many Indigenous peoples must “link political action and cultural teachings ...to draw the focus back to community and family processes of restorying justice and history, as a means to challenge the colonial relationship with Canada” (*ibid.*:144); this entails storytelling that focuses on ties to land and resilience that can be used by future generations towards decolonization and justice (*ibid.*:141).

Some examine the Canadian TRC in terms of its scope and limits (Nagy 2013), within an international context (James 2010), and as compared to the well-known South African TRC (Nagy 2012). Some Indigenous critiques of the Canadian TRC’s reconciliation efforts argue that they are merely a politics of recognition (Coulthard 2014) and that they neutralize Indigenous resistance (Simpson 2016a). Finally, there are critiques that discuss the Canadian context within a broader “age of apology” (Wakeham 2012), as a politics that focuses on cultures not treaties (Mackey 2013), or noting that apologies close off the past at the same time as they open space for racialized communities to resist (Somani 2011). With some notable exceptions (see, for example, Green 2012), there is surprisingly very little attention paid to compensation processes and what they produce in terms of knowledge about historical injustice and survivors.

In addition to the relative lack of sociological attention paid to links between compensation processes and knowledge production, the TRC’s (2015e) report entitled “Findings” underscores a need to examine and undo the centuries-old bureaucratic culture of the Canadian civil service which has driven all manner of policy and practice to assimilate and/or eliminate Indigenous peoples and their experiences of colonization. This is not to say that over the course of centuries, bureaucratic culture and the civil service, have been or are unchanging; rather, it is to emphasize that despite change, government retains what Walters (2012:113) describes as the “pluralized entanglements of many times.” This thesis takes seriously the voices of survivors which insist and have insisted over time that old colonial forms of governing, managing, containing, and attempting to eliminate Indigenous and racialized peoples from land and territory

are at work in the *present*. My research analyzes our present entanglements with other temporalities, dispositions, and rationalities of government in terms of reparations.

I found that survivors of internment and residential schools provided similar kinds of information in their applications to compensation processes as they did to participate in the TRC processes; like the process to participate in the TRC, compensation processes required survivors to interact with institutional officials/staff to provide personal identifying information such as identification cards, documents, or records; survivors also disclosed their thoughts, feelings, memories, photographs, and experiences with staff. Despite survivors providing similar kinds of information to the staff, who were responsible for administering these reparations instruments, compensation processes produced vastly different accounts than those created by the TRC's processes. This site of knowledge production is unexplored in the literature.

I analyze Japanese Canadian redress and the Common Experience Payment for residential school survivors, which are two lump-sum payments from the Canadian government that were given to survivors of internment and residential schools, respectively. In their problematization of truth-telling, each of the articles comprising this thesis discusses some aspect of the "bureaucratization of justice" (Rubli 2012). I focus on the civil service's routine practices of budgetary categorization, application forms, and program evaluation in order to demonstrate how each of these guides, constrains, and contradicts truth-telling as it is currently conceptualized and developed through the TRC's research and statement gathering processes which amplify the voices of survivors.

The next section of this introduction discusses methodology. The approach for this project was broadly Foucauldian by drawing insight from genealogy (Bastalich 2009a; Foucault 1980; Walters 2012) and analytics of government (Dean 2009). My relative positionality to this project and embeddedness within it, however, caused me to explore and incorporate sociological autobiography (Kabede 2009) and principles learned from Indigenous scholars on methodological approaches to research (Brown and Strega 2005; Smith 1999; Tuck 2009). I describe this

methodological hybrid as “genealogical reflexivity” and present it as one of the unique contributions of this project. I include an in-depth methodological discussion in this introduction as, based on the norms of the publications to which I aim to submit or have submitted the three articles, I have not included a significant description of this aspect of my project within them.

Genealogy: A methodology for “presenting” the past

The past is not wholly behind us – nor is it ‘holy’ behind us –
just as the future is not unaffected by what we do today.”
(McKegney 2007)

The quotation above draws attention to a proposition that is methodologically important to articulate: The past is alive in the present through people, stories, objects, practices, and memory. With nuance and complexity, the past influences and matters in the present. This proposition is important to articulate methodologically, because my analysis requires tools that will respect and support this present relationship with the past or the presence of the past in the present. As many scholars have noted, the historical narrative that emerges from truth commissions and formal apologies tends to sever the present from the past in the pursuit of a new road to the future – to seal off that part of the past through a particular and limited remembering, in other words. Like the quotation above, genealogies (Burchell, Gordon, and Miller 1991; Foucault 1980) challenge the pervasive and largely liberal philosophical idea that the past exists at a fixed point that is left behind in the forward march of progress.

This disposition toward the past has significant implications for survivors of historical injustice, since “progress” delineates to whom we have obligations in the pursuit of social justice in the present. Philosophical liberalism holds that responsibility and justice are concerned with *present* and *future* generations – a proposition which Thompson (2009) notes is akin to a “psychological tendency to remember good things about the past and to forget the bad” (p.197). She refers to this tendency as ahistorical liberalism, which tends to remember or celebrate past deeds and heroes as relevant in the present, yet simultaneously disavow the deleterious aspects of

the past as relevant to just social relations in the present (*ibid.*). This is a key point of contention for survivors of historical injustices who seek justice from a government that persecuted them in the past and whose experiences of persecution have often been denied on these grounds.

Genealogy challenges this ahistorical tendency toward social justice by developing counter-histories and counter-memories; these expose stories of subjugated knowledges or forms of knowledge that have been marginalized (Medina 2011a). Genealogies challenge dominant narratives by articulating multiple factors (Burchell et al. 1991:76), linking pasts, contributors, and sites of knowledge production. One way that genealogies unsettle the present is by connecting that present to the past through the development of new parallel accounts. This approach has been described and considered as predominantly text-based, possibly due in part to Foucault's opening lines in "Nietzsche, Genealogy, History" (Foucault 1980) wherein he states that genealogy is "patiently documentary" and that it "operates on a field of entangled and confused parchments, on documents that have been scratched over and recopied many times" (139). Foucault has occasionally brought these entangled parchments and documents to life through helpful stories, which were told in the form of vignettes – such as the story of Damians, a man who was condemned to the scaffold, which opens *Discipline and Punish* (Foucault 2012), or the story of psychiatrist Dr. Leuret and his patient Mr. A, who suffers from delirium, to illustrate conceptual points about punishment and avowal.

I chose to use genealogy when I began this project because of its critical and nuanced treatment of the past in relation to power, knowledge production, and the power of story. I argue that genealogy is supportive of and complementary to the problem of reparations for historical injustices. Regarded more as a critical approach (Medina 2011b) or a methodological toolkit (McWhorter 2017) than a method as such, genealogy seeks to "unsettle" practices and discourses, which include dominant narratives about the past, by bringing to light struggles, other narratives, and entangled factors that have been omitted or left by the wayside. As Walters (2012) notes, "genealogy enhances the prospects of doing research that does unsettle its objects and

defamiliarize the intellectual and political landscapes that thoughts act upon” (p.114). In effect, this is much like goals of reparations for historical injustices in general and for truth-telling in particular: to demonstrate – through perspectives that have been marginalized and voices that have been muffled by dominant accounts – that history is not as linear, as complete, or as clean-cut as we often narrate it to be and to question the place of power in these interrelations.

As I developed this project, however, I noted that there is no reference to or call for reflexivity on the part of the researcher using this approach. For Foucault, the self is a subject of knowledge. Should a genealogical approach, then, not directly include the ways in which the self and perhaps our own genealogies are imbricated with the genealogies we seek to develop? In this project, that reflexivity was crucial. My relative positionality to the research, which I will discuss briefly below, called for a certain kind of reflexivity and another kind of “unsettling” for which a Foucauldian subject-less genealogy offers no guidance. Thus, my methodology draws on my own experiences as well as three other sources that support unsettling discourses and practices around truth-telling, as well as myself: genealogy (Burchell et al. 1991; Foucault 1991c), sociological autobiography (Kabede 2009), and principles learned from Indigenous and allied scholars on methodological approaches to research (Kovach 2005; Regan 2010; Smith 1999; Tuck 2009). The latter two of these encouraged me to explore and develop a parallel critical genealogical understanding of myself in the traditional sense of the term “genealogy,” meaning to map one’s ancestry. I refer to the process of these parallel genealogies as “genealogical reflexivity” and advance this as one of the unique contributions of this project.

An Unsettling Methodology

Linda Tuhiwai Smith (1999) asserts that while thinkers like Foucault have reached world renown for his “novel” approach to disrupting the hegemony of dominant truths and exposing “alternate” historical events, Indigenous peoples have been holders of ‘alternate’ versions of history and

stories of resistance and struggle for generations. Moreover, storytelling is, for many Indigenous peoples, a core way to transmit knowledge through generations, and it is crucial in Indigenous research (*ibid.*:145). Colonization has historically impacted Indigenous ways of knowing by discrediting Indigenous knowledge systems. Indigenous peoples' relationship to research has been one of violence, assimilation, erasure, and oppression. Smith (*ibid.*) emphasizes that

From the vantage point of the colonized, a position from which I write, and choose to privilege, the term “research” is inextricably linked to European imperialism and colonialism. ...The ways in which scientific research is implicated in the worst excesses of colonialism remains a powerful remembered history for many of the world's colonized peoples. (*ibid.*:1)

These colonial relationships between the colonized and researcher and the historical impacts of research on communities call for me to critically place myself within the research and to reflect on the impact of that position on the research itself. In so doing, I note that I situate my methodological approach within those approaches that have emancipatory (Kovach 2005) and “consciousness raising” (Stanley 1993) goals, which attempt to avoid and counter “damage-centred” research on Indigenous communities (Tuck 2009). Below, I discuss the concept of “unsettling.” Although Regan’s approach is not written as a research methodology, I extend her (2010) notion of unsettling, which is framed as a process that contributes to decolonization, to my reflexive research practice. This extension causes me to broaden my reflexivity beyond the borders of the self in the present to consider the impact of the past, my ancestors, and national myths/tropes on the research process and on my self-understanding as a researcher.

Unsettling Stories

To improve Indigenous-settler relations, argues Paulette Regan (2010), it is crucial for settlers such as myself to *unsettle* themselves; that is, if we are serious about reconciliation – or new relations between Indigenous and non-Indigenous peoples if not “reconciliation” – then non-Indigenous peoples must critically examine family myths that are held about Canada and

Canadian national myths in relation to Indigenous peoples. Non-Indigenous peoples are asked to bring something more of ourselves to the table, so to speak, or what McAllister (2011:424) refers to as a necessary “stepping forward” that reflects on the effects of our non-Indigenous presence on Indigenous land; in particular, it is important to do so in a way that goes beyond feelings and expressions of guilt. If action toward change ceases after experiencing a sense of unease or guilt or halts altogether because of negative feelings, it is akin to what Srivastava (2009) argues is a deadlock to change that has been formed by “preoccupations with morality and the self” (31). Stepping forward also means that researchers examine our good intentions; “good intentions” and “innocence” are bound to benevolent discourses that have been developed through colonial and contemporary practices that privilege “whiteness, bourgeois respectability, and femininity” (Srivastava 2005:30). Stepping forward means that I keep these colonial dispositions in view as I put some of myself, my ancestral lineage, and my understanding of Canadianness on the table. Speaking of one’s place and ancestry is also in line with a general tendency for many Indigenous cultures in Canada (and Australia) to introduce oneself in this spatially and historically rooted way to provide context that cultivates a sense of familiarity and enables deeper interpretation during exchanges (Fee and Russell 2007).

When it came time to write this section on my use of Foucauldian genealogy, I reflected on how much of this project was informed and influenced by unspoken and largely unstructured parallel work that I had been doing. This parallel work involved “unsettling” myself as a Canadian, as a Japanese Canadian, as well as my understanding of Canada and of colonization; this work involved a path of unlearning, or perhaps undoing, those stories I take for granted about Canada and who Canadians – including myself – are in relation to Indigenous peoples (Francis 2011; Regan 2010). Sociologically speaking, this process is one that can be thought of as employing sociological imagination in an analysis of the self and engaging in a conscious re-socialization (Kabede 2009). This re-socialization attempts to undo the assumption that the dominance of Euro-Canadian culture is natural, inevitable, and normal.

Regan (*ibid.*) uses the usual definition of the verb “to unsettle,” which refers to loosening or disturbing settled things, as well as its connotation of emotional or mental disturbance. This definition is applied to the specific goal of decolonization and of changing one’s relationship to Indigenous peoples and colonialism in Canada. Unsettling refers to taking risks and being vulnerable when engaging in self-critique and self-reflection; as she notes, it “involves a willingness to continuously face our mistakes and take the actions necessary to make amends on personal and political levels” (p.23). While I would use other terms than “mistakes,” as this word precludes the possibility willful acts of ignorance, marginalization, hatred, and violence against Indigenous peoples, this notion of facing those difficult, prejudicial, even ego-protective aspects of self is crucial. Unsettling work caused me to learn more about my own settler genealogy and my ancestral place within Canada’s settler colonial history²—learning that will continue for many years to come. Unsettling also turns my attention towards those voices that locate land as at the centre of reparations and Indigenous rights.

Taiiike Alfred, Eve Tuck, Leanne Simpson, Audra Simpson and countless other Indigenous scholars, activists, and community members assert and remind readers that “decolonization is not a metaphor” (Tuck and Yang 2012) and that “it’s all about the land” (Alfred in McFarlane and Schabus 2017:10). Alfred affirms that,

For many generations we Indigenous people have been in a life and death struggle for survival, for respect of our humanity, restoration of our nationhood, and recognition of our rights. This whole time, a constant surge of ancestral memory running through our veins has empowered and enlivened us and given us the gifts of tenacity, anger, patience and love, so that the people may continue and so that the generations that are yet to rise from the earth may know themselves as the real people of their land. The voices of our ancestors continue to call out to us, telling us that it is all about the land: always has been and always will be... get it back, go back to it. We have fought for the land and for our connection to it. For five hundred years, it is this struggle to restore the living relationship between our ancestors, our land

² See Freeman (2000) for an in-depth example of tracing one’s genealogy within a discussion of settler colonial Canadian history.

and ourselves that has defined us as Indigenous people, and it is this struggle that has ensured our survival in the face of ignorance and violence (*ibid.* 11).

While reconciliation focuses on commemoration, relationships between people, and efforts to educate, and to commemorate, decolonization, as understood above, refocuses that relationship explicitly on land. These struggles and tensions were at the forefront of my mind throughout this project and are deeply entangled with how I made choices during the research process, so I make them transparent here.

I am a person of mixed British and Japanese settler ancestry. I self-identify as a Japanese Canadian and am the child, grandchild, and great-grandchild of Japanese Canadian internment survivors. Interestingly, I have never thought to self-identify as “British Canadian” until this very moment because I suppose that I, too, consider British Canadians “just Canadian.” Six generations ago, the first of my British ancestors arrived to settle in Canada. This grandfather emigrated from England to clear land that was granted to him for his service to the Imperial Army in the Napoleonic War. He was one man among many who toiled to set up homesteads in what is now known as Leeds County, Ontario, which is about one hour from Ottawa – unceded Algonquin territory.

On my father’s side I am a second-generation or third-generation Canadian, depending on whether you consider my grandfather or grandmother, respectively. My great-grandparents came to British Columbia from Japan in the early 1900s, and later, my grandfather arrived in Canada. These family members worked largely in the Pacific wood and paper industries. In the 1940s my family was dispossessed and forced into internment camps by the Canadian government. Forty years later, in 1988, the Japanese Canadian Redress Settlement Agreement was signed, and an official acknowledgment was given by then prime minister Brian Mulroney in the House of Commons. My family was a recipient of these reparations.

These brief autobiographical details take elements of many stories and integrate them into one brief narrative that I tell about myself. For example, the sentence “He was one man among

many who toiled to set up homesteads in what is now known as Leeds County, Ontario, which is about one hour from Ottawa – unceded Algonquin territory” expresses and combines a family story about the pride taken in the toil of early settlers with historical stories about the early settlement of Ontario and with the Algonquin story of the British taking over Indigenous land in this territory. Each of these stories is deeply and inextricably connected to land – its taking, taming, settling, sewing, plundering, and pioneering.

Although the core chapters of this work do not explicitly articulate my positionality in the research, this parallel genealogical work motivated the connections I made between past and present record-keeping in the public service. Working on my own settler genealogy involved going through family records while simultaneously trying to grasp historical immigration trends, record-keeping practices, war, and internment in order to locate distant family members’ records. Through this genealogical work, I obtained a deeper understanding of the role of records and archives in the colonization of these lands; my understanding grew from one that was distant and purely academic (for example, from reading Ann Stoler’s (Stoler 2010, 2012) work on the Dutch colonial archives that produced racial categories, hierarchies, and “true-European” Dutch identity as well as used in new governing strategies) to a rich understanding that came to life through personal ancestral connections and family history in Canada. Tracing my genealogy enhanced my personal stake in understanding the historical documents that I use in my analysis of benevolence and record-keeping practices in Chapters 2 and 5. The historical documents that I collected for my analysis also enhanced the depth of my own genealogy, as well as my understanding of the importance of examining how the past and my ancestral lineage are alive in the present through who I am today.

Why Open the Past and Its Stories? Why Don’t We “Just Let It Go”?

Stories, whether written or told, are integral to the knowledge production work of truth commissions. Survivors’ individual stories feed into and inform the official narrative end-result of the truth-telling process by commissions hearing the stories of survivors, conducting research,

fostering healing, and contributing to preventing the past from recurring (International Centre for Transitional Justice 2012a). Indeed, “the story of (a historical injustice)” appears to be a privileged object that official apologies articulate and that truth commissions develop with the input of survivors. This object is privileged by institutions and individuals alike and as the articles in this thesis demonstrate, the power to govern over the words used in the story is at the heart of truth-telling and is subject to a push and pull between actors who seek to control and constrain its narrative development.

In Canada, the TRC’s³ (2015d) report entitled *The Survivors Speak* which tells collective stories of horrific experiences in residential schools through chapters that are organized by theme such as “Strange Food,” “Despair,” or “Separating Siblings”⁴. The opening paragraph of the preface references Prime Minister Stephen Harper’s story-based analogy that the Indian residential schools system is a “sad chapter in [Canadian] history,” and the TRC goes on to clarify that this “chapter is part of a broader story: one in which the Canadian government gained control over Aboriginal land and peoples, disrupted Aboriginal governments and economies, and sought to repress Aboriginal cultures and spiritual practices” (v). The volume is one of several that forms the TRC’s (2015b) *Final Report*, which the Government of Canada (2015) highlights is a “testament to the courage of each and every survivor and family member who shared their story.”

While stories contribute to expanding the public record on residential schools and to giving voice and acknowledgment to survivors – both of which are sought-after and important elements of this type of justice – there are risks associated with the development of these stories

³ The Truth and Reconciliation Commission of Canada is one measure set out in the *Indian Residential Schools Settlement Agreement*. The settlement agreement, which will be discussed in further detail in the following chapters, mandates the formation and operation of the TRC to uncover and disseminate the truth of the Indian residential schools system in Canada. As of June 2017, the settlement agreement can be found online, here: <http://www.residentialschoolsettlement.ca/settlement.html>

⁴ See http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Survivors_Speak_2015_05_30_web_o.pdf for the report.

of historical injustice. Several people have described the risky limits of “the single story” (Adichie 2009). Writing about Japanese Canadian internment, Kirsten Emiko McAllister (1999) underscores that the typical story of internment that is told through historical, education, and governmental sites, has a narrative drive that compels the repetition of mainly historical facts and figures to the detriment of experiences and different modes of understanding, exploring, and expressing the internment. The experiences of women, for example, are not part of the institutionalized story; Japanese Canadian scholars such as Pamela Sugiman (2006) and Mona Oikawa (2012) have contributed to filling this gap.

Chimamanda Ngozie Adichie (2009) shares that Westerners have “a single story of catastrophe” when it comes to Africa and Africans. Through her experience as a Nigerian woman living in the United States, she warns of “the danger of a single story”. The single story refers to the tendency of repeatedly sharing and representing a people as only one thing. This story has neither complexity nor nuance; there is nothing that allows for Africans to be perceived as at all similar to Westerners, and there is no entry point for Westerners to conceive of Africans more complexly than through feelings of pity.

For Indigenous communities, Eve Tuck (2009) similarly warns against singular narratives that emerge, to which she refers as damage-centred research. Damage-centred research, she argues, is where research on Indigenous communities

looks to historical exploitation, domination, and colonization to explain contemporary brokenness, such as poverty, poor health, and low literacy. Common sense tells us this is a good thing, but the danger in damage-centered research is that it is a pathologizing approach in which the oppression singularly defines a community (413).

Adichie’s, Tuck’s, and McAllister’s accounts speak to the power and dangers of story and its role as a privileged object in reparations. Developing an official narrative of what contributed to and happened in internment and residential schools is an important aspect of countering the many decades of ignorance and denial about these schools. Giving survivors an opportunity to have

their experiences acknowledged and heard by a broad public is crucial. There is a risk, however, that this story, which rests predominantly on the pain and trauma of survivors, will become the only story about residential schools and survivors in effect. Similarly, Alfred (2005) warns of allowing colonization to be the only story for Indigenous life. Not only does the story of a historical injustice risk overly limiting the nuance, expertise, and vibrancy of survivors and their communities, it also obscures and distracts from a broader focus that critically interrogates government in detail and as connected to the present.

Methods: Writing parallel stories and genealogical reflexivity

I use genealogy to guide and develop parallel accounts that are informed by the past and that examine the government's role and response to reparations and those communities who seek justice; I do this not to overwrite the story developed by official truth-telling channels but to enhance and demonstrate that the situation is not as settled as might appear. There are stories yet to be told and work left to be done. Some genealogies do their unsettling work by disconnecting a practice from its usual framework or understanding and placing it in a new series/historical field (Walters 2012:131). For this project, I challenged the usual liberal democratic foundation within which truth-telling is typically embedded by shifting to the related but different historical field of settler colonialism. I also disconnected truth-telling from its usual truth commission framework and examined it instead within the realm of compensation in order to gain new insight. By making these moves to analyze truth-telling outside of the constraints of a liberal democratic framework, I attempted to broaden the field within which to understand truth-telling. Crucially, by focusing on compensation, I was able to unsettle the government's involvement in knowledge production from the background of truth-telling, where it has been quietly rooted and somewhat shielded from critical scholarship, behind the focus on the work of the TRC.

As mentioned above, genealogies are often thought to be "done" by analyzing text. My data collection involved both collecting a variety of documents and conducting semi-structured and in-depth interviews. I treated both the documents and the interviews (once transcribed) as text

to be analyzed. I collected a wide array of primary documents, which ranged from the civil service's official and draft reports, evaluations, and communications, to documents that included emails, memoranda, and letters, as well as information from the Government of Canada's website. My analysis of the textual data involved looking for significant themes and patterns that express something on how the government produces knowledge about historical injustice and survivors.

Drawing insight from Foucault (1991b) and Dean (2009), I analyzed for expressions/statements that conveyed key points of decision about the following: what is deemed "sayable" or left unsaid; what information is retained and discarded; what information will be remembered as valid; and what is retained and carried forward from old epochs or knowledge systems (Foucault 1991b) about historical injustice and survivors. I also analyzed documents for moments that articulate how governing works by focusing on problems of techniques, rationalities, practices, and agencies through which governing operates (Dean 2009:29) and their possible contradictions and paradoxes. With these criteria in mind, and as I poured over my collection of texts, the application form, the *ex gratia* category within the Public Records of Canada, and program evaluations stood out. Derived especially from the meaning of *ex gratia* payments, benevolence became a theme that I found important to explore both historically and in present contexts.

I also conducted interviews with three individuals who had in-depth understanding of the Canadian government's administration of the Common Experience Payment program and three interviews with individuals who similarly had in-depth understanding of the Canadian government's administration of Japanese Canadian redress. I transcribed these interviews and these transcriptions were added to the textual data. These interviews clarified points that I learned through my analysis of government documents and added context around the limited descriptions offered by program evaluations and other types of records. The interviews also tempered what was a tendency to develop my parallel stories in a way that was equally as rationalist, detached,

and depoliticized as the documents with which I became familiar; they humanized the data, in other words.

Interviews can play an important role in genealogy and its associated counter-histories, however – not so as to examine or represent the human construction of value and meaning produced through the interview but to interrogate the historical practices and discourses that produce, influence, and inform everyday meaning (Bastalich 2009a). This focus attempts to grasp what is possible to say within a given time, context or place, as influenced by historical practices that have “potentially harmful effects that are beyond the feelings, perceptions and theories of those being interviewed as well as those conducting the interview” (*ibid.*). Focusing on discourses and practices was important to do while conducting the interviews and transcript analysis, since several of the interview participants communicated nothing about colonization or the development of the Canadian government within this context. Had I not analyzed for practices and discourses of colonization, I would have reproduced the silences about colonization in Canada that survivors seek to undo in their truth-telling.

Unsettling myself as the interviewer and keeping “unsettling” in view as I analyzed interview transcripts facilitated this move away from individual meaning-making that erases or omits colonization and toward an attempt to grasp the historical and other practices that inform and constrain current realities. Over the course of the project, I kept in mind that regardless of and including my current individual political, spiritual, and personal beliefs, generation after generation of my ancestors has been deeply invested in the pursuit of personal property, cultivating and taming nature, and the concepts of nuclear family, good citizenship, proper personal conduct, capitalist market economy, the rule of law, and human rights. Generation after generation, Canadians have shamed, marginalized, killed, and attempted to assimilate Indigenous peoples for their beliefs, governance, law, and economic, social and spiritual systems, which stand in contrast to these.

As an approach that plays on the dual meaning of genealogy in the Foucauldian and ancestral senses, I advance genealogical reflexivity as an important part of conducting research as settlers that involves Indigenous communities and histories; it builds on critical and anti-oppressive modes of reflexivity that ask researchers to question the influence of their class, gender, ability, and race in the research process. Genealogical reflexivity instead, or in addition, asks me to examine and unsettle assumptions that I hold in terms of the long-held investments in personal property, nuclear family, citizenship, and liberal democracy that I hold within myself. Are these the only ways to organize into collectivities of family and community, to govern, and to attain social order? Are these assumptions about life and governing inherently and always right and good for all? How do these assumptions impact this research and how I regard Indigenous rights, relations, sovereignty, and movements? This type of reflexivity encourages an examination of what assumptions I hold about the past and present and in relation to land and life, which have been subtly and overtly handed to me through my lineage and which bear on my worldview today. While critical qualitative and anti-oppressive approaches to research and practice encourage reflexivity about the effects and impacts of one's class, "race," gender, and ability, I emphasize the importance of place, past, and ancestry. Without a commitment to developing this kind of knowledge, I would have risked closing my mind to alternative possibilities and conceptions of justice, governing, and being in relation to others. Indigenous sovereignty, resurgence, and decolonization in the form of land return might have been invisible to me and written-off the plate of possible forms of justice.

Thesis Outline

The thesis proceeds as follows. Chapters 2, 5, and 6 are the core contributions of this thesis; these three articles present different angles that problematize the government's role in knowledge production about historical injustices and survivors, while Chapters 3 and 4 are short pieces that hinge on truth-telling's sister concept: reconciliation.

Chapter 2, which is entitled “Gracious States and Settler Benevolence: How *ex gratia* payments limit truth-telling about Japanese Canadian internment and other historical injustices” is in preparation for submission to the *Canadian Journal of Sociology* in November 2018. This article demonstrates, through analysis of the Canadian government’s administration of redress to Japanese Canadians, that truth-telling does not simply emerge from the facilitative work of truth commissions and survivors. Rather, in the settler state context of Canada, compensation processes and government heavily influence the story that is told of a historical injustice and its survivors. From this vantage point, I argue that the government’s role in and contribution to truth-telling is less about honouring the experiences of survivors and reflexively learning from the “errors of the past”, and more about managing risks to do with compensation and “other groups” through benevolent or *ex gratia* payments and isolation tactics.

Chapters 3 and 4 hinge on truth-telling’s sister concept: reconciliation. These two articles speak to the larger project and broader networks that are associated with my academic work. They demonstrate my commitment to advancing this field of study within sociology and broadly disseminating my work in both my academic and cultural communities. **Chapter 3** presents an introduction to a written symposium in which I served as co-editor and first author. “CRS Symposium on Reconciling Indigenous–Settler Relations in Canada: Whose voice counts?” (Matsunaga et al. 2016) is an introduction to a collection that was gathered in collaboration with the co-editors and based on my work as co-chair of the Indigenous–Settler Relations and Decolonization Research Cluster of the Canadian Sociological Association; it provides a broad overview of some of the challenges facing Indigenous-settler relations in Canada as well as within Sociology.

Chapter 4 is an opinion piece that I wrote for *The Bulletin: A Journal of Japanese Canadian community, history + culture* which reflects on Japanese Canadian internment and redress in terms of reconciliation. Written as part of my community work with the Ottawa Association of Japanese Canadians and after I had participated in a walk for reconciliation,

“Personal Reflection: Walking with Strangers” (Matsunaga 2013) reflects on the “spirit of redress” and how Japanese Canadians can engage with reconciliation efforts. I include this piece to add a very brief counterpoint and community context to the governmental focus of Chapter 2.

Chapter 5, entitled “Where are the Survivors?: Tracing settler governmentalities of ‘truth-telling’ about Indian residential schools through the Common Experience Payment” is in preparation for submission to the *Canadian Journal of Native Studies* in November 2018. Through analysis of the Common Experience Payment for residential school survivors, this article demonstrates that government reports and evaluations on the Common Experience Payment produce knowledge that depoliticizes truth-telling within the records of the civil service, eliminates survivors in favour of “target populations” and “clients,” and prioritizes better service delivery rather than justice. I trace this analysis of present program evaluation and reporting practices to a genealogy of early settler colonial administration through records-keeping.

Chapter 6 is a peer-reviewed article that was published in *Decolonization: Indigeneity, Education & Society* entitled “The Two Faces of Transitional Justice: Theorizing the incommensurability of decolonization in transitional justice” (Matsunaga 2016). This final article of the thesis is primarily theoretical and critiques the field of transitional justice within which the concept of truth-telling has been most extensively articulated. The two previous articles examine the Canadian government’s appraisals of Japanese Canadian redress and the Common Experience Payment for residential school survivors, orienting these discussions about present bureaucratic practices toward a genealogy of early settler dispositions towards “Indians” in terms of governmental benevolence and records-keeping. This final paper discusses the recent shift in the field of transitional justice, where its instruments are not only used in transitional settings but to smooth over Indigenous rights issues in settler state contexts. The paper foregrounds Indigenous scholarship that argues for the prioritization of decolonization (Tuck and Yang 2012) and Indigenous resurgence (Alfred 2005; Coulthard 2014; Simpson 2011b) in order to critique the

move to apply this state-centric, liberal democratic, and nation-building project to Indigenous rights claims.

Chapter 7 concludes the thesis. I summarize key arguments and tease out important connections that were made throughout the project. I finish with a reflection on future work.

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Chapter 2

Gracious States and Settler Benevolence: How *ex gratia* payments limit truth-telling about Japanese Canadian internment and other historical injustices

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This paper problematizes and historicizes the practice of “truth-telling”, as developed by and practised in settler states to repair historical injustices. Truth-telling is a concept that describes processes through which survivors and institutions produce and agree upon an acceptable narrative account of an historical injustice.⁵ In recent years, the concept has been most readily theorized and normalized through the field of transitional justice. In this relatively new and emerging field, truth-telling is the natural work and ultimate purpose of truth commissions which are temporary institutions that are established to uncover and reveal the truth about state-sanctioned violence against a targeted population (Hayner 2010). Canadians have recently become familiar with the concept of truth-telling through the work of the 2007 Truth and Reconciliation Commission (TRC) of Canada, which recently fulfilled its mandate to uncover and reveal the truth of Indian residential schools through the publication of several reports.

A number of scholars have written insightful analyses on the TRC’s truth-telling work in terms of impact on survivors (Angel 2012), as reparation (Walker 2010), and its victim-centred

⁵ Historical injustice is a concept that describes a wide range of wrongs that were committed by “officials or members of state, nation, corporation, church, clan or ethnic group before members in the present came into existence” (Thompson 2006:154). These injustices are deemed “historical” because, despite survivors’ and witnesses’ ongoing resistance and struggle for justice in *every* present moment, the injustice tends to fester in public perception beneath a significantly tangled overgrowth of state and public ignorance, denial, and repression in the pristine gardens of national and historical imaginaries. These historical injustices remain ignored or buried for decades or longer before being meaningfully addressed, if at all. In Canada, Japanese Canadian internment, Ukrainian Canadian internment, Indian residential schools, the Komagata Maru incident, Chinese Head Tax, and Africville are some examples of historical injustices.

approach (James 2012). Yet, if truth-telling about historical injustices is conceptualized mainly as a process that is rooted in truth commissions, opportunities for respecting and understanding other conceptions of truth-telling – such as Nuu-chah-nulth perspectives on survivor truth-telling (Cornthassel et al. 2013) and truth itself, such as Nishnaabeg understandings of truth as multiple, diverse, and heart-rooted (Simpson 2011a:59) – are missed and/or are eclipsed. There has also been little attention paid to the influence and role of government in knowledge production about historical injustices and survivors and its resultant story. The paper contributes to filling the stated gaps in the literature around the limited scope of truth-telling (Nagy 2013) and the largely unknown role of the state in truth-telling (Millar 2014).

Attending to these interrelated gaps in knowledge through an aspect of my own community's history, this paper looks back to the Canadian government's reactions and responses to the Japanese Canadian redress movement of the 1980s, when the story of Japanese Canadian internment – the forced removal of roughly 22,000 Japanese Canadians from the coast of British Columbia during the 1940s – was being developed and told. To date, redress for Japanese Canadians has not been studied or discussed in association with "truth-telling." Japanese Canadians publicly shared their experiences of racism, dispossession, internment, and isolation; however, there was no temporary institution established to formally hear, organize, and narrate the experiences of survivors. As Jill Scott (2010) argues in the context of forgiveness, creative forms of expression can provide insight into conflict and require a certain amount of risk-taking and vulnerability; these traits are certainly elements of truth-telling. Japanese Canadians relied on artistic expression in the form of literature (see for example Kogawa 1982), as well as news media and other educational channels to publicly disseminate the story of internment and so it could be heard by Canadians.

Although there are differences along a number of axes with respect to reparations for Japanese Canadian internment and Indian residential schools, the narrative structure of these stories and the Canadian government's apologies to these two communities were told in similar

ways: they shared tones of regret, time structures, a focus on the “mistakes” of a past government, and promises toward an ideal future. With these similarities in mind, I question what might be learned about truth-telling and its limits if studied through Japanese Canadian redress. What insight can be gained by interrogating the Canadian government’s reactions and responses to the Japanese Canadian redress movement of the 1980s? What can redress tell us about truth-telling practice as it is largely understood today?

Truth-telling does not simply emerge from the facilitative work of truth commissions and survivors. Rather, I show that in the settler state context of Canada, the federal government and what are known as *ex gratia* payments heavily influence the story of a historical injustice and its survivors. “*Ex gratia* payment” is the budgetary category of compensation that was given to Japanese Canadians. These discretionary payments that are given as a “gift” (Winter 2014) or a benevolent favour of government (Treasury Board of Canada 2017) to the receiver. From this vantage point, I argue that the government’s role in and contribution to truth-telling is less about honouring the experiences of survivors and reflexively learning from the actions of past governments – or, the “errors of the past” – and more about managing risks to do with compensation. I identify *ex gratia* payments and the strategy of isolating redress from the claims of “other groups” as intellectual technologies (Miller and Rose 1999). When used in reparations, these intellectual technologies reform the realities of internment to adhere narrowly to safe wording in which to tell the internment story. Reparations produce and encourage an understanding of each historical injustice to be seen as a one-off *accident* or *mistake* in an otherwise well-functioning and just liberal democracy, as opposed to a normal aspect of governing. This is not to suggest that governing proceeds unchangingly; rather, I suggest that the continuities and the broader question of government, or what Walters (2012) refers to as “the pluralized entanglement of many times” (113) are worthwhile to consider transversally across historical injustice claims.

Drawing from studies in settler governmentality, this paper challenges the treatment of Canada as only a liberal democracy by attending firstly to its foundations as a settler colonial state. Crosby and Monaghan (2012, 2017) and Monaghan (2013) have extended studies in colonial governmentality (Dean 2009; Scott 1995; Stoler 2012) and brought them into conversation with critical race and postcolonial studies to describe a combination of rationalities and techniques that are unique to how settler governments have racialized, managed, isolated, surveilled, and attempted to eliminate Indigenous populations over time. These studies discuss the settler colonial past and present by linking old techniques of colonization to present governmental surveillance and policing practices. This paper builds on settler governmentality to consider truth production in Canada's reparations practices.

Within this framework, my conclusions were generated from a style of genealogy (Foucault 1980) that aims to locate and analyze various lines of descent that contribute to the emergence of something that has value in the present, like truth-telling. Genealogical analysis is, in this sense, much like the work of locating and understanding the related and historical elements of a family tree (Walters 2012:118). I conducted my analysis on several primarily text-based sources which came mainly from the Government of Canada's archives: memos, letters, research papers, communications strategy documents, question-and-answer period documents, departmental reports, and newspaper clippings, which were written by representatives from several Canadian federal departments. My analysis also comes from transcripts of three semi-structured and in-depth interviews, which I conducted in 2016 with individuals who were involved in the compensation process for Japanese Canadians, and from transcripts that I created of public talks that were given by leaders who were involved in redress, which I either attended or viewed online. These largely text-based sources provide an understanding of the techniques and rationalities behind the government's position on historical injustice reparation in a settler context.

The paper makes two original contributions. First, I expand the temporal scope and conceptual understanding of truth-telling practice through an analysis of Japanese Canadian redress, to which no truth commission was assigned. I de-couple truth-telling from truth commissions, in other words, by attending to this non-transitional context. Second, the paper is a push to consider all reparations in settler states as connected to and impacting the oldest and longest-fought historical injustice: the taking of Indigenous lands by settler governments and the attempted elimination of Indigenous peoples from those lands. Japanese Canadian redress has not been studied explicitly within a framework that considers settler colonialism foundationally. I elaborate mainly on the government's responses to Japanese Canadian redress and think through these in terms of impact on Indigenous rights claims. I trace the government's strategies of benevolence and isolation, which were used in handling Japanese Canadian redress, to British dispositions toward colonial government and settlement and underscore how statements made in the House of Commons about Japanese Canadian internment erase the experiences of Indigenous peoples while celebrating settlers' founding of Canada. The paper tells a critical and parallel story about historical injustice reparation in Canada that explores the Canadian government's role in truth-telling as a settler state.

I stress that this critical intervention into truth-telling does not discount that some individual civil servants who worked for the civil service on redress were invested and believed strongly in their work. This work also does not attempt to supersede or to negate the victories, benefits, and positive experiences that some survivors have fought for and have experienced through redress/reparations processes. Rather, I open up critical *parallel* space for understanding how governmental processes and rationalities influence and limit the story of a historical injustice and for considering these in terms of power and governance in Canada.

The paper proceeds in four parts. The first section provides a brief summary of the stories of internment and of residential schools. These stories are the culmination of truth-telling processes that sought to correct the historical record about these moments in Canadian history. I

tie these two stories together using an excerpt from Thomas King's (2012) short story entitled "Coyote and the Enemy Alien." King's story focuses the reader on considering the similarities and differences in how the Canadian government has treated Japanese Canadians and Indigenous peoples. This paper focuses predominantly on the government's responses to Japanese Canadian redress. In the present moment, however, there is an emergent drive to consider the place of redress within broader questions of reconciliation and Indigenous revitalization (Scott and Fletcher 2014) and what this means in a moment that has been characterized by a "culture of redress" (Henderson and Wakeham 2013) and as an "age of apology" (Gibney 2008; Wakeham 2012). I use the excerpt from King's story to anchor the paper in reflection on the government's responses to Japanese Canadian redress as being within much longer histories of settler governance strategies with regards to Indigenous peoples.

The next section briefly defines and situates some of the principles of truth-telling in its current transitional justice framework. This is followed by a discussion of how Japanese Canadians sought to correct the historical record about their internment, which revolved mainly around contesting their treatment as "enemy aliens" and to make the story of internment not only a Japanese Canadian story but a Canadian one as well. The third section then contrasts the kinds of knowledge that are produced by community-led efforts with the Canadian government's internal reactions and responses to the redress movement's developing historical narrative and justice claims. Benevolence and isolation are discussed in this section. I discuss the effects of categorizing redress as a benevolent, or *ex gratia*, payment as well as isolating the redress issue from the justice claims of so-called "other groups." Both benevolence and isolation are risk management strategies that directly impacted the development of the story of internment. Having articulated the themes of benevolence and isolation in the government's strategies for managing Japanese Canadian calls for justice, the fourth section traces them to much older stories of settler colonial government through benevolence and isolation tactics.

The Stories: Japanese Canadian internment and Indian residential schools

I know the story of the Japanese internment in Canada. I know it as most Canadians know it. In pieces. From a distance. But whenever I hear the story, I think about Indians, for the treatment the Canadian government afforded Japanese people during the Second World War is strikingly similar to the treatment that the Canadian government has always afforded Native people, and whenever I hear of these stories, a strange thing happens. I think of the other. I'm not suggesting that Native people have suffered the way the Japanese suffered or that the Japanese suffered the way Native people have. I'm simply suggesting that hatred and greed produce much the same sort of results, no matter who we practise on. (King 2012:2)

The story of “Japanese internment in Canada”, to which Thomas King refers in the quotation above, is about how the Canadian government persecuted many thousands of Canadians under the justification of national security. Through the *War Measures Act* and fuelled by racism, the Canadian government attempted to eliminate “the Japanese” both physically and culturally from the coast of British Columbia. From 1942 to 1949, the government of Canada mobilized a suite of restrictive measures against people of “Japanese origin.”⁶ Now typically known as the internment⁷ of Japanese Canadians, the suite of measures against them included the systematic and forced removal of property, possessions, livelihood, family members, citizenship, and sense of belonging and identity within Canada. Some 22,000 people – the majority of whom were born in Canada – were labelled “enemy aliens.” Families were subject to curfews, incarcerated in remote camps in the interior of British Columbia, and/or sent to work camps across Canada. Their property and belongings were sold by the government and the proceeds of those sales were used to pay for their internment. Details of how the Canadian government removed Japanese

⁶ See <http://vancouvertraces.weebly.com/hastings-park-internment-centre.html> for example of the descriptor “Japanese origin.” This terminology was used on the notice of restrictions to movement that was issued by the British Columbia Security Commission around the end of 1941 or early 1942.

⁷ The terms by which we refer to these measures today is debatable. Some, such as Ann Sunahara, a lawyer and activist involved in the Japanese Canadian redress movement, note that the term “internment” is not suitable for this instance as legally, a state cannot “intern” its own citizens. Sunahara therefore supports the use of the term “incarceration”. Others, such as Japanese Canadian activist and scholar Mona Oikawa (2012), use the term to denote the entire suite of policy measures enacted on Japanese Canadian families.

Canadians from the coast of British Columbia only gained widespread public and historic significance in the 1980s. This publicity was achieved through the work of the National Association of Japanese Canadians (NAJC), the redress movement, Japanese Canadian writers, and the eventual signing of the Japanese Canadian Redress Agreement in 1988. As the culmination of this story, the redress agreement included, among other elements, individual compensation and the first official acknowledgment in Canada for a historical injustice, which was made by Prime Minister Brian Mulroney.

Thomas King connects this story of internment to the story about “the treatment [that] the Canadian government has always afforded Native people.” One story of how the Canadian government has treated “Native people” is the story of the residential schools system, which targeted Indigenous children as the primary site of intervention for the elimination of “Indians” in Canada. From the late 1800s until 1996, the Government of Canada and religious orders collaborated in operating residential schools. For over a century, this system removed some 150,000 Indigenous children from the life-blood and safety of their lands, families, communities, and cultures. A swell of documentation and stories about the techniques used to assimilate or “kill the Indian in the child” only gained concentrated public attention over the last thirty years, when Phil Fontaine, former Grand Chief of the Assembly of First Nations, began to speak publicly about his experiences in residential schools and then through the Royal Commission on Aboriginal Peoples. Through the statements of survivors and the work of the Truth and Reconciliation Commission of Canada (TRC), horrific stories of children suffering from neglect, disease, starvation, nutrition experiments, electric chairs, multiple forms of abuse, and death are now known as part of this story. The story of residential schools reached its climax with the agreement and implementation of Canada’s largest class action lawsuit: the Indian Residential Schools Settlement Agreement, signed in 2006. Among other elements of this agreement, survivors received individual symbolic compensation in the form of the Common Experience Payment and an official apology by Prime Minister Stephen Harper (Government of Canada

2010). These details are some of the now-common elements of the story of Japanese Canadian internment and residential schools which, as King writes, Canadians have come to know in pieces and at a distance. For many decades, these stories were not widely known or were ignored, denied or explained away as motivated by reasons of security or civility. These stories are important to survivors and to Canadians' understanding of Canada.

Truth-telling and the Japanese Canadian Redress Movement

We can no longer simply afford to take that which was good in the past and simply call it our heritage, to discard the bad and simply think of it as a dead load which by itself time will bury in oblivion. (Arendt 1973:ix)

Exposing the story of a historical injustice and having it acknowledged by the perpetrating government has developed into a valued approach and an international practice for governments since the end of World War II (Teitel 2003). In the spirit of guarding against repeating the past in times of political transition or conflict, governments from a wide range of geopolitical contexts have grappled extensively with how to repair the atrocities and destruction of war and violence, commemorate the past, compensate and support survivors' healing and recovery, and memorialize and entrench certain values and lessons learned. The narrative development, telling, and preservation of truth are now core to governmental, survivor, and societal responses to historical injustice.

Truth-telling itself is a formal, victim-centred, supportive, and emotionally painful process for many survivors (Gairdner 1999; Gearoid Millar 2014). This process of disclosure involves researching records and archives, analyzing data, producing a narrative, and publicly reporting the details of the historical injustice (International Courts Association 2011). In addition to archival research, truth-telling processes rely on the testimony and sharing of survivors' memories of injustice and involve educating the public about the past (Merwe and Chapman 2008). In terms of goals, truth-telling seeks to clarify and contextualize historical injustices that

have been obscured and/or denied (Nagy 2013) and to offer the possibility of dignity and respect for survivors (Hayner 2010). These elements factor into the creation of a victim-centred understanding of a historical injustice.

This conceptualization of truth-telling emanates strongly from international human rights theory and practice, where it is typically framed as a transitional or historical justice goal (Wolfe 2014). Truth-telling is at the heart of transitional justice instruments and what the United Nations (U.N.) calls the Right to Truth (Office of the United Nations High Commissioner for Human Rights 2009). The U.N. treats truth and its telling as a necessary response to repairing the systematic human rights abuses committed by former authoritarian regimes after violent conflict. This transitional justice orientation centralizes truth-telling as key to successful transitions from violence to peace or authoritarianism to democracy (*ibid.*). Although it has been largely developed in these contexts, survivors of so-called historical injustices in settler states and their governments have also been engaging in these reparations practices “at home.”

“At home,” truth-telling must grapple with what Thompson (2009) refers to as “liberal ahistoricism,” which refers to the tendency for governments to celebrate, remember, capitalize on, and identify with the heroic and nation-building deeds of their predecessors, while forgetting and disassociating from the failures of past leaders and policies (*ibid.* 196). Echoing the sentiment in the Arendt quote at the beginning of this section, Thompson (*ibid.*) argues that liberalism orients individuals towards this inconsistent treatment of history. Liberal philosophy holds that our collective duties are to the present and future, and that the autonomy and satisfaction of individual citizens can be maintained, justified, and satisfied without reference to the past. Similarly, Berber Bevernage (2008) argues that liberal theories of justice rely upon an understanding of time that rigidly dichotomizes either a presence or absence of the past and calls for radical critique of the dominant understanding of historical time. Liberal conceptualizations of the past and linear time, in which the past vanishes or does not exist, are at the root of the ways that governments deny and/or think through and address the historical injustice claims of survivors. Truth-telling, with its

view to hold governments to account for the past by documenting and telling a fuller picture of what occurred, seeks to correct historical records and to reconnect present governments and politics with the past in terms of obligations to survivors or descendants – be they through apologies or financial reparations.

The National Association of Japanese Canadians (NAJC) recognized that this orientation toward disassociating from the past or treating internment, as Arendt stated, as “a dead load which by itself time will bury in oblivion,” was a barrier to achieving justice. In response, the NAJC launched a grassroots redress movement.⁸ Speaking with survivors, researching records and archives, and developing a narrative about the internment were key and necessary components of the redress movement. These actions would politicize internment and redress issues, making them relevant in the *present*. Although not referred to as such at the time, by present standards, these actions can be considered as truth-telling. Elsewhere, I have written about the relationships, materials, and techniques that were used by Japanese Canadians and their allies to develop and disseminate survivors’ stories of internment in their justice-seeking (Matsunaga 2011). In their attempts to achieve justice in the 1940s and the 1980s, ally groups sought to raise awareness of what the Canadian government was doing and had done to Japanese Canadians. The story of internment developed and grew through the circulation of informational and artistic materials (pamphlets, lists, letters, reports, and novels) and narratives (subjectivist and objectivist). These were all crucial elements to Japanese Canadian truth-telling.

In the 1980s, the efforts of Japanese Canadians to politicize the internment called not only for them to develop a coherent understanding of the internment as a violation, but for the redress movement to develop a story of internment that was relevant in the present and relatable to Canadians, in general – that is, to make it a *national* story. As Miki (2004) reflects,

two decades later, it is clearer just how dependent the 1988
redress agreement was on the language of citizenship and human

⁸ For an excellent account of the Japanese Canadian redress movement, see Miki (2004).

rights. As a social justice issue, redress drew from the language of the civil rights movement of the 1960s and 1970s. The internment itself was transformed in the process, from what had been conceived as an unfortunate consequence of wartime hysteria to a major instance of injustice in the country's backyard. It was this injustice that had to be redressed. (319)

Japanese Canadians shifted the story of internment from one about wartime hysteria and security measures to a more complete account that told of the racist motivations of a few politicians and the government going ahead with internment measures despite the Royal Canadian Mounted Police seeing no threat and advising against it (Sunahara 1981). The work involved in correcting this record required the efforts of Japanese Canadian community members and the support of a large swath of Canadians.

Many communities support and learn from one another in historical injustice claims, at minimum through petition signatures, rally attendance, and using their voice in their own communities and places of work. Broad-based support for Japanese Canadian redress, gathered together under what the NAJC referred to as a national coalition, signaled to the federal government that their story had currency among Canadians beyond “just” those who were survivors and their descendants. Well-known and respected Canadian authors, musicians, politicians, and representatives from a wide range of unions, civil liberties groups, churches, ethno-cultural communities and Indigenous organizations joined the coalition (Miki and Kobayashi 1991:12–13). In terms of truth-telling, the national coalition marked an important development in the redress movement. Acquiring this broad-based support meant that Japanese Canadians had developed a cohesive story of what the Canadian government had done to them during the 1940s; their truth-telling had taken root, was impactful, and seen to be true (that is, factual).

Telling the story of internment in a way would win the ear of institutional and organizational representatives demanded that survivors' experiences were supported by or strengthened with historical records. While the NAJC, local community associations, and

individual authors and artists told, heard, and recorded the stories of survivors about internment, the NAJC *also* had to produce evidence to counter the official historical rationale that Japanese Canadians were “enemy aliens” and a threat to national security in the years during and after the war.

As Miki notes, the production of this outsider status of “enemy alien” as an identity that circulates in the Canadian imaginary enabled the “ruling sector” to tell their own stories about non-whites and act on them culturally and institutionally:

The use of race as a means of marking differences – “them” versus “us” – “gave white groups the power of definition in cultural and ideological terms, as well as more instrumental power in the hands of politicians, bureaucrats, owners of capital, labour unions, judges, police, and other influential members of the ‘ruling’ sector.” [...] the “Asiatic” or “Oriental,” or more brutally the ‘yellow races,’ [were placed] in the category of “alien.” This identity could be invoked at all levels of legislative language to restrict non-whites – including Natives – from playing a significant role in the public sphere. (Anderson cited in Miki 2004:25)

By the late eighties, the national coalition comprised many people from this ruling sector and beyond, and the story of Japanese Canadian internment had coalesced into a succinct narrative. The story of internment combined knowledge of survivors’ experiences with facts and figures from federal archives. The truth-telling about internment created a story that insisted on Japanese Canadians’ identity as Canadians (not aliens) in the past and present, understood that they were never a threat to national security, and remembered that the Canadian government had racially persecuted an entire group of Canadians.

Institutionalizing the story of internment required Japanese Canadians to produce proof that they were in fact loyal Canadian citizens and, as such, that the government had acted with excessive use of state power. This requirement of proof simultaneously creates its own erasures in the story. McAllister (1999) argues that institutionalizing the story of internment constrained that story within realist forms of representation, which make it difficult for a group’s experiences and

realities to be understood in any other way. Realist forms of representation make claims about the nature of reality that are based on already established understandings and on the basis that there is a concrete reality that can be objectively observed and thus represented (*ibid.*). The requirement of proof, she argues, “erased the specificity of [Japanese Canadians’] experiences” of racism, dispossession, exile, and dispersal (*ibid.*). As the story evolves, it settles into an account that is easily told and recalled in terms of narrative and details. Truth-telling that settles into *the* story of a historical injustice simultaneously exposes crucial elements of the injustice by weaving together details of a government’s wrongdoing with survivors’ shared experiences and also settles into a dominant narrative that restricts the living nature of these stories.

Benevolent Compensation: *Ex gratia* payments and the stories of taxpayers and ‘other groups’

On September 22, 1988, the NAJC and Prime Minister Mulroney signed the Japanese Canadian Redress Settlement Agreement. As “symbolic redress” for the internment, the government offered \$12 million to the Japanese Canadian community to be used to rebuild Japanese Canadian community and identity through educational, social, and cultural activities or programs; \$12 million toward the creation of the Canadian Race Relations Foundation, to which Japanese Canadians would contribute another \$12 million; the clearing of names of persons who were convicted of violations under the *War Measures Act* and the *National Emergency Transitional Powers Act*; the granting of Canadian citizenship to persons who were expelled from Canada or who had their citizenship revoked; an official acknowledgment by Prime Minister Mulroney in the House of Commons; and, the Persons of Japanese Ancestry Ex Gratia Payments Order, which mandated that the government of Canada issue individual symbolic compensation. In the words that appear in the order,

an offer of symbolic redress payments of \$21,000 to eligible Canadians of Japanese ancestry living when the agreement was

signed, who were relocated, interned and/or deported during and following World War II, simply because of their ancestry.
(Government of Canada 1995)

The symbolic redress payment, which was issued as an *ex gratia* payment, also stipulates that there is no Crown liability. The payments made under this Order are not an admission of liability but are represented as a benevolent act taken in the name of correcting past injustices.

Ex gratia payments are used extensively to compensate individuals for a wide range of reasons that are grounded in principle as opposed to law. Winter (2014) notes that the term refers to that which, in legal terms, is done as a gift or favour (2014:3) – there is no implication of legal obligation with *ex gratia* payments. Although it is a mechanism which governments use in a wide range of contexts, settler governments have used the *ex gratia* payment as a means to symbolically compensate survivors of historical injustice over the last thirty years (*ibid.*).

I trace the symbolic and gracious characterization of this type of compensation, as used within the context of historical injustice claims, to the post-WWII shift towards restorative justice. Emily Gilbert (2018) underscores that within restorative frameworks, victim-oriented forms of compensation side-step questions of accountability and state responsibility (p.202). Traced to this context, *ex gratia* payments can be further understood as relying on hybrid mix of compensation as conceptualized within insurance and risk management frameworks, and to what Mark Neocleous refers as resilience frameworks (*ibid.*). Insurance frameworks provide measures of financial support without need for assessing accountability and resilience frameworks address disruptive moments in otherwise smoothly operating governance with mechanisms that seek to minimize disruption and maintain the state's legitimacy and authority (*ibid.*).

In the context of the Canadian federal government, *ex gratia* compensation follows these logics where *ex gratia* refers to

[a] benevolent payment made by the Crown used only when there is no other statutory, regulatory or policy vehicle to make such a payment. The payment is made in the public interest for loss or expenditure incurred where the Crown has no obligation

of any kind or has no legal liability, or where the claimant has no right of payment or is not entitled to relief in any form (Treasury Board of Canada 2017).

For the public service, *ex gratia* payments are an administrative compensatory instrument that provide an alternative to tort “or an effective diversion away from litigation” (Cooper-Stephenson 1993:370). In some iterations of the official *Ex Gratia* Payments Order, the government refers to this instrument as a “key component of risk management” and it contains a requirement for obtaining legal advice by the Department of Justice (Treasury Board of Canada 1998). The term itself foregrounds and underscores the benevolent characteristic of these payments; as such, this form of compensation is generally treated as a “demonstration of solicitude by the government” (Todd 2010) and the government is absolved of any responsibility subsequent to the issuance of that payment.

***Ex gratia* payments**

At the end of every fiscal year, the Canadian government itemizes and publishes a year’s worth of these payments in its Public Accounts. *Ex gratia* payments are listed in a section entitled “Payments of damage claims, *ex gratia* payments, etc.” This section begins with an abbreviated version of the Treasury Board’s definition; it reads, “a payment for which no liability is recognized, whether or not any value or service has been received, and that is made as an act of benevolence in the public interest” (Department of Finance 1989:9.14). Categorized by federal department and sorted into two columns – “Particulars and Payee” and “Amount” – this section of the Accounts includes payments that compensate especially for loss of personal effects which were lost or damaged while on duty, such as “Compensation for reimbursement of broken glasses while performing work related duties – Humplik G - \$160” (Department of Finance 1989:9.17) and “Compensation for acid damage to leather jacket while employee was administering first aid – Fraser J - \$195” (Department of Finance 1989:9.15).

The itemized list of all mishaps to personal effects, which took place during the 1988–89 fiscal year, bookends twenty-four pages of individually named Japanese Canadians. These twenty-four pages of names are itemized under the heading “Japanese Redress Program”⁹ and form the only entries for the Secretary of State for that year. The Accounts state that the purpose of this program is as follows:

Whereas, during and after World War II, persons of Japanese ancestry in Canada *were subjected to, on a systematic basis, discriminatory actions taken by the Government of Canada* under the War Measures Act, the National Emergency Transitional Powers Act, 1945, and other related transitional legislation *solely because of their race*; the Government of Canada has offered \$21,000 to any person of Japanese ancestry who suffered from such actions (Department of Finance 1989:9.17, my emphasis).

This short statement articulates the reason for the \$21,000 individual redress payments to Japanese Canadian survivors of internment. The inclusion of the words “were subjected to, on a systematic basis, discriminatory actions taken by the Government of Canada” and “solely because of their race,” are significant details. The blurb itself is an avowal – a form of truth-telling that emanates from the research conducted and politicized by community members and allies. In it, due to the work of survivors, the federal government takes responsibility for the systematic discrimination of Japanese Canadians, which it formerly had not.

Japanese Canadians fought for the federal government to officially recognize the racist motivations of the internment and the gross abrogation of their rights. The emphasized terms in the quotation would be considered a victory of Japanese Canadian truth-telling. The Public

⁹ I note here that the “*Japanese Redress Program*” descriptor in these Public Accounts would be a site of contestation for both the government and Japanese Canadians who fought for redress. Contestation for Japanese Canadians would emanate from the characterization of redress as “Japanese.” One of the principle aims of truth-telling for Japanese Canadians, indeed the platform for the redress movement, rested on clarifying and asserting to Canadians that the majority of those persecuted by the federal government were not Japanese, but were in fact, Canadians who have Japanese ancestry, as any non-Indigenous person in Canada would be Canadian but would have different ancestries or origins. Government records attest to the clarification that redress was in fact a settlement and not a program. One memo dated June 16, 1989, from the Department of Multiculturalism asserts that “the Redress Payment is, in our view, made pursuant to a **settlement** and is **not a program**” (Government of Canada 1989, emphasis in original).

Accounts blurb that affirms the racist motivations behind the internment and corrects the Canadian government's long-held position that those measures were taken strictly for reasons of national security and against enemy aliens. The statement is a corrective gesture of truth-telling in the Public Accounts and tied specifically to compensation.

At the same time that compensation acts as a corrective gesture in the Public Accounts, the benevolent positioning of this blurb alongside payments for accidental damage to eyeglasses and leather jackets illustrates important conflicts and tensions about the role and effect of compensation on truth-telling. Coded as benevolent and surrounded in federal records by accidents, broken or lost items, and missed work hours, the *ex gratia* payment also simultaneously remembers redress as a budgetary line item in which the Secretary of State lists individual recipients by name – survivors to whom it bears no responsibility, but will compensate in principle, nevertheless. Benevolence is strongly produced when there are potential financial burdens to bear.

Benevolence as colonial disposition

To keep the Indians at bay by friendship, to distrust them profoundly while cementing treaties with them, to heal each treachery with the salve of presents, to be ready with ample rewards for negative services - these were to be the actuating principles until the increase of population should abate the terror of the savage, and the pressure of civilization should turn him into a peaceful subject (Campbell Scott 1914:695–725)

The above quotation is an example of the relationship between settler colonialism, compensation, and racist definitions of Indigeneity. I underscore these as foundational to genealogies of benevolent dispositions in settler colonial Canada. Written by Duncan Campbell Scott, chief superintendent of residential schools, the above is a statement made by a government official that evinces the settler colonial disposition toward Indigenous peoples in the early twentieth century. The quote clearly demonstrates the manipulative mentality that civilization in the Canadian settler colonial context required – at its core – the enticement of compensations in various forms to keep

Indigenous peoples at bay while more and more settlers populated the territory. The quotation effuses an early manifestation of benevolence and superiority through the use of terms such as promises of friendship, healing, and presents as tactics to be used to turn the “Indians into peaceful subjects”.

The nature of historical injustices demand that we look to the past and to make sense of that past in the present. Benevolence is not simply a contemporary trait, practice, or characteristic. Benevolence also has a unique imperial history. In the mid-eighteenth century there was a shift in how colonial governments regarded colonized peoples. What is referred to as imperial benevolence or benevolent imperialism emerged through humanitarian movements in the colonies. Referred to euphemistically as “the white man’s burden,” the titular reference to a poem by Rudyard Kipling serves as a long-standing placeholder that denotes a call for colonizers to cultivate a disposition of benevolent stewardship towards the uncivilized or savagery in the colonies. The white man’s burden became the general euphemism for imperialism, and the notion of benevolent colonizers and colonies emerged out of this sense of Europeans taking on the burdens and toil of civilization.

Traced along settler colonial lines, liberal mentalities of what is a “good” and “civilized” life have served as reasoning for all manner of interventions such as Indigenous child removal practices (Jacobs cited in Hinton, Woolford, and Benvenuto 2014:17) – benevolence is also a colonial disposition whose rationalities have shaped the production of truths about settlement and Indigenous populations over time. Representations of benevolence have historically been foundational to whiteness and bourgeois respectability (Srivastava 2009). Innocence and superiority are, moreover, closely related to benevolence where the benevolent giver exists on a higher moral, social, cultural, and/or economic plane than the receiver (*ibid.*).

National imaginaries (Anderson 2016) such as the Canadian peacemaker myth are also invested in benevolence as a particularly Canadian settler colonial disposition. To this point, Regan (2011) emphasizes that “many Canadians still believe that Indigenous peoples have been

the fortunate beneficiaries of our altruism” (84). When the trope of the “noble savage” is invoked, the notion of the settler state’s responsibility toward benevolent stewardship of Indigenous populations thrives (Thobani 2007:58). The articulation of non-Indigenous states and institutions as benevolent entities that are invested in “improving” the situation for Indigenous populations produces innocence and serves to distance colonial governments from the more deleterious effects and practices of colonization (Murray Li 2007).

Finally, these changing dispositions and hierarchical categorizations that were developed about Indigenous and racialized populations during the time of expansive colonialism, are intimately tied to money and the circulation of value. Gilbert (2010) generates links between money, currency, and the circulation of value to mid-nineteenth century developments in the concept of race and racial difference as a biological category. Intimately tied to the circulation of bodies in the colonies, the development of hierarchical and “naturalizing narratives” of species (including of humans), liberal governmentality, the “institutionalization of *homo economicus* and the financialization of spheres beyond the economy” (p.319) ground benevolence and racialization in economic and material realities and interests.

Taxpayers

In the present, the benevolent *ex gratia* category creates conflict in the public understanding of redress, particularly as monitored by “the taxpayer”. The taxpayer, in stark contrast to the survivor, is a subjectivity that is produced and reproduced in public discourse to “evoke frugal moral conduct; a stern righteousness about budgets, expenditure, and accountability with regard to the state and its tentacles” (Willmott 2017:256). The taxpayer oversees a vast array of circumstances and issues and emerges from an assemblage that combines “moral consciousness, notions of citizenship, coordination by political groups, populist media imperatives, all wedded together by a liberal ethos of government” (*ibid.*). The particular combination of vigilance that is rooted in morality, citizenship, and liberal ethos of government was at the heart of some critics’

arguments against compensation for survivors. Where historical injustice reparations are concerned, innocent, taxpaying Canadians could be or are being financially burdened by the *ex gratia* payments to survivors.

Inciting the potential ire of the taxpayer, federal *ex gratia* records have the effect of minimizing the weight and import of the intended purpose of these payments to survivors in the public eye. This ever-watchful taxpayer can be found in the Japanese Canadian Redress Secretariat's archived files, which contain press clippings that feature headlines such as "Taxpayers' \$262M vanishes" and bolded subheadings stating, "**COSTLY**: From missing police radar to false UI claims, from dead fish to harassment settlements, the receiver general tallies the toll on the treasury," and "PHEW! Agriculture Canada paid \$132 to replace employee's clothing sprayed by skunk" (Eade 1994:2). When addressing the *ex gratia* category specifically, the Ottawa Citizen staff writer reveals the following:

And who can say the government is heartless, after cruising through 10 pages of *ex gratia* payments worth \$50 million? These are defined as discretionary payments made "as an act of benevolence not because of any legal obligation". Among the goodwill gestures, \$132 paid by the Agriculture department to "an employee to replace clothing...destroyed by being sprayed by a skunk while on duty." Or \$250 compensation "for the loss of rose bushes." [...] Slightly more than \$1 million was paid to 40 people of Japanese ancestry, and the National Association of Japanese Canadians, compensation for discrimination by the government during the Second World War (*ibid.*).

The dripping sarcasm in this article, when accompanied by the government's own characterization of redress as a benevolent payment and "totally discretionary and gratuitous" (Government of Canada 1989:4), emphasizes some of the tensions, contradictions, and limits survivor-centred truth-telling. *Ex gratia* payments to survivors of historical injustice are a double-edged sword. On the one hand the payment symbolically and materially reinforces the government's avowal of wrong-doing (albeit limited), while on the other the *ex gratia* category within federal records simultaneously retells and recasts the purpose of these payments into an

arena qualified as benevolent, accidental and discretionary. Indeed, the Canadian government's official acknowledgments do refer to historical injustices as "mistakes." The *ex gratia* category is a site that produces Canadian benevolence within federal budgetary records.

The public attention paid to the redress movement and the taxpayer discourse invoked by the *ex gratia* payment also triggered fears and anxieties in some internment survivors. Aware of the taxpayer's gaze, one interview participant who was involved in the implementation of redress noted that some survivors did not want to apply for individual compensation because some

felt their neighbours and people they knew would look down upon them as being "mercenary" or "taking our tax dollars," etc. You know, that type of fear. Recrimination, maybe even attack, racism, all those things; and they were fearful of that because in some ways, they went through that already and you know, by [fighting for redress], is that going to bring that back?
(Anonymous 2016).

For the government, risk is expressed in the arena of legal exposure; for survivors, risk is expressed in the arena of becoming, once again, visible to and a focus of the Canadian government and general public and being exposed to racist backlash. The *ex gratia* category establishes a groundwork to pit the subjectivity of the survivor, for whom this compensation is an acknowledgment of their loss and suffering, against that of the taxpayer. What is elsewhere communicated by the government as an act of reparation, contrition, and justice, *ex gratia* payments infuse reparations with the air of excess, irrationality, and waste within the federal records. *Ex gratia* payments tell of historical injustice reparation as a benevolent act of government, as opposed to necessary – as given for mistakes and accidents as opposed to justice or to rectify a wrong for which it is the perpetrator; rather than learning lessons of the past, compensation focuses on present risks.

Managing "other groups" and isolating risk

Mister speaker we could mount pressure groups across this country on many areas where there have been historic wrongs. I

do not think it is the purpose of the government to right the past.
It cannot rewrite history. It is our purpose to be just in our time
and that is what we have done. (Trudeau 1984)

In the above quotation, Prime Minister Trudeau's references to the government taking responsibility for past harms and being a central figure in righting the past and rewriting history are core aspects of truth-telling as it is understood today. Federal records on Japanese Canadian redress interlock and elide truth-telling, compensation, and apology; the government considers each of these actions simultaneously and always in terms of compensation risk. As noted earlier, Prime Minister Trudeau refused the request to apologize and, as stated in the quote above, rooted this refusal in his awareness of multiple "historic wrongs" for which apologies could be issued in Canada. He was unwilling to assume the compensation risks that were thought to be associated with issuing apologies and was openly hostile toward the notion of compensation, which he would aggressively dismiss (Miki 2004:83). Over the course of his tenure as prime minister, Trudeau had maintained the position that to apologize to one group meant to compensate and apologize to an onslaught of others. In these debates between opposing parties we find the tightly knit relations of compensation and truth-telling – not only about Japanese Canadians – but redress is neither considered nor discussed without discussing these other "pressure groups." Prime Minister Trudeau quipped that Acadians and "Indians" would then require apologies and compensation. Gesturing to these two groups as he did was meant to situate Acadians and Indians as icons of the most distant Canadian past and to underscore the impossibility of issuing an apology to Japanese Canadians for the actions of the Canadian government. In response, Mulroney stated, "I don't swallow Mr. Trudeau's line about going back to the Acadians and Indians and all that nonsense" (Cleroux 1984). He continued by distinguishing that what the Canadian government had done to Japanese Canadians had happened in the recent past, thereby tacitly affirming that the government's responsibility to other groups diminishes based on the amount of time that has passed.

Indeed, motivated in part by the timing of the recently signed *Canadian Charter of Rights and Freedoms* and evolving Canadian multicultural policy, there were “other groups” who had been mounting historical justice movements based on having been subjected to racist and exclusionary Canadian policies in the past. Ukrainian Canadians, Chinese Canadians, South Asian Canadians, and Indigenous communities were also claiming rights abuses and petitioning for acknowledgment and compensation from the government.

In 1988, the Department of Justice responded by letter to the Secretary of State’s request for its opinion on the possible risks of liability if the government were to issue compensation to Japanese Canadians – namely, would “other groups” be able to convince the courts of their right to similar payments? The Department of Justice considered the possibility of other groups, which included Italian, German, Chinese, Ukrainian, and Aboriginal groups, filing successful claims against the Canadian government under Section 15 of the *Charter of Rights and Freedoms*. Section 15 concerns equality rights and states that “every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national, or ethnic origin, colour, religion, sex, age, or mental or physical disability” (Butler 2013). The letter to the Secretary of State describes strategies for avoiding or protecting against such a claim:

There are several factors that tend to support the argument that the provision of payments to Japanese Canadians is the exercise of a discretion based on an exceptional, if not in fact unique, series of circumstances.

...that the circumstances applicable to the claims of Japanese Canadians are singular and the government legitimately define a discretionary program of payments based explicitly on these considerations.

It would be prudent to lay the groundwork for a possible Charter defence on the face of the documentation by which payment is authorized. The submission and the order in council could set out the considerations which we believe to be unique to the case of Japanese Canadians, in order to identify explicitly and authoritatively the grounds on which the prerogative was

exercised. That may enhance the prospects of a successful defence to any possible claim under section 15. The same considerations clearly apply to any communications materials associated with this decision (Department of Justice 1988:3, emphasis in original).

Reinforced by legal opinion, the production of the Japanese Canadian case as unique and exceptional became a federal strategy to anticipatorily protect the government from having to compensate other groups. If the internment and redress were unique and singular to the actions of one past government and to the Japanese Canadian community – as insisted by the government – the government’s archives on redress challenge this assertion. The archives contain a notable amount of records that discuss the claims of other groups which each occurred in different time periods and therefore span many iterations of government. The strategy to isolate the Japanese Canadian internment case from the possible claims of other groups was echoed by communications experts with whom government consulted on the matter. They recommended that the government’s communications strategy for redress involve “creating and maintaining a separation between the Japanese Canadian Redress issue and the claims of other groups and organizations demanding compensation or redress” (Brad Mann Communications Consulting Inc. N.D.). From the standpoint of legal risk, the goal is to limit the government’s possible liability to other groups who claim similar historical harms. From a communications standpoint, the point is to manage the expectations of other “ethnocultural” groups, to use the vernacular of the time, by underscoring how their claims might not meet the developing “test” of Japanese Canadian redress, as well as to maintain the positive momentum redress had gained for Canada and its government in the media.

Japanese Canadians used the redress movement to fight for justice over the internment, but also to look ahead in the “spirit of redress” (Kobayashi and Miki 1989) to be vigilant against racism in Canada, to work with other communities, and to warn about the excessive use of state power. Japanese Canadians politicized Canadian rights and democracy by emphasizing and warning Canadians about racism and the potential for abuse of power and rights violations.

Although the statement predates the redress movement, the spirit of redress can be expressed in interview between the Canadian Broadcasting Corporation and David Suzuki, wherein he stated, “I have a special responsibility and that is not to forget how fragile democracies and guarantees are. And one of the things I have to do is be very aware of other people who are being put down or oppressed for irrational things like their race or their sex or their religion. And so one has to then work together with other groups and try to make this place a better place” (Lamarche 1975). In general, the spirit of redress is about being vigilant against racism, looking out for others, and working with them in order to prevent history from repeating itself.

In contrast, and as argued above, the Canadian government sought to manage risk by isolating Japanese Canadian redress from the claims of other communities. Civil servants in the Department of Justice and the Department of Multiculturalism produced knowledge about Japanese Canadian internment as a political object that was “unique” (Department of Justice 1988:3) and “unparalleled” (Government of Canada n.d.:1) thereby attempting to block the claims of other groups for redress. Miller and Rose (1990) argue for political objects to be examined as “intellectual technologies,” where these are understood as a combination of language and action that have governing effects on targeted events or phenomena (*ibid.*:7). In this case, the framing of the internment of Japanese Canadians as unique and unparalleled is not simply a case of political rhetoric or of simple fact; this intellectual technology actively bears on the possibilities and limits of truth-telling and compensation and mobilizes governing effects on both the Japanese Canadian community and the claims of other communities as well. As Miller and Rose note, intellectual technologies actively “make existence thinkable and practicable” (*ibid.*:27) and capable of being “debated and diagnosed” (*ibid.*:7) – they reform reality toward particular ends. They do so through mundane actions such as report writing and statistical analysis and generate information that can remain more or less stable and comparable (*ibid.*) across programs and places. The government’s rationalization of redress as unique and unparalleled attempts to destabilize and block the comparability of Japanese Canadian internment with other historical injustices. The

words “unique” and “unparalleled” forestall consideration of the comparability and similarity between governmental tactics and techniques – both mundane and spectacular – that have been mobilized transversally across historical injustice cases. Isolating Japanese Canadian internment from other cases and embedding it within discourses of Canadian multicultural progress and improvement erects further borders around what comes to constitute the story of internment and redress and the possibilities of other communities’ claims.

Over the course of a few years, the Canadian government also monitored events, communities, news media, and individual politicians around the topic of redress. Large swaths of the bureaucracy were interested in the degree to which other communities and organizations were in support of redress, and they monitored redress events. Although the Department of Multiculturalism was not directly involved in negotiations with the NAJC on redress as stated in one memo between the Director General and the Assistant Under the Secretary of State, they still thought it “appropriate” (Department of Multiculturalism n.d.) to send representatives to monitor redress rallies and meetings that involved or included other groups. One set of hand-written notes, from a civil servant who monitored a Japanese Canadian community redress meeting, reports on the names of individual speakers and the different communities and organizations present. He assessed that a rally appears to be at a “simmering” not “boiling” point and states, both dismissively and confidently, “do not over-rate its impact” (Department of Multiculturalism n.d., emphasis in original). This assessment acts as a “tell” that the government was anxious about the degree of attendance at and energy behind these rallies. Civil servants would also attend the NAJC’s Annual General Meetings (Government of Canada 1992) and community banquets/dinners to do with redress (Department of Multiculturalism and Citizenship 1992). They routinely monitored news media for the public’s perceptions of government around redress, and they would provide newspaper clippings about public support for redress as well as analysis on public opinion about the internment during WWII (Department of the Secretary of State of Canada 1986). In 1993, the Department of Multiculturalism and Citizenship Canada also

requested a list of Members of Parliament (M.P.) who were assumed or known to support redress. Provided in a Memorandum to the Secretary of State Multiculturalism and the Status of Women, one list includes the names of fourteen M.P.s who “may have an interest in redress” by name, party affiliation, and involvement. In one example, a liberal M.P. for Winnipeg North is listed as “Filipino Canadian – Connected to Canadian Ethnocultural Council; Close to Ukrainian Canadian Council” (Multiculturalism and Citizenship Canada 1993).

While taken individually these monitoring measures may be perceived as a kind of “due diligence” on the part of the government, I argue that, taken as a whole, these and other monitoring activities evince a certain anxiety about redress, its potential for cross-community support/alliances, and a drive to maintain divisions and distinctions between “groups”. Emily Gilbert and Corey Ponder (2014) note that compensation is an instrument that, when tied to insurantal systems of valuation, reinforces a biopolitical interest in speciating and dividing populations (p.408). Following Foucault (cited in *ibid.*), when administered in the form of charity, insurance, and I argue, *ex gratia* payments for historical injustices, compensation mechanisms have regulating and normalizing effects on how we come to define, reinforce, and understand populations as fundamentally different.

The Canadian government’s insistence on isolating Japanese Canadian redress from other cases and its preoccupation with what alliances formed between the NAJC and other groups – but particularly other “ethnocultural groups” – also harkens to the anxieties of colonial administrators in “colonial contact zones” (Mawani 2010a). Through her analysis of Chinese-Indigenous proximities in British Columbia, Renisa Mawani (*ibid.*) argues that settler colonial governance has historically been vested in maintaining distinctions between Indigenous and migrant populations. She writes that colonial administrators monitored and were often cautious, anxious, and alarmed by geographical, social, and political intimacies and alliances between Indigenous and Chinese peoples (p. 202). She demonstrates clearly how colonial administrators of the late eighteenth and early nineteenth centuries, including Indian agents, missionaries, and local

authorities, routinely “highlighted and emphasized the putative distinctions between these populations” (*ibid.*). The disposition of colonial administrators toward these relations and the distinctions they attempted to maintain between them, she argues, flowed through laws that reinforced those distinctions and “exploited interracial encounters in ways that positioned Chinese against aboriginal and vice versa” (*ibid.*:153). In other words, settler colonial governance sought not only to maintain distance and difference between racial groups but to embed tension or hostility between them.

The government further carried its strategy to manage cross-community connections and isolate the Japanese Canadian case from others through its prepared responses for question and answer (Q&A) period in the House of Commons. Members of Parliament can submit written notice of questions that they wish to be answered in a given session. The government has 45 days to respond with their official answer to the question. The first answer line in an undated Q&A document on questions pertaining to redress states “The Japanese Canadian situation is unique and unparalleled” (Government of Canada n.d.:1, emphasis in original). The same line is given again later in the document under the heading “Claims by Other Groups,” wherein the following questions are raised: “What makes the Japanese Canadian situation so unique, so different from those of other groups (e.g. Ukrainian Canadians and Chinese Canadians)?” and “Does that mean that the government is refusing to consider claims from other groups?” (*ibid.* 25–26). In this latter question, the response wording changes only slightly to state that it is “unique and unparalleled in our history” (*ibid.*, emphasis in original).

The Q&A document offers supporting points to be read if the Member is pressed further after delivering the key “unique and unparalleled” messaging. These supporting points argue that there is no parallel in Canadian history. They include statements such as the following:

In early 1942, all persons of Japanese origin – citizens or not were evacuated from their homes...not because of any individual charges but solely on the basis of their race – because they were of Japanese descent.

Their land, their homes and their personal property were taken from them and sold.

Their entire community of 22,000 was torn apart. Men, women and children were uprooted, with families cruelly separated throughout the period.

A large number of ‘survivors’ (12,000) are still alive and await justice (*ibid.*, emphasis in original).

These statements, which are key details of the institutionalized or official story of internment, are certainly true for Japanese Canadians and what they endured. These actions caused wide-ranging suffering and loss to Japanese Canadians and their communities. At the same time, the government stating that there are no parallels to these points in Canadian history is an erasure of Indigenous survivors of colonization with its innumerable and targeted acts of violence, elimination, relocation, erasure, dispossession, and sexual violence (against both women and children). These same statements quoted above could be made about Indigenous communities in Canada, with some minor adjustments in detail. However, in the 1980s, the government’s position on drawing a comparison between Japanese Canadian and Indigenous communities was that “Aboriginals have a much more diffuse and imprecise range of alleged wrongs [which] would be the base of a claim...unlike the very discrete, well-defined and clearly documented treatment of Japanese Canadians” (Department of Justice 1988:2). Rationalized through federal lawyers and communications strategists, the key messaging about redress simultaneously avows the injustices done to Japanese Canadians while disavowing these same practices for other communities – most notably for Canada’s longest-standing “historical injustice,” the government’s attempts to forcibly remove Indigenous peoples from their lands and eliminate Indigeneity from the Canadian imaginary, save for some cultural symbolism.

Truth-telling and official acknowledgment or apology?

[The legal advice from the Department of Justice] is why the government used the term acknowledgment and not apology. It

was all very, very carefully scripted – the words were very, very carefully weighed. (Interview transcript, 2016)

Four years later, in 1992, the Department of Justice was again consulted for their opinion on the risks to the government in dealing with unspecified compensation claims from “other groups”.

The Senior General Counsel for the Human Rights Law Section states that “As expected, we are now faced with claims from the Ukrainian, Italian, German, Jewish, Chinese and Indo-Canadian communities each relying on past treatment or incidents to establish claims for redress”

(Department of Justice 1992:1). The memorandum advances the position that of all possible risks to government, creating a new institution that is generally committed to ensuring that historic injustices are not repeated, which is a reference to the Canadian Race Relations Foundation, and giving an acknowledgment/apology in the House of Commons, provided the least risk to government. The memo concludes by reiterating the importance of keeping the Japanese Canadian case separate from these other claims:

In conclusion, I would reiterate that the Charter risks arising in this situation depend to a great extent on our ability to maintain the distinctions between the Japanese Canadian situation and the claims currently being put forward. Acknowledgments of each claim in the House of Commons would appear to meet our earlier recommendation that treatment of claims be deliberately individualized. (Department of Justice 1992:4)

The memo describes this deliberate individualizing of claims, an official acknowledgment in the House of Commons, and some form of institutional support, as an

approach that would permit the government to make its apologies without creating multiple compensation schemes for all the various groups or opening the door for other groups to make claims with the expectation of financial compensation. It would appear to favourably combine all individual apology with a generic promise, by means of the Canadian Race Relations Foundation, not to repeat the injustice of the past. (*ibid.*)

The greatest concerns of the redress movement were to have the government take responsibility for the collective injustices done to Japanese Canadian individuals and communities, and to correct the historical record that had erased the injustices done to them. They also called for

substantive change on the larger, related, and *present* issues at stake in Canada, such as racism, assimilation, and the potential for excessive governmental power. However, the quotations above demonstrate that – for government – compensation risk is the central and greatest concern. Compensation acts as a kind of border that defines the limits of how far (future) truth-telling and apology can go. These two quotations above demonstrate the government’s mentality that these gestures should simultaneously and ideally be “deliberately individualized” so as to avoid Charter claims and further compensation, but the instruments developed should be “generic” and combinable so as to quell these other groups with a readymade response and an institution already in place to vaguely signify a promise to guard against repeating the injustices of the past – a tactic that can be understood as a move to enhance the resilience (Gilbert 2018) of government by preparing for the inevitability that there will be claims from other groups while ensuring the least financial burden to the federal government.

Official acknowledgments/apologies to other groups have indeed taken place over the years since. These apologies, including the one given to Japanese Canadians, were drafted with the input and consent of survivors. The wording of the apology to Japanese Canadians does tell a partial and particular story of internment, which was researched and developed by Japanese Canadians. However, the wording of the apology offered by the government’s communications and legal strategists also tells a story of its own – one that affirms Canada’s benevolence and grace by making strong statements about the nature of the Canadian nation.

At the end of the 1980s, the federal government lauded redress as emblematic of Canadian progress in the realm of democracy, pluralism, multiculturalism, and justice. During the official apology to Japanese Canadians, Prime Minister Mulroney stated,

The treatment of Japanese Canadians in wartime was not only unjustified on moral and legal grounds, it went against the grain of the country itself. We are a pluralistic society. We respect one another’s language, opinions, and religious beliefs. We celebrate our linguistic duality and our multicultural diversity. We rejoice in the strengths of our regions in the knowledge that they strengthen the whole. We are tolerant people living in freedom in

an abundant land. That is the Canada which our forbearers worked to build. That is the Canada we wish to leave to our own children. (Government of Canada 1988, 9:24-10:27)

Echoing the Prime Minister's sentiments, Liberal representative, Hon. Sergio Marchi, stood in the House to emphasize that "today's actions are also not so much about a multicultural issue as much as they are about an issue of Canadian justice" (Government of Canada 1988, 16:51-17:01), and in the press conference to announce the redress agreement, Minister of State Multiculturalism and Citizenship, the Hon. Gerry Weiner, stated,

And [these laws and agreements] demonstrate clearly that we are a nation capable of learning from the sometimes-bitter mistakes of the past to build an even better future for us all. ... Our society of today would not tolerate what took place forty years ago. We, as Canadians, have indeed changed and grown. We have acquired new wisdom and compassion. And, over the years, we have recognized the reality and the vast potential of our multicultural identity. (Department of Multiculturalism and Citizenship 1988:6-7, emphasis in original)

The combination of these statements about the Canadian state made on the day of the apology generate commitments about the nature of that state: a state that is better than it was forty years ago, is pluralistic, respectful, multicultural, strong, tolerant, free, and has abundant land, was built by forbearers, is teachable, makes mistakes, has changed, and has grown. These strong statements clearly tell Canadians that the work of righting historic wrongs is already done, and that Canada is already just and has no actual work to do in the present, except to apologize and look hopefully to the future. Truth-telling about Japanese Canadian internment was formed by a variety of influences, motivations, and strategies. The federal government's efforts and resources put toward managing risk and claims from other groups, were a core end point of how far truth-telling can take its disclosure in terms of critique.

On the day of the apology, a simultaneous avowal and disavowal was made by the Canadian government. Examined through the liberal multiculturalist lens through which it was written, the apology avows and affirms the values of progress, good citizenship, tolerance, and

recognition. These same words examined through a settler colonial lens, however, mark a stark disavowal of Indigenous realities and injustices point for point. Of particular note, the Liberal Party representative, Hon. Sergio Marchi stated the following about redress:

it closes the chapter of what was a very sad and sensitive memory in our history. While losing one's home, one's land, and one's business can never be replaced, and while being evicted from one's own community and being separated from one's own family and friends leaves a deep and emotional scar that can never be completely erased from the soul of those Canadian citizens, today's commitment by government and by parliament will serve, as best as possible, to heal those very deep wounds and concerns. (Government of Canada 1988, 14:55-15:33)

In what could be read as an acknowledgment to Indigenous peoples, generally, and residential school survivors, specifically, we find how setting the record straight about a historical injustice, this time in the form of acknowledgments to Japanese Canadians, hides in plain sight the parallels to injustices faced by Indigenous communities. Taken in as a whole, the statements made in the federal acknowledgments and apologies, which have been issued to various communities over the years, should speak less to what the government did to a particular community at one particular time and more to the nature of how Canada governs, full stop. Canadian governance has always involved racist strategies of elimination, exclusion, dispossession, relocation, and marginalization – at the same time as it attempts to address human rights abuses, generate progress in terms of inclusion, and encourage diversity and other valued equity traits that are particular to and called for by the movements of a given period of time.

The simultaneous avowal of the injustices suffered by Japanese Canadians and disavowal of Indigenous land dispossession was also affirmed in Prime Minister Mulroney's apology, as quoted above. He used the apology to Japanese Canadians as an opportunity to re-territorialize and characterize the history and trajectory of the Canadian state in the phrase "We are tolerant people living in freedom in an abundant land. That is the Canada which our forbearers worked to build. That is the Canada we wish to leave to our own children." In their contributions to truth-

telling, official acknowledgments generate “bookends” on either end of the injustice to save the moral integrity of the settler colonial nation state as benevolent and good in the present.

Conclusions

The importance of truth telling in its own right should not be underestimated; it restores the human dignity of victims of violence and calls governments and citizens to account. (Truth and Reconciliation Commission of Canada 2015c:12)

The legal advice from the Department of Justice was that the word compensation shouldn't be used because this implied that there was some acknowledgment of bad things that needed to be compensated for. This was a legal concept, and compensation is for something the government said it admitted. (Interview transcript, 2016)

I include these quotations to juxtapose and encapsulate some of the tensions and limits of truth-telling. As currently conceptualized within the field of transitional justice and as normalized in Canada through the work of the TRC, truth commissions pursue and develop the story of residential schools through their interactions with survivors and historical records. They facilitate processes that record survivors' experiences in the pursuit of developing knowledge about this system and its survivors. As expressed in the above quotation, truth-telling is thought to offer the possibility of dignity to survivors and to hold government to account for past actions. In contrast, compensation, which is a related reparations instrument, is administered by the Canadian government. Through compensation, the government pursues and develops knowledge that protects it from legal liability; that overwrites the story of a tarnished national reputation with one of benevolence which is materially reinforced by money; and that isolates each case from the other.

From the vantage point and role of the civil service, truth-telling about historical injustices is less about survivors and more about carefully considered words and managing the risk of having to compensate numerous individuals and other cases. Benevolence is an intellectual

technology that involves the government compensating survivors under the *ex gratia* category and acknowledging/apologizing where there is only moral force to do so. Compensation produces benevolence in federal records and reforms survivor-led truth-telling through budgetary reports, risk management, and communications strategies. As an intellectual technology, isolation involves three things: first, cordoning off the past from the present; second, using words like “unique” and “unparalleled”; and third, emphasizing differences between groups’ claims against the state.

These intellectual technologies of benevolence and isolation, as used to conduct the flow of possibilities with respect to reparations claims, also have a past. Traced to Canada’s settler colonial foundation, benevolence is a colonial disposition and isolation a technique that were used in the attempted elimination of Indigenous peoples. The disposition of colonizers towards what is referred to as “imperial benevolence” marks a shift in colonial rationality toward the care and stewardship of “Indians.” Isolation is a technique which, through a lack of access to land and sustenance, would cause incredible hardship and suffering for those Indigenous communities who inhabited those lands.

Truth-telling is neither simply a survivor-centred process of healing and revealing a denied, ignored, or obscured historical injustice, nor is it only a process facilitated by truth commissions to develop a historical record based on the received experiences and stories of survivors. As I have shown, compensation is a key mechanism that bears strongly on the shape, form, and limits of disclosures about historical injustice and its survivors. The categorization of compensation to survivors of internment as *ex gratia* further limits truth-telling by foregrounding the benevolent nature of these payments in the records of the federal public service. One of the key contributions of this paper is that it ties truth-telling to financial concerns, processes, and consequences. The *ex gratia* payment actually contours and induces a particular kind of governmental response that de-centres the very purpose of truth-telling as a survivor-centred practice.

When examined from the vantage point of government, federal communications and legal strategists play a central and active role in the story of internment as we know it today. I outlined how producing internment as a unique and unparalleled event in Canadian history acts as an intellectual technology that delimits the discourse and possibilities of both truth-telling and the claims of other groups. This communications strategy isolates Japanese Canadian redress from other cases in order to manage compensation risks. Compensation is particularly important to keep in view when interrogating truth-telling or the production of knowledge about historical injustice and survivors, as it highlights the mentality of government and greatly influences the limits of what is sayable.

By analyzing the government's response to Japanese Canadian redress, I made two interventions. First, in Canada, truth-telling is a concept that is now widely understood through the TRC and connected to revealing the truth about residential schools. This paper historicizes Canadian truth-telling practice by looking back to Japanese Canadian redress. Japanese Canadians were certainly engaged in truth-telling, as described in the first quote above, in that their movement was precisely a call for the government to account for and acknowledge the internment – “a Japanese Canadian call for justice” (Miki 2004) – and to restore the dignity of both individuals and community. The paper also expands the definition and field of analysis to consider knowledge production through other reparations instruments. Through analysis of the government's response to redress, I demonstrated that truth-telling, compensation, and apology are inextricably tied. The threat of legal liability and having to compensate other groups are the greatest concerns for the federal government. Thus, communications strategies, which were developed through the Department of Justice and other interested departments, actively influence, shape, and limit the story of a historical injustice.

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Chapter 3

Ottawa Japanese Community Association and National Association of Japanese Canadians Walk for Reconciliation

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Matsunaga, Jennifer. 2015. "Ottawa Japanese Community Association and National Association of Japanese Canadians Walk for Reconciliation," in *The Bulletin: A Journal of Japanese Canadian community, history + culture.* Retrieved: <http://jccabulletin-geppo.ca/walk-for-reconciliation-2/>

Whether one is First Nations, Inuit, Métis, a descendant of European settlers, a member of a minority group that suffered historical discrimination in Canada, or a new Canadian, we all inherit both the benefits and obligations of Canada. We are all Treaty people who share responsibility for taking action on reconciliation.

(Truth and Reconciliation Commission of Canada 2015a:117)

On May 31, 2015, the Ottawa Japanese Community Association (OJCA) and the National Association of Japanese Canadians (NAJC) joined the Truth and Reconciliation Commission (TRC) of Canada, Reconciliation Canada, dignitaries, public leaders, and thousands of Indigenous and non-Indigenous peoples in the Walk for Reconciliation. According to the TRC, "the act of gathering and walking and sharing our stories can join us all in a shared commitment to creating a new way forward in our relationships with each other" (Truth and Reconciliation Commission of Canada n.d.). This walk was part of the events leading up to the release of the highly publicized TRC final report on the Indian residential schools system in Canada.

As we walked, a number of people made a point of speaking with us. Several residential school survivors approached us at various points throughout the walk to say "thank you" for walking with them. The Ottawa group of "Raging Grannies" showed a thumbs-up as we passed. A few people exclaimed "Arigato!" with warm smiles. A Japanese Canadian who took part in the walk as an individual stopped us to ask about our association. Countless people made a point to

read our signs, give us a smile, and/or take a picture. A journalist for the Anglican Journal asked what inspired us to be there.

The Spirit of Redress

What did inspire the OJCA to take part in the Walk for Reconciliation? In 2014, the OJCA established the “Spirit of Redress Committee.” To date, the committee is a very small but motivated group who think that the Japanese Canadian redress movement left a legacy that we should carry on and develop. In the 1989 preface to *Spirit of Redress: Japanese Canadians in Conference*, Cassandra Kobayashi and Roy Miki wrote, “In the years ahead, as we attempt to build on the vitality and ideals of the Redress movement, let us hope that our thinking and our actions will continue to be shaped by [the spirit of redress] powerful undercurrents” (Kobayashi and Miki 1989). Some of these powerful undercurrents are a belief in the importance of action on historical injustice and human rights issues in Canada.

On a practical level, the redress movement’s success can be attributed in large part to its focus on forming, what they referred to at the time as, “national coalitions”. Individual Canadians, academics, unions, media representatives, and politicians from all levels of government are some of the many who signed on in support of redress for those Japanese Canadians who had been wrongfully dispossessed, relocated, interned, and dispersed across Canada during and after WWII. Among the strong supporters were First Nations, who understood and have experienced these types of injustices first-hand.

Like the movement to make Canada address the residential schools system, the Japanese Canadian redress movement had to counter racist attitudes, history, and legislation. It had to educate Canadians on the history of internment and why it was wrong. It had to develop a new Canadian historical narrative. It had to rally on parliament hill, gather in private homes and cultural centres, and develop expertise in dealing with government bureaucracy and political

agenda. Although our histories and present are different, Japanese Canadians share similarities with Aboriginal peoples through these experiences.

As a committee that was formed only one year ago, a timely and powerful way for us to begin the work of honouring the Spirit of Redress is to learn from and engage with the largest historical justice movement that is evolving in Canada today: reconciliation between non-Indigenous and Indigenous peoples.

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Chapter 4

CRS Symposium on Reconciling Indigenous–Settler Relations in

Canada: Whose voice counts?

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Matsunaga, Jennifer; Long, David; Gracey, Anthony; and Maracle, Lee. 2016. “CRS Symposium on Reconciling Indigenous-Settler Relations in Canada: Whose Voice Counts?” in *Canadian Review of Sociology*, 53:4, pp. 457-460.

The Truth and Reconciliation Commission of Canada (TRC) presented the “Executive Summary” of its *Final Report* in Ottawa on June 2, 2015, as part of the commission’s week-long closing event. The Honourable Justice Murray Sinclair, the Chair of the TRC, stressed the importance of “actions, not words” (Fedio 2015) and called for substantive changes to policies, programs, and institutions. Meanwhile, minutes away, the Canadian Sociological Association’s “Indigenous – Settler Relations and Decolonization Research Cluster” convened sessions and held its annual meeting as part of the annual Congress of the Social Sciences and Humanities at the University of Ottawa. Inspired, in part, by the energy around the TRC’s events, research cluster participants discussed the various ways that they could encourage and challenge one another as well as other members of the CSA to engage reconciliation, Indigenous-settler relations, and decolonization in our research and teaching. This symposium is one outcome of these discussions.

In developing the theme for the symposium, we agreed that the symposium should interrogate the current state of sociological methods, teaching and writing on Indigenous-settler relations and knowledge creation. After briefly discussing how we each viewed the relationship between our respective histories, politics, sociological perspectives, and the products of our work, it was clear that it was important to us that the symposium provide readers with a diversity of experiences, perspectives, and emotions around reconciliation. Our invitation to contributors was

in some ways rather open ended, although we did ask that they provide readers with a sense of how they understand and seek to engage reconciliation in their sociological research, writing and/or teaching. We also encouraged contributors to consider reconciliation in the context of such contemporary issue areas as treaty relations, Idle No More, missing and murdered Indigenous women and girls, and the Royal Commission on Aboriginal Peoples.

With these in mind, contributors were invited to address the question: *whose voice counts in defining and discussing reconciliation* in the Canadian context? While remaining open to accepting a variety of perspectives, voices and experiences, our call included a number of possible angles from which the thematic question could be engaged. These suggestions included: What does reconciliation mean in the Canadian context? How does the current state of sociological theory, research and practice enhance and/or limit understanding and discussions of decolonization, Indigenous self-determination and/or reconciliation? Should the goal of sociological engagement with Indigenous–settler relations be reconciliation or something else? What would it mean to “commit sociology” in moving Indigenous–settler relations forward in a good way?

The four short papers that follow address these questions from a variety of positions and perspectives. They provide readers with food for thought and action in relation to ongoing colonial gender violence, colonial power relations in education, damage-centred research practices, and the persistence necessary to foster reconciliation.

Writing within feminist and anti-colonial sociologies, Julie Kaye (2016) questions how the voices of Indigenous women and ongoing colonial gender violence fit into the scheme of reconciliation. Kaye relates dominant colonial narratives about the Canadian nation to specific sites of colonial gender violence, such as missing and murdered Indigenous women. She points to the failures of police and court systems in Canada to address this violence as the reason why it continues while emphasizing the ongoing resistance and strength of Indigenous women. The paper calls for sociologists to examine colonial realities while challenging structural inequalities

and creating space for Indigenous knowledge systems and forms of organizing to emerge. She concludes with notes on an anti-colonial sociology, the goals of which should include critical reflection on the discipline and the colonial systems of domination that support it, as well as efforts to de-centre those systems as part of reconciliation.

Susan Dion's (2016) paper responds to the TRC's statement that all students have a right to know about treaties, the *Indian Act*, the development of the reserve system, the history of residential schools, and the ongoing implications of this history for Indigenous and non-Indigenous peoples in Canada. Drawing on the voices of Indigenous youth and the voices of educators, she explores some of the complexity of pursuing education in service of reconciliation. Dion discusses the friction that exists between Indigenous youth, who are clear about what they want and need from education, and settler educators, who feel largely incapable or ill-equipped to incorporate Indigenous content into their classrooms. She refers to the latter as the trope of the "Perfect Stranger" and encourages educators not to abandon the effort, but to teach students – and themselves – about the histories and power relations that are at the root of this lack of curriculum and the reluctance to teach Indigenous content.

Susan O'Donnell and David Perley's (2016) paper takes a step back from the immediate question of "reconciliation" in order to address it explicitly from the perspective of justice and the importance of land. They underscore that if decolonization is about land, then reconciliation is also about land. Building on Eve Tuck's (2009) work on damage-centred research vs. desire-based approaches, they propose a "sociology of conflicting desires" and provide some practical ways that it could move forward. O'Donnell and Perley emphasize that sociological research can contribute to justice for Indigenous peoples, but they argue that it must avoid damage-centred research in the process. The paper advances some guideposts for sociological research on conflicting desires and methodologies that do more than document harm.

The final paper, by David Newhouse (2016), concludes the symposium with grounded and cautious optimism about reconciliation. Influenced by Gayanashagowa, or Great Law of

Peace in Haudenosaunee, and rooted in the Good Mind, Newhouse reflects on the history of reconciliation and its possibility in Canada. He relates his experience of over four decades of Indigenous–state relations and of lessons he has learned in teaching an undergraduate course on reconciliation at Trent University. In his reflections, Newhouse remarks on the cleavages, both past and present, between Indigenous and settler perspectives on Canada’s history and the possibilities for reconciliation through government-led efforts. He articulates how he views the tenuous balance between optimism and pessimism, trust and distrust, and reason and passion, and his paper provides readers with a sense of how the ebb and flow between these dualities underpins the development of the good mind in ways that are necessary to foster reconciliation.

Each of these papers builds on current Indigenous and Canadian scholarship that engages with Indigenous–settler relations in Canada, reconciliation and decolonization. They articulate the pervasive and warranted skepticism that exists over the possible impacts and effects that the TRC’s recommendations will have on advancing justice as reconciliation. However, each also articulates possible avenues for the discipline of sociology to change and work towards this end. These include changes to the canon of disciplinary theories and methods, dominant epistemologies, and the ways in which we teach students, and to dominant epistemologies. Taken as a whole, this collection of papers calls for us to consider reconciliation broadly and complexly. Taken as a whole, this collection of papers challenges readers to continue rethinking and actively changing the discipline in ways that cultivate new relationships with Indigenous peoples and help create space in our research, writing and teaching for Indigenous cosmologies, ontologies, and epistemologies around land, youth, gender, education, research methods, and knowledge production. Our hope is that in doing so, readers will respond with meaningful action and not simply with words.

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Chapter 5

“Where are the Survivors?”¹⁰: Tracing settler governmentalities of “truth-telling” about Indian residential schools through the Common Experience Payment

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Conceptualizing truth-telling

Confronting the past in a reconciliatory way requires the mobilization of a variety of techniques. Historical accounting via truth-telling is one of the most important steps in the reconciliation process. But how does seeking accuracy about the past help a society to move from a divided past to a shared future? (Freeman and Hayner 2003:122)

Since the 1980s, an emergent international preoccupation with uncovering the truth about cases of mass persecution – as a sufficient and unique form of justice – has developed and gained popularity alongside the more common perpetrator–punishment framework (Simon 2005:1454). Restorative and retributive justice have both been used to repair historical injustices. Retributive justice, when applied to mass persecution, focuses on perpetrators and punishments by establishing criminal trials – the Nuremburg trials, which prosecuted members of the political, military, and economic leadership of Nazi Germany, serves as an example. In contrast, restorative

¹⁰ “Where are the Survivors?” is a reference to a travelling exhibit that was created by the Aboriginal Healing Foundation (AHF) in 2001. *Where are the Children? Healing the Legacy of Residential Schools* spans over 130 years and is composed of 118 framed archival photos, documents and other materials. Produced in order to have observers reflect on the devastating impact of residential schools and the communities that were void of children, the exhibit challenges Canadians in their assumptions about residential schools. For more information or to learn about and use the audio-visual resources from this exhibit, see: <http://wherearethechildren.ca/en/about/#503>. The title of this paper refers to this exhibit both as a form of truth-telling, but also to denote that time has passed. In the context of residential schools, students have grown into survivors, many of whom applied for the Common Experience Payment. This paper asks, in essence, for readers to question where the survivors have gone in the Common Experience Payment’s records; the paper challenges readers’ assumptions about everyday or routine bureaucratic work culture, as the AHF exhibit challenges us to imagine of residential schools.

justice focuses on historical truth and healing by establishing measures such as truth commissions (Teitel 2003) – the South African Truth and Reconciliation Commission, which was established after the abolition of apartheid to hear the testimony of both victims and perpetrators, serves as a case. This relatively new preoccupation with disclosing the truth about violent pasts and survivor healing as a form of reparation in and of itself (Walker 2010) can be further understood through the United Nations declaration on the “Right to Truth” and corresponding duty of states to preserve a collective memory of historical injustice and atrocity (UNHC for Human Rights 2006).

As underscored in the quotation that opens this section, transitional justice proponents and survivors generally insist on the importance of uncovering and disseminating the truth in any historical injustice case. Truth-telling weaves through and informs all repair instruments, which include truth commissions, formal apology, compensation, commemoration, and criminal tribunals. Within the transitional justice framework, “truth-telling” is a formal, victim-centred, supportive, and emotionally difficult process (Gairdner 1999; Gearoid Millar 2014) that engages survivors, truth commission representatives, civil servants, news media, and public audiences. The work of truth commissions involves giving and hearing testimony, researching, recording, analyzing, and publicly reporting their findings (International Courts Association 2011). Truth-telling is thought to offer the possibility of dignity and respect for survivors (Hayner 2010). In sum, transitional justice frameworks largely treat this process as “predictably socially generative of healing, reconciliation, and justice,” according to Millar (2014:1). In addition to archival research, this process relies heavily on the testimony and sharing of survivors’ memories of injustice, involves educating the public about the past, and strives towards learning lessons from this knowledge (Merwe and Chapman 2008:4).

Despite these lofty and affirmative ascriptions, however, critics note that truth-telling presents its own issues. Millar (2014) argues that while most transitional justice proponents treat truth-telling as capable of individual and collective repair, many survivors can experience the process as more of a one-sided “provocation” that fails to activate the role and responsibility of

patrons and witnesses (2), let alone the state and public; it is unclear what the truth and reconciliatory work of state and those other than survivors actually entails in truth-telling, although some have attempted to fill this gap (Angel 2012; Llewellyn 2008). Yashar (2012a) argues that truth commissions should be tasked not simply with hearing the testimony of survivors but with determining which institutions require reform or creation, and identifying the multiple actors that were complicit in enabling the historical injustice to occur.

If truth-telling or the production and public disclosure of the story of a historical injustice is conceptualized only as a process that is facilitated by truth commissions we miss opportunities for grasping the other actors, mediators, power dynamics, forms of resistance, and histories that shape and limit the narrative details of these stories. My research contributes to opening space for a broader and critical conceptual account of truth-telling by scrutinizing Canada's usage of truth-telling in response to its history of residential schooling for Indigenous peoples. I question what new can be learned about truth-telling if interrogated not through the truth commission but through the compensation processes that often accompany truth-telling (Llewellyn cited in Canadian Bar Association 2005) and the settler governments that administer them.

This paper builds on multidisciplinary research that examines and critiques reparations in the Canadian context (see for example Alfred 2005; Coulthard 2014; Henderson 2015; James 2010; Nagy 2014; Wakeham 2012; Winter 2014) with particular focus on the stories that are produced through the Common Experience Payment for residential school survivors. The Common Experience Payment was a government-administered lump-sum payment to survivors in the amount of \$10,000 for the first year of attendance in a residential school and another \$3,000 for each subsequent year thereafter. Through genealogical analysis (Bastalich 2009b; Foucault 1980; McWhorter 2017; Walters 2012) and framed by settler governmentality (Crosby and Monaghan 2017; Monaghan 2013), I argue that compensation recasts and erases truth-telling about residential schools within the records and practices of the Canadian government through two related mechanisms.

The first mechanism is the application form for the Common Experience Payment. I argue that the form itself acted as a switch that depoliticized truth-telling about residential schools within the records of the civil service. I trace the theme of record production and record-keeping to the role of records in past and present Canadian settler colonial governance. Current scholarship typically treats truth-telling as involving a relationship between truth commissions and survivors (see for example Angel 2012; French 2009). The compensation application form is, however, a novel site of analysis of truth-telling and for settler governmentality because it is a very specific material/non-human actor that ushers survivors into contact with the government in particular ways and mediates that relationship.

The second mechanism is program evaluation. I analyze the final evaluations of the Common Experience Payment which were written by Service Canada and Aboriginal Affairs and Northern Development Canada. I demonstrate that these two evaluations produce governmental knowledge that reconfigures the Common Experience Payment as a service delivery to Canadians in the public record. As a service delivery, I argue that the Common Experience Payment evaluations perpetuate longstanding settler governmentalities that racialize Indigenous peoples as inferior by way of being a “challenge to overcome” for the bureaucracy.

Through attendance at two of the TRC’s Annual National Events¹¹ and my research on the Common Experience Payment, I observed that survivors provide similar types of information and items to the TRC and the Common Experience Payment process. The similar types of information and items include interacting with institutional officials such as civil servants, providing personal identifying information, providing official documentation to support that information, telling experiential stories, and occasionally providing photographs or other meaningful items that could be used to identify them as having attended a particular residential school. The very public-facing truth commission produces knowledge that is survivor-centred,

¹¹ The TRC held seven Annual National Events across Canada. During these events, survivors would either privately or publicly give their statement to the commission about their experience in residential schools.

focused on compassion and healing, and that holds the Canadian government to account for residential schools. In contrast, I demonstrate that the internally- or bureaucracy-facing Common Experience Payment compensation process receives these same survivors, hears similar stories, asks for personal information in the same ways, but retains none of the survivor-centred knowledge and produces vastly different stories in their final evaluation.

The findings in this paper are underpinned by my core interest in the effect that everyday bureaucratic culture has on knowledge production about historical injustice and its repair. The bureaucratic culture of the Canadian civil service informs and affects application processes, evaluations, and records-keeping. Set in the socio-historical context of Canada as a settler state, I use Smith's (2009) conceptualization of culture as embedded in and stemming from colonial projects and histories. In his framing, the cultures of both the colonizer and the colonized are "inventive and mobile" – never static – and subject to historical changes, naturalized values, and practices that evolve to meet ever-changing circumstances (*ibid.*:8). My focus on the civil service also leads me to consider more closely the particular environment in which knowledge is produced.

I use the term *bureauculture* to link environment and culture in my research. I analyze the bureauculture that surrounds reparations/compensation¹² processes in the civil service. I elide the terms "bureaucracy" and "culture" to describe the routine arrangements of and dispositions toward knowledge production that are particular to the Canadian federal bureaucracy; by this I mean the routine or expected ways of doing things in the civil service, such as conducting program evaluations. I borrow from Hand's (2008) definition of "cultural environments", which are evolving relational configurations of practices, narrative ideals, and objects (157). I consider bureaucultures to be "arrangements" (Barry 2001 cited in Hand 2008:160) of people, objects,

¹² Reparations and compensation are often used interchangeably in the literature where they both refer to states providing survivors with financial compensation in symbolic recognition or acknowledgment of harm done (Wolfe 2014). In this paper, I will use the term compensation as it is the term used in the federal records that were analyzed for this paper.

histories, practices, and narratives that coalesce into and contribute to familiar collectivities like “the state.” I treat bureauculture as an important factor in governmentality (Foucault 1991a; Rose, O’Malley, and Valverde 2006; Walters 2012) as practised by settler governmental environments (Crosby and Monaghan 2012, 2017; Monaghan 2013).

The paper proceeds in five parts. In the next section, I discuss the concept of truth-telling within the context of the Canadian Truth and Reconciliation Commission. This section sets the conceptual groundwork against which I contrast my analysis of the Common Experience Payment. The second section situates compensation in relation to truth-telling and discusses some of the critiques of compensation practice. The third section discusses settler governmentality as the conceptual framework for my analysis and extends it to reparations. Settler governmentality is an emerging conceptual tool, which has been largely developed in the Canadian context, that joins studies in governmentality (Foucault 1991a, 2009; O’Malley, Weir, and Shearing 1997; Rose et al. 2006; Walters 2012) with Foucauldian understandings of racialization (Mawani 2010b; McWhorter 2009, 2017; Rasmussen 2011; Stoler 1995), (settler)colonization (Crosby and Monaghan 2017; Legg 2007; Monaghan 2013; Morgensen 2011; Scott 1995; Stoler 2002b, 2010), and Indigenous scholars’ engagements with these (Alfred 2005; Coulthard 2014; Simpson 2016b). I am interested in what Miller and Rose (1990) articulate as the programmatic aspects of governmentality and what this can tell us about reparations in these contexts. The fourth section looks to the past and briefly discusses settler colonialism in relation to records-keeping and the development of the Indian Department in Canada. The final section looks to the recent present and analyzes the Common Experience Payment application form and evaluations.

Truth-telling through the Truth and Reconciliation Commission of Canada

Where are the Children? acknowledges that the era of silence is over. (Erasmus 2001)

In 2007, the Truth and Reconciliation Commission of Canada (TRC) was established as part of the *Indian Residential Schools Settlement Agreement* (Anon 2006) to learn and reveal the truth about the Indian residential schools system that was in operation for over 150 years in Canada. The Canadian government took over control of residential schools from Protestant, Anglican, Catholic, and Methodist churches in 1847. The last school closed in 1996. Some 150,000 Indigenous children were taken from their homes, families, communities, cultures, and lands to attend these schools and were subjected to numerous forms of abuse and neglect. Like most TRCs, the Canadian TRC was established to give voice to survivors, conduct archival research, develop an official record, and to put forward recommendations. Unlike other TRCs, however, Stanton (2011) points out that the Canadian TRC neither emerged from a groundswell of public concern for survivors nor a general public desire to quest after the truth; rather, the TRC came out of negotiations between parties that were involved in multiple class-action lawsuits. From this vantage point, the TRC is thought to have emerged out of negotiations with the federal government and church representatives agreeing to the settlement largely to avoid further very costly and ongoing legal defence (Stanton 2011:4; Interview transcript 2016).

The Canadian TRC's mandate outlines that truth-telling is a process that contributes to building new relationships between Indigenous and non-Indigenous peoples in Canada. Truth-telling processes are treated as the necessary precursors to reconciliation and are part of a suite of measures that signify a "sincere acknowledgement" of the injustice, harm done to, and healing required by survivors of the Indian residential school system (Anon 2007). To the survivors, the mandate states further that "the truth of [their] common experiences will help set [their] spirits free and pave the way to reconciliation" (*ibid*). The goals of this truth commission are to be survivor-centred, to learn lessons from the past, and to educate the public about that past (*ibid*). The "era of silence" to which George Erasmus refers in the above quotation signals the importance of truth-telling. Historical injustices, as they are often referred, are marked by decades

– and in the case of Indian residential schools, over a century – of public and state denial, ignorance, repression, and silence.

Bevernage (2008) notes that truth commissions that are established in transitional contexts are usually marked by “a combination of high moral capital and low bureaucratic capacity” (p.153). Over the last decade, however, the field of transitional justice and its reparations instruments have expanded to address not only these high-moral and low-bureaucratic contexts but also places like Canada, which have well-established and vast bureaucratic structures. Referred to in the transitional justice field as “established democracies”, settler states such as Canada have made use of reparations instruments that are now typical of transitional justice: truth commissions, apologies, and compensation/reparations to survivors. Most notably, the *Indian Residential Schools Settlement Agreement* includes the mandate of the Truth and Reconciliation Commission of Canada which was established with the consultation of not only survivors but the International Centre for Transitional Justice (International Centre for Transitional Justice 2011).

Canada never underwent any formal decolonization processes; neither has it “transitioned” to a radically new form of political and social organization with respect to Indigenous peoples – such as would be the case in transition justice from an authoritarian regime to a liberal democratic state. Coulthard (2014) argues that Canada’s recognition politics and reconciliation practices therefore coalesce to produce an artificial transition by clearly separating the past from the present without having to do any transformative structural decolonizing work.

Compensation for historical injustices

Compensation programs for victims of various forms of violence, war, and atrocity are embedded within the general turn toward a concern for the rights of civilian victims of war that emerged post-WWII (Gilbert 2018). Compensation can take the form of money (referred to often as reparations) or restitution in the form of land or the return of stolen items, as was the case with

forty acres of land that was given to freed slaves in the United States and artwork that had been looted by the Nazis returned to Jewish owners/communities (Hough 2014:76). This turn toward the rights of victims includes the development of transitional justice and the shift to truth as a form of justice in and of itself (Walker 2010). Compensation programs for victims and survivors also align with the shift toward restorative justice, which also emerged post-WWII (Teitel 2003). Restorative processes are thought to “empower” victims (O’Malley 2006 cited in Green 2016). Relatedly, compensation programs map clearly on to resilience frameworks in which subjects are expected to “care for the self” and to use “courage, willpower, fortitude and character to cultivate a “bounceback-ability,” according to Gilbert (2018:202).

Compensation programs do not overtly or directly stake a claim in any kind of knowledge production about historical injustice; rather, they are typically treated as instruments that symbolically and materially reinforce formal apologies (Thompson 2001) and truth and reconciliation processes (Llewellyn cited in Canadian Bar Association 2005). Compensation is also meant to symbolize the commitment a government has made to correct an injustice (Brooks 1999; Thompson 2006; Waldron 1992). In the case of residential schools, Llewellyn (cited in Canadian Bar Association 2005:41) asserts that public funds should be spent as part of a restorative justice process to make clear that this is a public issue and not a tort matter.

Settler governments carefully take this compensatory approach because survivors demand it and because this is in line with psychological and legal principles in restorative justice. These principles hold that if compensation processes are too excessive or intrusive they will be counter-productive and infringe on the dignity of claimants (Popkin and Roht-Arriaza 1995). It should be noted, however, that some survivors see compensation for historical injustice or large-scale atrocity as “blood money” (Wolfe 2014). Compensation used as sanction or as justice also attaches the significance of that money to the realms of risk and insurance (O’Malley 2011). Scholars who critically study compensation programs further problematize how the value of life

and death are calculated and money distributed following terrorism, violence or, war (Gilbert and Ponder 2014).

Extending Settler Governmentalities: Truth-telling about historical injustices

The field of transitional justice treats truth-telling as the natural work of truth commissions. Truth commissions are a well-known reparations mechanism due in part to high-profile cases such as the recent Canadian TRC and the South African TRC of the mid-1990s. Truth-telling has thus become the established practice of these temporary bodies, which produce knowledge about historical injustice and its survivors through complex work that involves hearing and recording testimony, then researching, analyzing, and publicly reporting their findings (International Courts Association 2011). We can perhaps think of truth commission practices as the frontstage, to borrow very loosely from Goffman (1999), of knowledge production or the external face of truth-telling. What I demonstrate through my analysis of the Common Experience Payment, which I detail in the next sections, is an aspect of the backstage to truth-telling or an internal face of truth-telling. My analysis finds that compensation application processes also involve listening to survivors' stories, researching their attendance at schools, recording their information, analyzing their applications, and publicly reporting findings. This complex work was carried out predominantly by Service Canada. The following analysis of compensation application processes has the potential to shed critical light on government in the present, not just the past. Here, I refer to government both as understood in its noun form (i.e. a past or current government) and as a verb (i.e. to govern or how a process is carried out).

“Government” can take on another meaning as “the conduct of conduct” (Foucault 2007:xix–xx) and a mode of power referred to as governmentality. Theorized by Michel Foucault (1991a, 2009) and elaborated later by others (Burchell et al. 1991; Rose et al. 2006; Walters 2012), governmentality is a unique perspective on and a descriptor of a specific form of political power. As a perspective, governmentality removes “the state” as the central monolithic object of

political analysis to centre instead the techniques, rationalities, and mentalities of governing populations and the self. O'Malley, Weir, and Shearing (1997) note that as a concept, governmentality was “designed to form a mid-range explanatory level between the history of political philosophy and an empirical study of social relations” (p.504). Analyses of governmentality, as an analytical tool, grapple with the conditions that produce a specific mode of thought or mentalities about complex political problems and their related practices, principles, and knowledges to achieve desired ends (Rose et al. 2006:84), prompting questions such as who or what is to be governed, how, and to what ends, as well as “who governs what? According to what logics? With what techniques?” (*ibid.*:85). Governmental power, as opposed to Foucault’s discussions of other types of power, such as sovereign (see Foucault 2009), pastoral (*ibid.*), and disciplinary (see Foucault 2012), operates in terms of rationalizations (Rose et al. 2006:84) and is not wielded by a state; rather, Foucault argues that it operates through the “ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power” (Burchell et al. 1991:102), which acts on and through populations.

Governance, understood as this rationalist and diffuse type of power just described, however, is not without failures and flare-ups of struggle, resistance, clash, or conflict. Walters (2012:135) cautions against approaching governmentality as something detached from accounts of domination or rendering apparatuses of power somewhat anonymous and empty of struggle. Neither is governmentality detached from the lineages and connections to other modes of power. Emphasizing the possibilities of conflict, violence, and resistance are important clarifications, as it is through the everyday or routine expectations, policies, and practices of the civil service that children were taken from their communities and forced into residential schools and which parents and communities struggled with and against. Governmentalities can, therefore, be simultaneously rational, technical or instrumental, and violent or oppressive.

Maintaining explicit reference to power and the struggle of Indigenous peoples to retain and reclaim their culture, Coulthard (2014) notes that governmentality

is a relatively diffuse set of governing relations that operate through a circumscribed mode of recognition that structurally ensures continued access to Indigenous peoples' lands and resources by producing neocolonial subjectivities that coopt Indigenous peoples into becoming instruments of their own dispossession. According to this view, contemporary colonialism works *through* rather than entirely *against* freedom. (*ibid.* 156, emphasis in original)

Governmentality is not simply a reference to the power of a state that holds power over Indigenous populations. Through techniques and rationalities of recognition, Coulthard notes, Indigenous peoples can voluntarily take up settler ways and perspectives that can ultimately work against them. Smith (1999) notes that Indigenous peoples have “often allowed [their] stories to be told and have then become outsiders as [they] heard them being retold” (p.33). She emphasizes, however, that Indigenous peoples have also always struggled against assimilation into Western histories, contested them, and retained alternative knowledges and histories.

In the Canadian context, Monaghan and Crosby (2012, 2017) and Monaghan (2013) have developed the concept of *settler* governmentality to describe a range of rationalities and surveillance techniques that have been and are used by settler governments to eliminate or block Indigenous peoples from land. In this conceptualization of governmentality, the distinctly rational, calculative, “bloodless and at times irenic” (Walters 2012:135) understanding of government that has characterized some studies in governmentality is replaced by analysis that is intimately and inseparably tied to racial hierarchies, violence, and attempted control of Indigenous populations. In fact, Tellmann (2013:135) argues that the Malthusian conception of population itself is based on and generates colonial hierarchies. With “savage life” at the bottom and “economic ‘civilized’ life” at the top, Tellman (*ibid.*) demonstrates that Malthus depicted “savage life” as a catastrophic form of life [that] uses resources in a non-economic way due to its forgetfulness of the future” (*ibid.*). Deeply rooted and rationalized in fears of scarcity, colonizers

characterize Indigenous life as savage and as the ultimate opponent and barrier to liberal, economic man. Similarly, in Rifkin's (2014) extension of Stoler's work on colonial governmentality, "subject populations" are deemed a threat to civilized life and health and so must be extensively and intrusively managed (152). In these accounts, governments invest in knowing Indigenous populations as a problem – what has been often referred to as the "Indian problem" – to legitimate interventions and rationalize the necessity for "improvement" or to better the status or situation of this population.

Smith (1999) notes that Western methods of knowledge production have been used as colonial tools to oppress. Indigenous peoples' relationship to Western knowledge production has been one of violence, assimilation, erasure, and oppression. She asserts,

From the vantage point of the colonized, a position from which I write, and choose to privilege, the term "research" is inextricably linked to European imperialism and colonialism. ... The ways in which scientific research is implicated in the worst excesses of colonialism remains a powerful remembered history for many of the world's colonized peoples (*ibid.*:1).

Violence is not, therefore, always and only produced through physical or other types of brute force but also through the more "mundane dynamics of settler colonialism" (Rifkin 2013: 328) such as statistics, policies, and procedures. Along these lines, Bowker and Starr (2000) argue that knowledge production can be analyzed through the material culture of bureaucracy – a culture which relies on lists:

Truth comes at the point of a list. ... Instead of analyzing the dazzling end products of data collection and analysis – in the various forms of Hammurabi's code, mythologies, the theory of evolution, the welfare state – they have instead chosen to dust off the archives and discover piles and piles of lowly, dull, mechanical lists. The material culture of bureaucracy and empire is not found in pomp and circumstance, nor even in the first instance at the point of a gun, but rather at the point of a list. (p.137)

The mundane production of lists, statistics, policies, and procedures, which are regarded as natural and normal elements of federal bureauculture, rely on evaluating, identifying, classifying,

and categorizing peoples to render that population knowable and thus are used to rationalize various interventions and management techniques on that population. These everyday practices of federal bureauculture are commonly and largely taken for granted or simply accepted as part of frustrating bureaucratic red tape. Normal elements of federal bureauculture have, however, ensnarled Indigenous peoples and been a crucial tool of colonization. State bureaucratic practices have long been used to make evident a state's right to power (Stoler 2006). Evaluative, procedural, and classificatory elements of bureaucratic work that operate largely and quietly in the background are an important sight in the mechanics of settler colonialism and are maintained in part through what Rifkin (2013) refers to as "settler common sense," or the deeply rooted settler disposition that understands settler access to Indigenous land as always given and as enabled by legal and political structures.

Settler governmentality focuses attention on how policies mingle with techniques of surveillance and racialization to produce knowledge about "worthy" and "unworthy" Indigenous subjects (Monaghan 2013). Monaghan (*ibid.*) emphasizes that "to sort between worthy and unworthy colonial subjects, race is severed from strictly biological criteria and fixed to forms of conduct and willingness to adapt to the values of white settler society" (491). "Race," then, is not a simple case of identifying and categorizing others whose difference is visible at the level of colour, hair and bone (Hall 1997), but has greater nuance at the level of individual conduct or perhaps stated otherwise as comportment. Tied back to Malthusian understandings of population, as brought forward by Tellmann (2012), the conduct of Indigenous peoples as non-conforming to settler expectations, incapable of economic life, and as uninvested in the future – in the evaluations of settlers – congeals as fact and fixes to that category (Indigenous) as a characteristic of that population.

As currently conceptualized, settler governmentality focuses predominantly on surveillance and policing aspects of this mode of power and as tied to historical and present-day struggles over land. My focus centres on the Canadian government's record-keeping and program

evaluations of the Common Experience Payment for residential school survivors. Miller and Rose (1990) argue that evaluations and the governmental will to evaluate demonstrate the programmatic character of governmentality; I am concerned with how records and evaluations of the Common Experience Payment “reform reality” (*ibid.*:4) through report-writing and record-keeping, and how such evaluations funnel into knowledge that reifies a neutral and benign understanding of bureauculture.

Looking to the Past: Record-keeping and the Indian Department

Paper constitutes not only the bloodstream of an organization but also its memory (Russell 1984:50)

Records and record-keeping have long been tools in the development of Canadian settler colonial government. Records themselves play no small part in the emergence, development, continuance, and memory of a government department. One document can set into motion a whole host of things. The Darling Report of 1828 is one such example; that report sparked the Department of Indian Affairs to settle Indigenous people on farms, train them in agriculture, to establish educational facilities, and pay them with farm stock and tools instead of the long-practised payment of annuities for their land with culturally relevant items like tobacco (Leslie 1982:32).

In the late-1800s, federal archivists St. Louis and Matheson boasted about the records of the Department of Indian Affairs (DIA) having an almost continuous record of correspondence which dated back to the early eighteenth century (Russell 1984). Moreover, there was a general sense of pride about the DIA’s record-keeping as the best among all departments, whose records were unique and documented achievements of the department (*ibid.*). They were therefore regarded as records of value. St. Louis emphasized,

Our correspondence, unlike other departments of the government service, deals almost exclusively with a human problem: the Indian and his land. The safekeeping of documents affecting his person and property he has entrusted to us and it is felt that his implicit faith in that trust should not be shattered through our

neglect to provide and maintain proper safeguards for the preservation of these documents. (Russell 1984:52)

Duncan Campbell Scott, Deputy Superintendent General of the DIA and the chief architect of residential schools, echoed the importance of records preservation, having written of building a facility that would chronicle and hold all of Canada's history related to the Indians and that could serve as a resource centre for Indian history (*ibid.*).

Although there was some significant interest within the DIA in the late nineteenth century regarding the records that detailed the history between “the White man and the Indians” (*ibid.*), there were also telling discrepancies in the treatment of the records that related specifically to land. Russell (*ibid.*) notes that

no adequate accounting system was maintained by the Indian Department to keep straight and separate the moneys derived from Indian land transactions. Moreover, land records themselves were so poorly kept that tracts generally accepted as Indian land were not properly registered and quickly became subject to trespass and the object of dispute with white settlers. (p.56)

On the one hand and over time, a great deal of effort went into protecting the records and archives of the DIA. The “Report of the Royal Commission” of 1892 on the status of records-keeping within the bureaucracy noted that the DIA maintained a fireproof vault to house records. However, with all the boasting about the state of the department's records, the state of archives pertaining specifically to Indian land sales and transfer records were either non-existent or poorly kept.

Reports, evaluations, briefing notes, letters, registries, memoranda, studies, lists, and budgets are some of the kinds of records that, once kept and as practised, come together to generate an organization's knowledge and practise of itself – its internal bureauculture. The material culture of a bureaucracy, which includes reports and evaluations, is significant to settler colonialism. In Canada, The Bagot Commission's report, which detailed an 1842 investigation into the Indian Department's operations in Canada East and Canada West, was the first venture to

consolidate and generate a corporate memory for the department and to further establish itself (Leslie 1982). As mentioned above, the Darling Report of 1828 is “the founding document of the whole civilization programme” (Upton cited in Leslie 1982:32), which is responsible for taking Indigenous communities off their land and settling them into farms, as well as insisting on education and religious instruction (*ibid.*). The Bagot Commission’s report and the Darling Report are two examples of how a report can contribute to the initiation of a host of interventions to eliminate Indigenous peoples, be it through governmental management, removal from land, or assimilation into settler culture.

Records, however, also serve as a site of resistance and struggle and are seen as necessary to truth-telling and reparations.¹³ Government records can thus simultaneously be tools of administrative power, documentary surveillance, and instruments of empowerment; Ketellar (2007) emphasizes,

Records may be instruments of power, but paradoxically, the same records can also become instruments of empowerment and liberation, salvation and freedom. The Nazis’ obsession with recording and listing also made them receptive to the liberating effect of lists, as everyone knows who has seen Schindler’s List. The detailed record-keeping system of the Nazis still forms an excellent source for restitution and reparation. (p.145)

The quotation above emphasizes that record-keeping, records themselves, and how they are archived are anything but neutral or simply “paper pushing” – a common trope. What types of information are being “curated” and disclosed in records will have an effect on what is remembered. Bowker (cited in Van House and Churchill 2008:301) argues that archives command a specific retrieval – they are “jussive” or regulatory – and as such, the decisions that go into what will be preserved and how (curation), what will be discarded (disposition), and the expected future retrieval excludes or forgets “other sets” of information.

¹³ Awareness of the potential for liberation and empowerment has caused some archivists to see themselves as having a professional responsibility to contribute to social justice (Jimerson 2007, 2009).

Applying for the Common Experience Payment: A Simple application form?

Building a respectful relationship involves dismantling a centuries-old political and bureaucratic culture in which, all too often, policies and programs are still based on failed notions of assimilation. (Truth and Reconciliation Commission of Canada 2015c:21)

What do Common Experience Payment records tell about residential schools and survivors? That is, what do these records request of survivors, preserve, discard, and expect in terms of future need? Survivors applying for the Common Experience Payment received an eleven-page form to fill, in which they were asked to provide the information that follows. In the context of a paper with limited space, taking the time to list each of these details might seem excessive and a wasteful use of space. I claim this space and include the details, however, to emphasize the point that even the act of reading over these elements feels cumbersome; add the time it takes to remember and retrieve this information, to fill in the form – which must be done fully and correctly so as not to cause delays – possible language barriers, potentially being retraumatized by prior institutional trauma, obtaining a witness signature, and sending the form.

Common Experience Payment Application Form

(Aboriginal Healing Foundation 2010:101–12)

- **IDENTIFICATION:** First, middle and family names; current and mailing address; date and place of birth; phone number; language preference (English/French); other names by which you were known at a residential school and/or traditional name; Full names of mother, father and/or guardian(s)/caregiver(s) while attending a residential school; Status group belonged to while in residential schools (mandatory);
- **PROOF OF IDENTITY:** Original birth certificate or two pieces of the following, in which one must be photo ID: Certificate of Indian Status, driver's license, health card, Canadian passport. Non-photo ID must also be certified by an approved official. There

can be no discrepancy between the names featured on any of the pieces of ID submitted, if so, further official documentation is required to validate change of name: Marriage certificate/registration, divorce decree, legal change of name document, adoption papers.

- RESIDENTIAL SCHOOL(S) AT WHICH YOU RESIDED: School number from a list and years in attendance. List all schools at which you resided, from the approved list, along with the town/community and province/territory where the schools were located. Date started and date left.
- Direct deposit information
- Attestation to the truth of the application in the form of a signature or a mark in the presence of a witness.

Anyone who has applied for a license, registered something, or perhaps requested Employment Insurance will recognize the demands of this form as somewhat standard for a government application, with the exception of the elements that are specific to Indigenous populations and residential schools. We must keep in mind that a survivor coming forward to apply for compensation from a government agency is doing so with strength and courage; this application form is the sole entry point for a survivor to be considered for compensation – the purpose of which is to symbolically acknowledge the Canadian government’s responsibility for the violation of community and family bonds, loss of language, spirituality, and for perpetuating racism. The Common Experience Payment is thus, vastly different from other processes such as applying for a Birth Certificate, Social Insurance Number, or Old Age Security.¹⁴

The application form, acting as the sole point of entry for survivors to be assessed as eligible or ineligible to receive the Common Experience Payment, is one significant mediator in

¹⁴ Service Canada is a self-proclaimed “single point of access” for Canadians to access a wide range of government services and benefits. As their name reflects, this federal organization’s focus is on providing and improving services to Canadians. See <https://www.canada.ca/en/employment-social-development/corporate/portfolio/service-canada.html>.

these important relations between survivors and the Canadian government. The application form is that which initiates records and feeds into the memory of this compensation program. A “simple” application form, and a normal part of federal bureauculture, is thus a powerful technology of government that insists upon very specific conduct from survivors and a dispositional preference towards disembodied and standardized information.

While the forms were intended to be simple, form-filling was difficult and confusing for some survivors because of the issues and obstacles that were associated with obtaining required information (Aboriginal Healing Foundation 2010). This was especially the case once survivors arrived at the portion of the form which asks them to list which residential schools they attended, by number, and during what years. One of my interview participants, a former civil servant who worked on historical injustice reparations, clarified that

I’m sure from the point of view of government, [the information requested] was not excessive, but the thing you have to take in mind, is “OK, so now we agree with you that what we did was wrong – Now you prove it!” Rather than offering things like “we have government offices where this could be handled for you.” (Interview transcript, 2016)

As a government-run compensation process that is compensating students of formerly government-run schools, these records could and should be easier and available for Service Canada to retrieve than a survivor who does not have knowledge of or easy access to these internal records. Many applicants were children at the time and were taken to an unfamiliar place by people they did not know. In addition, many survivors reported that searching for and gathering school information was difficult because schools were no longer in existence (AHF 2010). Reflecting on this point, one of my interview participants stated,

There was a school and there was a man and they noticed him taking these boxes of files out to the dump. He saw what they were doing. He grabbed [the boxes] and they were records from the school! He stored them – I think in his home first – and then kept them in the band office. But again, all those students that were [in that school], the ones that had lost any semblance of

records, would have been lost on the settlement agreement.
(Interview transcript, 2016)

Not only were some schools no longer in existence, but there were many reports of schools destroying records, in turn causing obstacles to survivors' applications.

The application process asked survivors only for information that could be described as demographic details (applicant name, date of birth, school attended). Survivors were critical of this process which did not concern itself with residential school experience and left no room for their story to be told. Without it, how would this process be any different from any other service offered by Service Canada? Despite the form's informational requests, one interview participant reported that survivors resisted the constraints of the form:

Some of them wrote all over the application forms. Sometimes about what happened to them, sometimes, but not often, it was all, like, you know, Screw you man! Do you know what happened to us? (Interview transcript, 2016)

The interviewee's paraphrasing of what survivors would write on the application forms suggests that the forms were too neutral, too detached, and that some wanted to ensure that the civil servants receiving their application *knew* why this compensation was being given. When I asked the interview participant for clarification, they stated, "many application forms would come in covered in writing and sometimes there would be pictures and we just didn't know what to do with all that extra information." For the survivors who were "writing all over the application forms," that information was clearly crucial; however, the information communicated through that writing and those pictures was deemed "extra information" by the process because of how the application was set up to receive only standard demographic types of information.

The kinds of information that are being "curated" and disclosed (Bowker 2005) through application forms and associated program evaluations will have an effect on what is ultimately remembered by the organization. The knowledge that was produced by the TRC's truth-telling processes, however limited it may be, is geared toward healing, naming issues, learning lessons

from the past, educating the public about what occurred, and amplifying the voices of survivors. These records are being archived by the National Centre for Truth and Reconciliation at the University of Manitoba.¹⁵ In contrast, the Common Experience Payment application form produces records that insist on information that strips what is important to survivors – the injustice of residential schools and their experience – from the process. As stated earlier, the production of records and archives anticipate what might prompt future retrieval. As the gate-keeper for what will be stored and remembered within the federal public service about the Common Experience Payment, the application form signals that there is no anticipation of future need for federal departments to retrieve information about what survivors thought or experienced about residential schools or the compensation application process.

In fact, the Economic Service and Development Canada evaluation (2013) notes that the experiences of applicants were not included in the evaluation because of “sensitive subject matter” and note as a limitation of the study that “it would have been methodologically difficult to distinguish between [survivors’] experiences of service delivery, their claim decision, and their emotions throughout the process” (10). Survivors’ stories, emotions, and experiences challenge the integrity and stability or the immutability of the application form and its intended information retrieval. The application form acts as a switch that sends those stories, emotions, and experiences (and in some cases photographs) to a dead-end track within the civil service, while the rest of the information travels into the realm of government.

Program Evaluations: Remembering the Common Experience Payment

A normal part of federal bureauculture is the requirement to evaluate programs whose lessons-learned are deemed to be valuable for the betterment of future programs. The Common

¹⁵ National Centre for Truth and Reconciliation <https://nctr.ca/map.php>

Experience Payment was evaluated like any other program – as a service provided to Canadians. Program evaluations are a written record of what went right and wrong with a program’s delivery. Evaluations assess the outcomes of programs to improve future program delivery and to achieve desired results (Treasury Board of Canada Secretariat 2010a). Evaluations analyze program outcomes as a key component of the government’s Expenditure Management System, which is a framework that manages the design, implementation, and assessment of services. They question if the program was focused on results, if it operated with “value for taxpayers’ money,” and if it was aligned with the government’s plans and priorities (Treasury Board of Canada Secretariat 2010a, 2010b). Of note, the Expenditure Management System asserts what is referred to as “Upfront Discipline” (Treasury Board of Canada Secretariat 2010b). As the name suggests, upfront discipline demands that proposals for new programs be articulated upfront as already adhering to the government’s measures of success before the program has begun. The articulation of these parameters then “discipline” the course of the program to adhere to the standards of success that were pre-determined and based on the government’s existent programs, priorities, and spending (Treasury Board of Canada Secretariat 2010b). This description represents a typical understanding of program evaluation within federal bureauculture.

Miller and Rose (1990) approach evaluations and the imperative to evaluate as programmatic aspects of governmentality. By this they mean that evaluations factor into reforming reality through their interpretations and recommendations. Evaluations are programmatic in that they rest on the foundation that everything can be improved or be made more effective; they rely on the expectation that “reality is, in some way or other, programmable” (*ibid.*:4). Evaluations are thus program-centric; they are internal factors of governmentality. As such, my focus is not to analyze the evaluations in terms of what could be improved upon or their recommendations. My focus is on how this mode of judgment, mobilized through compensation, produces certain knowledges and not others, which has governing motivations and effects. I am

concerned with how/what these evaluations produce and articulate as problems to be improved upon.

Both Economic and Social Development Canada (ESDC) and Aboriginal Affairs and Northern Development Canada (AANDC) conducted evaluations of the Common Experience Payment process. Through the application, survivors provided detailed individual and personal information including their names and those of their parents and in many cases, stories and photographs. The Common Experience Payment (referred in the quotation as CEP) evaluations, however, produce knowledge in evaluation jargon such as the following:

The CEP target population presented a unique set of service delivery challenges. Since potential applicants' *lack of trust of government* was the first hurdle to overcome, the service delivery mechanism focused on mobile outreach to bring the service to the community. Recognizing that many former students are now *over forty-five years old*, the communication strategy targeted individuals over twenty-five to include family members. Especially among elderly applicants, many *spoke an Aboriginal language* but were not necessarily fluent in either official language which complicated communication. In addition, some applicants had *less formal education* and some showed a tendency to be *more mobile than the general population*. In addition, as a result of their residential school experiences, there was also the possibility that some applicants *carried past hurts* into the CEP process. (ESDC Strategic Policy and Research Branch 2013:5, emphasis mine)

Although this is just one quotation, it is representative of the voice, identities, and style of program evaluation; it is a normal and expected aspect of federal bureauculture that evaluations will articulate specific programs and services – no matter the context – in a generalized way that is transferable to future programs, populations, and the improvement of future service delivery. The Canadian government then, is not beholden to reflexively analyzing how the everyday work of present governments relate to the everyday work of past governments (i.e. that “centuries-old political and bureaucratic culture” quoted at the beginning of this section). Instead, the government renders program knowledge into perhaps what we can think of as an “immutable mobile” (Latour 2005; Law 2005) which is an object (such as an evaluation) that has a goal of

articulating something in a way that is easily and more or less stably transferable and translatable across contexts, spaces, and settings while retaining as much of its original intended meaning as possible.

As an important object of bureauculture, program evaluations are relationally produced through a translation of survivors' stories, personal identification information, application forms, Information Technology environments, databases, call centres, residential schools records, survivors, and civil servants. What is more or less stable or immutable about these applications is the demographic kind of information requested by the application. A threat to that immutability and relative stability within the backstage of government are survivors' experiences, photographs, emotions, stories, and desires. As an immutable mobile, the internal face or backstage of knowledge production about residential schools treats compensation as a service to be delivered to a target population within and among a wealth of other services to other populations.

The evaluation's language represented in the quotation above are stark departures from the knowledge that is produced by the TRC's processes about the Canadian government, Canada, residential schools, and survivors. In general, truth commissions' frameworks and final reports root knowledge production in principles of restorative justice, are focused on the voices of survivors and activists, promote learning lessons from the past, and healing (Hayner 2010; Llewellyn 2008). In contrast, the government's evaluations of the Common Experience Payment, which were curated for the purposes of the civil service, eliminate survivors in federal records by recasting them as "target populations." Evaluations thus assimilate survivors and residential schools into something intelligible to federal bureauculture through compensation.

Settler Governmentality and Program Evaluations: Translating Indigenous peoples into "a problem"

The evaluation performs a second recasting by articulating the Common Experience Payment as another "service delivery option" to Canadians. Although the evaluation raises a number of

challenges, evaluators often root the cause of service delivery issues in the characteristics, conduct, and ability (or lack) of survivors. The italicized elements in the evaluation excerpt above refer to survivors' mobility or lack of fixed address, their lack of trust in government, age, language, education, and emotional state as issues to be overcome for smoother service delivery; stated otherwise, the evaluation seeks out that which does not meet or perform according to the government's expected standards. In the case of Common Experience Payment applications, survivors are not meeting the standard. The evaluation fixes these characteristics, which have been deemed inferior to an unstated general population, to Indigenous populations as the reason for service delivery issues.

The recasting of residential school survivors as "target populations" and their rightful reparations as a "service delivery" are historically and presently significant. The evaluations attach Common Experience Payment issues to a general sense of survivors' comportment and culture through vague references to being "more mobile than the general population"; lacking "trust of government," having a lesser degree of education, and speaking an "Aboriginal language." Truth-telling generally espouses respect for Indigenous cultures, knowledge systems, and ways, as did former prime minister Stephen Harper's apology to survivors. That apology states that the TRC presents an opportunity to generate new relationships that are based on "a renewed understanding of strong families, strong communities and vibrant cultures and traditions" (Government of Canada 2010). The TRC also calls, among other things, for the dismantling of "centuries-old" bureaucratic culture. The Common Experience Payment evaluations not only sound a sharp dissonance between knowledge produced through truth-telling and compensation processes but harken to centuries-old British settler rationalities and dispositions, which regarded Indigenous peoples as inferior and an obstacle in the way of civilization.

The elimination of survivors and reparations in these evaluations can be traced to genealogies of settler bureauculture around strategies to eliminate Indigenous populations, be it

through forced removal, assimilation, or physical violence. At the heart of this bureauculture is an insistence upon rational, objective, and dispassionate governance and an assumption that governmental work operates always as such. Policies and reports have long been written in tones of benevolence and objectivity, the analysis and wording of which strip away the deleterious effects to Indigenous communities. In the present context, the Canadian government asserts that “objectivity is of paramount importance in evaluative work,” where “objectivity means that the evidence and conclusions can be verified and confirmed by people other than the original authors” (Treasury Board of Canada 2010:28). However, who is doing the evaluating, verification, and confirmation; for what purpose; the dominant worldviews from which these are being conducted; and who and what are left out define and delimit this air of objectivity in reporting.

Evaluative reports have historically played a crucial role in settler colonization. In 1828 for example, Lord Darling reported his evaluation on the present condition of “Indian” populations to Earl Dalhousie, wherein his recommendations encouraged measures that would channel the disposition of “Indians” toward civilization – particularly in the form of agricultural settlement – and Christianity (Aborigines Protection Society 1839). Treated as a burden and barrier to the settler colonizers, Darling encouraged “Indians” to “shake off the rude habits of savage life, and to embrace Christianity and civilization” (*ibid.*:8). The following year, Lord Kempt wrote another report to the Secretary of State on how to dispense of the Indian Department’s burden in four ways (Aborigines Protection Society 1839:9): first, to “collect the Indians” and settle them into British-style villages, thus enforcing a new and foreign relationship with land and living through husbandry, fixed homes, and agriculture; second, to facilitate religious improvement, education and training; third, to provide tools and rations to enable house building and farming instead of items such as tobacco as was formerly given; and fourth, to provide “active” and “zealous” missionaries (*ibid.*). These four strategies were undergirded by a colonial mentality and embedded in a federal bureauculture that regarded Indigenous peoples as

inferior due to being *more mobile than European settlers, uneducated, non-Christian, and having a different relationship to and with the land.*

These historical and contemporary documents echo each other so profoundly. In the late 1820s, assimilation attempts proceeded through civilization policies, Christian instruction, and agricultural settlement – all of which are explicitly denounced in truth-telling about residential schools. There is a resonance between the present context of program evaluation criteria and old rationalities around lack of fixed address, lesser degree of education and so on. The evaluation of the Common Experience Payment acts as an intellectual technology that depoliticizes the purpose of these reparations and eliminates survivors in federal records. Brown (2009) argues that processes which depoliticize political phenomena do so through the circulation of representations that have stripped them of the power and historical emergence that shape them. She explains,

Depoliticization involves removing a political phenomenon from comprehension of its *historical* emergence and from a recognition of the *powers* that produce and contour it. No matter its particular form and mechanics, depoliticization always eschews power and history in the representation of its subject. When these two constitutive sources of social relations and political conflict are elided, an ontological naturalness or essentialism almost inevitably takes up residence in our understandings and explanations. (Brown 2009:15 emphasis in original)

Program evaluations retain this air of ontological naturalness. They are expected to produce “timely, relevant, credible, and objective findings and conclusions on program performance” (Treasury Board of Canada 2010:1) within the Expenditure Management System. Through this expectation – which privileges taxpayers and services (*ibid.*) – the past, the colonial strategies to manage and/or eliminate Indigenous peoples, and the complex dynamics of power that are always at play in these relations are sent so far to the background so as to be nearly erased, but for some traces. These evaluations create a dissonance with survivors’ and the TRC’s truth-telling and demonstrate an antagonistic mode of knowledge production within the civil service regarding

Indigenous peoples. This frame harmonizes with settler colonial dispositions toward Indigenous populations and governmental assimilation techniques of the mid- to late 1800s.

During the planning phase of the Common Experience Payment application process, Service Canada did attempt to forestall some of the barriers they perceived with respect to processing survivors' applications. Listed under "Core Issue #1: Addressing the Needs of Canadians," Service Canada reported that they adjusted how they do their work to include more "in-person and telephone support; outreach to people living in rural and remote areas; processing follow-up for missing information, file maintenance, and tracking address changes; a culturally sensitive approach" (ESDC Strategic Policy and Research Branch 2013:13). With respect to these, the report states that

certain cultural barriers needed to be addressed; and operations required a high degree of human interaction and sensitivity. These considerations meant that a more modern delivery design – for example, an Internet-based client interface and electronic applications – was not suitable for the initiative. (*ibid.*:ix)

"Cultural barriers" are never explicitly defined or explained in these evaluations. One is left to assume that survivors' mobility, age, lack of education, and so forth – in other words, the characteristics, comportment, and ability of survivors – stand as signifiers of the *cultural* traits and barriers of this particular "target population." The reference to "modern delivery design" in the quotation above adds a degree of *lack of progress* or failure to keep pace with civilization in the form of technological advancement to the list of issues this target population presents. Not only do survivors present cultural barriers to service delivery, they also do not conform to modern standards according to the evaluation. Importantly, this excerpt evinces that federal bureauculture regards culture, human interaction, and "sensitivity" as unsuitable to "modern" service delivery which is internet-based.

The danger is in what is left *untold* in these evaluations. "Cultural barriers" and the requirement for "sensitivity" that recurs in the evaluations are signifiers for something –

something that is easily traceable to those long-standing settler dispositions towards and stereotypes about Indigenous peoples. The government of Canada has long treated Indigenous populations in what Eve Tuck (2009) refers as damage-centred terms and through those enduring colonial population-based hierarchies that regard “savage life” as a catastrophic and non-economic form of life that operates with no concept of the future (Tellmann 2013). These evaluations rationalize and support these assumptions.

Conclusion

Canadians are raised with the notion that institutions require detailed information about the people they serve in order to serve effectively; this notion is treated as self-evident and necessary. Statistics, surveys, censuses and their associated reports, records, and archives are a necessary means to know a population and govern it effectively. Bureaucratic practices have long been used to make evident a state’s right to power (Stoler 2006) and since the eighteenth century, European conceptions of government treat the accumulation and tabulation of facts about the domain to be governed as what enables the operation of government (Miller and Rose 2010). These practices, which are taken for granted today, or dismissively accepted simply as a part of frustrating bureaucratic red tape, have been a crucial tool of the colonization of Indigenous peoples.

In this paper, I discussed how settler government relies on a bureauculture that produces, performs, and insists upon dispassionate and objective records and reporting. The Common Experience Payment’s application form and program evaluations are two technologies that produce distance between injustice and the federal public service. Importantly, the application form for the Common Experience Payment is both the entry point and the mediator for survivors to receive compensation. Not only does the application insist on survivors providing only information the government deems relevant for this type of reparation, it guards the boundary where the disclosures of survivors can penetrate the federal public service. The application form

eliminates the embodied information, which tells of the injustice that underlies the process, within the government's records.

Stemming from the application process, evaluations produce a particular kind of knowledge and associated kinds of disclosure about residential school reparations and survivors, which may have taken in similar kinds of information as “truth-telling” processes, but which produce vastly different accounts and tell vastly different stories. Gone are survivors of residential schools in these evaluations. Those survivors who applied to receive rightful reparation for the loss of language and culture they suffered because of residential schools (Aboriginal Healing Foundation 2010:5) are re-categorized as complex target populations whose unspoken cultural traits become barriers to effective and economical service delivery for the bureaucracy to overcome.

Through this paper, I have opened space around the concept of truth-telling so that it can be conceptualized and considered further, both critically and in broader terms. The paper also addresses how the civil service programmatically “reforms reality” (Miller and Rose 1990) through evaluation report-writing and record-keeping. The Common Experience Payment evaluations curate a depoliticized alternate reality from that of truth-telling – one that concerns not residential schools’ reparations and survivors but service delivery and target populations. Federal bureauculture can only make sense of “truth” if it is contained within its pre-established forms of intelligibility. My examples were the information asked of survivors through the application form and the rendering of survivors into target populations and reparations into service delivery. These mechanisms of elimination/assimilation were then traced to Canada’s historical and colonial practices of reforming and rendering a reality in which there is an “Indian problem,” which is based on the Indigenous peoples racialized characteristics, comportment, and lack of ability to adhere to settler standards – rather than as rooted in the as of yet unrepaired effects of settler colonization and racism.

In the shadow of the spectacular actions used by settlers and the Canadian government have used in their attempts to erase, kill, and remove Indigenous peoples from their land and culture, the mundane work of government and its associated bureauculture have been left largely undisturbed. There are still vast silences about the everyday work of government within truth-telling and reparations processes. If, as George Erasmus (2001) states in the quotation that opens this paper, the era of silence is over, then civil service bureauculture in settler state contexts needs further “truth-telling” as to its role in the continued production of such silences.

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Chapter 6

Two Faces of Transitional Justice: Theorizing the incommensurability of transitional justice in Canada

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In the wake of WWII and the subsequent Nuremberg war crimes trials (Teitel 2003), state governments around the globe have developed and mobilized transitional justice to redress injustices of the past and to reconcile relationships between states, institutions, citizens, and communities. Transitional justice is a model that encompasses a set of goals, fields of knowledge, and political instruments that have become widely used in times of political and social flux to address state wrongdoing (Teitel 2000, 2003). The goals of this model include accountability, maintaining peace, establishing rule of law, democratization, liberalization, nation-building, truth-telling and societal reconciliation (Teitel 2003:70–72). The use of the term “transitional justice” is proliferating. Transitional justice can refer to all or any of: a particular conception of justice, a field of policy expertise, a branch of research and law, a unique form of human rights advocacy and activism, and an emerging academic discipline (International Centre for Transitional Justice 2009). Each of these veins contributes to further theorizing, implementing and/or assessing transitional justice instruments such as truth commissions and their applicability to a diverse range of contexts. Transitional justice has grown internationally as a political project over the last two decades (Thoms, Ron, and Paris 2008).

During this time, governments have expanded transitional justice outside of customary transitional contexts to include settler states such as Canada, the United States, Australia, and

New Zealand (Winter 2014). Each of these countries has modified and made use of transitional instruments to address harms to Indigenous peoples. Academics and practitioners have responded to this development through efforts to understand the implications and possibilities of transitional justice for Indigenous peoples (Jung 2009; Nagy 2012; Yashar 2012b). They question how transitional justice can be developed to better suit the particularities of harms experienced by Indigenous peoples (Balint, Evans, and McMillan 2014).

In the Canadian context, these efforts engage mainly with Canada's response to the Indian residential schools system. For over a century, the Canadian government's residential school policy took some 150,000 First Nations, Inuit and Métis children from their families, communities, cultures, lands, sense of self, and security and put them in schools jointly run by the government and religious orders (Legacy of Hope Foundation 2014). Some efforts to understand the use of transitional justice instruments in Canada focus on the establishment of institutions such as the Truth and Reconciliation Commission of Canada (TRC) (James 2012; Llewellyn 2008; Nagy 2014). Others examine and critique the principles and goals of transitional justice when applied in Canada. Such critiques include the limits of truth (Nagy 2012), cultural and critical perspectives on reconciliation (Scott and Fletcher 2014; Wakeham 2012), the role of education (Czyzewski 2011), and ways of incorporating decolonization (Green 2012; Nagy and Sehdev 2012; Park 2015).

The complexity of historical injustice and settler colonial contexts demands that justice and solidarity be sought from a variety of positions such as these. However, this paper cautions against the latter trend to incorporate "decolonization" into the transitional justice model. Currently, the field of transitional justice that focuses on settler states does not engage directly with Indigenous resurgence and decolonization. Therefore, the paper is a call for the expression of decolonization in transitional justice to be diverted toward developing new justice possibilities that engage centrally with assertions that decolonization is about the return of and connections to land (Alfred 2005; Corntassel and Holder 2008; Simpson 2008, 2011b; Tuck and Yang 2012) –

rather than focusing on how decolonization can be incorporated into the field of transitional justice. I spotlight Indigenous studies work on decolonization and resurgence. Here, there is a strong critique of “truth-telling” and the effects of “reconciliation discourse”.

Led by this work, I underscore that the foundations, goals, and discourses of transitional justice are major impeding factors that block decolonization. Transitional justice consolidates state power and allows for so-called established democracies to hold positions as states whose governing systems are always just. It channels attention toward narrow understandings of truth (Cornthassel et al. 2013; Nagy 2013). It muffles those Indigenous land-centred and resurgent voices that express anger or rage at colonial rule – past and present – by reducing these expressions to the effects of the residential schools legacy (Coulthard 2014).

At the same time, I must acknowledge that the restorative model, which informs the principles of truth commissions and other transitional processes, involves survivors and communities, facilitates connections among diverse peoples, generates new historical accounts, and creates public fora for victims and survivors (Teitel 2003:78). These “positive” elements that are experienced by some survivors cannot be ignored or flattened under the weight of critique. To rush towards conclusions that transitional justice, whether applied in so-called transitional or non-transitional states, is *only* “bad” disrespects and invalidates the survivors who fought long years for justice. I agree with Somani’s (2011) assertion that to deny the positive feelings experienced by some survivors “smacks of academic condescension” (p.6).¹⁶ The goal of this paper is not to minimize the agonizing justice-seeking work of survivors who fought for and/or participate in truth and reconciliation processes. Neither is it my intention to single out the efforts of settler activist-scholars who grapple with how to work in solidarity and support. Rather, it is to focus on

¹⁶ Somani does not write on transitional justice. Rather this article is about formal apologies. The paper references several apologies but focuses on former Prime Minister Stephen Harper’s apology to South Asian Canadians for what has been called the *Komagata Maru* incident. In 1914, 352 British subjects aboard a Japanese ship named the *Komagata Maru* were refused entry into Canada under its exclusionary laws to keep Asians out of the country and forced to return to India. For more information: <http://komagatamarujourney.ca/incident>

and draw attention to the power and politics that animate past and present international transitional justice practice. I aim to make the differences between these and decolonization explicit and to warn of the implications of not carefully attending to the meaning of these differences.

I demonstrate that Canada has two faces of transitional justice. One face is internally focused on “truth and reconciliation” with Indigenous peoples. The government of Canada makes no explicit connection between this face and transitional justice despite its reliance on international transitional justice expertise to set up truth and reconciliation processes for residential schools.¹⁷ The other face is externally focused on providing peace, security, and human rights expertise to fragile states. Foreign policy is the only place where the Canadian government explicitly states its claims in transitional justice. To date, the relationship between these two faces of transitional justice have not been articulated. I bring these two faces into conversation with Indigenous studies conceptions of decolonization and resurgence (Corntassel 2012; Snelgrove, Dhamoon, and Corntassel 2014) to show that transitional justice and decolonization are incommensurable. I argue that efforts to incorporate decolonization into transitional justice, without taking seriously its roots and the international transitional justice work with which Canada is engaged, does more to obscure and de-legitimize Indigenous nationhood and settler colonialism entirely.

The importance of understanding the implications and effects of transitional justice that is dually applied to Indigenous harms in settler colonial contexts and as an area of foreign policy expertise developed by settler governments cannot be overstated. In an “age of apology” that is marked by the rise of reconciliation as a prominent social paradigm (Henderson and Wakeham 2013) and the normalization of reconciliation politics (Coulthard 2014), these instruments are

¹⁷ See for example, <https://www.ictj.org/our-work/regions-and-countries/canada>

becoming a one-size-fits-all solution applied on an international scale to address a diverse range of so-called historical injustices.

The paper begins broadly by articulating “What is transitional justice?” I define transitional justice and trace some of its international field of practice. I then articulate “Canada’s internal face of transitional justice” through a discussion of the subfield that examines the application of transitional justice in Canada. I highlight Canadian critique of transitional justice that incorporates decolonization as a desired goal or process within the model, noting its strengths and weaknesses. In the following section, entitled “Untangling transitional justice and decolonization,” I ground the paper in Indigenous studies’ work on resurgence and decolonization. I discuss Tuck and Yang’s (2012) assertion that “decolonization is not a metaphor” and engage with their “settler moves to innocence” framework. Here, I use *conscientization* as a conceptual tool to critique current efforts to involve conceptions of decolonization in transitional justice. Next, I contrast conceptions of decolonization within transitional justice with various Indigenous studies critiques of truth-telling and reconciliation.

The final section of the paper is a discussion of Canada’s international involvement in transitional justice – its external face. Here, I emphasize the importance of breaking down the siloes within which Canada’s internal and external faces are maintained. A thorough examination of Canada’s transitional justice policy is beyond the scope of this work and not its central point. Rather, I use this section of the paper to point to the dissonance between Canada’s two transitional justice faces and to inspire further work in this area.

Ultimately, I engage with this debate so as to contribute to “making room for more meaningful potential alliances” (Tuck and Yang 2012:1) between those who take up the goals of decolonization, those who engage in transitional and other justice work, and those who theorize about these different justice pursuits.

What is Transitional Justice?

No region of the world has escaped the reach of transitional justice. (Olsen, Payne, and Reiter 2010:2)

Transitions are rare periods of rupture which offer a choice among contested narratives. The paradoxical goal in transition is to undo history. The aim is to reconceive the social meaning of past conflicts, particularly defeats, in an attempt to reconstruct their present and future effects. (Teitel 2003:87)

Defining transitional justice first requires an acknowledgment that there is no easy or actual consensus on its meaning, when it began, its efficacy, and most salient to the purposes of this paper – “where it is possible and where it is not” (Olsen et al. 2010:3). Transitional justice theory commonly defines transitional justice as a particular conception of justice that is used in times of political flux to address state wrongdoing (Teitel 2000). Transitional justice emerged from the creation of new justice instruments to respond to state-sanctioned atrocities associated with WWII and the Cold War (Teitel 2003). Traced to these historical and geopolitical conditions, transitional justice theory and practice continue to engage in nation-building (Teitel 2003:70–72) and rely on and establish rule-of-law and liberal democracy in countries dealing with the aftermath of former authoritarian regimes.

Transitional justice theory, institutions, and practice attend to the complexity of transitional contexts by engaging and combining retributive and restorative justice principles. Retributive and restorative justice goals deployed in transitional contexts range from accountability to reconciliation, respectively (Teitel 2003:70–72). Institutions to achieve retributive and restorative goals include the International Criminal Court (ICC) and truth commissions (Leebaw 2008:96). Further, a number of institutions for the study and advancement of transitional justice have emerged such as the International Centre for Transitional Justice (ICTJ) in New York city (*ibid.*). Retributive and restorative principles also inform the development of transitional justice instruments to reveal and repair past violence. The range of transitional justice instruments includes trials, truth commissions, lustration policies,

financial/symbolic reparation (Olsen et al. 2010:2), apologies, and commemorative/remembrance initiatives. While its individual instruments incorporate victim-centred approaches, transitional justice is itself inherently nation-state-centred. Indeed, this bleeds into its instruments such as the truth commission, which experts urge should be based on the core principle “that each is nationally rooted, unique to each place, and reflects a process of national ownership” (Hayner 2010:211).

As the name suggests, transitional justice theory revolves heavily around the notion of transition. The quotation at the beginning of this section associates transition with isolated events that are “rare,” with stability after conflict, and where historical “truth” is in question. Transition implies a state’s progress from an “evil” and “illiberal” state (Teitel 2000:3) to a liberal democracy that is good and follows the rule of law. Transitional countries garner substantial input from the United Nations and countries including Canada to mobilize transitional justice (Bonner and James 2011). This delineation between transitional and non-transitional form a hierarchy (even if in effect) that revolves around the degree to which a state has achieved democracy and upholds human rights.

Transition is not characteristic of long-established democracies, as transitional justice theory calls them, or of settler colonial states, as this will paper refer to them. Yet, the Canadian government participates in the use of transitional justice instruments “at home”.

Transitional Justice in Canada? The internal face of transitional justice

...in settler-colonial contexts – where there is no period marking a clear or formal transition from an authoritarian past to a democratic present – state-sanctioned approaches to reconciliation must ideologically manufacture such a transition by allocating the abuses of settler colonization to the dustbins of history, and/or purposely disentangle processes of reconciliation from questions of settler-coloniality as such. (Coulthard 2014:108)

In Canada, there has been no transition from one regime to another – no transition to which the international community can bring this mode of justice. Rather, Canada is a country that sends expertise and aid to “others”. With no political transition, reparations in settler colonial contexts are theorized in other frames such as symbolic justice (Wolfe 2014), state redress (Winter 2014), and the “politics of amends” (Braun 2014).¹⁸ Notably, the Government of Canada treats the Truth and Reconciliation Commission of Canada as unique (Walker 2009). The Canadian government considers neither the TRC nor any of the court-imposed measures laid out in the *Indian Residential Schools Settlement Agreement* as transitional justice¹⁹ (Transitional justice expert, personal communication, 2015).

Normative transitional justice theory refers to Canada as an “established democracy” or as an “advanced liberal democracy.” Referring to Canada always as an established or advanced state precludes discussion of harm, persecution, injustice, genocide in the present and in transitional justice frameworks by treating Canadian democracy as a finished project and a state that is inherently and always just. To critique the power-laden non-transitional versus transitional divide, some have compared the Canadian TRC to other cases such as South Africa (Nagy 2012) and Argentina (Bonner and James 2011) in attempts to theorize and blur the boundaries set between them. James (2010) asserts that despite the differences between Canada and post-conflict states, which include Canada’s status as a G8 country, legal and constitutional history, and economic structure, Canada should *not* be excluded from transitional scrutiny. He argues that “Canada surely deserves its place among the ranks of truth commission-hosting countries: transitional liberal democracies emerging – precariously, controversially, and, above all, always

¹⁸ Settler states such as Canada, Australia, and the United States fall into this category. Canada’s response to the Indian Residential Schools system, Australia’s apology to Aboriginal and Torres Strait Islanders for the “Stolen Generations”, and the United States’ and Canada’s settlement agreements to address the internment of Japanese Americans and Canadians are a few cases that have been examined within these non-transitional frames.

¹⁹ This inference is drawn from a combination of interview statements, analysis of the government’s documentation, and informed by the divisions between transitional and established democracies found in the theoretical background just described. Most critically, nowhere does the Canadian government refer to a “domestic” transitional justice policy or relationship.

only potentially – from experiences of gross and systematic violations of human rights” (*ibid.*, p. 24). James’ position holds that Canada cannot be placed above and outside transitional contexts and discourses. Doing so, he argues, contributes to the failure of these measures to bring justice to those wronged and to state/institutional accountability. Canadian democracy, in this view, should not be treated as a non-transitional finished product.

Rosemary Nagy (2008) warns that failure to critically examine truth commissions in “non-transitional” settings allows Western liberal values, which are imposed through transitional justice, to be glossed over. This imposition is a point of conflict not only in the context of transitional states, but in settler colonial states where Indigenous rights and governance models are at odds with the prevailing order (Nagy 2012; Yashar 2012b). Nagy (2008) also points out that transitional justice risks “appear[ing] from on high as ‘saviour’ to the ‘savagery’ of ethnic...conflict” (*ibid.*, p. 275). This saviour/savage dynamic is salient in settler societies where it maps easily on to persistent colonial preoccupations with spreading and assessing civility against savagery (Smith 1999; Stoler 2002a).

In the quote at the opening of this section, Coulthard concludes that the use of transitional instruments in Canada creates an artificial moment of transition to allow the present to break from the past. Since there is no transition from a fragile to a secure state – since democracy is the mainstay of Canadian politics – transitional justice severs questions of how settler colonialism continues to cause harm in the present.

Untangling Transitional Justice and Decolonization

As transitional justice advances globally, Indigenous peoples’ critiques, activism, and calls for self-determination/decolonization have made themselves “heard” within transitional justice circles. Transitional justice proponents generally recognize the “ill-fit” of this model to address harms to Indigenous peoples. They focus primarily on the use of truth commissions internationally and emphasize two key issues. First, the mono-national approach, which is at the

heart of transitional justice and fuelled by a political need to unify, does not lend itself to the different realities of Indigenous nationhood and the need for a nation-to-nation approach (International Centre for Transitional Justice 2012b). Second, they find that the truth commission model is itself insufficient and alien to most Indigenous worldviews and ways of living on a number of levels. The model focuses on measures that are limited to concern with the violence against and experiences of *individuals*, the *recent past* and/or *isolated* violations, the testimony of survivors and direct witnesses, and reliance on the ultimate use of *archival and written sources* to report on injustices and inform policy (International Centre for Transitional Justice 2012b). Proponents theorize that these two key issues are in direct contrast with generally stated Indigenous values and experiences such as the foundational importance of community; the fact that violence and injustice have been experienced over generations to whole communities, not just to individuals; and that experience is often handed down orally rather than explicitly maintained in written record (International Centre for Transitional Justice 2012b). These differences are seen as opportunities to develop better transitional justice measures, to retool or to fine tune its instruments, and to expand the scope and reach of transitional justice to address the effects of colonialism on Indigenous peoples around the world (Balint et al. 2014; Henry 2015; International Centre for Transitional Justice 2012b; Jung 2009). Differences are not treated as indicators that other justice models and/or instruments should be pursued.

In the Canadian context, efforts to understand the use of transitional justice instruments in settler states are strongest in their problematization of the different but limited ways that both the Canadian government and the TRC frame the residential schools system and its effects on Indigenous peoples (see Czyzewski 2011; Green 2012; Henderson 2015; James 2012; Nagy 2014; Park 2015; Wakeham 2012). They challenge the government's position that the system is an "unfortunate" isolated incident in an otherwise well-functioning liberal democracy. They call for colonialism to be explicitly addressed. This literature articulates the possible dangers of the TRC's focus on trauma and healing. These works also generally attend carefully to the balance

that must be maintained when engaging with presently unfolding social and political dynamics where survivors and their experiences must be handled and addressed with respect.

The field is weakest, however, in its engagement with the concept of decolonization itself. Although the possible ways that transitional justice may or may not contribute to decolonization are unknown (Park 2015), this literature concludes that decolonization can, should or must be incorporated within transitional justice. Like the international transitional justice efforts to incorporate Indigenous claims into transitional justice described above, these efforts do not adequately question or engage with the possibility that transitional justice *should not, does not, or cannot* contribute to decolonization; neither do they engage strongly with a definition of the term.

Rather, the field largely treats decolonization as a critical element missing from an otherwise workable model. Scholars engaged in transitional justice critique incorporate decolonization to highlight that the reconciliation process (Green 2012), the minds of settlers (Park 2015), and our thinking – which involves racism, stereotypes, and a failure to recognize the “direct, historical relationship between settler privilege and Indigenous relative deprivation” (Nagy 2013) – must be decolonized. While these efforts clearly engage with knowledge emanating from Indigenous theorizing and praxis, they do not engage explicitly with the conflicts that emerge from integrating decolonization into transitional justice theory and practice when we consider land-centred decolonization and Indigenous resurgence. In the section below, I engage with this knowledge to argue that efforts to incorporate harms to Indigenous peoples and decolonization into transitional justice models activate a particular “settler move to innocence” known as *conscientization* (Tuck and Yang 2012) both internationally and within Canada.

Centering decolonization and Indigenous resurgence

Tuck and Yang (2012) assert that decolonization is a different project and has different goals than civil and human-rights based social justice (2012:2). I engage here with their definition of

decolonization and extend it to the field of transitional justice. Decolonization in the settler colonial context involves action that disrupts settler colonialism (2012:19), works toward the repatriation of land, and recognizes how land has multiple layers of meaning and enactment. It is “accountable to Indigenous sovereignty and futurity,” not settler futurity (2012:35). Tuck and Yang emphasize in contrast that the aims of reconciliation “motivate settler moves to innocence” (2012:4).

The notion of settler moves to innocence builds on notions of innocence, which were developed by feminist and critical race activist-scholars, that act as various blocks and defences to addressing ones’ complicity in the oppression of others. These blocks include the discussion of women’s denial of complicity in the subordination of other women known as “the race to innocence” (Fellows and Razack 1998); white peoples’ denial of their complicity in the (re)production of white privilege known as “moves to innocence” (Mawhinney 1998 cited in Tuck and Yang 2012), and white feminist and anti-racist’s use of emotion (tears, rage and expressions of guilt) to “recuperate the vision of the just, nonracist feminist” (Srivastava 2005) when their complicity is called out. The assertion of innocence, whether overt or subtle, establishes hierarchies of innocence and “promotes competing marginalities” (Fellows and Razack 1998).

Tuck and Yang extend and shift these race- and gender-based assertions of innocence in justice work to reflect what is particular about settler colonial relations with Indigenous peoples. They advance the term *conscientization* as a conceptual tool that one can use to assess and understand a particular kind of settler move to innocence that stands in the way of decolonization. This concept involves settlers treating decolonization mainly as a process of changing one’s thinking – of educating oneself and others. *Conscientization* problematizes the saying, “Free your mind and the rest will follow.” This settler move to innocence involves primarily or only engaging with decolonization at the level of addressing “mental colonialism” (2012:20). Settlers engage with decolonization through formal and informal learning and engagement with

Indigenous histories, peoples and teachings in order to change our mode of thinking and systems/institutions of knowledge production. *Conscientization* points to moments where settlers channel energy into thought projects and goals such as indigenizing institutions, our minds, and relationships – as acts of decolonization.

While Tuck and Yang attest to the importance of rethinking curriculum, of learning to see settler colonialism, and of critiquing settler epistemologies, they assert that critical consciousness can itself prevent or interrupt decolonization. To this effect they state that “[e]ven though the experience of teaching and learning to be critical of settler colonialism can be so powerful it can feel like it is indeed making change, critical consciousness does not translate into action that disrupts settler colonialism” – until stolen land is relinquished (2012:19).

Efforts to incorporate decolonization into transitional justice, both internationally and in Canada, foreground *conscientization* rather than decolonization. As seen in the previous section, these efforts do so by treating transitional justice as a workable model that is in need of tailoring to Indigenous cultures, worldviews and experiences. Transitional justice theory has begun to cement an understanding of decolonization that is primarily an act of becoming “conscientious” about attitudes, beliefs, epistemologies and about learning lessons from the past. Engaging in conscientization work but calling it decolonizing work in transitional justice obscures and distances land and our differing relations to it from its central place of importance.

In contrast to the critiques raised by transitional justice proponents, several Indigenous scholars tie critique of transitional justice processes to self-determination that is rooted in the meaning of, connection with, and return of land. Reconciliation and truth-telling are two processes under significant critique. Truth-telling is a core process in transitional justice theory. Here, it is considered a formal process, which is facilitated by truth commissions, that seeks to publicly reveal the truth about historical injustices. Truth is revealed through a process of systematically culling documents, records, photographs, and recording survivors’ recollections about the injustice.

Simpson (2016b) critiques the public use of pain and suffering as expressed through stories about residential schools. She argues that this use of affect works to relegate Indigenous peoples as incapacitated sufferers rather than viable and vibrant polities. Cornassel, Chaw-win-is and T'lakwadzi (2013) also emphasize that state-infused truth and reconciliation processes are focused on psychological trauma and healing. In response, they emphasize the importance of community approaches to Indigenous storytelling that focus on building strength and resilience. Coulthard notes that formalized truth-telling processes exclude, evade or dismiss “negative emotions” like anger and resentment from the possible range of emotions felt and expressed by survivors (2014:109). Those who “refuse to forgive and/or reconcile...are typically cast as being saddled by the damaging psychological residue of [the] legacy [of residential schools], of which anger and resentment are frequently highlighted (*ibid.*). Anger and resentment, he argues, should not be dismissed and invalidated but be regarded as a signal of critical consciousness. For Coulthard, anger and resentment are reasonable and expected responses to dispossession that should be seen as a potentially transformative political resource for Indigenous peoples. Simpson (2011b) explains that the Nishnaabeg word for truth is directly tied to land and the sound of one’s heart. Land and heart emphasize the deep personal connections to truth and the “plurality of truth”, as Murray Sinclair has called it (2011b:59). This orientation to truth, she emphasizes, is consistent with Nishnaabeg treatment of difference; here, difference is understood not as something that stands in tension or opposition to another thing but as “necessary parts of a larger whole” (60).

Indigenous scholars such as these above critique transitional justice’s conceptions of truth-telling reconciliation by emphasizing the vibrancy and strength of their communities and through elaborating on the importance of land and the resurgence of Indigenous peoples. A principle that underpins these alternatives to transitional justice is a turn away from the proliferation and production of damage-centred knowledge, which documents the harms and sufferings of Indigenous peoples and communities. They contribute instead toward what Eve

Tuck refers to as desire-centred approaches (Tuck 2009). Such approaches engage “wisdom and hope” (2009:416). Indigenous resurgence speaks to Indigenous lives and reasserts the connection between land-centred decolonization rather than decolonizing settler’s minds and institutions. Each of these turns away from the state-inflected practices within transitional justice discourse.

Despite settlers’/our²⁰ critical approaches and commitments to allyship, emerging transitional justice practice and theory engages with decolonization as an add-on, after thought or loosely defined concept. To be clear, I think it is important for settlers to engage in thoughtful and rigorous commitments to learning and changing our practices and perceptions that have long and tangled racist and colonial roots. Part of this work does involve developing critical awareness of our own genealogies, perceptions, and beliefs, how they are mirrored back to us in our institutions and politics, and how this enacts violence on others. Critically engaging with the perceptions and beliefs we hold of ourselves and our lifeworlds is especially important when we are engaged in justice work and allyship. Engaging in efforts such as decolonizing anti-racism (Lawrence and Dua 2005), decolonizing settler myths and truths (Regan 2011), and being vigilant against settler/White denial (Nagy 2012) are indeed crucial steps.

However, continuing down this path of integrating decolonization into broad transitional justice theory and practice, without keeping in view its international currents, historical-political rooting, and absence of focus on land perpetuates thinking about settler “responsibility to giv[e] up land [and] power” without having to change much at all (Tuck and Yang 2012:10). As Indigenous scholars such as Glen Coulthard, Leanne Simpson, Taiaiake Alfred, Audra Simpson, and Eve Tuck work to counteract the limitations of institutionalized truth-telling and the effects of reconciliation discourse, transitional justice continues to gain prominence globally and to

²⁰ Tuck and Yang identify their “discrepant positionings” as an Indigenous scholar and a settler/trespasser/scholar by using a forward slash between pronouns (e.g. our/their and we/they) in their paper. Taking this lead, I observed that always referring abstractly to “settlers” in this paper omits or distances myself from this category and my critique. I therefore use the forward slash here (settler/our) to include myself explicitly within the dynamic described above and within this paper. The distractions and diversions from decolonization, or settler moves to innocence, are part of my own confusions, struggles, frustrations, desires for “better,” and experiences.

integrate Indigenous “demands, knowledge and cultural perspectives” into its framework (Global Affairs Canada 2010). As seen earlier in the paper, in this broad setting, transitional justice certainly seeks to uncover the truth and repair the atrocities of the past, but it does so within a framework that seeks to manage public understanding of it, unify state governance and institutions, enhance liberal democracy, and install rule of law internationally. These complex geopolitical power motivations must be kept closely in view for their effects on Indigenous peoples and justice movements in Canada.

Discussion: Canada’s external face of transitional justice

...it is taken for granted that what the international community is doing on behalf of the “community in transition” is necessarily consistent with the local community’s own sense of self-determination and conceptions of justice. (An-Na‘im 2013, my emphasis)

...the goal of any traditionally rooted self-determination struggle ought to be to protect that which constitutes the “heart and soul” of [I]ndigenous nations: a set of values that challenge the homogenizing force of Western liberalism and free-market capitalism. (Alfred, 2008, p. 60)

It is a well-known fact to Indigenous Peoples that Indigenous Knowledge systems are poorly understood, or entirely misunderstood, by settler governments and the Western academy...while settler governments have expressed an interest in learning [Indigenous Knowledge] to suit their agendas (climate change, for instance), and have sought to do so on their terms, they fund projects that meet their needs and not necessarily those of Indigenous Peoples. (Simpson 2008:75)

The quotations that open this section emphasize some of the tensions that come to light when juxtaposing the transitional justice model with Indigenous thought on government. By articulating some aspects of Canada’s transitional justice involvement internationally and its critique, this section seeks to illuminate the fundamental contradictions between transitional justice and decolonization. I stated earlier in the paper that reparations in settler states are not treated as transitional justice cases. Instead, they are most often discussed in other frames such as symbolic

justice (Wolfe 2014), state redress (Winter 2014), and the “politics of amends” (Braun 2014). In fact, Canada refers to its own reparations cases simply as “sad chapters” in our history (Government of Canada 2010). For the Canadian government, transitional justice is externally focused and for “others”.

The only place where Canada explicitly names and acknowledges involvement with transitional justice is in its foreign peace and security policy. The Government of Canada clearly establishes that it is a country that assists other states in transition through its foreign commitments to “help lay the foundation required for long term peace and stability in areas that have experienced violent conflict and authoritarianism” (Government of Canada 2012b). In its support of international transitional justice, Canada affirms that its principles and practice “are consistent with the priority Canada attaches to the promotion of democracy, human rights, and the rule of law, as well as Canada’s strong commitment to the protection of civilians in fragile and conflict-affected situations” (Government of Canada 2012b).

Indeed, with respect to the rule of law, Canada’s transitional justice contribution revolves strongly around criminality as evidenced by its assistance in the creation of the International Criminal Court and in establishing trials for war crimes and crimes against humanity. These instruments link up with Canada’s international peace and security interests through the government’s “Stabilization and Reconstruction Task Force” (START) (F. A. T. and D. C. Government of Canada 2014) and through support by Justice Rapid Response, which Canada describes as a “multilateral facility of active duty criminal justice and related professionals” that “can be deployed rapidly at the request of the international community to investigate, analyze, and report on situations where human rights and international criminal law violations have been reported” (Government of Canada 2012a).

Rule of law and the deployment of professionals/experts by established democracies to fragile states have been the targets of colonial critique. Within the study of African cases, legal, security, and human rights expertise, which are deployed by established democracies to assist

transitioning states, carry with them an “invasion” of liberal democratic expectations around “‘good governance,’ ‘democracy,’ ‘empowerment,’ ‘civil society,’ and ‘transitional justice’” (Neocosmos 2011:360). Elsewhere, the legalist paradigm that informs transitional justice has been critiqued as an “epistemic violence of commensurability” that contributes to transitional justice as a “colonizing field” (Vieille 2012:67). In the Canadian settler context, transitional justice contributes to ongoing settler colonial violence by denying certain expressions of emotion and manifestations of resistance as legitimate and by relegating colonial harm to the past (Coulthard 2014:22).

Keeping in view the colonialist lines that run through transitional justice theory and practice is crucial as the field expands in scope. Over the past two decades, transitional justice institutions such as the International Criminal Court (ICC) and the International Centre for Transitional Justice (ICTJ) have proliferated. Among other things, these special institutions engage in comparative research and the development of global transitional justice theory and practice (Leebaw 2008:97). In 2008, the government of Canada funded \$1,500,000 to the ICTJ for “strengthening transitional justice” (Global Affairs Canada 2012). The Strengthening Transitional Justice project profile indicates that the project focuses on Democratic Governance and Peace and Security sectors²¹ (Global Affairs Canada 2008). These monies tie the Canadian government’s interest not only in the proliferation of transitional justice globally but in being at the forefront of the production of certain knowledges within it. As Leebaw (2008) notes, state governments’ support of transitional justice is “puzzling given that transitional justice institutions were historically seen as a threat to national reconciliation” (p. 96) and “given that scholars have always had somewhat mixed views on the political and social roles of these institutions” (p. 97).

²¹ The profile indicates that the project’s focus on Democratic Governance will involve “democratic participation and civil society: 20%”, “human rights: 20%”, “legal and judicial development: 20%”, “public sector policy and administrative management: 20%”. The Peace and Security portion will focus on “civilian peace-building, conflict prevention and resolution: 20%”. The ICTJ also focuses 30% of these efforts on Africa (multiple countries), 25% on the Americas (multiple countries), 25% on Europe (multiple countries), and 20% on Asia (multiple countries).

Canada's transitional commitments to stabilizing "fragile states" with a focus on rule of law investment are argued to do with international state-crafting and establishing effective penal systems (Brisson-Boivin and O'Connor 2013). These commitments also contribute to Canada's international role in shaping security regimes and discourses. While Canada boasts that its Global Peace and Security Program supports "timely, coherent, and effective programming in priority fragile states" such as Afghanistan and Haiti (Government of Canada 2014), in practice they are known to contribute to jail overcrowding and conditions that violate rather than ameliorate human rights (Walby and Monaghan 2011). There is, moreover, a fundamental incommensurability between the conceptually "Western" international legal system and its ability to guarantee justice for distant others (Boyle and Kobayashi 2015).

The juridical, humanitarian and disciplinary language of transitional justice, seen through the Canadian government's international peace and security portfolio, stands in stark contrast to the messages conveyed through transitional justice instruments used to address the Indian residential schools system domestically. The Victim-, "Aboriginal-" and healing- centred, "culturally appropriate", and reconciliation discourses found in the formal apology issued by former prime minister Stephen Harper and the truth and reconciliation processes analyzed and critiqued in this paper bear little resemblance. How might the internal focus on Indigenous peoples inform the external practice of transitional justice internationally?

In 2010, the government contributed \$49,210 to the ICTJ for a project to "[lay] the foundation for one primary goal: the incorporation of the demands, knowledge, and cultural perspectives of indigenous peoples into transitional justice mechanisms and truth-seeking" (Global Affairs Canada 2010). While domestically, Canadian reparations discourse severs or blurs the links between the measures set out in the *Indian Residential Schools Settlement Agreement* and its ties to and roots in transitional justice, the Canadian government actively pursues/supports transitional justice as a model within which Indigenous "demands, knowledge, and cultural perspectives" be integrated internationally. On the one hand, Canada contributes to

shaping transitional justice internationally by funding its institutions and deploying a range of experts, especially to African countries (see footnote 21). On the other, Canada borrows back the transitional justice tools it funds and provides expertise. It instrumentally applies these tools “at home” in consultation with Indigenous leaders, communities, and organizations.

Canada serves as a voluntary test case for incorporating the justice-pursuits of Indigenous peoples into the liberalizing and state-crafting transitional justice model it funds and provides expertise to internationally. In settler states, reparations for historical injustices make use of transitional justice theory and practice instrumentally and without ties or regard to its proliferation and roots in the international community and economic interests. The sharp dissonance between these two faces of transitional justice demands sustained and critical scrutiny.

Conclusion

Tuck and Yang call for us to keep in view the “tightly wound set of conditions and racialized, globalized relations [that] exponentially complicate what is meant by decolonization, and by solidarity, against settler colonial forces” (2012:7). This paper sought to articulate some of the globalized relations and complications associated with transitional justice as applied in the settler colonial context of Canada. The paper began by defining transitional justice and historicizing its meaning and use. I emphasized that transitional justice emerged as a particular conception of justice in response to the specific atrocities and needs associated with WWII and later with the Cold War. Normative transitional justice goals were developed during this time to include accountability, the maintenance of peace, establishing rule of law, nation-building and truth and reconciliation processes in order to give voice to victims of persecution and establish ground upon which states could “move on” from the atrocities of the past. I demonstrated that transitional justice is typically used in countries undergoing regime change. Transitional justice regards these countries as transitional states.

Within the last ten years, transitional justice has expanded, however, to include so-called non-transitional societies. The paper focused on settler colonial states and on Canada in particular. In these contexts, I noted that settler governments have used transitional justice instruments such as the truth commission to address harms to Indigenous peoples. I discussed some of the efforts both to incorporate Indigenous worldviews and struggles into the transitional justice framework and critiques of transitional justice in this context. In the Canadian context, there is a strong focus on the Truth and Reconciliation Commission of Canada's work. This focus on truth and reconciliation with Indigenous peoples forms what I referred to as the internally focused face of transitional justice. Though not acknowledged by the Canadian government as such, this internal face circulates concerns to do primarily with traumas and healing.

I then engaged with a field of Canadian transitional justice critique that incorporates decolonization within its concerns yet leaves it loosely defined at best. I noted how transitional justice generally remains silent on land-centred decolonization and Indigenous resurgence knowledge. Therefore, I foregrounded some of the knowledge and alternatives developed by and for Indigenous peoples and within nation- and community-specific knowledge systems. I emphasized that transitional justice proponents and current transitional justice critique contribute to "settler moves to innocence" both internationally and within Canada by focusing energies on change at the level of thoughts, beliefs, and perceptions; that is, these efforts engage in *conscientizing* transitional justice rather than on decolonizing land as justice. Bringing decolonization and Indigenous resurgence knowledge explicitly into conversation with transitional justice theory makes apparent the contradictions, tensions, and antagonisms between transitional justice and decolonizing/self-determination pursuits.

I then discussed what I consider to be the second face of transitional justice in Canada. Externally focused on providing peace, security, and human rights expertise to fragile states, this face of transitional justice promotes Western liberal democratic values and systems of government to nations/states deemed in need of intervention. I pointed to international

transitional justice critiques that trace colonialist lines running through democratization, rule of law interventions, and the mobilization of professionals/experts by established democracies and settler states. The paper underscored the need for these colonial critiques to be kept closely in view when examining the use of transitional justice in settler colonial contexts and as transitional justice expands in scope. To accept that transitional justice instruments and institutions can be well-meaning colonialist forms of justice internationally yet shed these roots when applied in Canada is a dangerous assumption.

This paper conceptualized two faces of transitional justice in Canada and forced them into conversation with decolonization, understood as Indigenous resurgence and return and protection of land. In doing so, I sought to demonstrate that transitional justice becomes a dead end and one that reinforces harm at that. The very foundation and values of transitional justice create a framework that simultaneously contributes to colonization at home and abroad. The framework strictly demarcates the globe according to strong and fragile/weak states or the human and investment security of the West versus the “political instabilities from the ‘postcolonial most of the world’” (Chatterjee, 2004 in Crosby & Monaghan, 2012). From this perspective, transitional justice does more to obscure and de-legitimize Indigenous nationhood and settler colonialism entirely. The paper calls for those currently engaged in transitional justice theory and practice to closely examine the implications of the two faces of transitional justice and turn energies toward developing justice alternatives.

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Chapter 7

Conclusion

Truth and Bright Water sit on opposite sides of the river, the railroad town on the American side, the reserve in Canada... At a distance, the bridge between Truth and Bright Water looks whole and complete, a pale thin line, delicate and precise, bending over the Shield and slipping back into the land like a knife. But if you walk down into the coulees and stand in the shadows of the deserted columns and the concrete arches, you can look up through the open planking and the rusting webs of iron mesh, and see the sky. (King 2000)

I think of the bridge that connects Truth and Bright Water in Thomas King's quotation above as a metaphor for several important connections that I learned about and made over the course of this project. Like the bridge, stories can appear to be whole, straight-forward, precise, and even beautiful. Once you get closer to them, however, you find gaps, other aspects, you see the old "rusting webs of iron mesh" that continue to hold the narrative together, elements that need replacing, updating, or upgrading, and the blue-sky conclusion from a different perspective.

The chapters of this thesis grapple with the problem of truth-telling in the settler colonial context of Canada. Normalized and popularized as a concept and as a practice within international and transitional justice frameworks, truth-telling describes processes through which new historical accounts are created. These narratives hold governments accountable for the injustices they committed against targeted groups of people and give voice to the survivors of those wrongs. My goal was to expand the scope of debate and discussion by considering how other sites, actors, and modes of reparation produce knowledge about historical injustice and survivors. I demonstrate the value in analyzing truth-telling critically, not only as a process that is facilitated by truth commissions but as a network of knowledge-making practices on which bear bureaucratic governance practices, complex dynamics of power, and the past. I connected reparations as currently practised in the colonial context of Canada to larger questions of

Indigenous–settler relations, histories, and politics as opposed to discussions that are rooted in liberal democracy and human rights, as is usually the case. I compared the narrative accounts that are produced through survivor-centred truth-telling by relating them to the accounts that are produced through compensation programs.

Survivors of historical injustice offer their experiences, expertise, voice, vulnerability, and courage when they share their difficult stories in the service of change, healing, and justice. Like the bridge that connects Truth and Bright Water, truth-telling bridges survivors and their stories with people who have little to no knowledge of or known connection to the injustice itself. The meta-story that is developed through truth-telling processes about a historical injustice is constructed in such a way so as to find the most straightforward and safe way to reach the other side while recognizing the terrain on both sides. This thesis has shown how compensation programs and the interests and considerations of government, which are represented by politicians, civil servants, and lawyers, shape the final narrative accounts of a historical injustice and the internal memory of the federal civil service.

Like the bridge, the opportunities afforded by truth-telling are limited and encourage a singular way to connect sides. Bridges are but one way to connect two sides and once built and well-trodden, can be taken for granted as the *only* connection point or way to cross from one side to the other despite the probability that peoples, animals, vehicles, and things make their way from one side to another using other points and by other means, every day. My research critically considers these other points and other ways that knowledge is produced about historical injustice and how connections are made between sides. The goal was to shed light on the government's role in building such a bridge, what it contributes, what it removes, and what it regulates about the building of that bridge. I emphasize the role of materials in the development of new historical records that seek to hold a government to account and to give voice to survivors. My examination of materials, which are instrumental to but not discussed in the literature on truth-telling, identified that budgets, application forms, and program evaluations mediate and exert constraints

on the connections between survivor and government as well as on the story that will be told. I examined the impact and role of budgets in the form of Canada's Public Accounts, which are ledgers published every year on the government's spending for the previous year; application forms through analysis of the Common Experience Payment form; and program evaluations that were created by Economic and Social Development Canada and the Department of Aboriginal Affairs and Northern Development.

The thesis began with a look back to Japanese Canadian redress. Today in the public service, Japanese Canadian redress is a somewhat of a ghost that floats about federal discourse and program evaluation. Each trace of redress discloses different fragments of stories about historical injustice, redress, and Japanese Canadians, which depends on the source and how the government uses it as a case for study. A search on the Government of Canada's website finds references to internment and/or redress tucked away on Canadian Heritage and Veteran's Affairs websites. For example, Heritage Canada categorizes Japanese Canadian internment and redress under "Important events in Asian Canadian history" (Heritage 2017) and under the umbrella theme of Asian Heritage Month.²² For the Government of Canada, redress no longer serves as a success story of Canadian justice, pluralism and democracy, as it was framed in its communications lines of the 1980s. Rather, these traces now fold the story of internment and redress into a clarified *Asian Canadian* history and as pieces of other Canadian stories that have been curated by Heritage Canada – a testament to how the meta-stories about an historical injustice shift according to changing federal discourse and priorities.

In the 1980s, politicians lauded Japanese Canadian redress as something that would help Canadians in the future. On the day of the apology, one member of parliament underscored that redress is a forward-looking commitment that "establishes important standards that will serve

²² In May 2002, the Canadian government declared May "Asian Heritage Month" to celebrate Canadian diversity with a particular focus on the "many achievements and contributions of Canadians of Asian descent who, throughout history, have done so much to make Canada the culturally diverse, compassionate and prosperous nation it is today" (Heritage 2018).

Canadians today and a future generation of Canadians, tomorrow” (Government of Canada 1988, 16:40-16:48). Just what standards he is referring to is left unspecified. This research shows that standards certainly were created within the federal government on how to assess claims against the state that are made by “groups,” which involve telling the story of an injustice, compensating victims/survivors via *ex gratia* payments, and issuing a formal acknowledgment or apology.

Since redress, the reparations triad of truth, compensation, and apology or acknowledgment has been used by the Canadian government several times. Like Japanese Canadian redress, the Chinese Canadian community fought for decades for an official acknowledgment for Canada’s racist and exclusionary treatment of Chinese immigrants through the Chinese Head Tax. In 2006, Prime Minister Stephen Harper gave a formal apology and the government similarly issued a \$20,000 *ex gratia* payment as well as a \$5 million fund for the Chinese Canadian community. The government has also issued *ex gratia* payments and acknowledgments to those infected with Hepatitis C or HIV/AIDS from tainted blood products; for exposure to Agent Orange testing near Gagetown, New Brunswick; and to military personnel who were exposed to radiation during nuclear testing.

On the one hand, it appears that setting standards against which a community could seek redress for an injustice has facilitated some form of reparations to multiple communities after years of fighting for them. On the other hand, through analysis of budgets, compensation application forms and program evaluations, I discussed some of the impacts of what Rubli (2012) refers to as the “bureaucratization of justice” on truth-telling. Understood as normal and benign bureaucratic practice in the federal government, the routine practices of federal bureauculture that guide and constrain compensation processes range in effects from dulling the impact of survivor-centred truth-telling within the records of the civil service to erasing survivors and the injustice altogether in the standard pursuit of evaluating and improving upon service delivery to all Canadians. These tensions between the survivor-centred narratives of the truth commission and document-focused narrative of government in compensation programmes can equally be

expressed as what Felman (2002) refers to as the differences between vulnerable and human forms of evidence and invulnerable and non-human evidence.

I extended the concept of settler governmentality into the area of reparations and articulated how reparations are imbricated with techniques of settler government. Transitional justice instruments are being increasingly rationalized for use in non-transitional contexts like Canada, where they are being considered as viable means for addressing Indigenous rights movements (Matsunaga 2016). My research challenges the use of this liberal nation-building framework by elaborating on some of the strategies, goals, and consequences of its use in settler states that have persecuted Indigenous communities. Within this context and as I emphasize in Chapter 5, there are two faces to transitional justice in Canada (Matsunaga 2016). One face is externally focused, rooted in foreign affairs and Canada's security and peace portfolios. This externally oriented face entrenches Canada as a "donor state" of transitional justice. As a donor state, transitional justice produces Canada as a state that serves the international community by funding transitional justice organizations, efforts, and research and sends experts to the Global South to aid with peace and democracy. Along with other donor states and NGOs, Canada defines the purpose and priorities of transitional justice theory and practice, which are to be absorbed and implemented by the Global South (Rubli 2012:14) – an endeavor that is argued to be a form of neo-colonialism (Neocosmos 2011).

Through Chapters 2 and 5, I discuss some programmatic elements of settler governmentality. Compensation and its surrounding material practices which include budgets, application forms, and program evaluations are key mechanisms that bear strongly on the form and limits of disclosures about historical injustice and survivors. These chapters offer a critique on the dynamics and effects of Canada's use of reparations instruments to address historical injustices at home, or its internally focused face. In the case of Japanese Canadian redress, I compared the grassroots efforts of this community against the reactions and responses of government and discussed how those reactions and responses influenced and shaped the story of

internment and of justice for Japanese Canadians. Driven by the budgetary thinking of bureaucrats in the Departments of Justice and Multiculturalism and asserting the benevolence of the state, the strategies to isolate Japanese Canadian internment and redress from the claims of other communities heavily influenced the story of internment as a “unique and unparalleled” event in Canadian history and set the stage in Canada for the government to always insist on the exceptionality of these so-called “sad chapters.”

As the truth-telling of Japanese Canadians has demonstrated, the internment was certainly a moment that stands out in Canadian history as one that clearly shows the possible consequences of systemic and systematic racism and abuses of power – this thesis does not contest exceptionality in this sense when referring to a case in point or a lesson to be learned. I emphasized how the government’s insistence on characterizing the internment as “unique and unparalleled” (i.e. framing the internment as exceptional) simultaneously overwrites and disavows settler rationalities that undergird relocation, isolation, registration, assimilation, and elimination techniques that have been well-used in Canadian history to manage Indigenous populations.

Through my analysis of the government’s responses to Japanese Canadian redress, I demonstrated how reparations can be simultaneously a moment of long-anticipated justice for communities and part of long-developing strategies in the settler governance of various – but especially Indigenous – populations. By tying truth-telling to financial consequences via *ex gratia* payments, compensation contours and induces a particular governmental response that undermines and de-centres the very purpose of truth-telling as a survivor-centred practice.

I demonstrated this aspect further through analysis of the Common Experience Payment where I connected, compared, and contrasted the accounts that were produced by the federal government’s evaluations of the Common Experience Payment and the TRC’s survivor-centred truth-telling framework. Through these comparisons, I argued that compensation recasts survivors as target populations and erases truth-telling in the records of the civil service by two related

mechanisms. First, application forms act as a switch that depoliticize and decontextualize the compensation within the federal government. Second, program evaluations are primarily operational and are geared towards the improvement of services. When used in the context of reparations and when set against the goals of truth-telling, program evaluation erases not only the experiences of survivors but the injustice itself from the internal memory of the civil service. I discussed how federal bureauculture insists on certain parameters within which civil servants can conceive of the objectives of a program.

As I listened to the stories of survivors and activists, read historical documents, and developed a new lens through which to view this country in which I was born, my project shifted slightly from treating truth-telling and reparations as the sole foundation of this project, to grasping the importance of making decolonization, which is understood as a massive project of reparation and land restitution (Tuck and Yang 2012), foundational to the project. That I grappled with the tensions between Japanese Canadian liberal anti-racist approaches used to achieve redress and the Indigenous anti-colonial and decolonial approaches being mobilized by survivors and Indigenous scholars and activists is evident in the progression of the thesis chapters. The chapters began with a discussion of the government's handling of my community's truth-telling and end on a discussion of decolonization and transitional justice. Following Tuck and Yang's (2012) call to engage an ethic of incommensurability, which maintains the differences between decolonization and other social justice efforts, I do not attempt to reconcile these approaches to justice or to smooth them over, as they are not at all resolved; maintaining the representation of these differences and tensions are important as they keep the discussion and possibilities for change open and unsettled.

Future Trajectories

This work will branch into three new directions following its completion. Two are empirically driven and one is conceptually oriented. First, building on this doctoral research and “the spirit of justice” that I observed throughout the project, but which was outside of its scope,

one of my long-term research goals is to examine the intergenerational impacts of historical injustice on diverse communities in British-descended settler colonial states and critically interrogate the concept of historical or intergenerational trauma. Current scholarship in the social sciences focuses mainly on the traumatic effects of historical injustice on communities. There is a lack, however, of attention paid to the expertise developed by grassroots movements and community members who must navigate the demands of federal bureaucracies, processes, and procedures and what bearing these have, both historically and presently on survivors and their communities.

With a goal of suspending harm and from a foundation of “desire-centred research and practice” (Tuck 2009), I will explore and develop new understanding about how racialized and colonized communities within and across settler colonial states support, connect, and build expertise and capacity for justice and to resist various forms of government interventions together. This work will contribute new conversations that lie at the intersections of anti-racism, decolonization, and the different conceptions of our relation to the past with respect to historical injustices, trauma, and reparations.

Second, I note the timeliness of this research and see many possible extensions and new areas of inquiry. At the time of writing this dissertation, other truth-telling initiatives and official apologies have emerged. The National Inquiry for Missing and Murdered Indigenous Women and Girls (MMIWG) is underway, holding hearings which gather the experiences of violence and dehumanization faced by Indigenous women and girls. The Inquiry attempts to locate the systemic causes of violence against Indigenous women and girls. Much like the statements of residential school survivors, those who provide their testimony to the Inquiry, in what is not a survivor-centred process but a “family-centred process”, speak broadly about the impacts of

colonization, not only of their experiences of loss and violence²³. Much like the final report of the TRC, the Interim Report of the MMIWG Inquiry names colonization as a prime factor in the violence facing Indigenous women and girls. How this will be translated into present-day reflection within the federal bureaucracy is yet to be seen. Moreover, since becoming prime minister, and over the years in which I have conducted this research, Justin Trudeau has issued several official apologies: 2016 apology for the Komagata Maru incident of 1914, 2017 apology to residential school survivors, 2017 apology to LGBTQ2 communities, and the 2018 apology for the 1939 decision to turn away a ship of Jewish refugees seeking asylum when fleeing Nazi Germany. Both this suite of official apologies and the National Inquiry into Missing and Murdered Indigenous Women and Girls resonate with similarities to the two reparations cases explored in this thesis. I have demonstrated the importance and usefulness of analysing the settler governmentalities and genealogies that are at play in each of these moments that have been developed to repair some aspect of a relationship between community and government.

That said, this research has shown the importance of examining these individual cases transversally and as part of a broader governmental strategy. Thus, third, my next work seeks to theorize what I refer to as “redemptive power”. I began developing this concept while working on this project and decided that it was outside of the scope but warranted future attention. Building on Foucault’s concepts of disciplinary, pastoral, and governmental types of power, I will develop a conceptual account of redemptive power as a specific form of power that emerged post-WWII and which operates through technologies of benevolence and redemption. Redemptive power is a new way of thinking about reparations which focuses on truth-telling and the material and economic interests to which it is attached.

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²³ See www.mmiwg-ffada.ca for more information on the MMIWG Inquiry and for recordings of the community, expert, and institutional hearings.

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