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Locating a Theoretical Framework for the Canadian Truth and Reconciliation Commission: Charles Taylor or Nancy Fraser?

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Abstract

The Truth and Reconciliation Commission (TRC) of Canada was established to uncover and acknowledge the injustices that took place in Indian residential schools and, in doing so, to pave the way to reconciliation. However, the TRC does not define reconciliation or how we would know it when (and if) we get there, thus stirring a debate about what it could mean. This article examines two theories that may potentially be relevant to the TRC's work: Charles Taylor's theory of recognition and Nancy Fraser's tripartite theory of justice. The goal is to discover what each theory contributes to our understanding of the harms that Indigenous peoples suffered in residential schools, as well as in the broader colonial project, and how to address these harms appropriately.

Keywords

Nancy Fraser, Charles Taylor, Truth and Reconciliation Commission, Indian Residential Schools

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Locating a Theoretical Framework for the Canadian Truth and Reconciliation Commission: Charles Taylor or Nancy Fraser?

The Indian residential school (IRS) system was established by the Canadian government in the late 19th century and was operated by United, Roman Catholic, Presbyterian, and Anglican churches. The primary objectives of IRS were to provide Indigenous children with religious training, to teach them English or French, and to help them develop the necessary skills that would allow them to function successfully in a settler society (Miller, 1996; Milloy, 1999). To accomplish these objectives, the schools were designed to function as total institutions and sought to dispossess Indigenous children of their cultures, languages, and traditions, while forcing them to adopt Euro-Canadian identities, values, and lifestyles. While attending the schools, children were often subjected to physical and sexual abuse perpetrated by school staff (teachers, nuns, priests, doctors, and others), and many children died of neglect and diseases.

Although the last school closed its doors in 1996, the IRS legacy extends to the present day. The harms associated with IRS include, but are not limited to: the extinction of many Indigenous languages; development of psychological, emotional, and behavioural disorders among Indigenous children who spent time in residential schools; community and family dysfunction; inability to parent; high suicide rates among the Indigenous population; and increased violence and substance abuse among former students (Miller, 2000; Smith, 2009). Survivors of IRS began to launch lawsuits against the federal government and churches in the early 1990s to seek compensation for the damage done by residential schooling. In response to the lawsuits, the government offered a statement of regret in 1998 and set up an Alternative Dispute Resolution (ADR) process in 2002 as a means to redress IRS claims. However, the apology and the ADR process failed to satisfy the justice needs of Survivors for various reasons. Many Survivors viewed the apology as an insincere and incomplete acknowledgement of IRS experiences, while many claimants considered the ADR process complicated, burdensome, and alienating, and further contributed to revictimizing Survivors (Stout & Harp, 2007). The government saw the apparent failure of these strategies and sought to negotiate a new agreement, the 2006 *Indian Residential Schools Settlement Agreement* (IRSSA) that included the provision of an official government apology to Survivors, the establishment of a Truth and Reconciliation Commission (TRC), and the creation of a monetary compensation system for former students (Indian Residential Schools Resolution Canada [IRSRC], 2006).

The TRC began its work in June 2008 with the mandate to discover the truth about the injustices that took place in residential schools and to acknowledge the harm done to former students (Truth and Reconciliation Commission of Canada, n.d.). By doing so, the TRC plans to advance Canadians towards reconciliation and to help “establish new relationships” between Indigenous and non-Indigenous peoples, which are “embedded in mutual recognition and respect that will forge a brighter future” (TRC, n.d., Introduction, para. 1). However, as the Standing Senate Committee on Aboriginal Peoples’ (2010) *The Journey Ahead Report* points out, the TRC’s mandate leaves reconciliation undefined, which raises both theoretical and substantive questions regarding the TRC’s proceedings (see, for example, Corntassel, Chaw-win-is, & Tlakwadzi, 2009; Rice & Snyder, 2008). Furthermore, scholars

such as Nelund (2011) assert that the TRC does not operate “from a clear theory of justice” and it is therefore necessary to consider the options that the TRC may explore in reaching its objectives of healing and reconciliation (p.57).

In the context of the Canadian TRC, a theoretical framework may help to guide the work of the TRC and thus serve as a tool for conceptualizing the stated goals of truth, healing, and reconciliation. The necessity of using a theory of justice in the context of truth commissions is demonstrated by André du Toit (2000), who reflects on the progress made by the South African TRC and argues that truth commissions are “eminently political projects” that do not automatically inherit moral foundations when receiving their mandates (p. 122). He goes on to note that truth commissions’ moral conceptions of “‘truth and reconciliation’ may be explicated...in terms of *truth as acknowledgement and justice as recognition*” (du Toit, 2000, p. 123; see also Kiss, 2000). Accordingly, this paper examines Charles Taylor’s theory of recognition and Nancy Fraser’s tripartite theory of justice with the goal to assess their applicability to the TRC’s work.

Charles Taylor’s Theory of Recognition

Charles Taylor’s theory views recognition as an essential component of repairing the harm done in the process of restoring victims’ identities, dignity, and self-respect (Abbey, 1999). More precisely, his theory examines the foundations of recognition and offers a philosophical rationale for why acts such as acknowledgment, apology, and compensation are morally necessary. In this sense, Taylor’s theory offers a deeper and richer theoretical basis for the principles and values that guide reparative processes. Taylor’s (1992) central argument is that recognition of identity is “a vital human need” that is essential to the group survival (p. 26). However, his concern is for more than cultural survival, as he calls for “reciprocal recognition among equals” and the acknowledgement of cultures’ worth (p. 64). He asserts that the various cultures need to adequately recognize each other’s identities in order for social equality to exist. For example, because Indigenous peoples were subordinated during the colonial era through institutions such as residential schools, the social equality that should ideally exist between Indigenous and non-Indigenous peoples was decreased.

Taylor (1992) argues that every member of society is entitled to adequate recognition and withholding recognition constitutes a form of oppression, which leads to self-depreciation and creation of destructive identity, as evident in the legacy of residential schools. In the broader colonial context, the Canadian government perceived Indigenous cultures as less valuable than Euro-Canadian cultures, and has since continued to measure the worth of Indigenous cultures against Euro-Canadian standards, while failing to recognize the uniqueness and originality of Indigenous cultural identities. In this manner, Euro-Canadian society was able to “entrench [its] hegemony by inculcating an image of inferiority in the subjugated” (Taylor, 1992, p. 66). As a result of such profound misconceptions, Indigenous identities were devalued in worth and intrinsic significance, which led to the diminishment of respect and dignity for Indigenous cultures. As Taylor (1992) explains: “Nonrecognition or misrecognition can inflict harm [by] imprisoning someone in a false, distorted, and reduced mode of being” (p. 25).

Cultural values and identities, as Taylor argues, must never be negotiated through social processes with “outsiders” such as colonizers, but instead must originate by way of dialogue within self-identified groups. These relationships, according to Taylor (1992), occur in intimate spheres and serve as “the key loci of self-discovery and self-affirmation,” while the public sphere serves as a site where recognition among equals may take place (p. 36). An important part of this self-identification process is language as a form of cultural expression, which is transmitted via intra-group interaction. During the residential school era, Indigenous children were partly, and often fully, dispossessed of their ability to speak Native languages. By separating children from their parents and home communities and by forbidding them to speak Native languages in many schools, the residential school system promoted the loss of this important cultural element.

Arguably, the termination of the residential school system may, among other factors, signify the recognition that the assimilation of Indigenous peoples is an injustice. However, Miller (1996) and Milloy (1999) argue that the recognition of the injustices did not emerge exclusively from the government’s realization that the system itself was morally wrong. Instead, other factors, such as the schools’ inability to assimilate children and parental resistance to residential schools, compelled the government to abandon the residential school experiment.

Given its potential to explain recognition-related injustices, Taylor’s theory has come under some criticism. For example, Glenn Coulthard (2007) raises several issues with Taylor’s theory. First is that Taylor’s approach fails to address the root causes of misrecognition. Coulthard (2007) argues that Taylor’s theory may be instrumental in explaining “redistribution schemes like granting certain rights and concessions to Indigenous communities via self-government and land claims process,” while leaving intact colonial-capitalist exploitation (p. 446). To Coulthard, Taylor ignores the economic dimension of capitalism, which in his view is responsible for perpetuating racial inequality. The residential school system was, indeed, a product of a broader structural force – colonialism – and in order to provide recognition to Indigenous peoples, this force would need to be dismantled. Coulthard also criticizes the lack of attention to the struggle for recognition in Taylor’s theory. He argues that without a struggle, recognition is imposed on “subjects” who are passive in accepting it from the dominant society. As a result, these “subjects” do not challenge the power of entities, such as the state. In Coulthard’s view, drawing on the work of Franz Fanon, it is necessary for the “subjects” to win recognition on their own terms. Finally, Coulthard (2007) challenges the applicability of Taylor’s use of the Hegelian notion of “reciprocal recognition among equals” in the context of colonial domination (p. 450). He explains that in Hegel’s master/slave dialectic, both parties rely on each other for recognition of their respective statuses *as* either the master or the slave. However, drawing on Frantz Fanon’s work, Coulthard (2007) demonstrates that in the colonial reality, “the mutual character of dependency rarely exists” (p. 450), for the master (the state) does not require recognition from the slave (the colonized) and is able to force the recognition of its hegemony and supremacy upon the slave.

While I believe that Coulthard's criticisms of Taylor's theory are accurate and valid, it is necessary to apply Taylor's theory to TRC processes in order to assess the ability of the theory to promote the recognition of Indigenous cultural identities and to account for the injustices Indigenous children suffered in residential schools. The theory can be applied in the TRC's context in two distinct ways. First, it can be used to account for the origins of injustices perpetrated by the Canadian government and churches against Indigenous peoples, which stem from the misrecognition. Second, the theory of recognition offers a deeper understanding of the need to restore Indigenous identities. More specifically, Taylor's theory possesses a recognitive meta-theoretical dimension by emphasizing and advocating the importance of respect, dignity, and "universal human potential that all humans share," all of which are crucial elements in establishing or re-establishing human identity and promoting social equality (Taylor, 1992, p. 41). Incorporation of the theory of recognition in the evaluation of Canada's TRC allows for a more advanced understanding about what needs to be done in order to restore the cultural identities of Survivors.

TRC and Recognition of Indigenous Identities

This section explores the potential of the TRC to remedy the injustices associated with misrecognition by challenging and eradicating the stereotypes of racism and superiority that has historically served as the basis for misrecognition of Indigenous cultural identities. Accordingly, I seek to examine the potential of the TRC to promote the recognition of Indigenous cultural identities as unique and distinct, as envisioned by Charles Taylor. More specifically, the focus here is to assess the TRC's ability to educate the public about Indigenous cultures.

One of TRC's strategies for educating the public about residential schools includes a partnership between the TRC and the Canadian Museum for Human Rights (CMHR) to house Survivors' stories of residential school experiences. Stuart Murray, the museum's chief executive officer, suggests that through the museum exhibit "Canadians and visitors from around the world will gain a better understanding about the schools and their impact" (as cited in Sison, 2010, para. 12). The collection of Survivors' experiences will also help to represent Indigenous resiliency in the face of assimilation and to assert their presence as distinct and unique cultural groups. Similarly, the National Research Centre (NRC) will be established by the TRC to contain Survivor testimonies. The NRC's mandate is to facilitate access for "former students, their families and communities, the general public, researchers and educators who wish to include this historic material in curricula" (TRC, n.d., National research centre, para. 1).

By incorporating residential school experiences into the collective memory, the NRC and CMHR could play an important role in promoting public awareness about residential schools and, as TRC Chair Murray Sinclair optimistically states, "the truth, eventually, will heal us all" (as cited in Turenne, 2010, para. 21). The public's exposure to the truth about residential schools may bring about the recognition and understanding that the schools constituted an injustice, which has had a profound negative impact on Indigenous people. One problem with the NRC is that it falls under legal constraints of privacy legislation, which dictates what type of truth is to be included in its archives. By complying with privacy legislation, the

NRC's archives may incorporate truth that is inherently limited. For example, the names of the perpetrators who are still alive and who have not been convicted in the court of law will be excluded from its records (Canadian Broadcasting Corporation, 2010a).

In addition to promoting the recognition of the harm done, it is also important to consider the ways in which the TRC may be able to repair Indigenous identities through affirming their equality and worth. In order to do so, it is necessary to examine TRC's national and community events. The national events typically take place in major cities across Canada and, according to the TRC's mandate, serve as a "mechanism through which the truth and reconciliation process will engage the Canadian public and provide education about the IRS system, the experience of former students and their families, and the ongoing legacies of the institutions" (TRC n.d., Events, para. 2). In contrast, the community events take place in or near former locations of IRS and are "designed by communities [to] respond to the needs of the former students, their families and those affected by the IRS legacy" (TRC n.d., Events, para. 5). In essence, both national and community events are public gatherings that strive to engage Indigenous and non-Indigenous public to come together and learn about the injustices that took place in IRS and to share the truth about the past.

Many Survivors during the TRC first national event, which took place June 2010 in Winnipeg, spoke of the need to restore their cultural and social identities. For example, one Survivor shared his identity confusion by saying "I'm not White, not Indian, I don't know what I am" (Commissioners' Sharing Circles, personal communication, June 18, 2010). To others, the recognition and acceptance of Indigenous spirituality, languages, and traditions play an important role in healing the past. As Sam Achneepineskum relates, "[the public] need[s] to acknowledge where people come from and what happened to us" (as cited in Romain, 2010, para. 7). By bringing Indigenous and non-Indigenous people together, the TRC attempts to combat stereotypes of "otherness" that Indigenous people have suffered for centuries. As Rupert Ross (2008) notes, one of TRC's challenges is to foster the recognition through "correcting historical misperceptions of cultural inferiority" (p. 20). Similarly, Murray Sinclair, Chair of the TRC, notes that the process of "sharing of Survivors' experiences will [allow us] to truly understand them, and in the process, help future generations move forward with respect" (as cited in Turtle Island, 2010a, para. 5). By learning about the past and beginning to understand the diversity of Indigenous cultures, settler Canadians may come to understand the misrecognition that Indigenous people have suffered. As TRC commissioner Marie Wilson points out, "something amazing can happen when Indigenous and non-Indigenous perspectives are brought together" (Sison, 2009a, para. 13).

Indirect public participation in TRC's proceedings is facilitated mainly through media coverage, including news and television. According to Murray Sinclair, the "national media attention generated by the Winnipeg event was outstanding and [the] coverage was energetic and analytical" (Sinclair, 2010, p. 5). While attending Sharing Circles, I noted the presence of news media outlets such as CTV, CBC, and APTN. However, there was no live coverage of the event on the radio or television, which would have allowed those who were unable to attend the event to watch it or listen to it in their communities. Also, after the completion of the event, the media coverage dissipated and, as a result, many Canadians stopped receiving

up-to-date information on the TRC's work. An additional problem with media coverage is that the community events tend to be smaller than the national events and thus often do not receive adequate coverage, which limits the TRC's ability to achieve its goal of public engagement. This lack of coverage could be due to the remoteness of communities to which the TRC travels and results in selective media coverage of TRC's activities.

Through countering racist stereotypes and attitudes, the TRC may be able to lay the groundwork that could serve as a basis for teaching future generations of Canadians about Indigenous languages, traditions, customs, and the importance of these cultural aspects and their role in creating diverse nations that are characterized by equality rather than dominance of one group over another. In other words, the TRC's objective seems to be aimed at eliminating the perceived inferiority of Indigenous people and eradicating the self-proclaimed superiority of European Canadians, while fostering a dialogue based on mutual respect and celebrating cultural diversity. According to Former National Chief of Assembly of First Nations (AFN), Phil Fontaine, there needs to be widespread acceptance of the past, and without mutual respect based upon recognition, reconciliation is not possible (as cited in MacLeod, 2009). To accomplish this task, the TRC would need to boost its public education initiatives. However, it is unreasonable to expect that the TRC, in its five-year lifespan, will right all the wrongs perpetrated within residential schools. Instead, it may be able to advance the public understanding of the past and promoting a human rights culture, through which new relationships can be formed.

It is now appropriate to return to Coulthard's critiques of Charles Taylor's theory of recognition as it relates to the TRC. In his work, Coulthard (2007) argues that the colonizer often grants concessions, such as recognition of cultural identities, to the oppressed groups as surface remedies for injustices, while leaving colonial structures undisturbed. More specifically, Coulthard argues that Taylor's theory fails to account for the necessity of a struggle for recognition. He emphasizes the importance of "conflict and struggles, [without which] the terms of recognition tend to remain in the possession of those in power to bestow on their 'inferiors' in ways that they deem appropriate" (p. 449). In the context of residential schools, this criticism would mean that the TRC is merely a gesture of assent by the federal government that dispenses recognition for the damage done by residential schools and affirms cultural identities of Indigenous groups and Survivors' status as victims. Following this logic, the TRC can hardly be considered Survivors' "struggle for recognition," because its vision and mandate are set within the boundaries defined by the government and yield recognition on the government's terms.

Given the above critique, it is important not to underestimate Survivors' agency and struggle for recognition. While Coulthard points to the lack of struggle in Taylor's theory of recognition, the question becomes: Can the TRC be considered a space within which a struggle for recognition could occur? To answer this question, it is worthwhile to consider what Gerald Vizenor (2008) refers to as "survivance," a concept that signifies Indigenous people's narratives of asserting their presence in the colonized society, resisting the colonizer, enduring attempts of the colonizer to eradicate Indigenous cultures, and adapting to societal changes. To Vizenor, Indigenous identities are not stable, but instead dynamic and responsive to colonizer's assimilation efforts. In other words, the narratives of

survival help to keep Indigenous cultures alive in the face of destruction. During the TRC national event in Winnipeg, a number of Survivors exhibited a struggle for recognition by asserting their cultural identities (Commissioners' Sharing Circles, personal communication, June 17, 2010). These resistance strategies included narratives about survival of Indigenous cultures, traditions, and spiritualities in the post-residential school era, sharing stories in Indigenous languages or withholding stories altogether, and naming names of the perpetrators of the residential school abuse despite having been instructed against doing so. Some Survivors, such as Peter Yellowquill and Chantelle Devillier, chose to boycott the event and urged others to do the same. To them, the TRC was a government's creation that would fail to bring justice and recognition to Survivors ("Usefulness of Commission," 2010).

Coulthard (2007) also argues that Taylor's theory ignores the subjective dimension of colonialism. He refers to an inferiority complex that emerges from the capitalist exploitation and subsequent internalization of racism and unequal power relations by the oppressed groups. In order to dismantle colonialism, it is essential to wage war on the racial and economic basis of inequality¹. If this argument is applied to the TRC, it is apparent that even though the TRC may be effective in applying the label of "Survivor" to residential school victims, it locks them in these colonial identities and the "subjectivity of the colonized remains the same – they become 'emancipated slaves'" (p. 449). According to Coulthard, only struggle against the colonizers, as opposed to compliance with their terms of recognition, may help Survivors shed their colonial identities. Coulthard is also pessimistic about the applicability of Hegel's notion of "reciprocal recognition among equals" in the context of reconciliation efforts between Canada's Indigenous and settler peoples. In his argument, this type of recognition is not realistic because the colonizer is not seeking recognition from the colonized. Following this view, the TRC, which seeks to reaffirm equality and worth of cultural identities of Survivors and promote the recognition of the damage done by residential schools, is an inadequate tool for challenging the existing power dynamics between Indigenous and Canadian governments and fostering recognition among equals. The type of recognition that the Canadian government is granting through the TRC is *not* mutual, but is imposed on Survivors and Survivors' identities become reified as colonial subjects.

Upon considering Charles Taylor's theory of recognition and its relevance to the TRC's work, it is now appropriate to consider Nancy Fraser's tripartite theory of social justice, its applicability to the TRC's work, and its potential to promote decolonization.

Nancy Fraser and Decolonizing Potential of the TRC

Although the TRC meets some of the criteria of Charles Taylor's theory of recognition, the question remains as to what the TRC could do to help trigger decolonization. In this section, I draw on Nancy Fraser's (1995, 2003, 2005, 2008) tripartite theory of social justice to assess the potential of the TRC to frame the Indian residential school system as a product of colonialism that has not yet been fully eradicated. More precisely, this section of the paper deals with addressing the broader issue of the colonial project: Does the TRC have the

¹ I address the material basis of colonialism in the following section.

potential to address the underlying causes of the residential school system, look beyond the harm done, and frame it as a systemic issue? In resolving injustices of residential schools, it would be necessary to examine the precursors that led to the subordination of Indigenous people that ensured the continued dominance of European settlers.

Nancy Fraser proposes a theoretical framework that is drastically different from Charles Taylor's and could be used to assess the TRC in terms of its potential to contribute to the process of decolonization² (as cited in Dahl, Stolz, & Willig, 2004). In fact, Fraser dismisses Taylor's approach by arguing that "he effectively ignores distributive injustice altogether, by focusing exclusively on recognition" (Dahl et al., 2004, p. 376). In turn, Fraser argues that groups may suffer from three distinct types of injustices: socioeconomic, cultural-symbolic, and political. Socioeconomic injustices include maldistribution of material resources, which are manifested in exploitation, economic marginalization, and deprivation (Fraser, 1995). Cultural-symbolic injustices, on the other hand, are those associated with misrecognition and include cultural domination, non-recognition, and disrespect. To Fraser, socioeconomic injustices can be remedied through redistribution, while cultural-symbolic injustices can be remedied through providing due recognition. In her later work, Fraser has added a third pillar to her model of justice – representation (Fraser, 2008; 2009). She argues that representation is becoming increasingly important in light of current struggles for justice and democracy (as cited in Dahl et al., 2004). This status model, as she calls it, highlights the importance of transnational politics and governance structures that must be taken into account when considering economic and cultural injustices. Representation-related injustices are linked to social inequality and, more specifically, social status, which, in Fraser's terms, can be resolved by providing "recognition of people's standing as full partners in social interaction [who are] able to participate as peers with others in social life" by ensuring participatory parity in political claims-making (Dahl et al., 2004, p. 377). Certain groups may suffer from all three types of injustices simultaneously.³

In Fraser's work, remedies to the three categories of injustices may be of two types: transformative and affirmative. Transformative remedies, in Fraser's (2005) view, are associated with "correcting inequitable outcomes precisely by restructuring the underlying generative framework" (p. 73). By contrast, affirmative remedies to an injustice are those that attempt to correct "inequalities that arise from the organization of social relations without challenging these relations" (Woolford, 2005, p. 31). To begin the discussion about Nancy Fraser's theory and how it could be applied to the TRC, let us first consider affirmative remedies and their roles in addressing systemic injustices suffered by Indigenous people.

In the case of redistributive affirmative remedies, the goal is to correct income inequality, which inevitably leaves undisturbed the capitalist mode of production. Affirmative redistribution includes corrective measures, such as direct money transfers to the maligned groups, but serves only as a temporary and, therefore, inadequate means for improving their economic situation. More specifically, without challenging the underlying framework,

² Coulthard (2007) also criticizes Fraser, but also explains the strengths of her approach.

³ In her earlier work, Fraser (1995, 2003) uses examples of gender and "race."

economic injustice will recur. To be sure, when addressing economic injustices, affirmative redistribution does little beyond providing concessions to the disadvantaged groups, because it does not “challenge the deep structures that generate class disadvantage” (Fraser, 1995, p. 85).

Fraser’s (1995) transformative redistribution, on the other hand, relates to the economic changes that seek to promote equality through measures such as “redistributing income, reorganizing the division of labour, subjecting investment to democratic decision-making, or transforming other basic economic structures” (p. 73). Economic empowerment, in her view, enhances social equality through not only transfers of wealth, but also through the restructuring of social institutions. Fraser draws on the work of Karl Marx and John Rawls in justifying her position with respect to the importance of the distribution of resources. In examining the TRC through the lens of transformative redistribution, I employ Fraser’s conceptualization of the economic redistribution rather broadly. In my analysis, it includes not only the material wealth represented by capital, but also lands and rights to natural resources, among others.

With respect to recognition, affirmative remedies tend to promote the revaluing and differentiation of group identities, while leaving intact the elements that led to misrecognition. With regard to Indigenous people, affirmative recognition could include an:

Acknowledgment that [Indigenous] peoples represent a distinct ethnic group within the Canadian mosaic and that they deserve status equal to other ethnic groups within the nation. The underlying assumption of such an approach is that ethnic identities are primordial categories of difference and that, to get along, we must recognize group differences. (Woolford, 2005, p. 33)

By increasing the differentiation of the groups’ identities, affirmative remedies tend to promote reification, which, in Fraser’s terms, results in “repressive communitarianism” and leads to “right-wing nationalism, religious fundamentalism, and anti-immigrant movements” (Dahl et al., 2004, p. 377).

Transformative recognition, on the other hand, “consists in anti-racist deconstruction aimed at dismantling Eurocentrism by destabilizing racial dichotomies” (Fraser, 1995, p. 91). The goal of remedies associated with transformative recognition is not to promote essentialized group differentiations, but rather to acknowledge the dynamic and ongoing processes of collective identification that are part and parcel of what it means to be a group. In her earlier work, Fraser (1995) argued that transformative recognition required the destabilization of cultural identities, but she later moved to argue that the specific socio-historical circumstances of misrecognition and status denial have a crucial bearing on the form that transformative recognition should take.

Groups in society may suffer two types of representation-related injustices, according to Fraser (2003, 2008). Fraser (2009) refers to first type of these injustices as “ordinary-political misrepresentation” (p. 18). These typically take forms of unequal political participation, “intra-frame representation, [and] debates over the relative merits of alternative electoral

systems” (Fraser, 2008, p. 408). Affirmative remedies for these injustices include protection of groups’ political rights and ensuring “a fair and equal voice for everyone” (Nelund, 2011, p. 65). In the case of residential schools, affirmative remedies for ordinary-political misrepresentation of Indigenous people in the Canadian political system would seek to remedy surface-level injustices, such as reinstating their right to vote and, to a certain degree, increasing their political decision-making capabilities, with both remedies seeking to establish participatory parity. What these affirmative remedies neglect is the global scale of injustices “in which the international system of supposedly equal sovereign states gerrymanders political space at the expense of the global poor” (Fraser, 2008, p. 408).

The second level of representation-related injustices is metapolitical injustice, which Fraser refers to as “misframing.” These injustices are less obvious and occur when “polity’s boundaries are drawn in such a way as to wrongly deny some people the chance to participate *at all* in its authorized contests over justice” (Fraser, 2008, p. 408). These injustices require transformative remedies that go beyond addressing ordinary-political representation. To remedy injustices of misframing, groups must be invested with power to participate as equal partners in nation-to-nation decision-making and international affairs. Woolford (2009), in turn, points out that transformative remedies for representation “would seek to critique systems of representation that deny participation to certain groups and individuals in our societies” (p. 152).

TRC and Transformative Change

The need for employing a framework that combines transformative recognition, redistribution, and representation in the context of Canada’s colonialism is accurately presented in the argument made by Robyn Green (2010), who observes that without addressing the broader implication of colonialism:

There is a risk that a Truth Commission will only emphasize the necessity for cultural recognition and/or remembrance through the language of a “rights” that could ultimately lead to the (re)construction of indigenous peoples as “minority subjects” (Mackey, 1999) within the nation-state. (p. 27)

By assessing the TRC’s potential to promote recognition, redistribution, and representation, this section seeks to explore the ways in which the TRC could promote systemic change (and act as a transformative remedy) or simply serve to affirm the injustices associated with residential schooling and bracket the legacy of colonialism (affirmative remedy).

The TRC focuses exclusively on discovering the truth about residential schools and their legacy, thus casting itself into the category of affirmative recognitive remedy. More specifically, it tends to promote the recognition of the wrongness of the residential school system and the equality and respect for Indigenous cultures, while excluding the discussion of the foundations of the misrecognition. As such, affirmative recognition could reinforce colonialism by reifying Indigenous cultural identities. Therefore, there needs to be another method of conceptualizing recognition, one that does not rely on the essentializing the notion of “identity.” Fraser’s transformative recognition could be applied to the TRC in a

way that does not seek to define identity. More specifically, the TRC could promote transformative change and challenge the basis of colonial relationships between Indigenous and non-Indigenous peoples through the recognition of Indigenous rights to self-determination in areas such as governance, justice, child welfare, education, and health, among others. In other words, the TRC would promote the process that invests Indigenous people with control of their destinies. As Kathleen Mahoney⁴ (personal communication, November 29, 2010) notes, in order for transformative recognition occur, the TRC would have to support the process of:

Recognition of First Nations as one of the founding nations of Canada than the French and the English [is important] because that would reflect respect for the first inhabitants of this land. One would hope that there will be recognition with respect to language, making Indigenous languages more mainstream in Canada so that non-Indigenous people could learn and ... connect the two cultures.

Similarly, Graydon Nicholas, New Brunswick's first lieutenant governor of Indigenous descent, argues that Indigenous voices must be taken into account when reforming social institutions that were the cause of centuries of oppression of Indigenous people. Namely, Nicholas refers to:

All aspects of [Aboriginal] life. We're talking about spirituality, the churches. We're talking about the political process at the federal and provincial level. We're talking about our democratic institutions, for example, the military as well as the police forces who were all part of ... removing the spirit of the aboriginal people in this country. (Canadian Broadcasting Corporation, 2010b, para. 9)

In his statement, National Chief of the AFN, Shawn Atleo, calls for the Canadian government to “understand that reconciliation today requires significant changes in the relationship between First Nations and governments” (Turtle Island, 2010b, para. 5). In his view, Indigenous people must be supported by the Canadian government in their goal of “achieving equitable outcomes and opportunities for First Nations students” (Turtle Island, 2010b, para. 8).

In terms of redistribution, the TRC also tends to be more affirmative than transformative. For example, it offers reparations, such as the *Missing Children Project* (with the mandate to locate the children who have not returned from residential schools), Commemoration Initiative (to memorialize the children who perished in residential schools), and the elimination of certain sections of the Indian Act (that allowed the government to forcibly place children in residential schools)(Klowak, 2010). All of these could be considered measures with the goal to acknowledge residential school experiences. However, the TRC falls short of possessing the power to order a more profound restructuring of material relations between Indigenous and non-Indigenous nations. Given Indigenous peoples' interdependence and the special relationship with their lands, in order to exhibit

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transformative potential, the TRC would need to reach beyond reparations for residential school experiences (Ross 2008). According to Taiaiake Alfred (2009), for example, structural material change would include:

Massive restitution made to Indigenous peoples, collectively and as individuals, including land, transfers of federal and provincial funds, and other forms of compensation for past harms and continuing injustices committed against the land and Indigenous peoples, [without which] reconciliation will permanently absolve colonial injustices and is itself a further injustice. (p. 181)

Alfred speaks of transformative redistributive change that would allow Indigenous peoples to regain power, to take control of their lands and resources, and to become self-sufficient groups. Survivors who participated in a conference at the Geneva Park Conference Centre in November 2009 also expressed their desire for examining Indian residential schools from a wider perspective: by reviewing Indigenous people's access to lands and resources (Sison, 2009b).

Waziyatawin (2009) argues that in addition to the lands, other forms of restitution are required to combat colonial structures. These non-land based restitution measures could include "environmental clean up, infrastructure development for sustainable living, educational opportunities, healing centres, resources for language and culture revitalization, relocation expenses for displaced Indigenous Peoples, and debt relief" (p. 196). In the TRC's context, this could mean restoring funding for the Aboriginal Healing Foundation, which ran out in 2011 (Thompson, 2010), and including Indigenous people who were affected by residential schooling, but did not attend them, in the monetary compensation schemes under the IRSSA. Given these calls for extensive reparations, transformative redistribution will not be an easy task. An example of difficulties that may be encountered in the process of transformative redistribution includes the government's reluctance to provide restitution to Indigenous people, as demonstrated in its resistance and the eventual refusal to sign the \$5 billion dollar Kelowna Accord, a "social justice package with major new funding for indigenous housing, health and education" (De Costa, 2009, p. 4).

With respect to representation, the TRC tends to act as an affirmative solution to residential school experiences as opposed to attempting to remedy injustices of political misframing. More specifically, even though survivor groups have been consulted with regard to what the TRC's design and activities should include, the scope of the debate is quite narrow and does not seem to advance Indigenous peoples' political interests and power outside the TRC. Therefore, the question becomes: What could the TRC do to promote transformative representation? One could argue that this would entail a move toward power sharing in the intergovernmental relations between Indigenous and non-Indigenous political entities. This, in turn, would provide Indigenous people a degree of control over the issues that concern Canada domestically. In addition, the TRC would be part of the power shift that could create opportunities for Indigenous people's political participation on an international level and in decision-making in the context of Canada's role in the global world. In concrete terms, some of the areas in which Indigenous people could gain greater control include Canada's economic and social development, global trade, and international relations. Equal

participation in these spheres may contribute to the empowerment of Indigenous people in their struggle for transformative recognition and redistribution.

Even though the TRC represents an affirmative remedy for resolving colonial injustices, it could be considered a step toward promoting broader social change and reforming colonial structures. As De Costa (2009) suggests, by addressing residential school experiences, the TRC is potentially transformative because it could serve as a “starting point to make connections with Indigenous claims, for lands and rights, especially rights to govern and hold jurisdiction over those lands” (p. 1).

Summary and Conclusions

This paper assessed the relevance of Charles Taylor’s and Nancy Fraser’s theories to the TRC’s work by considering their potential to provide the adequate recognition of Indigenous cultural identities and to address deeper harms stemming from colonialism. The significance of Taylor’s theory lies in its impetus for the recognition of identities, which supersedes any other type of remedy. However, in doing so, its pathology becomes apparent in its disregard for other important types of injustices that Indigenous people in Canada suffer, namely political and economic. The application of Fraser’s theory, on the other hand, provides a more holistic approach to addressing colonial harms and thus carries more relevance to the TRC. More precisely, Fraser’s theory tends to view the residential school system as a product of colonialism and, in order to resolve the injustices associated with it, call for the deconstruction of the colonial project by instituting transformative change in the economic, cultural, and political spheres. In other words, reconciliation will not be possible until Indigenous people become settlers’ equal partners in all aspects of social life.

A search for a theory of justice for the Canadian TRC yields potential policy implications for truth commissions worldwide. A theory of justice may help to strengthen truth commissions’ mandates by clearly conceptualizing their goals and objectives in concrete terms (defining “healing” and “reconciliation,” for example) and identifying the potential strategies to attain them. With regard to the recognition of cultural identities, truth commissions may benefit by first addressing the unequal power relations that originally led to the subjugation of the victims and hegemony of the perpetrators. This could serve as the foundation for the various cultures to come together and, through an open dialogue, begin to build new (or rebuild old) relationships based on mutual respect and recognition. It could also be beneficial for truth commissions to adopt a holistic approach to addressing the harm done to the victims by considering not only the offense(s) that they suffered, but the underlying systemic factors that played a role in creating the conditions (for example, racial discrimination, maldistribution of material resources, and political marginalization of groups) for such offenses to occur. Doing so may help to ensure that similar offenses will never again be inflicted.

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